

## COUNCIL ASSESSMENT REPORT

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| <b>Panel Reference</b>   | PPSSCC-17   |
| <b>DA Number</b>   | DA 58/2020/JP   |
| <b>LGA</b>   | The Hills Shire Council   |
| <b>Proposed Development</b>  | Construction of seven residential flat buildings between 8 and 9 storeys in height containing 295 dwellings. The development will comprise a two-level basement car park as well as associated communal open space and landscaping.   |
| <b>Street Address</b>  | 2A-12 Sexton Avenue and 24-34 Fishburn Crescent Castle Hill   |
| <b>Applicant</b>   | KWG Group Holdings  |
| <b>Consultants</b>   | <ul style="list-style-type: none"> <li>• Town Planner – Urbis</li> <li>• Architect – Giles Tribe Architects</li> <li>• Access Consultant – Morris Goding Access Consulting</li> <li>• Acoustic Consultant – Acoustic Logic</li> <li>• Arborist – Naturally Trees</li> <li>• BASIX Consultant – Outsource Ideas</li> <li>• BCA Consultant – Vic Lilli and Partners Consulting</li> <li>• Building Services Consultant – Centric Building Services Engineers</li> <li>• Construction Management Consultant – Ceerose Pty Ltd</li> <li>• Contamination Consultant – Geo-Environmental Engineering</li> <li>• Engineering Consultant – Smart Structures Australia</li> <li>• Geotechnical Consultant – Morrow Geotechnics Pty Ltd</li> <li>• Land Surveyor – LTS Lockley Registered Surveyors</li> <li>• Landscape Architect – Urbis</li> <li>• Quantity Surveyor – Arcadis Pty Ltd</li> <li>• Sustainability Consultant – JHA Services</li> <li>• Traffic Consultant – Traffix</li> <li>• Waste Management Consultant – Elephants Foot Recycling Solutions</li> <li>• Wind Consultant – CPP Cermak Peterka Petersen</li> </ul> |
| <b>Date of DA lodgement</b>  | 15 July 2019  |
| <b>Number of Submissions</b>   | No submissions received.  |
| <b>Recommendation</b>  | Approval subject to conditions.   |
| <b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b> | CIV exceeding \$30 million (\$122,393,940.00)   |
| <b>List of all relevant s4.15(1)(a) matters</b>  | <ul style="list-style-type: none"> <li>• Section 4.15 (EP&amp;A Act)</li> <li>• State Environmental Planning Policy (State and Regional Development 2011)</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• The Hills Local Environmental Plan 2012</li> <li>• Apartment Design Guide</li> <li>• DCP 2012 Part B Section 5 – Residential Flat Buildings</li> <li>• DCP Part C Section 1 – Parking</li> </ul>  |

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|  | <ul style="list-style-type: none"> <li>• DCP 2012 Part C Section 3 – Landscaping</li> <li>• DCP 2012 Part D Section 19 – Showground Precinct</li> </ul> |
| <b>List all documents submitted with this report for the Panel's consideration</b> | <ul style="list-style-type: none"> <li>• Plans</li> <li>• Statement of Environmental Effects</li> <li>• Clause 4.6 Variation</li> </ul>                 |
| <b>Report prepared by</b>  | Justin Keen – Senior Town Planner   |
| <b>Report date</b>   | Electronic Determination (July 2021)  |

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| <b>Summary of s4.15 matters</b><br>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?   | <b>Yes</b> |
| <b>Legislative clauses requiring consent authority satisfaction</b><br>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?<br><i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i> | <b>Yes</b> |
| <b>Clause 4.6 Exceptions to development standards</b><br>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?  | <b>Yes</b> |
| <b>Special Infrastructure Contributions</b><br>Does the DA require Special Infrastructure Contributions conditions (S94EF)?<br><i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>   | <b>N/A</b> |
| <b>Conditions</b><br>Have draft conditions been provided to the applicant for comment?   | <b>Yes</b> |

## EXECUTIVE SUMMARY

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

- 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 2012 limits the height of the development to 27 metres. The proposed development will have a maximum building height of 30.7 metres. A Clause 4.6 written submission has been prepared and submitted with the application. It is considered strict compliance is unreasonable and unnecessary in this instance and the variation can be supported.
- The application was referred to Council's Design Review Panel on two occasions. The Panel provided support of the proposal. The Applicant has addressed the concerns raised by the Design Review Panel to the satisfaction of Council officers. It is considered that the proposal exhibits design excellence in accordance with Clause 9.5 of The Hills Local Environmental Plan.
- Clause 9.7 of LEP 2012 permits an incentivised FSR for residential development. The application complies with the housing diversity and incentive floor space ratio (FSR) provisions under Clause 9.7 of The Hills Local Environmental Plan.

- Variations are proposed to the solar access to common open space, deep soil zones, building separation, apartment layout and private open space and balcony dimensions design criteria within the Apartment Design Guide. It is considered that the proposed variations are acceptable in this instance.
- Variations are proposed to a number of controls within the DCP. These relate to site specific controls within the Showground Precinct including the structure plan, site coverage and landscaped area, building setbacks, building façade lengths and ground floor residential levels. It is considered that despite these variations, the proposal provides for a high quality outcome for the site and meets the intent and desired future character for the Showground Station Precinct.
- The application was notified for 14 days on two occasions. No submissions were received during the notification periods.

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

## BACKGROUND

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

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



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

The subject Development Application was lodged on 12 July 2019 for the demolition of existing structures and the construction of seven residential flat buildings containing 294 units. The proposal was notified between 1 August 2019 and 22 August 2019. No submissions were received following the notification period. Council's Design Review Panel reviewed the subject application on 25 September 2019. It is noted that the Panel previously reviewed the concept plans for this development at the pre-lodgement stage on 2 May 2019. The Panel made a number of design recommendations to the proposal. A request for further information in respect to planning, traffic, landscape assessment and environmental health matters was sent

on 18 November 2019. The Sydney Central City Planning Panel was briefed on the proposal on 21 November 2019. A request for further information in respect to engineering matters was sent to the applicant on 18 December 2019.

Amended plans and additional information were received on 15 June 2020. The amended plans and additional information was referred to relevant staff for further review. The development was presented to the Design Review Panel on 22 July 2020. The proposal was then re-notified between 17 August 2020 and 7 September 2020 due to an increase in the number of proposed units. No submissions were received following the notification period.

The Sydney Central City Planning Panel was briefed on the amended proposal on 20 August 2020. On 29 September 2020, further information was requested in respect to non-compliances with the Apartment Design Guide, Local Environmental Plan and Development Control Plan. A meeting was then held between Council staff and the applicant on 12 October 2020 to discuss the outstanding planning issues with the application. Draft architectural plans were provided for review on 28 October 2020 and a further meeting was held on 7 December 2020 to discuss the relevant non-compliances.

Amended plans and additional information in response to the aforementioned issues were submitted to Council on 21 January 2021 and 5 February 2021. These plans were referred to relevant staff for review. On 8 April 2021, clarification was requested in respect to the provision of a complete set of architectural plans detailing compliance with the Apartment Design Guide. On 28 April 2021, outstanding landscaping matters were requested. On 17 May 2021, a meeting was held to discuss outstanding landscaping matters. Amended plans and additional information was received on 12 July 2021 and these plans are subject to this assessment.

## DETAILS AND SUBMISSIONS

|                            |                                   |
|----------------------------|-----------------------------------|
| Owner:                     | KWG Group Holdings                |
| Zoning:                    | R4 High Density Residential       |
| Area:                      | 12,375m <sup>2</sup>              |
| Existing Development:      | Existing detached dwelling houses |
| Section 7.11 Contribution: | \$3,717,718.47                    |
| Exhibition:                | N/A                               |
| Notice Adj Owners:         | Yes, 14 days on two occasions     |
| Number Advised:            | 33                                |
| Submissions Received:      | No submissions received           |

## PROPOSAL

The Development Application seeks consent for the following works:

- Demolition of existing detached residential dwellings and associated structures,
- Site preparation works, excavation and tree removal,
- Construction of 7 x residential flat buildings comprising 295 dwellings as follows:
  - Building 1 comprising 9 storeys and 54 apartments;
  - Building 2 comprising 9 storeys and 36 apartments;
  - Building 3 comprising 9 storeys and 37 apartments;
  - Building 4 comprising 9 storeys and 39 apartments;
  - Building 5 comprising 9 storeys and 45 apartments;
  - Building 6 comprising 9 storeys and 46 apartments; and
  - Building 7 comprising 8 storeys and 38 apartments.
- Construction of two basement levels comprising 368 car spaces, loading facilities and residential storage;
- Associated landscaping works, including:
  - Ground level central communal courtyard;



- Rooftop communal open space on Buildings 1, 3 and 6.

The Development is proposed to be constructed in three stages, with buildings 3 and 4 constructed in Stage 1, buildings 5 and 6 constructed in stage 2 and buildings 7, 1 and 2 constructed in Stage 3 (refer to Attachment 14 for staging plan). The development also involves the dedication of a 2 metre strip of land along Fishburn Crescent for the purposes of road widening.

The development will have a unit mix as follows:

- 74 x 1 bedroom units,
- 157 x 2 bedroom units, and
- 64 x 3 bedroom units.

30 of the 295 units will be adaptable units.

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

### **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.

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

## ISSUES FOR CONSIDERATION

### 1. Compliance with State Environment Planning Policy (State and Regional Development) 2011

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

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

The proposed development has a Capital Investment Value of \$122,393,940.00 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

### 2. Compliance with State Environmental Planning Policy No. 55 – Remediation of Land

This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment. In accordance with Clause 7 of the SEPP, the consent authority must not grant 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 Stage 2 Detailed Environmental Site Investigation Report has been submitted with the Development Application. The report concludes that the site is suitable for the proposed residential development. The report has been reviewed by Council's Environmental Health Officer. No objection is raised subject to conditions of consent (refer to Conditions 20 and 96).

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

The required Design Verification Statement was prepared by Mark Broadley of Giles Tribe Architects (registration number 5823).

#### a) Design Quality Principles

The Development Application has been assessed against the relevant design quality principles contained within SEPP No. 65 as follows:

#### **Principle 1 – Context and Neighbourhood Character**

Having been rezoned from R2 Low Density Residential to R4 High Density Residential, the character of the neighbourhood is changing from single and double storey free standing houses to 7 individual apartment buildings, 8-9 storeys in height. The existing character of the area is of low scale older houses set amongst a dominate landscape of trees and gardens. The proposed development has generous setbacks of 7.5 metres to the frontages along Sexton Avenue and 10 metres to Fishburn Crescent at Ground Level. All seven buildings provide an additional 4 metre setback above the fourth storey podium level. The retention of as many trees as possible around the perimeter of the site responds to the desired future character of the Showground Precinct. Deep soil and landscaping area is provided as an

increase to the existing arrangements. The four storey brick podium to the lower levels of all buildings reference the design quality and materials used in the original housing stock.

### **Principle 2 – Built Form and Scale**

The site adjoins several sites for future high density residential flat buildings, existing single and double storey houses. Directly across from the development is a proposed future development of 12 storeys at Sexton Avenue. The proposed development is for seven residential buildings, 8 to 9 storeys in height with an integrated north facing central courtyard garden. This layout was adopted to provide containment to the central courtyard, improving the microclimate of the courtyard by providing protection from southerly winds. More units with a northerly aspect are provided, with an open outlook through to the communal open space.

Due to the slope of the site, despite having 8-9 storeys to each tower, each building is broken down appropriately to reduce visual impact on the neighbourhood and maintain a human scale of architecture. The buildings are stepped to respond to the slope (approximately 8 metres) from the south eastern to south western end of the site along Fishburn Crescent. The bottom 4 storey is designed as a heavier base with masonry external finish. The long brick façade is further broken down in scale to better fit within the existing residential neighbourhood. Above the 4th storey, the buildings are generously setback with a low visibility from the street thus reducing the height and scale when viewed from the public domain. In contrast to the masonry base, the upper levels are more transparent with sun shading and horizontal fins as design articulation. Though all buildings share consistent design approach, each building has its own colour scheme and specific architectural treatment so each can be easily differentiated from the street level. This high density development is well modulated and articulated with indentations, juxtaposition of horizontal and vertical elements and setbacks to the ground, podium and top levels. Along its street frontage, a generous landscaped setback defines the semi-private area and the proposed landscaping will contribute to the public domain. The residential ground and lower floors adopt a two-storey terrace house appearance with individual private courtyards, to present a finer grain to the street frontages.

### **Principle 3 – Density**

The proposed development will deliver 295 new apartments across seven buildings. The building contains a diverse mix of 1, 2 and 3 bedroom apartments, including Apartment Design Guide compliant and larger size apartments. A predominate mix of larger apartments are provided for families and downsizers. The development is located within close proximity to the Showground Metro Station, future business precinct, shops and services.

### **Principle 4 – Sustainability**

Over 60% of the apartments are cross ventilated and 71% of them are receiving over 2 hours of sunlight to their private open space and living area during mid-winter. Light weight overhang devices are incorporated horizontally for weather protection. Vertical louvres are distributed, especially on the western façade to improve thermal control depending on the time of the day and year, as well as to aid privacy. The building is insulated to meet BASIX requirements. Energy efficiency lighting and appliances, water-efficient fixtures will be used and rain water collected for recycled use for associated gardening. Expansive deep soil zones are provided around the perimeter of the development as well as within the central courtyard space. Materials requiring low maintenance have been selected to ensure longevity throughout the building's life-cycle. 10% of the apartments are adaptable, with a further provision of apartments that adopt liveable standards to meet the changing needs of the occupants across their lifetime.

### **Principle 5 – Landscape**

The communal open space area has been designed as a focal point within the development. It is located where it will receive good solar access throughout the day and year, and with direct level access from each building of the development. Three rooftop courtyards are proposed in the development. In the summer months, the climate is generally warmer and sunnier. For the

enjoyment of residents, a central courtyard lined with tall tree canopies provide ample shade. On the other hand, the rooftop courtyards are bathed in sunlight during the winter months and throughout the year. These spaces have been designed to provide opportunities for both informal, quiet rest and for larger, formal gatherings. The mix of hard paved areas and open lawn and green space in the common area has been carefully considered. Other areas for passive recreation, and a communal space for resident's gardens at the rear of the site, are also provided.

New tree plantings have been carefully considered to provide shade where needed, without unduly impacting on solar access. Planting species mix has also been developed to suit the context; i.e. street front plantings are colourful and vibrant with an avenue of trees to soften the scale of the building, internal common space plantings are shade-tolerant where required, and plantings to the rear are predominantly local and/or native species, including large canopy trees to replace existing trees proposed for removal. The layout and planting design of private area landscapes has been kept simple and robust, to minimise maintenance requirements and allow for embellishment by future residents.

### **Principle 6 – Amenity**

The apartments are designed to maximise the enjoyment of the living spaces both indoor and outdoor, whilst also conforming to the applicable planning controls. Apartment layouts encourage flow between the indoor and outdoor living spaces and include appropriate privacy measures. All window and door openings onto balconies are full height floor to ceiling to maximise natural light. Windows and doors are positioned to allow for natural solar access and cross ventilation, as well as to common lobbies on every floor. Good quality finishes, materials and appliances used throughout will ensure prolonged enjoyment and amenity for the residents.

The Communal Open Space will incorporate active and passive components, creating opportunities for the residents to interact as well as spaces for quiet enjoyment of the communal space/facilities. Across the three communal rooftops provided, outdoor cinema screens, sheltered BBQ areas, shaded informal play spaces, community gardens and decked breakout spaces are distributed for the enjoyment of all residents.

### **Principle 7 – Safety**

All seven buildings address the street and communal open space. It is proposed that the centralised communal open space to the development is accessible, usable and safe. All entry points to the development will be accessed via the public domain, with security lights installed throughout to ensure safety of all residents. Residential ground floor apartments will have individual gates and entrances accessed directly from the street. The main entry and control point for visitors to the buildings are provided via Sexton Avenue and Fishburn Crescent. Courtyard access from each building is provided via a secondary entry/exit point. A common mail collection point will be located for each individual building. On ground level, courtyards are abutting the well-lit communal green space along Fishburn Crescent and Sexton Avenue, with private access. Upper level balconies are orientated towards the street or overlooking the communal open space below, enhancing passive surveillance. Whilst the communal rooftop terraces can be accessed on Building 1, 3 and 6, this is controlled and limited to residents and guests with swipe card access only. Basement carpark access will be strictly secured and controlled via intercom and roller shutters separating visitors and residents.

### **Principle 8 – Housing Diversity and Social Interaction**

Communal open space is designed to cater for various activities appropriate for the demographic of the area, a multicultural community with predominantly young families and elderly people. 10% of all apartments are adaptable. 20% of all apartments meet the Silver Rating of Liveable Housing Standards. Landscape areas are provided with the anticipation to cater for a diverse range of occupants. Informal play spaces, barbeque areas, herb garden,

cinema screens on the rooftop garden and communal rooms are spread across the development for equitable access.

### **Principle 9 – Aesthetics**

The proposed apartment building is well articulated and modulated, presenting itself as a contemporary and elegant design. Stepped buildings and gardens are its unique response to site constraints. The variety of materials, textures, colours chosen for the buildings are from a mix of natural colour palette such as brick and wood, whilst applying modern architectural elements and detailing. Brickwork on the podium levels is featured as the primary material in keeping with the existing character of the residential neighbourhood, and discontinued at intervals to break down the scale of the long façade. Windows are also perceived from a distance as punched holes on the solid brick wall which form an interesting pattern. The brickwork podium is further subdivided horizontally by the dual volume frame strategically placed and span between the first 2 levels.

In contrast to the heavier and segmented podium levels, the upper levels are designed to be lighter and more transparent with, in lieu of masonry, glass surfaces and articulated with sun shading panels and horizontal fins. The buildings are distinguishable from the adjacent buildings through slight adjustments in colour treatment. Given their prominent location, the two corner buildings located on dual street frontages – Fishburn Crescent and Sexton Avenue, are further enhanced through varied architectural treatment. Though each building is given a different and identifiable treatment, the buildings can still be read as a singular development with a strong consistent theme. The architectural features, including the fins/frames and grille panels, are not only decorative, but also function as effective sun shading devices.

The landscape design incorporates a carefully chosen mix of native and other deciduous species of trees and plants and limited material and colour palette to complement the building- whilst assimilating the development into the neighbourhood and greater surrounding urban context.

### **b) Apartment Design Guide**

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

| <b>Clause</b>       | <b>Design Criteria</b>  | <b>Compliance</b>   |
|---------------------|---|---|
| <b>Siting</b>       |   |   |
| Communal open space | Minimum 25% of the site area.   | Yes.<br>31.4% of the development site area (3,889m <sup>2</sup> ) is provided for communal open space. The proposal also provides supplementary rooftop terraces on Buildings 1, 3 and 6.   |
|                     | Minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours mid-winter. | No.<br>The central courtyard, which is considered the principal useable part of the communal open space, is predominantly overshadowed throughout the day and does not achieve the required solar access. However, the principal usable |

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|                               |   | part of the roof top communal open space area will receive at least 50% direct sunlight for 2 hours during midwinter. Refer to discussion below.  |
| Deep Soil Zone                | 7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m <sup>2</sup> and 15% for sites greater than 1500m <sup>2</sup> .  | Yes.<br>Approximately 16% of the development site area is true deep soil zones as defined within the ADG. This proposal includes a deep soil area of 1972.23m <sup>2</sup> 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.<br>The proposal provides adequate privacy mitigation measures to ensure adequate amenity is achieved. Refer to discussion below.  |
| Visual privacy                | Visual privacy is to be provided through use of setbacks, window placements, screening and similar.   | Yes.<br>The visual privacy of the development has been considered with the placement of windows and balconies. Screening devices and blade walls set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties. |
| Car parking                   | Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:<br><br>Metropolitan Sub-Regional Centres:<br>0.6 spaces per 1 bedroom unit. 44.4<br>0.9 spaces per 2 bedroom unit. 141.3<br>1.40 spaces per 3 bedroom unit. 89.6<br>1 space per 5 units (visitor parking). 59 | Yes.<br>The site is located within 400m of the Showground Station. 334.3 spaces would be required in accordance with the RMS rate. 433 residential and 60 visitor car parking spaces provided in accordance with the LEP and DCP provisions.  |
| <b>Designing the Building</b> |   |   |
| 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   | Yes.<br>The proposed development will receive two hours direct solar access for 70.8% (209 of 295) of apartments between 9am and 3pm midwinter.   |



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|                     | <p>3pm midwinter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>  | <p>No.</p> <p>There are 15.25% (45 of 295) of apartments that receive no direct sunlight between 9am and 3pm midwinter.</p> <p>This variation is minor in nature and the proposal provides for adequate amenity to units. Refer to discussion below.</p>   |
| Natural ventilation | <p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>   | <p>Yes.</p> <p>A total of 60.3% (178 of 295) of units will meet the cross ventilation requirements or can be naturally ventilated. Furthermore, an additional 16 single aspect units are supplemented by windows/openings to light wells and void.</p> <p>N/A as no cross through apartments proposed.</p> |
| Ceiling heights     | <p>For habitable rooms – 2.7m.<br/>For non-habitable rooms – 2.4m.<br/>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.</p> <p>For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p> | <p>Yes.</p> <p>Floor to ceiling height at least 2.7 metres for all apartments.</p> <p>N/A.</p> <p>N/A.</p>   |
| Apartment size      | <p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup><br/>1 bedroom – 50m<sup>2</sup><br/>2 bedroom – 70m<sup>2</sup><br/>3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p>  | <p>Yes.</p> <p>No studios proposed<br/>1 bedroom 50m<sup>2</sup> – 82.3m<sup>2</sup><br/>2 bedroom 70m<sup>2</sup> – 110.4m<sup>2</sup><br/>3 bedroom 95m<sup>2</sup> - 135m<sup>2</sup></p> <p>Where additional bathrooms are proposed, an additional 5m<sup>2</sup> has been provided.</p>               |

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|------------------|---|--|
|                  | <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>  | <p>No four bedroom units proposed.</p> <p>Yes.<br/>All habitable rooms have windows with a glass area of greater than 10% of the floor area of the dwelling.</p>   |
| Apartment layout | <p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p> <p>Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments</li> </ul> | <p>Yes.<br/>No habitable room exceeds a maximum depth of 6.75 metres.</p> <p>No.<br/>38 of 295 units (12.8%) exceed the maximum depth for the living areas (living, dining and kitchen). However the proposal provides adequate amenity for the apartments. Refer to discussion below.</p> <p>N/A.<br/>No cross-over or cross-through apartments proposed, however, all units achieve a minimum width of 4 metres.</p> <p>Yes.<br/>All bedrooms comply with the minimum area</p> <p>No.<br/>36 of 295 units (12%) have bedrooms with irregular dimensions. Refer to discussion below.</p> <p>Yes.<br/>All 1 bedroom apartments achieve the minimum 3.6 metres and all 2 and 3 bedroom apartments achieve the minimum 4 metre living/dining room width.</p> |
| Balcony area     | <p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth<br/>1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m<br/>2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m</p>  | <p>No.<br/>67 of 295 units (22.7%) do not meet the minimum depth for the full area of the balcony. However, the development provides adequate useable private open space areas and balconies. Refer to discussion below.</p>   |

|                               |   |  |
|-------------------------------|---|--|
|                               | <p>3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m<sup>2</sup> with a minimum depth of 3m is required.</p>   | <p>No.</p> <p>The development provides adequate useable private open space areas. All POS areas at ground level and podium level achieve the minimum area and depth with the exception of Unit G01 of Building 7. The POS accessible via the living area of Unit G01 of Building 7 does not comply with the minimum 15m<sup>2</sup> total area. Refer to further discussion below.</p> |
| Common Circulation and Spaces | <p>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.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>   | <p>Yes.</p> <p>Maximum of 9 units provided off a circulation core on a single level.</p> <p>N/A as proposal is less than 10 storeys.</p>   |
| Storage                       | <p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup><br/> 1 bedroom – 6m<sup>3</sup><br/> 2 bedroom – 8m<sup>3</sup><br/> 3+ bedrooms – 10m<sup>3</sup></p> <p>For the unit mix proposed, A total storage of 2,314m<sup>3</sup> required.</p> <p>At least 50% of the required storage is to be located within the apartment.</p> | <p>Yes.</p> <p>Storage schedule provided which demonstrates that adequate storage is provided within each unit and within the basement.</p>  |
| Apartment mix                 | <p>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.</p>  | <p>Yes.</p> <p>The apartment mix accords with the Clause 9.7 of The Hills LEP 2019 and is considered satisfactory.</p>   |

#### i) **Communal Open Space – Solar Access**

The Apartment Design Guide requires that developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June. It is considered that the principal useable part of the communal open space is at ground level, with an area of approximately 1308m<sup>2</sup>. The principal useable part of the communal open space will receive the following solar access:

| Time | Percentage of Solar Access |
|------|----------------------------|
| 9am  | 26.1%                      |
| 10am | 24.9%                      |
| 11am | 8.6%                       |
| 12pm | 0%                         |
| 1pm  | 1.7%                       |
| 2pm  | 7.2%                       |
| 3pm  | 10.6%                      |

Accordingly, the proposal does not meet the requirements of the Apartment Design Guide. The applicant has provided the following justification in support of the variation:

*The requirement for communal open space to receive direct sunlight to its principal usable part for a minimum of 2 hours between 9am and 3pm on 21 June is not achieved on the ground level. This is due to unavoidable overshadowing from the proposed northern buildings which would occur with both 8 and 9 storey buildings on the site due to the size and width of the site. As shown in the shadow diagrams, reducing the height of buildings B2, B3 and B4 will not improve solar access into the central court yard.*

*The level of solar access should not be measured solely against the worst case scenario. Consideration should be given to both worst and best case scenario, with a balanced view adopted as to what is and isn't acceptable. Whilst the central courtyard is largely in shade during the shortest day of the year, substantial solar access is provided during the longest day of the year, a time more likely to see people outdoors and utilising communal open space. Slender built forms enable faster moving shadows in the internal court yard particularly during the morning, whilst still enabling a useable level of amenity for future residents of the site throughout the day.*

*Roof top terrace areas have been provided to increase residents' access to natural solar exposure during the shorter days of the year. These terraces observe substantial solar access through the entire year and are available to all residents to utilise.*

### **Comment:**

The Apartment Design Guide provides the following objectives relating to common open space:

- *An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping,*
- *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting,*
- *Communal open space is designed to maximise safety, and*
- *Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood*

The development provides supplementary useable common open space areas through the provision of landscaped roof top terraces on Buildings 1, 3 and 6. These common open space areas will achieve full solar access on June 21, and provide a high level amenity for residents of the development. Furthermore, common rooms are provided in Buildings 2, 3 and 6 to supplement the outdoor communal areas. Equitable access to all communal open space areas will be provided – this will be reinforced via condition of consent. A variation to the design criteria is considered acceptable in this instance.

### **ii) Building Separation**

The Apartment Design Guide requires that habitable rooms provide a 12 metre building separation between habitable rooms for 4 storeys, 18 metre separation for 5-8 storeys and 24 metre separation for over 9 storeys. The proposal does not meet this requirement, with the following building separation distances proposed:

| Building No's     | Building Separation  |
|-------------------|--|
| Buildings 1 and 2 | 9 metres (up to 4 four storeys), 12 metres (up to 9 storeys)   |
| Buildings 2 and 3 | 6.6 metres (up to 4 four storeys), 12 metres (up to 9 storeys) |
| Buildings 3 and 4 | 9 metres (up to 4 four storeys) , 12 metres (up to 9 storeys)  |
| Buildings 4 and 5 | 12 metres (up to 4 four storeys), 18 metres (up to 9 storeys)  |
| Buildings 5 and 6 | 6 metres (up to 4 four storeys), 9 metres (up to 9 storeys)    |
| Buildings 6 and 7 | 6 metres (up to 4 four storeys), 9 metres (up to 9 storeys)    |
| Buildings 7 and 1 | 9 metres (up to 4 four storeys), 12 metres (up to 9 storeys)   |

Table 1

The applicant has provided the following justification in support of the variation:

*Frosted glass windows have been incorporated into the side walls between buildings towers in lieu of opaque windows. The purpose of these frosted glass windows in habitable rooms between the 6m separation are to provide additional light into the apartments. The otherwise blank facade is articulated to further break down the blank wall and add visual interest.*

*It is important to note that the main source of light to the habitable and living areas in these side apartments either face the street or the internal central courtyard- thus not relying on these side windows for main light source.*

*Building separation for the rest of the building at both lower and upper zones are compliant with ADG building separation controls.*

#### Buildings 1 – 4

*No separation issue is identified between building 1-2. The building external walls treatment adopted between buildings 2-4 are as follows: Refer to drawings: DA610-DA612 Building separation diagrams On Lower Level apartments (GF – L3), one side of the opposing walls is treated as a blank wall, and the other is treated as habitable room opening. Hence, the separation distance required is minimum 6m. Blank wall treatment includes: non-operable opaque window fenestration with full height aluminium louvre screen, which aid in providing light into the internal space and externally aid in articulating the building. The habitable room fenestrations include operable windows doors with full height privacy screens. Upper Level apartments (L4-L8), one side of the opposing walls is treated as a blank wall, and the other is treated as habitable room opening. Hence, the separation distance required is minimum 9m. The building separation proposed on these levels is 12m. Blank wall treatment includes: non operable opaque window fenestration with full height louvre screen, which aid in providing light into the internal space and externally aid in articulating the exterior of the building. The habitable room fenestrations include operable windows with full height privacy screens. The proposed treatments satisfy the objective of the building separation for visual privacy in the ADG, which is to achieve reasonable levels of external and internal visual privacy, as well as enhance the articulation of the building. The proposed treatments satisfy the objective of the*

*building separation for visual privacy in the ADG, which is to achieve reasonable levels of external and internal visual privacy, and on the other hand, help to aesthetically enhance the articulation of the building.*

### **Buildings 5 – 7**

*The building external walls treatment adopted between buildings 5-7 are as follows: Refer to drawings: DA614-DA615 Building separation diagrams On Lower Level apartments (GF – L3), one side of the opposing walls (i.e. western wall of Buildings 5&6) is treated as a blank wall, and the other is treated as habitable room opening. Hence, the separation distance required is minimum 6m and the proposed distance between opposing walls is 7m. Blank wall treatment includes: angled, non-operable, opaque window fenestration with full height aluminium louvre screen, which aid in providing light into the internal space and externally aid in articulating the building. The habitable room fenestrations include straight ground level window fenestration, angled operable windows with full height privacy screens and narrow (approx. 600mm wide) secondary windows without any privacy screens. Upper Level apartments (L4-L8), one side of the opposing walls is treated as a blank wall, and the other is treated as habitable room opening. Hence, the separation distance required is minimum 9m. The building separation proposed on these levels is 10m. In cases where the building is split such as Building 5 & 6, the separation requirement on the 5th floor is increased (such as between Level 3 in B5 & B6 and Level 3 in B6 & Level 4 in B7). However, the proposed building design is still in alignment with the levels below i.e. 7m between U304 in Building 6 and Building 5, and 8.8mm between U 3xx in Building 6 and Building 7. We consider that this is minor encroachment due to the split lower ground level and only impacting 2 apartments overall. Blank wall treatment includes: angled, non-operable, opaque window fenestration with full height aluminium louvre screen, which aid in providing light into the internal space and externally aid in articulating the building. The habitable room fenestrations include angled operable windows with full height privacy screens and narrow (approx. 600mm wide) secondary windows without any privacy screens. The proposed treatments satisfy the objective of the building separation for visual privacy in the ADG, which is to achieve reasonable levels of external and internal visual privacy, and on the other hand, help to aesthetically enhance the articulation of the building.*

### **Comment:**

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

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

Whilst the building separation distances between the proposed buildings does not meet the design criteria of the Apartment Design Guide (as detailed in Table 1), all relevant balconies and windows are angled or will contain privacy mitigation measures such as privacy screens to minimise direct overlooking. The privacy screens will be conditioned to be maintained for the life of the development (refer to Condition 1). Windows on side elevations will be treated with either privacy screens, angled windows or frosted glass to ensure no direct sight lines between habitable rooms

The proposed development is considered to afford a reasonable degree of privacy for future residents. The proposal still provides for a development that is consistent with the desired future character of the Showground Precinct, assists in providing residential amenity, natural ventilation and solar access and provides for suitable areas for communal open space, deep soil zones and landscaped area.

A variation to the design criteria is considered acceptable in this instance.



### iii) Apartment Layout – Habitable Room Depth

The ADG requires open plan apartment layouts to have a maximum habitable room depth of 8 metres from a window. 38 of 295 units (12.8%) exceed the maximum depth for the living areas (living, dining and kitchen) as follows:

|                   |   |
|-------------------|---|
| <b>Building 1</b> | G01, G02, 101, 201, 301, 404 (6 units)                                |
| <b>Building 2</b> | G01, 102, 104, 203, 204, 303, 304 (7 units)                           |
| <b>Building 3</b> | G02, G03, G04, 101, 103, 201, 202, 301, 302 (9 units)                 |
| <b>Building 4</b> | N/A   |
| <b>Building 5</b> | G07, 107 (2 units)  |
| <b>Building 6</b> | G02, G03, G05, 102, 103, 105, 202, 203, 402, 502, 602, 702 (12 units) |
| <b>Building 7</b> | G02, G03 (2 units)  |

The applicant has provided the following justification for the variation:

*Building 2 Unit 203 & Building 3 Unit 101 living, dining and kitchen depth from horizontal window is 9.8m, however when measured from a parallel window is 8m. This ensures that natural light and cross ventilation can still penetrate the unit as intended by the ADG control. Further, it is noted these units are also adaptable units. The kitchen island bench will be relocated towards to the dining area to increase circulation space within kitchen during the detailed design work to occur post DA. Natural light and air flow will be more focused around the living and dining space to ensure adequate internal amenity is provided for these units.*

#### Comment:

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

- *Environmental performance of the apartment is maximised*

The majority of the units that exceed the apartment depth are to the back wall of a kitchen, resulting in minimal amenity impacts on the apartment. Furthermore, it is noted that the majority of these units are located on the northern side of the building, would receive at least 2 hours of solar access during the winter solstice and are naturally cross ventilated. The proposed open layouts are considered functional, well organised and provides maximum environmental performance. A variation to the design criteria is considered acceptable in this instance.

### iv) Apartment Layout – Bedroom Dimensions

The Apartment Design Guide requires that developments provide bedrooms with a minimum dimension of 3m (excluding wardrobe space). 36 of 295 units (11.2%) do not meet the minimum depth for the full area of the balcony as follows:

|                   |  |
|-------------------|--|
| <b>Building 1</b> | G04, G05, G08, 104, 105, 108, 205, 206, 209, 305, 306, 309, 403, 503, 603, 703, 803 (17 units) |
| <b>Building 2</b> | 401, 501, 601, 701, 801 (5 units)  |
| <b>Building 3</b> | 403, 503, 603, 703, 803 (5 units)  |
| <b>Building 4</b> | G05, 105, 205, 305, 403, 503, 603, 703, 803 (9 units)  |

The applicant has provided the following justification in support of the variation:

*Dimensions have been added to all bedrooms to demonstrate compliance with the two part design criteria test, being to provide a minimum area of 10sqm for master bedrooms, and 9sqm for all other bedrooms, and have a minimum dimension of 3m.*

**Comment:**

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

- *Apartment layouts are designed to accommodate a variety of household activities and needs*

Buildings 1 to 4 have irregular bedrooms, however, all bedrooms achieve or exceed the minimum area required. The non-compliant dimensions are generally limited to a portion of the bedroom, achieving compliance for the majority of the room. It is also demonstrated on the architectural plans that furniture, including a bed and tables, can be placed into the bedrooms with non-compliant dimensions. A variation is considered acceptable in this instance.

**v) Private Open Space and Balconies**

The Apartment Design Guide requires that developments provide a private open space area with a minimum depth of 2 metres for 1 bedroom and 2 bedroom apartments and 2.4 metres for 3 bedroom apartments. 67 of 295 units (22.7%) do not meet the minimum depth for the full area of the balcony as follows:

|                   |  |
|-------------------|--|
| <b>Building 1</b> | G06, G07, G08, 104, 105, 205, 206, 305, 306, 501, 503, 601, 603, 701, 703, 801, 803 (17 units) |
| <b>Building 2</b> | 102, 103, 104, 201, 202, 204, 301, 302, 304, 503, 603, 703, 803 (13 units)                     |
| <b>Building 3</b> | 102, 103, 104, 105, 203, 204, 205, 502, 503, 602, 603, 702, 703, 802, 803 (15 units)           |
| <b>Building 4</b> | G05, G06, 101, 102, 201, 202, 301, 302, 502, 602, 702, 802 (12 units)                          |
| <b>Building 5</b> | G04, G05, 104, 105, 204, 205, 304, 305, 502, 503, 602, 603, 702, 703 (14 units)                |
| <b>Building 6</b> | LG04 (1 unit)  |
| <b>Building 7</b> | G01, G05, 503, 603, 703 (5 units)  |

The applicant has provided the following justification in support of the variation:

*The preference is to keep the unit interiors as square as possible. Furniture has been added to the balcony to demonstrate how the balcony space will be used. Dimensions have been added to all balconies to demonstrate compliance, being to provide a minimum area of 8, 10 and 12m<sup>2</sup>*

**Comment:**

As discussed, the proposed balconies of 67 of the 295 apartments result in a variation to the balcony depth design criteria of the Apartment Design Guide. It is noted that these balconies comply with the minimum depth requirement for part of the balcony area, however have a shortfall for a portion of the balcony area. Notwithstanding, each balcony complies with the Apartment Design Guide requirements in respect to area, which will allow for sufficient space to accommodate outdoor furniture and ensure a useable outdoor space is provided for future occupants. Furthermore, it is noted that communal areas exceeding the minimum requirements of the ADG are provided, providing supplementary open space to future residents. A variation to the design criteria is considered acceptable in this instance.

#### 4. 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 BASIX assessment has been undertaken and indicates that the development will achieve the required targets for water reduction, energy reduction and measures for thermal performance. The commitments as detailed in the amended BASIX Certificates will be imposed as a condition of consent (refer to Condition 87).

#### 5. Compliance with LEP Savings Provisions

The Hills Local Environmental Plan 2019 came into force on 6 December 2019. Clause 1.8A(1) of LEP 2019 states the following:

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

As the subject application was lodged prior to the gazettal of LEP 2019, the application shall be determined as if LEP 2019 had not commenced.

#### 6. Compliance with Local Environmental Plan 2012

##### a) Permissibility

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

##### b) Zone Objectives

The objectives of the R4 High Density Residential zone are:

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

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

##### c) Development Standards

The following addresses the principal development standards of the LEP relevant to the subject proposal:

| DEVELOPMENT STANDARD | REQUIRED  | PROPOSED          | COMPLIANCE   |
|----------------------|-----------|-------------------|--------------|
| Clause 4.3 – Height  | 27 metres | Does not comply – | No, refer to |

|   |  |  |  |
|---|--|--|--|
| of Buildings  |  | maximum metres 30.7  | discussion below.  |
| Clause 4.4 – Floor Space Ratio  | 1.9:1  | N/A  | N/A – the proposal seeks to utilise the incentive floor space ratio provision under Clause 9.7 of LEP 2012. Refer to discussion below. |
| Clause 4.6 – Exceptions to Development Standards                          | Exceptions will be considered subject to appropriate assessment.   | A variation to Clause 4.3 – Height of Buildings is proposed and is addressed below.  | Yes, refer to discussion below.  |
| 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 <sup>2</sup>   | Satisfactory – 12,375m <sup>2</sup> (pre land dedication)  | Yes  |
| 9.2 Site Area of Proposed Development includes dedicated land             | Road dedication included as part of the site area for the purpose of calculating FSR.  | Noted  | Yes  |
| 9.3 Minimum Building Setbacks   | Front Building Setbacks to be equal to, or greater than, the distances shown for the land on the Building Setbacks Map – Fishburn Crescent requires a 10m setback.   | Satisfactory – 10 metre setback to Fishburn Crescent proposed (pre land dedication)<br><br>*The DCP identifies that where land is dedicated to Council for road widening at no costs, the setback shall be measured from the existing property boundary.   | Yes  |
| 9.5 Design Excellence   | Development consent must not be granted unless the development exhibits design excellence  | Satisfactory – proposal referred to Design Review Panel and amended to address concerns raised by the Panel.   | Yes, refer to discussion below.  |
| 9.7. Residential Development Yield on Certain Land                        | If the development is on a lot that has an area of 10,000m <sup>2</sup> within the Showground Precinct and provides a specific mix, family friendly unit sizes and parking, the following incentivised Floor Space Ratio | Site Area: 12,375m <sup>2</sup><br><br>Maximum FSR: 33,412.5m <sup>2</sup><br><br>Building 1: 5,210.5m <sup>2</sup><br>Building 2: 4,126.5m <sup>2</sup><br>Building 3: 3,931.7m <sup>2</sup><br>Building 4: 3,541.1m <sup>2</sup><br>Building 5: 4,301.4m <sup>2</sup><br>Building 6: 5,307.5m <sup>2</sup> | Yes  |

|                                 |   |  |     |
|---------------------------------|---|--|-----|
|                                 | can be applied as identified on the FSR Mapping instrument:<br><br>2.7:1  | Building 7: 3,802.4m <sup>2</sup><br><br>Total FSR: 2.44:1 (30,221m <sup>2</sup> )   |     |
| 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 | 295 units proposed under the subject Development Application. If this application is approved, the total number of dwellings approved within the Showground Precinct would be 3,433 units. | Yes |

### i) Variation to Building Height

The site is subject to a maximum building height of 27 metres as shown on the Height of Buildings map under Clause 4.3 of LEP 2012. The proposed development exceeds the maximum building height by a maximum of 3.7 metres or 13.7%. The applicant has provided a Clause 4.6 Variation which is provided at Attachment 16.

Clause 4.6 allows consent to be granted for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clause 4.6 – Exceptions to Development Standards states:

- (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.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (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.*

In determining the appropriateness of the variation request, a number of factors identified by the Applicant have been taken into consideration to ascertain whether the variation is supportable in this instance. They include:

- *The massing approach has directly responded to directions and recommendations from the pre-lodgement and follow-up engagement with Council staff, and numerous reviews by council's Design Review Panel. These engagements has led to the current approach of 7 separate residential buildings on the site as it was deemed to be the most contextually appropriate massing approach to create appropriate scaled buildings and spaces between for landscaping.*
- *The proposal is consistent with the objectives of the development standard and objectives of the R4 High Density Residential zone. The proposal is a high-quality residential development which is of a scale entirely compatible with the strategic direction of the Showground Precinct. The site is intended to provide a transition between higher density development north/northwest of the site and the lower density development to the south. Accordingly, the proposed building height is entirely suitable in this context.*
- *The proposed development incorporates generous landscaped setbacks comprising retained trees and supplemented with new trees. A central communal open space area*



combines with these to soften the impact of the building massing when viewed from the public domain.

- The building forms have been strategically designed to follow topography of the site. The minimal height non-compliances enabled an efficient utilisation of the site while retaining the setbacks and ground level open space areas which are an important aspect of the site's character.
- The proposed buildings are well modulated and articulated with indentations, juxtapositions of horizontal and vertical elements and setbacks to the ground, podium and top levels. The architectural design creates a clear low-scale building base which will be 'read' as a strong street wall height. The taller building forms are setback from this podium height and treated in 'lighter' material tones which help it recede in the background, thus visually reducing the visual mass.
- The site has a cross-fall of approximately 8 metres from southeast to southwest. The maximum additional height ranges from 0.19m to 3.7 metres above the height limit and contributes minimal bulk and scale to the development. The non-compliant elements are set back from the building edges where possible to minimise perceived bulk.
- In terms of density, the proposal complies with the maximum incentivised FSR control of 2.7:1. Thus the minor height breaches are not a result of seeking to fully utilise the allowable FSR and the massing proposed arguably illustrates what one would ordinarily anticipate from on the site. If strict numerical height compliance were required, the development would fall considerably short of the allowable FSR which will result in a gross underutilisation of a valuable site in close walking distance to the new metro station, failing to meet the intended housing outcome for the precinct. Such an outcome would not constitute a satisfactory redevelopment outcome of a strategically located site designated for high density residential redevelopment.
- There is no additional overshadowing to adjoining properties which result from the proposed height non-compliances. The location where building elements exceed the maximum building height on the roof are set back from the building edges to ensure no additional overshadowing impacts are caused. Further, due to the stepped design of the building, solar impacts are less than that which would result from a development seeking to maximise the achievable building envelope.
- The proposal will provide increased amenity for future residents. The rooftops of buildings 1, 3 and 6 provide sizeable community spaces (total 1,390.5m<sup>2</sup>) for the use of residents. This communal open space is accessible via lift, ensuring the space is available for all residents of the development. The landscaped areas on the rooftops include seating, open air cinema screen, children's play area, vegetable and herb community garden with storage shed/water tank and compost facilities, astro turf informal play spaces and barbecue facilities and there are expansive views from these rooftops.

### **Comment:**

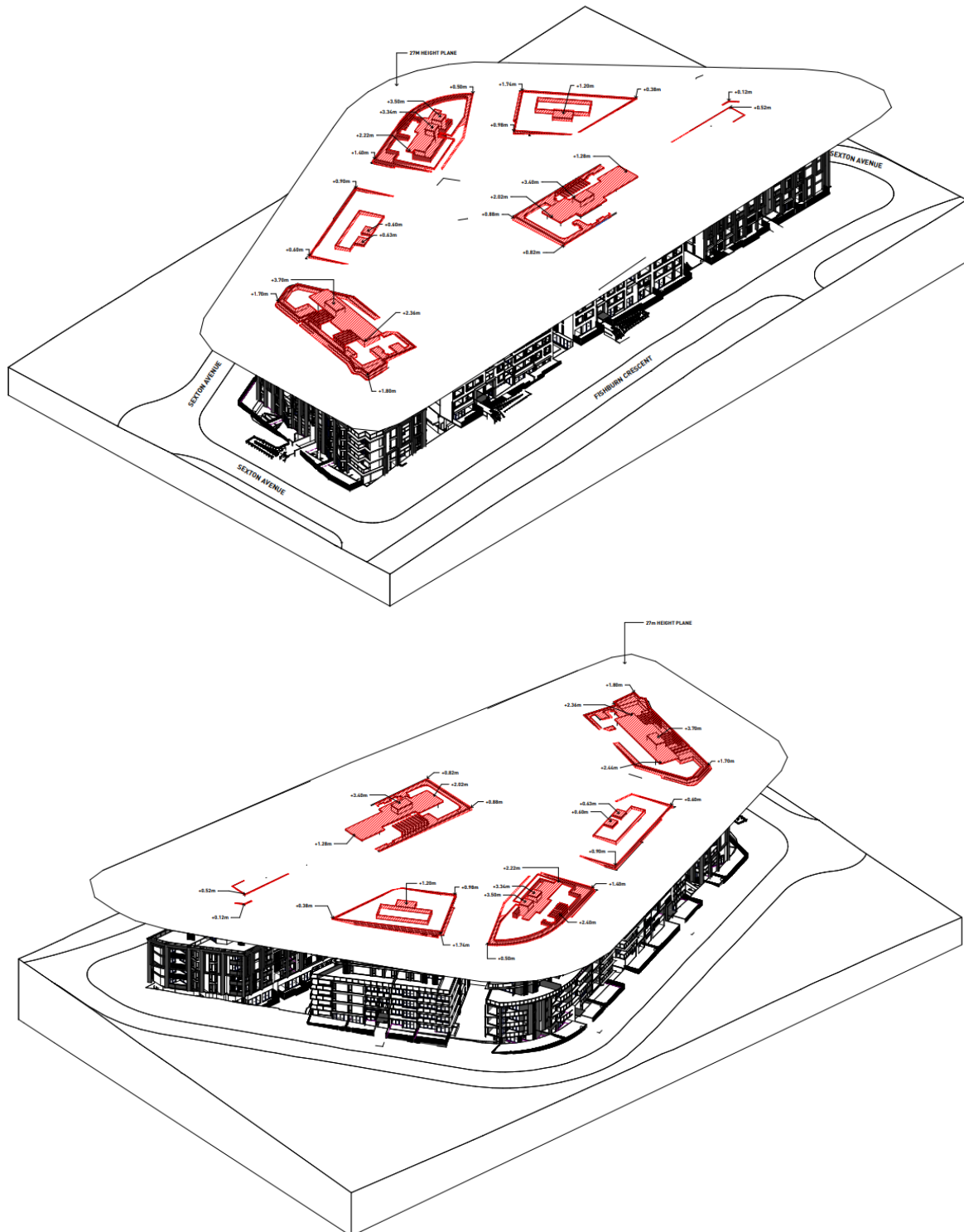
Pursuant to Clause 4.6(2) of LEP 2012, consent may be granted for development even though the development would contravene a development standard prescribed by an environmental planning instrument. The maximum building height is not expressly excluded and thus the clause can be applied in this instance.

The specific proposed building heights for each building is summarised in the table below:

| Building   | Building Height Development Standard | Maximum Height from Ground Level | Proposed Height Exceedance and Extent of Variation |
|------------|--------------------------------------|----------------------------------|--|
| Building 1 | 27 metres                            | 30.7 metres                      | 3.7 metres (13.7%)                                 |
| Building 2 | 27 metres                            | 27.9 metres                      | 900mm (3.2%)                                       |
| Building 3 | 27 metres                            | 30.5 metres                      | 3.5 metres (12.9%)                                 |
| Building 4 | 27 metres                            | 28.74 metres                     | 1.74 metres (6.4%)                                 |
| Building 5 | 27 metres                            | 27.52 metres                     | 520mm (1.9%)                                       |

|            |           |             |                    |
|------------|-----------|-------------|--------------------|
| Building 6 | 27 metres | 30.4 metres | 3.4 metres (12.5%) |
| Building 7 | 27 metres | <27 metres  | Nil                |

The non-compliant elements are primarily limited to the roof form for 6 of the 7 buildings (refer to Figure 2).



**Figure 2** – Building height plane indicating exceedance to height standard

Pursuant to Clause 4.6(4)(a) of LEP 2012, consent can only be granted if the consent authority is satisfied that the applicant's written request to vary the development standard has addressed the criteria of Clause 4.6(3) of LEP 2012. The application is supported by a detailed submission addressing the provisions of Clause 4.6 of LEP 2012 (refer to Attachment

16). The submission is considered with regard to the criteria of Clause 4.6(3) of LEP 2012, as follows:

- *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

In accordance with the NSW LEC findings in the matter of *Wehbe v Pittwater Council*, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The objectives of Clause 4.3 Height of Buildings of LEP 2012 are:

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

The objective of Clause 4.3 'Building Height' is to ensure that the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed departure to the building height development standard will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The largest variation to the height standard occurs to Building 1 with a 3.7 metre (13.7%) variation, Building 3 with a 3.5 metre (12.9%) variation, and Building 6 with a 3.4 metre (12.5%) variation. This relates to lift overruns/plant services and communal roofs to provide for common open space. Similarly, the variations to Buildings 2, 4 and 5 also relate to lift overruns, stair roofs or service plants which are centrally located on the roof. This, together with the generous 10m and 7.5m front setbacks and 4m upper level setbacks ensure that the lift overrun and roof form would not be a source of significant shadow cast and is considered to integrate well with the form of the building when viewed from the streetscape.

The Applicant has provided a comparative analysis of shadow diagrams demonstrating that the proposal does not exacerbate overshadowing impacts to that of a compliant scheme both on-site and to adjoining properties.

The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints, being within walking distance to Showground Station, complies with FSR standards for the site and is compatible with the future scale and character envisaged for the Showground Station Precinct. This is consistent with the objectives of the R4 High Density zone which encourages high density residential development in locations that are close to population centres and public transport routes.

The applicant's written submission has satisfactorily demonstrated that the proposal will achieve consistency with the objectives of the building height development standard, and as such strict compliance is considered to be unreasonable and unnecessary in the circumstances of this application.

- *That there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant's submission states that the elements of the development which exceed the maximum building height will not result in unreasonable impacts on the built environment or the amenity of nearby properties. In particular, the proposal will not be unreasonably impacted in respect to overshadowing, privacy and bulk and scale. The submission further states that the building height non-compliance allows for the orderly use of the land, which has the capacity to accommodate high density residential development in accordance with the strategic direction of the Showground Precinct. It is also noted that the proposal is compliant with the maximum floor space ratio development standard in accordance with Clause 9.7 of LEP 2012.

It is considered that the applicant's justification for non-compliance satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the 27 metre maximum building height development standard. It is considered that the applicant's written request has satisfactorily addressed the requirements under Clause 4.6(3) of LEP 2012.

Under the provisions of Clause 4.6(4) of LEP 2012, consent must not be granted to a proposal that contravenes a development standard unless that proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is to be carried out. The Clause 4.6 written submission has demonstrated that the objectives of the standard are achieved as addressed above.

Specifically, in relation to recent judgments of the Land and Environment Court, for the reasons identified in this report and the Applicant's Clause 4.6 Variation Request, it is considered that the variation can be supported as:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Pursuant to Clause 4.6(4)(b) of LEP 2012, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS18-003 (dated 21 February 2018) issued by the NSW Department of Planning, the Secretary's concurrence may be assumed in this instance as the application relates to a development standard within an EPI that adopts Clause 4.6 of the Standard Instrument.

## **ii) Clause 9.5 – Design Excellence**

Clause 9.5 of LEP 2012 states the following:

- (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) *This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct.*
- (3) *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*

- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
  - (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
  - (c) *whether the development detrimentally impacts on view corridors,*
  - (d) *whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 9.4,*
  - (e) *the requirements of the development control plan referred to in clause 9.4,*
  - (f) *how the development addresses the following matters:*
    - (i) *the suitability of the land for development,*
    - (ii) *existing and proposed uses and use mix,*
    - (iii) *heritage issues and streetscape constraints,*
    - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
    - (v) *bulk, massing and modulation of buildings,*
    - (vi) *street frontage heights,*
    - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
    - (viii) *the achievement of the principles of ecologically sustainable development,*
    - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
    - (x) *the impact on, and any proposed improvements to, the public domain,*
    - (xi) *the impact on any special character area,*
    - (xii) *achieving appropriate interfaces at ground level between the building and the public domain,*
    - (xiii) *excellence and integration of landscape design.*
- (5) *In addition, development consent must not be granted to development to which this clause applies unless:*
- (a) *if the development is in respect of a building that is, or will be, higher than 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both):*
    - (i) *a design review panel reviews the development, and*
    - (ii) *the consent authority takes into account the findings of the design review panel, or*
  - (b) *if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both):*
    - (i) *an architectural design competition is held in relation to the development, and*
    - (ii) *the consent authority takes into account the results of the architectural design competition.*
- (6) *Subclause (5) (b) does not apply if:*
- (a) *the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and*
  - (b) *a design review panel reviews the development, and*
  - (c) *the consent authority takes into account the findings of the design review panel.*

As the proposed residential flat building exceeds 21 metres and 6 storeys, but 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:**

The Design Review Panel first considered the proposal at pre-lodgement stage at the meeting held on 2 May 2019. The panel identified numerous issues and concerns with the proposal and requested that any future application be reconsidered by the Design Review Panel.

Following lodgement of the Development Application, the design excellence of the proposal was then further considered at the Design Review Panel meeting held on 25 September 2019. The panel reached the following conclusion:

*The Panel notes that some of the issues have been addressed and the design team indicated further design rework is to be undertaken. The Panel acknowledges improvements made to the design but it still needs further work to meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.*

The amended proposal was then considered at the Design Review Panel meeting held on 22 July 2020. The panel reached the following conclusion:

*The Panel acknowledges the meaningful amendments to the scheme that have been made in response to its previous comments. However a number of matters have yet to be resolved, as noted variously in this report. The Panel is of the opinion the proposal can achieve the requirements of design excellence with further refinement as identified in this report. If the DA officer is satisfied that the applicant has addressed the concerns of the Panel, the project need not return to the Panel for further consideration.*

The following recommendations were made by the panel:

| <b>Design Review Panel Recommendation</b>  | <b>Response Provided</b>  |
|--|---|
| Provide a statement of the schemes design response to its precinct broader regional context. | The applicant has provided a response which details design measures taken to respond to the context of Castle Hill. This matter was considered satisfactorily addressed by the Design Review Panel.   |
| Revise the building envelope to comply with the height control controls.                     | The applicant has addressed the building height variation through the provision of a Clause 4.6 Variation to LEP 2012. This has been discussed within the body of this report.  |
| Revise the building envelope as required to comply with building setbacks.                   | The proposal complies with the building setback provisions contained in the LEP and DCP. This matter was considered satisfactorily addressed by the Design Review Panel.  |
| Amend courtyard encroachments from all setbacks and provide more substantial landscaping.    | The proposed courtyard encroachments into the front setbacks are acceptable and will not result in an adverse environmental impact on the streetscape. The courtyards in the front setback will be pervious and feature fencing which is compliant with the Showground Station Precinct DCP. The overall landscape outcome has been reviewed by Council's |



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|   | Landscape Assessment Officer and is considered acceptable subject to conditions of consent.   |
| Avoid subterranean units and sunken terraces.   | Subterranean apartments are proposed, however, it is considered that the apartments provide adequate amenity and will not have an impact on the activation of the street and public domain. This is addressed in Part 7 below.  |
| Aim to provide more usable cross-site pedestrian access and links with streetscape.   | Cross-site pedestrian links are provided between Sexton Avenue and Fishburn Crescent – between Buildings 1 and 2, 3 and 4, 4 and 5, 5 and 6, 6 and 7, and 7 and 1. Compliance with the Disability Discrimination Act has been demonstrated via the provision of an amended Access Report and compliance with the DDA will be reinforced via condition of consent. |
| Improve solar access to the ground level courtyard area.  | The development proposes a variation to the solar access provisions to the ground level courtyard. Refer to Section 3 of this report.   |
| Ensure common facilities and related spaces are appropriate to the size of the development.   | Further detail has been provided in respect to the common facilities. A communal hub/games room is provided in Building 2, gymnasium in Building 3 and a multi-purpose room/library in Building 6. All facilities will be accessible by all residents of the development and are considered acceptable.   |
| Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks   | Amended elevations and sections were presented at the Design Review Panel meeting held on 22 July 2020. This matter was considered addressed by the Design Review Panel.  |
| Provide external solar shading to exposed windows.  | The development has been supported by a BASIX Certificate which demonstrates that that the proposal complies with energy efficiency requirements.   |
| Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations   | A Wind Study Report prepared by Cermak Peterka Petersen was provided with the Development Application. The report concludes that measured conditions were found to be typical of the area and acceptable.   |
| Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting                                       | The proposal has been reviewed by Council's Landscape Assessment Officer and considered satisfactory subject to conditions of consent.  |
| Sign off from both the Council Landscape DA officer and the Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas | Tree removal will be managed via condition of consent (refer to Condition 3).   |
| Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.   | The proposed substation will be suitably screened from the street via screen planting. The maintenance of the screen planting for the lifetime of the development will be   |

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|  | reinforced via condition of consent.  |
| Improve scale interface at street level for all blocks including design of apartment gardens, variation in fence design and landscape.   | A detailed landscape plan has been submitted and is supported subject to conditions of consent. Fencing details have been provided and are consistent with the requirements of the Showground Station Precinct DCP.   |
| Clarification of façade detail to be incorporated within perspectives and elevations particularly within masonry podium buildings  | The detail that has been provided in respect to façade detail is considered acceptable.   |
| Provide additional roof top communal open space.   | Roof top communal open space is provided on Buildings 1, 3 and 6. The overall development exceeds the minimum communal open space area required. Furthermore, the provision of additional roof top communal open space would result in further building height breaches. Additional roof top communal open space was not considered necessary in this instance. |
| Documentation to aid the DA officer with assessment as indicated in the report. Items; 2, Site Coverage / landscaped Open Space, 4 Landscape Design – Private Domain.                            | Sufficient documentation, including site coverage and landscaped area calculations, have been provided to complete the assessment.  |
| Give further consideration to the design of the gaps between the building blocks and to the associated landscape design.   | The areas between buildings at ground level will be suitably embellished with landscaping but will primarily function as thoroughfares. The proposal has been reviewed by Council's Landscape Assessment Officer and is considered acceptable subject to conditions of consent.   |
| Ensure each development block common lobby is able to be accessed directly from the immediately adjacent street footpath by all residents and visitors as per DDA legislation. Item 3. Setbacks. | Each building is either directly accessible from the street or is provided with a platform lift to ensure compliance with DDA legislation. This will be reinforced via condition of consent.  |
| Provide cross sections at the street interface to the DA officer as recommended. Item 3. Setbacks.   | Cross-sections and finished levels have been provided between the street interface and the development. It is noted that retaining walls are now required due to the clarification in respect to levels, this is discussed further below.   |
| Further develop the internal planning of apartments.   | The applicant has amended the internal layouts of the apartments and they are considered to generally achieve compliance with the Apartment Design Guide and provide adequate amenity.  |
| Show internal dimensions to habitable rooms and other key spaces.  | All units are now appropriately dimensioned. Variations to the minimum dimensions of rooms have been discussed previously and are considered acceptable.  |
| Amend non-compliant bedroom minimum widths.  | The majority of bedrooms achieve full compliance with the minimum 3 metre bedroom width. Variations to the minimum dimensions of rooms have been discussed previously and are considered acceptable.  |

|  |   |
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| Consider additional solar heat mitigation strategies (screening).  | The proposal is supported by an amended BASIX Certificate which demonstrates that the proposal is suitable in respect to building sustainability. Additional screening devices are provided throughout the development. |
| Applicant to provide written confirmation that as previously stated all air conditioning condenser units are indeed located on the rooftops.   | Each rooftop is provided with air conditioner zones which are depicted on the roof plan. A condition of consent will be imposed reinforcing that the air conditioners must be provided on the rooftops.                 |
| Screening of service provision from any existing and future public domain outlook. All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development. Details are to be provided to the DA officer for review prior to DA approval. Details are to be shown in plan with services clearly notated. Provide detail elevations and sections details at a minimum scale of 1:50 on an A3 drawing sheet. | Reinforced via condition of consent.  |
| Air conditioning condenser units are located as documented on the roof and are not visible from any part of the surrounding streets and public domain.   | Reinforced via condition of consent.  |

The other matters required to be addressed under Clause 9.5 have been assessed as satisfactory by the Design Review Panel or addressed in other sections of this report. It is considered that the proposal satisfies Clause 9.5 of the LEP.

### 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 10,000m<sup>2</sup>, 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 and 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 74 dwellings to be studio or 1 bedroom dwellings | Satisfactory – 74 x 1 bedroom dwellings are proposed | Yes        |
| Minimum 20% of dwellings (to the nearest whole number of dwellings) to be 3 or more bedroom dwellings      | Minimum 59 dwellings to be 3 or more bedroom dwellings   | Satisfactory – 64 x 3 bedroom dwellings are proposed | Yes        |

|   |   |  |     |
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| Minimum 40% of 2 bedroom dwellings will have a minimum internal floor area of 110m <sup>2</sup> | Minimum 63 dwellings to have a minimum internal floor area of 110m <sup>2</sup> | Satisfactory – 63 x 2 bedroom dwellings will have a minimum internal floor area of 110m <sup>2</sup> | Yes |
| Minimum 40% of 3 bedroom dwellings will have a minimum internal floor area of 135m <sup>2</sup> | Minimum 26 dwellings to have a minimum internal floor area of 135m <sup>2</sup> | Satisfactory – 28 x 3 bedroom dwellings will have a minimum internal floor area of 135m <sup>2</sup> | Yes |
| Minimum 1 parking space per dwelling, minimum 1 visitor car parking space for every 5 dwellings | 295 dwellings proposed, minimum 354 spaces required                             | Satisfactory – 433 residential car parking spaces and 60 visitor car parking spaces proposed.        | Yes |

#### iv) Other Provisions

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

- 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

#### 7. 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 C Section 1 – Parking
- Part C Section 3 – Landscaping

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

| DEVELOPMENT CONTROL                | THDCP REQUIREMENTS   | PROPOSED   | COMPLIANCE  |
|------------------------------------|--|--|---|
| Showground Precinct Structure Plan | The structure plan indicates the subject site is for residential development up to 8 storeys in height.          | The proposal is a maximum 9 storeys in height.                                       | No, however the proposal is considered an acceptable outcome within the Showground Precinct. Refer to discussion below. |
| Site Coverage                      | The site coverage of future development shall not exceed 50% of the site area (excluding land to be dedicated or | Does not comply –<br><br>Area to be dedicated: 345m <sup>2</sup><br><br>Maximum Site | No, however the proposal is not excessive in respect to site coverage and provides a high quality landscaping           |

|   |   |  |  |
|---|---|--|--|
|   | acquired for a public purpose).   | Coverage: 6015m <sup>2</sup><br><br>Proposed Site Coverage: 53%  | outcome throughout the site. Refer to discussion below.  |
| Building Setbacks                           | Storeys above the fourth storey shall be setback a minimum of 4 metres behind the front building line   | Building 5 is setback 4 metres behind the building line at the fifth storey due to the slope of the land.  | No, however the proposed setback is acceptable taking into consideration the slope of the site. Refer to discussion below.   |
| Landscaping                                 | A minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) shall be landscaped.<br>Terraces and patios within 1 metre of natural ground level shall be included in the calculation of landscaped open space.   | The proposal will have a total landscaped area of 47% of the site area.  | No, however the development proposes a high quality landscaping outcome throughout the site, including within the front setbacks, the central common open space area and on rooftops. Refer to discussion below. |
| Built Form Design                           | On streets with a road reserve of less than 20m the width, the length of the façade shall not exceed 40m. On streets with a road reservation of 20m or greater in width the street frontage shall not exceed 65m.<br><br>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 1 and 5 exceed the maximum permitted façade length. The proposed building lengths are detailed below:<br><br>Building 1: 44 metres<br>Building 2: 35 metres<br>Building 3: 40 metres<br>Building 4: 35 metres<br>Building 5: 42 metres<br>Building 6: 39 metres<br>Building 7: 35 metres | No, however the design of the building has been assessed as exhibiting design excellence in accordance with Clause 9.5 of the LEP. Refer to discussion below.  |
| 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   | The following units will be below street level:<br><br>Building 1: G08<br>Building 4: G04<br>Building 7: G05<br><br>The following units  | No, however the proposal provides residential activation to the streets and adequate amenity to apartments. Refer to discussion below.   |

|                                |   |  |   |
|--------------------------------|---|--|---|
|                                |   | are over 600mm above street level:<br><br>Building 1, G01, G02, G03, G04<br>Building 2: G01<br>Building 3: G01, G03<br>Building 4: G01, G02<br>Building 5: G01, G07<br>Building 6: G01, G05<br>Building 7: G01 |   |
| Solar Access and Overshadowing | Development shall achieve direct sunlight to the principal usable part of the communal open space within the development site for a minimum of 2 hours between 9am and 3pm on 21 June | Does not comply – the central courtyard, which is considered the principal useable part of the communal open space, is predominantly overshadowed throughout the day.  | No, however the proposal provides supplementary rooftop terraces on Buildings 1, 3 and 6 which receive full sunlight on June 21. Refer to discussion below. |

#### **a) Showground Precinct Structure Plan**

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

The proposal includes residential development of up to 9 storeys for 6 of the 7 buildings subject to this application. The applicant has provided the following justification in support of a variation:

*The proposal provides a high level of consistency with the desired future character for residential areas within the Showground Precinct for the following reasons:*

- *The proposed built form is of an appealing scale to pedestrians, appearing as 8 storeys to primary street frontages.*
- *Setbacks as required by both the Hills LEP are providing, namely a generous 10m setback to Fishburn Crescent.*
- *The proposal incorporates a variety of materials and colours which have been endorsed by the DRP along with generous landscaping surrounding the development and internal to the development.*
- *The proposal, located on a sloping site, will act as an appropriate transition of scale from taller development and to the north and north west through locating 9 storey buildings on lower areas of the site.*
- *Thoughtful landscaping throughout the proposal adequately addresses the public domain and street frontages, communal courtyards both at ground level and rooftop level, and within private terraces. The landscaping design brings a sense of nature to the neighbourhoods, ensuring a green look and feel.*
- *The proposal supports tree lined streets, with dense gardens located within the street setbacks.*

#### **Comment:**

The relevant objectives of this DCP control are as follows:

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

The Showground Station Structure Plan is indicative only and has not taken into consideration the additional heights required if the incentive FSR is applied to sites which meet the provisions under Clause 9.7 of LEP 2012. The site has a significant fall from Sexton Avenue to the north, to Fishburn Crescent to the south. The development has been designed to respond to the topography of the site. The proposal meets the provisions for housing diversity as required under Clause 9.7 of LEP 2012 and seeks to utilise the incentive FSR. A Clause 4.6 written variation to the building height development standard has been submitted, and is considered well-founded. A variation to the structure plan is considered acceptable in this instance.

#### **b) Site Coverage**

The DCP requires site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose) and notes that determination of site cover includes driveways, footpaths and other impervious surfaces. The development proposes a total site coverage of 53% of the site area.

#### **Comment:**

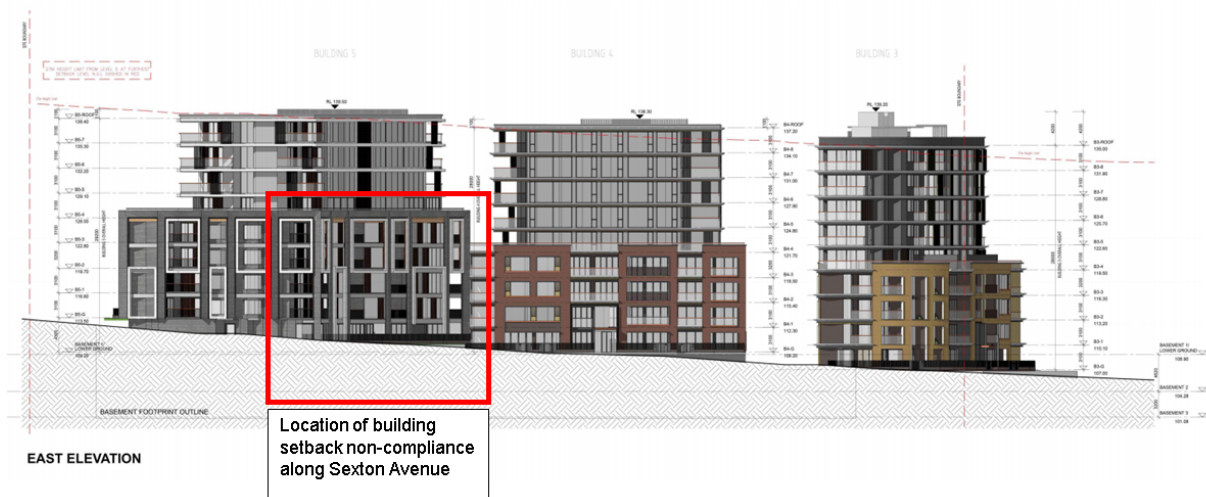
The relevant objectives of this DCP control are as follows:

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

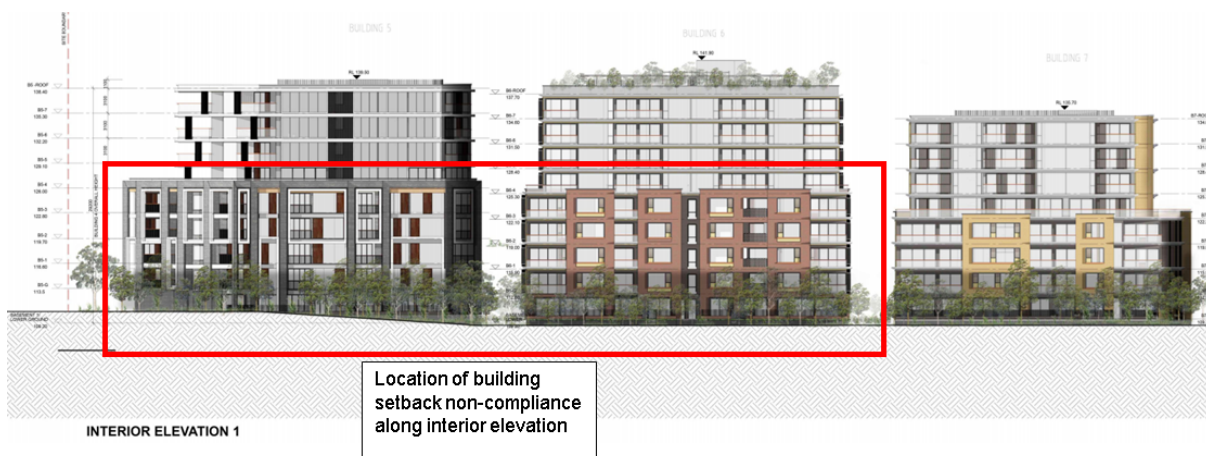
The DCP requires footpaths to be included in the site coverage calculation. If the pedestrian paths through the common areas at ground level were not included in the calculation, the proposal would comply with the control. The proposal provides for an appropriate landscape outcome for the site with 16% deep soil landscaping which is 9% more than the design criteria of the Apartment Design Guide. In addition, the amount and quality of soft landscaping has been substantially increased as recommended by the Design Review Panel. It is considered that the proposal provides sufficient space for landscaping that will complement the building form and enhance the character of the street frontages. A variation to the structure plan is considered acceptable in this instance.

#### **c) Building Setbacks**

The DCP requires that for development within the Showground Precinct, that storeys above the fourth storey shall be setback a minimum of 4 metres behind the front building line. For buildings 5 and 6, the fifth storey and above is setback a minimum of 4 metres behind the front building line (refer to Figure 3 and 4 below).



**Figure 3** – Eastern elevation of Building 5 with variation outlined in red



**Figure 4** – Northern (internal) elevation of Building 5 with elevation outlined in red

The applicant has provided the following justification in support of the variation:

*The technical non-compliance with the DCP is acknowledged, however considered acceptable in the circumstances for the following reasons:*

- *The proposal, being a perimeter development located on a slope, has ensured consistency of streetscape scale through mostly 4 storey podiums.*
- *Where 5 storey podiums have been implemented, they primarily face internal to the development, rather than external to the street, therefore not compromising consistent streetscape appearance.*
- *Additionally, where 5 storey podiums are proposed, they appear as both 4 and 5 storey from the street due to the slope of the site.*
- *Building mass has been addressed through a variety of materials, articulation and treatments as endorsed by the DRP.*
- *Compliant building separation has been provided between all buildings, along with compliant solar access, natural ventilation and the like.*
- *Building corners have addressed both street frontages, with appropriate architectural treatment and generous landscaping*

### **Comment:**

The relevant objectives of this DCP control are as follows:



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

The non-compliant setbacks are generally only visible internally within the site. The development is setback 4 storeys as generally perceived from the public domain (Fishburn Crescent and Sexton Avenue). The development maintains adequate articulation with the upper floors suitably setback behind the building line, reducing building scale and bulk. The proposed variation will not have an adverse impact on the overall streetscape of the Showground Station Precinct. A variation to this control is considered acceptable in this instance.

#### **d) Landscaping**

The DCP requires that a minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) shall be landscaped. Terraces and patios within 1 metre of natural ground level shall be included in the calculation of landscaped open space. The development proposes 47% of the site area to be landscaped, resulting in a variation of 3%.

#### **Comment:**

The relevant objectives of this DCP control are as follows:

- *To maximise opportunities for landscaping, including the retention and/or planting of trees within deep soil areas to ensure a high level of amenity.*
- *To assist with the management of water quality.*
- *To provide communal open space for the enjoyment of residents.*
- *Communal open spaces:*
- *Are accessible, usable and safe;*
- *Enhance the attractiveness of the development;*
- *Provide opportunities for social interaction; and*
- *Create pleasantly shaded outdoor areas.*
- *To ensure development sites have sufficient space for landscaping that will complement the building form and enhance the landscape character of the street.*

It is considered that the proposal provides sufficient space for landscaping that will complement the building form and enhance the landscape character of the street. The proposal is supported by a detailed landscape plan which has provides a satisfactory landscape outcome to the street. Furthermore, the proposal complies with deep soil planting areas per the ADG. Supplementary landscaping is also provided as part of the rooftop terraces on Buildings 1, 3 and 6, and at the podium level for each building to further contribute to the landscape setting of the showground precinct. A variation to the landscape control is considered acceptable in this instance.

#### **e) Built Form Design**

The DCP requires that on road reserves of less than 20 metres in width, the length of the façade shall not exceed 40 metres. The DCP also requires that 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. Fishburn Crescent and Sexton Avenue are local roads with a road width of 17 metres. The proposal includes total building lengths as follows:

|            |           |
|------------|-----------|
| Building 1 | 44 metres |
| Building 2 | 35 metres |
| Building 3 | 40 metres |
| Building 4 | 35 metres |
| Building 5 | 42 metres |
| Building 6 | 39 metres |
| Building 7 | 35 metres |

Buildings 1 and 5 exceed the maximum façade length permitted by the DCP. The applicant has provided the following justification in support of the variation:

*In response to comments provided, building lengths have been reduced. Of the 7 buildings proposed, only 2 buildings present a building length which exceeds 40 metres. Building 5 is 42m in length and building 1 is 45m in length. Whilst these minor exceedances are measured at the longest continual frontage of the building, continuous walls are avoided through the incorporation of articulation and fenestration which has seen the design provide visual appeal when viewing the buildings from the street. The buildings are diversified through slight adjustments in material/colour treatment to each respective building.*

#### **Comment:**

The relevant objective of this control is as follows:

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

The proposal has been reviewed by Council's Design Review Panel. Recommendations made by the Panel to enhance the variation in the expression and materiality presented to the street have been incorporated into the design including breaking up the building mass from 4 buildings to 7 buildings, and the incorporation of a variety of materials and colours that further break up the building mass. The proposal has been amended to exhibit design excellence and achieves a high quality design (refer to Section 6 for discussion). It is noted that the design review panel have advised the following in respect to the façade design:

*The Panel is generally supportive of the revised architectural approach to façade design. The Panel recommends façade treatment be continued around to the internal facades addressing the internal court area.*

In this regard, the proposal meets the intent of the control and the variation is considered satisfactory.

#### **f) Residential Uses on Ground and First Floors**

The DCP requires that ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm. The proposal does not achieve compliance with this control. The the following units will be below street level:

| <b>Building</b> | <b>Unit Number</b> |
|-----------------|--------------------|
| Building 1      | G08                |
| Building 4      | G04                |
| Building 7      | G05                |

The following units are over 600mm above street level:

| Building   | Unit Number        |
|------------|--------------------|
| Building 1 | G01, G02, G03, G04 |
| Building 2 | G01                |
| Building 3 | G01, G03           |
| Building 4 | G01, G02           |
| Building 5 | G01, G07           |
| Building 6 | G01, G05           |
| Building 7 | G01                |

The applicant has provided the following justification in support of the variation:

*Level changes have been evaluated and appropriately graded. POS areas are accessed via stone pavers or steps. Due to the slope of the site, there are some units which have a lower floor level to the adjacent ground, however, the landscaping is mounded/terraced to minimise the impact and maximise natural light. Building 1 Unit G08 has been reviewed, noting the POS is currently facing Fishburn Crescent and steps down approximately 1.2 metres from the streetscape. A retaining wall has been added 3 metres in front of POS creating a lower level of landscape buffer, ensuring both natural light and ventilation is able to enter the unit.*

**Comment:**

The relevant objectives of the control are as follows:

- *To provide residential activation to streets.*
- *To provide for residential identity and legibility.*
- *Encourage the provision of housing for a diversity of dwelling types and users.*
- *To introduce a fine grain built form and architectural diversity within a street block and/or building development.*
- *To provide for future flexibility in use.*

The proposal is considered to provide satisfactory residential activation of the streets irrespective of the variations to the finished floor levels of the ground floor units. With the exception of Unit G08 of Building 1, all ground floor units provide individual access to the street. It is noted that the slope of the site, having an approximate cross-fall of 8 metres from south-east to north-west, makes it difficult to ensure that all ground floor units have a finished floor level between 300mm to 600mm above street level. The proposal is considered to achieve a balanced response to this control taking into consideration the constraints of the site. A variation is considered acceptable in this instance.

**g) Overshadowing**

The DCP requires that developments shall achieve direct sunlight to the principal usable part of the communal open space within the development site for a minimum of 2 hours between 9am and 3pm on 21 June. The proposal does not achieve compliance with this control. The central courtyard, which is considered the principal useable part of the communal open space, is predominantly overshadowed throughout the day as follows:

| Time | Percentage of Solar Access |
|------|----------------------------|
| 9am  | 26.1%                      |
| 10am | 24.9%                      |
| 11am | 8.6%                       |
| 12pm | 0%                         |
| 1pm  | 1.7%                       |

|     |       |
|-----|-------|
| 2pm | 7.2%  |
| 3pm | 10.6% |

The applicant has provided the following justification in support of the variation:

*The development provides supplementary useable common open space areas through the provision of landscaped roof top terraces on Buildings 1, 3 and 6. These common open space areas will achieve full solar access on June 21, and provide a high level amenity for residents of the development. Furthermore, common rooms are provided in Buildings 2, 3 and 6 to supplement the outdoor communal areas. Equitable access to all communal open space areas will be provided – this will be reinforced via condition of consent. A variation to the design criteria is considered acceptable in this instance.*

**Comment:**

The relevant objectives of this control are as follows:

- *To provide adequate solar access to common open spaces and the open space of adjoining properties, so as to ensure a high level of amenity is achieved for both future and adjoining residents.*
- *To ensure that overshadowing from new development does not result in significant loss of sunlight and diminish the enjoyment of public and private open spaces.*
- *To protect, and where possible, increase the level of sunlight to public and private open spaces during the times of the year when outdoor spaces are most commonly used.*
- *To facilitate the equitable sharing of future impacts of new development on the public domain.*

As discussed previously, the development provides supplementary useable common open space areas through the provision of landscaped roof top terraces on Buildings 1, 3 and 6. These common open space areas will achieve full solar access on June 21, and provide a high level amenity for residents of the development. Furthermore, common rooms are provided in Buildings 2, 3 and 6 to supplement the outdoor communal areas. Equitable access to all communal open space areas will be provided – this will be reinforced via condition of consent. A variation to the DCP control is considered acceptable in this instance.

## **8. Internal Referrals**

The application was referred to the following sections of Council:

- Engineering,
- Environmental Health,
- Forward Planning (Contributions),
- Landscaping/Tree Management,
- Land Information Systems,
- Resource Recovery, and
- Traffic.

Relevant comments are provided below:

### **ENGINEERING**

No objection subject to conditions of consent.

### **ENVIRONMENTAL HEALTH**

No objection subject to conditions of consent.

**FORWARD PLANNING (CONTRIBUTIONS)**

No objection subject to conditions of consent.

**LANDSCAPING/TREE MANAGEMENT**

No objection subject to conditions of consent.

**LAND INFORMATION SYSTEMS**

No objection subject to conditions of consent.

**RESOURCE RECOVERY**

No objection subject to conditions of consent.

**TRAFFIC**

Council's Traffic Engineer has raised no objection to the proposal in respect to traffic impact.

It is noted that initial concern was raised with respect to sight distance and safety issues as insufficient information was provided to demonstrate that the proposed driveway location on Sexton Avenue complies with the sight distance requirements. As Sexton Avenue is subject to a 50km/hr speed limit, a minimum sight distance of 40m is required to be provided in accordance with the Absolute Minimum Sight Distances (AMCORD).

In response to the concerns regarding site distance, an amended Traffic Report was provided by the Applicant stating the following:

*Reference should be made to the plans presented in Appendix B demonstrating that a sight distance exceeding 40.0m can be achieved. It is noted that low shrub planting (lower than 600mm in height) or trees with a canopy not obstructing the sight line between an approaching vehicle from the east along Sexton Avenue are to be planted to ensure an unobstructed sight line is maintained east of the proposed driveway.*

Council's Traffic Engineer has reviewed the amended traffic report and raises no objections with the recommendations. A condition of consent will be imposed to ensure that low shrub planting or trees with a canopy not obstructing site lines are proposed in accordance with the submitted Traffic Report and as depicted on the site plan (refer to Condition 1).

**9. External Referrals**

The application was externally referred to the following agencies:

- Endeavour Energy,
- NSW Police, and
- Sydney Water.

Relevant comments are provided below:

**ENDEAVOUR ENERGY**

No objection subject to conditions of consent (refer to Condition 4).

**NSW POLICE**

No objection subject to conditions of consent (refer to Condition 5)

**SYDNEY WATER**

No objection subject to conditions of consent (refer to Condition 6).

## **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 No. 55 – Remediation of Land, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, Local Environmental Plan 2012 and Development Control Plan 2012 and is considered satisfactory subject to conditions of consent.

The variation to the building height development standard is addressed in the report and is considered satisfactory. In respect to the Clause 4.6 Variation request, it is considered that the Applicant's request is well-founded, and the proposed variations result in a development that is consistent with relevant objectives. Compliance with the development standard is unreasonable and unnecessary as outlined in this report. It is considered that there are sufficient environmental grounds to justify the contravention to the building height development standard, and the development is in the public interest as it is consistent with the objectives of the standard and the R4 High Density Residential zone objectives.

The variations to the DCP have been assessed on merit and are considered worthy of support.

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

No submissions were received objecting to the proposed development.

Accordingly, approval is recommended subject to conditions of consent.

## **IMPACTS:**

### **Financial**

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

### **The Hills Future – Community Strategic Plan**

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

### **The Hills Local Strategic Planning Statement**

The Hills Future 2036 Local Strategic Planning Statement was made on 6 March 2020. The proposal has been considered against the outcomes planned within the Local Planning Strategic Planning Statement and Implementation Plan. In particular, Planning Priority 8 seeks to plan for a diversity of housing with access to jobs and services. It is envisaged that the Showground Station Precinct would provide approximately 9,000 additional dwellings by 2036. The 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 for an additional 272 dwellings to the emerging precinct. In this regard, the proposal is considered to be consistent with the outcomes planned under the The Hills Local Strategic Planning Statement.

## RECOMMENDATION

The Development Application be approved subject to the reasons listed below and subject to the following conditions.

Clause 4.3 of the LEP prescribes a maximum height of 27m for the subject site. The proposed development exceeds the maximum building height by 3.7m (13.7%) for Building 1, 900mm (3.2%) for Building 2, 3.5m (12.9%) for Building 3, 1.74m for Building 4 (6.4%), 520mm (1.9%) for Building 5, 3.4m (12.5%) for Building 6. The variation to the development standard can be supported for the following reasons:

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

## GENERAL MATTERS

### 1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include:

- 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.
- All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development.
- Air conditioning condenser units are to be located as documented on the roof and are not to be visible from any part of the surrounding streets and public domain.
- All privacy screens are to be maintained for the life of the development.
- Low shrub planting or trees with a canopy not obstructing site lines are proposed in accordance with the submitted Traffic Report and as depicted on the site plan.

## REFERENCED PLANS AND DOCUMENTS

| DRAWING NO. | DESCRIPTION                  | REVISION | DATE       |
|-------------|------------------------------|----------|------------|
| DA013       | Demolition Plan              | A        | 27/07/2021 |
| DA001       | Site Plan                    | E        | 16/06/2021 |
| DA099       | Basement 4 Plan              | E        | 30/11/2020 |
| DA100       | Basement 3 Plan              | M        | 29/01/2021 |
| DA101       | Basement 2 Plan              | L        | 29/01/2021 |
| DA102       | Basement 1/Lower Ground Plan | J        | 1/07/2021  |
| DA103       | Ground Floor Plan            | N        | 1/07/2021  |
| DA104       | Level 1 Plan                 | J        | 1/07/2021  |
| DA105       | Level 2 Plan                 | I        | 1/07/2021  |
| DA106       | Level 3 Plan                 | I        | 1/07/2021  |
| DA107       | Level 4 Plan                 | I        | 1/07/2021  |
| DA108       | Level 5 Plan                 | I        | 1/07/2021  |

|       |   |   |            |
|-------|---|---|------------|
| DA109 | Level 6 Plan  | I | 1/07/2021  |
| DA110 | Level 7 Plan  | I | 1/07/2021  |
| DA111 | Level 8 Plan  | I | 1/07/2021  |
| DA112 | Roof Plan   | H | 29/01/2021 |
| DA210 | Elevations 1 & 2                                    | H | 1/07/2021  |
| DA211 | Elevations 3 & 4                                    | H | 1/07/2021  |
| DA212 | Interior Elevations                                 | E | 1/07/2021  |
| DA300 | Sections A & B                                      | D | 29/01/2021 |
| DA301 | Sections C & D                                      | D | 29/01/2021 |
| DA302 | Longitudinal Driveway Section                       | E | 29/01/2021 |
| DA303 | Entrance Sections                                   | B | 29/01/2021 |
| DA380 | Storage Diagram_1                                   | C | 1/07/2021  |
| DA381 | Storage Diagram_2                                   | C | 1/07/2021  |
| DA382 | Storage Diagram_3                                   | C | 1/07/2021  |
| DA383 | Storage Diagram_4                                   | C | 1/07/2021  |
| DA384 | Storage Diagram_5                                   | C | 1/07/2021  |
| DA385 | Storage Diagram_6                                   | C | 1/07/2021  |
| DA386 | Storage Diagram_7                                   | C | 1/07/2021  |
| DA387 | Storage Diagram_8                                   | C | 1/07/2021  |
| DA388 | Storage Diagram_9                                   | C | 1/07/2021  |
| DA389 | Storage Diagram_10                                  | C | 1/07/2021  |
| DA800 | Building 1_Colour & Materials Palette               | D | 1/07/2021  |
| DA801 | Building 2_Colour & Materials Palette               | D | 1/07/2021  |
| DA802 | Building 3_Colour & Materials Palette               | D | 1/07/2021  |
| DA803 | Building 4_Colour & Materials Palette               | D | 1/07/2021  |
| DA804 | Building 5_Colour & Materials Palette               | D | 1/07/2021  |
| DA805 | Building 6_Colour & Materials Palette               | D | 1/07/2021  |
| DA806 | Building 7_Colour & Materials Palette               | D | 1/07/2021  |
| DA920 | Fence and Gate Detail                               | A | 29/01/2021 |
| DA922 | Typical POS Divider Detail                          | A | 16/06/2021 |
| DA950 | Proposed Staging Plan                               | B | 29/01/2021 |
| 001   | Ground Level Tree Retention Plan                    | E | 29/06/2021 |
| 002   | Ground Level General Arrangement Plan               | E | 29/06/2021 |
| 004   | Ground Level Grading Plan                           | D | 29/06/2021 |
| 005   | Ground Level General Arrangement Plan               | E | 29/06/2021 |
| 006   | Ground Level Typical 3 Bedroom Private Terrace Plan | E | 29/06/2021 |
| 007   | Ground Level Typical 2 Bedroom Private Terrace Plan | E | 29/06/2021 |
| 008   | Ground Level Typical 1 Bedroom Private Terrace Plan | E | 29/06/2021 |
| 009   | Ground Floor Section A                              | C | 30/06/2021 |
| 010   | Ground Floor Section A Detail                       | D | 30/05/2021 |
| 011   | Ground Floor Section B                              | D | 30/05/2021 |
| 012   | Ground Floor Section B Detail                       | D | 30/05/2021 |
| 013   | Building 1 Communal Rooftop Plan                    | D | 28/05/2021 |
| 014   | Building 1 Communal Rooftop Section A               | D | 28/05/2021 |
| 015   | Building 3 Communal Rooftop Plan                    | D | 28/05/2021 |
| 016   | Building 3 Communal Rooftop Section B               | D | 28/05/2021 |
| 017   | Building 6 Communal Rooftop Plan                    | D | 28/05/2021 |
| 018   | Building 2,4,5 and 7 Non-Accessible Rooftops        | C | 30/05/2021 |
| 019   | Level 4 Private Terraces                            | C | 30/05/2021 |
| 020   | Ground Floor Section C and D                        | B | 30/06/2021 |



|     |   |   |            |
|-----|---|---|------------|
| 100 | Planting Schedule                                     | E | 29/06/2021 |
| 101 | Ground Floor Planting Plan                            | E | 29/06/2021 |
| 102 | Tree Layout Schedule                                  | E | 29/06/2021 |
| 101 | Ground Floor Tree Layout Plan                         | E | 29/06/2021 |
| 104 | Building 1 Communal Rooftop Planting Layout Plan      | D | 29/05/2021 |
| 105 | Building 3 Communal Rooftop Planting Layout Plan      | D | 28/05/2021 |
| 106 | Building 6 Communal Rooftop Planting Layout Plan      | C | 28/05/2021 |
| 107 | Buildings 1, 3 & 6 Communal Rooftop Planting Schedule | D | 28/05/2021 |
| 108 | Level 4 Private Terraces Planting Plan and Schedule   | C | 30/05/2021 |

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

## **2. External Finishes**

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

## **3. Tree Removal**

Approval is granted for the removal of thirty-two (32) trees located and numbered 1-3, 9, 15, 16, 20, 21, 23, 25-29, 31, 32, 38-40, 46, 57-63, 68-71, and 73 within Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 and Ground Level Tree Protection Plan prepared by Urbis Revision E dated 29/06/2021.

The following 22 trees are exempt from Council's tree management guidelines and can be removed without approval: 4, 10, 11, 14, 17, 18, 30, 33-37, 41-45, 47, 50, and 52-54.

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

## **4. Compliance with Endeavour Energy Requirements**

Compliance with the requirements of Endeavour Energy as follows:

- **Network Capacity / Connection**

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regards to whether utility services are available and adequate for the development.

The following is an extract of Endeavour Energy's submission made to Council on 20 February 2018 regarding Exhibition of Draft Development Control Plan, Draft Contributions Plan and Draft Public Domain Plan for the Showground Planned Precinct (Formerly 'Priority Precinct' Within The Sydney Metro Northwest Corridor) (FP223)' which contained the following advice which is also relevant to this Development Application:

*Endeavour Energy's Asset Strategy & Planning Branch whilst not having undertaken a detailed analysis of the Planning Proposal have provided the following advice:*

*The increased dwelling numbers are significant and will require developers to extend and augment the 11,000 volt / 11 kV high voltage network to facilitate connection as per Endeavour Energy's normal customer connection processes.*

*Endeavours present policy is to progressively underground all new residential developments. All new cabling infrastructure must be of an underground*

*construction type. Where existing overhead construction is present in the planned Showground Precinct, it will require undergrounding as the development proceeds.*

*Cheriton Avenue Zone Substation (ZS) located at 35-37 Showground Road Castle Hill, will supply this new load. Cheriton Avenue ZS was designed with space for augmentation to install a third transformer which will increase firm capacity from 45 megavolt amperes (MVA) to 90 MVA.*

*Endeavour Energy will continue to monitor the load growth on Cheriton Avenue ZS and will augment the zone substation at the appropriate time.*

*The upgrade of the zone substation is not a prerequisite for rezoning and new development proceeding.*

In regards to the electricity supply to the site, the availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Padmount can accommodate loads from 315 kilovolt amperes (kVA) up to 1,500 kVA ie. there is a significant variation in the number and type of premises able to be connected to a substation. Padmount substation no. 3129 located to the site currently has 90 customer connection points servicing 94 premises. It is not intended to or capable of supplying the additional electrical load for a significant urban development

Applicants should not automatically assume that the presence of existing electricity infrastructure or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. The existing padmount substations in the locality are not capable of or intended to service a significant urban residential development. Given the large size of the proposed development (294 dwellings replacing 13 existing dwellings), an extension and/or augmentation of the existing local network will be required. However the full extent of the work required to the local network to facilitate the proposed development will not be determined until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as redevelopment of urban areas continues to occur.

Endeavour Energy has noted that from the Architectural Plans that provision has been made for two padmount substations on the south eastern corner of the site.

Endeavour Energy's general requirements is for a single padmount substation easement to have a minimum size of 2.75 x 5.5 metres, should be at ground level and have direct access from a public street (unless provided with a suitable easement for right of access). There is also a restriction for fire rating (which usually extends 3 metres horizontally from the base of the substation footing, and 6 metres vertically from the same point and also has regard to any structures etc. attached to the building that may spread a fire). In addition there may also be a restriction required for swimming pools and spas (which extends 5 metres from the easement).

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that

satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application. In this instance given the apparent proposal to decommission the existing padmount substation on the site consideration must be given to the retention of the supply to the other customers serviced from the substation.

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

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

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 ASP approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service> .

- **Urban Network Design**

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development:

- **Streetlighting**

With the significant increase in both vehicular and pedestrian traffic, given the existing streetlighting is designed for a non-urban environment, the streetlighting for the proposed

development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

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

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

#### ☐ Earthing

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

#### • **Easement Management / Network Access**

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

- o Not install or permit to be installed any services or structures within the easement site.
- o Not alter the surface level of the easement site.
- o Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, , Jeffrey Smith, on direct telephone 9853 7139 or alternately email [Jeffrey.Smith@endeavourenergy.com.au](mailto:Jeffrey.Smith@endeavourenergy.com.au) or [Easements@endeavourenergy.com.au](mailto:Easements@endeavourenergy.com.au)

For further information please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Please also find attached for the applicant's reference a copy of Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

- **Prudent Avoidance**

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise (both overhead power lines and transformers can produce an audible sound or buzz as a side effect of carrying electricity) which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Even then noise levels can vary and people perceive sounds differently so to minimise any potential exposure to intrusive noise, the siting towards the electricity infrastructure of less susceptible uses such as garages, non-habitable or rooms not regularly occupied in the dwelling / building is recommended. This will also assist in reducing exposure to EMF.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise applicants and Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

*Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.*

*The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.*

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity

infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Dial Before You Dig**

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

- **Asbestos**

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

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

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

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

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

- **Removal of Electricity Supply**

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- o The disconnection and removal of an underground service cable or overhead service line,
- o Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. streetlight columns, power poles, overhead power lines and underground cables etc.

- **Public Safety**

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

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

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au) .

- **Emergency Contact**

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

## **5. Compliance with NSW Police Requirements**

Compliance with the requirements of the NSW Police attached to this consent.

## **6. Compliance with Sydney Water Requirements**

Compliance with the requirements of Sydney Water attached to this consent.

## **7. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

For all planting on slab and planter boxes the following minimum soil depths must be achieved:

- 1.2m for large trees, 1m for medium and 800mm for small trees

- 400-600mm for shrubs
- 200-450mm for ground covers; and
- 200mm for turf.

On-site stormwater detention (OSD) are not to be exposed within street setbacks. Soil mounding to the above depths must be utilised to ensure OSD walls are not visible from the street.

A minimum of half of the five hundred and ninety-nine (599) *Monstera deliciosa* plants are to be substituted for less invasive alternative such as one of the following:

- *Philodendron selloum* - Split Leaf Philodendron
- *Alocasia macrorrhizos* - Giant Taro
- *Alpinia zerumbet* - Shell Ginger
- *Fatsia japonica* - Japanese aralia

All *Raphiolepis indica* plants are to be a cultivar bred to be less invasive such as any of the following:

- 'Cosmic White'
- 'Cosmic Pink'
- 'Oriental Pearl'
- 'Snow Maiden'

Additional shrub planting alongside the *Banksia robur* is to be provided forward of the substations to the south west between the substations and the boundary outside of the required easement. A minimum of six (6) of any of the following are to be provided:

- *Doryanthes excelsa* - Gynea Lily
- *Westringia fruticosa* - Coastal Rosemary
- *Grevillea rosmarinifolia* - Rosemary Grevillea

## **8. Air Conditioning Condenser Units**

Air conditioning condenser units must be located on the roof and are not visible from any part of the surrounding streets and public domain.

## **9. Provision of Parking Spaces**

The development is required to be provided with a minimum of 367 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

## **10. Separate application for signs**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

## **11. Separate Application for Strata Subdivision**

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

## **12. Protection of Public Infrastructure**

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



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

### **13. Vehicular Access and Parking**

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

### **14. Vehicular Crossing Request**

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

### **15. Minor Engineering Works**

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

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

#### **a) Driveway Requirements**

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

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

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

#### **b) Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this

includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

**c) Concrete Footpath Paving**

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

**d) Concrete Cycleway/ Shared Path**

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing cycleway/ shared path adjacent in accordance with the above documents.

**e) Footpath Verge Formation**

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

**f) Site Stormwater Drainage**

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

**g) Service Conduits**

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

**16. Excavation/ Anchoring Near Boundaries**

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to support excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifier and included as part of any Construction Certificate or Occupation Certificate issued.

**17. Road Opening Permit**

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by

Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

### **18. Construction Certificate**

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

### **19. Building Work to be in Accordance with BCA**

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### **20. Contamination**

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

### **21. Air Conditioner Location**

The air-conditioning unit location is to be as shown on the approved plans or is to comply with the criteria of exempt development as outlined in the SEPP - Exempt & Complying Development Codes 2008.

You are reminded that the air conditioning must be designed so as not to operate:

- (i) between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

### **22. Litter Control**

A sufficient number of litter bins must be provided on the premises for litter disposal.

### **23. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as 20130066.1/3005A/R0/AR, dated 30 May 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

### **24. Retention of Trees**

Trees numbered 5, 6, 22, 48, 49, 51, 64, 65, 66, and 74 within the site and on the adjoining Council Nature Strip are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 and the following additional requirements:

- All hard surfaces to be installed within the Tree Protection Zones (TPZs) of Trees 5, 6, 22, 64 and 66 must be installed above grade to minimise excavation and root disturbance.
- Any amendments to stormwater plans must ensure pits and pipes are located outside of the TPZs of trees to be retained and protected.
- Tree Protection Fencing in accordance with the Tree Management Plans within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 is to be installed and certified to have been supervised by the Project Arborist prior to demolition.
- The relocation of any tree protection fencing is only to be undertaken under direct supervision of the project Arborist. All works to be undertaken when fencing has been

moved must be supervised by the Project Arborist and be certified to have been undertaken under Arborist supervision.

#### **25. Control of early morning noise from trucks**

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

#### **26. Control of Noise from Trucks**

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

#### **27. Secure Properties and Maintain Vegetation**

The houses that are currently located on the development site are to be made secure so that the public cannot access the house or dump rubbish on the land. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the properties is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and / or unhealthy environment.

#### **28. Imported 'Waste Derived' Fill Material**

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

#### **29. Provision of Kitchen Waste Storage Cupboard**

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

#### **30. Tree Removal on Public Land**

Approval is granted for the removal of three (3) trees numbered 23, 62, and 63 in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 located on the Council nature strip that will be impacted by works associated with the development.

Additional street tree/shrubs not identified on the survey or in the Arborist Report that are approved for removal are:

- 1 located within the nature strip fronting 26 Fishburn Avenue (note there is also 1 street tree number 74 to be retained fronting this lot)
- 3 located within the nature strip fronting 34 Fishburn Avenue
- 4 located within the nature strip of 6 Sexton Avenue (note there are also street trees numbered 64, 65, and 66 to be retained fronting this lot)
- 1 located within the nature strip fronting 10 Sexton Avenue

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

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

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

### **31. Adherence to Waste Management Plan**

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

[www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

### **32. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit

the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

### **33. Communal Composting Areas**

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

### **34. Management of Construction and/or Demolition Waste**

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

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

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

### **35. Provision of Waste Chute System**

The development must incorporate 2 x twin chute systems which allow separate chute disposal of both garbage and recycling. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the waste storage rooms. Garbage must discharge into 1100 litre bins housed on 2-bin conveyor with compactor (2:1 compaction ratio) and recyclables must discharge into 1 x 1100 litre bin positioned directly underneath the chute (no carousel or linear conveyor system). The waste chute system must be maintained in accordance with manufactory standards.

### **36. Provision of Bin Cupboards**

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal or a third waste stream. The cupboards must be sized to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

### **37. Disposal of Surplus Excavated Material**

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

### **38. Commencement of Domestic Waste Service**

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

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

### **39. Construction of Waste Storage Areas**

The waste storage areas must be designed and constructed in accordance with the following requirements. The seven waste discharge chute rooms must comfortably contain a 2 bin (1100 litre) linear track with compactor for garbage and 1 x 1100 litre recycle bin placed underneath the chute with no compaction. Garbage must be compacted at a ratio of 2:1, which no compaction permitted for recycling.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The garbage rooms must have a waste servicing door, with a minimum clear floor width of 1.5m.
- All doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage areas are to complement the design of the development.

### **Example Bin Measurements (mm)**

1100L: 1245 (d) 1370 (w) 1470 (h)

### **40. Construction of Waste Holding Room**

The waste storage area, also known as the central bin collection room, must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 17 x 1100 litre garbage and 17 x 1100 litres recycle bins.

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

- The layout of the waste storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred). The waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- The waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the waste storage area.
- All doors of the waste storage area, when fully opened, must be flush with the outside wall and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area, it is not to conflict with the space designated for the placement of bins.
- The waste storage area must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

#### **Example Bin Measurements (mm)**

1100L: 1245 (d) 1370 (w) 1470 (h)

#### **41. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments**

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

**The primary property address for this development is: 10 Fishburn Crescent Castle Hill Building 1 – 10 Sexton Ave Castle Hill**



**Building 2 – 8 Sexton Ave Castle Hill**

**Building 3 – 6 Sexton Ave Castle Hill**

**Building 4 – 4 Sexton Ave Castle Hill**

**Building 5 – 14 Fishburn Crescent Castle Hill**

**Building 6 – 12 Fishburn Crescent Castle Hill**

**Building 7 – 10 Fishburn Crescent Castle Hill**

Approved unit numbering is as per plans submitted marked as DWG No:DA102 – DA111, Dated:2/5/2019 marked up within consent documentation; and as follows: Unit numbering commences at Building 3, Stage 1, left of the lifts for all levels.

#### **Buildings**

| <b>Level</b>        | <b>One</b>     | <b>Two</b>     | <b>Three</b>   | <b>Four</b>    | <b>Five</b>    | <b>Six</b>     | <b>Seven</b>   |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Lower Ground</b> | <b>N/A</b>     | <b>N/A</b>     | <b>N/A</b>     | <b>N/A</b>     | <b>LG01-03</b> | <b>LG04-07</b> | <b>N/A</b>     |
| <b>Ground</b>       | <b>G29-36</b>  | <b>G37-39</b>  | <b>G01-04</b>  | <b>G05-10</b>  | <b>G11-17</b>  | <b>G18-22</b>  | <b>G23-28</b>  |
| <b>1</b>            | <b>131-138</b> | <b>139-144</b> | <b>101-106</b> | <b>107-112</b> | <b>113-119</b> | <b>120-124</b> | <b>125-130</b> |
| <b>2</b>            | <b>234-242</b> | <b>243-248</b> | <b>201-206</b> | <b>207-212</b> | <b>213-220</b> | <b>221-226</b> | <b>227-233</b> |
| <b>3</b>            | <b>334-342</b> | <b>343-348</b> | <b>301-306</b> | <b>307-312</b> | <b>313-320</b> | <b>321-326</b> | <b>327-333</b> |
| <b>4</b>            | <b>418-421</b> | <b>422-424</b> | <b>401-403</b> | <b>404-406</b> | <b>407-409</b> | <b>410-414</b> | <b>415-417</b> |
| <b>5</b>            | <b>518-521</b> | <b>522-524</b> | <b>501-503</b> | <b>504-506</b> | <b>507-509</b> | <b>510-514</b> | <b>515-517</b> |
| <b>6</b>            | <b>618-621</b> | <b>622-624</b> | <b>601-603</b> | <b>604-606</b> | <b>607-609</b> | <b>610-614</b> | <b>615-617</b> |
| <b>7</b>            | <b>718-721</b> | <b>722-724</b> | <b>701-703</b> | <b>704-706</b> | <b>707-709</b> | <b>710-714</b> | <b>715-717</b> |
| <b>8</b>            | <b>807-810</b> | <b>811-813</b> | <b>801-803</b> | <b>804-806</b> | <b>N/A</b>     | <b>N/A</b>     | <b>N/A</b>     |

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

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

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

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

#### **Mail Boxes**

Cluster mail boxes are to be located as shown on plans submitted marked as DWG No:DA103, Rev: K, Dated: 02/05/2019 marked up within consent documentation.

Cluster mail boxes are to be located within the site, perpendicular to the street on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building 7 - 10 Fishburn Crescent Castle Hill.

#### **Strata Developments**

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

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to [council@thehills.nsw.gov.au](mailto:council@thehills.nsw.gov.au) for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

## 42. Section 7.11 Contribution

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

Payments comprise of the following:-

### Stage 1 –

|                                | Purpose: 1<br>bedroom<br>unit | Purpose: 2<br>bedroom unit | Purpose: 3<br>bedroom unit | Purpose:<br>Credit  | No. of 1 Bedroom<br>Units: 19 | No. of 2<br>Bedroom Units:<br>46 | No. of 3<br>Bedroom Units:<br>11 | Sum of Units           | No. of Credits:<br>13 | Total S7.11          |
|--------------------------------|-------------------------------|----------------------------|----------------------------|---------------------|-------------------------------|----------------------------------|----------------------------------|------------------------|-----------------------|----------------------|
| Open Space - Land              | \$ 4,392.23                   | \$ 6,149.11                | \$ 7,613.19                | \$ 9,955.37         | \$ 83,452.42                  | \$ 282,858.99                    | \$ 83,745.05                     | \$ 450,056.45          | \$ 129,419.75         | \$ 320,636.70        |
| Open Space - Capital           | \$ 2,220.12                   | \$ 3,108.17                | \$ 3,848.21                | \$ 5,032.11         | \$ 42,182.24                  | \$ 142,975.77                    | \$ 42,330.29                     | \$ 227,488.30          | \$ 65,417.37          | \$ 162,070.94        |
| Transport Facilities - Land    | \$ 1,092.38                   | \$ 1,529.32                | \$ 1,893.45                | \$ 2,475.97         | \$ 20,755.16                  | \$ 70,348.78                     | \$ 20,827.82                     | \$ 111,931.85          | \$ 32,187.56          | \$ 79,744.30         |
| Transport Facilities - Capital | \$ 1,699.88                   | \$ 2,379.83                | \$ 2,946.46                | \$ 3,852.93         | \$ 32,297.71                  | \$ 109,472.35                    | \$ 32,411.02                     | \$ 174,181.09          | \$ 50,088.03          | \$ 124,093.06        |
| Water Management - Capital     | \$ 443.83                     | \$ 621.36                  | \$ 769.31                  | \$ 1,005.98         | \$ 8,432.69                   | \$ 28,582.59                     | \$ 8,462.41                      | \$ 45,477.69           | \$ 13,077.79          | \$ 32,399.90         |
| Administration                 | \$ 58.40                      | \$ 81.79                   | \$ 101.26                  | \$ 132.40           | \$ 1,109.69                   | \$ 3,762.39                      | \$ 1,113.85                      | \$ 5,985.93            | \$ 1,721.20           | \$ 4,264.73          |
| <b>Total</b>                   | <b>\$ 9,906.84</b>            | <b>\$ 13,869.58</b>        | <b>\$ 17,171.87</b>        | <b>\$ 22,454.75</b> | <b>\$ 188,229.91</b>          | <b>\$ 638,000.88</b>             | <b>\$ 188,890.53</b>             | <b>\$ 1,015,121.32</b> | <b>\$ 291,911.69</b>  | <b>\$ 723,209.63</b> |

### Stage 2

|                                | Purpose: 1<br>bedroom<br>unit | Purpose: 2<br>bedroom unit | Purpose: 3<br>bedroom unit | No. of 1<br>Bedroom Units:<br>23 | No. of 2 Bedroom<br>Units: 41 | No. of 3<br>Bedroom Units:<br>27 | Total S7.11            |
|--------------------------------|-------------------------------|----------------------------|----------------------------|----------------------------------|-------------------------------|----------------------------------|------------------------|
| Open Space - Land              | \$ 4,392.23                   | \$ 6,149.11                | \$ 7,613.19                | \$ 101,021.34                    | \$ 252,113.45                 | \$ 205,556.02                    | \$ 558,690.81          |
| Open Space - Capital           | \$ 2,220.12                   | \$ 3,108.17                | \$ 3,848.21                | \$ 51,062.71                     | \$ 127,434.93                 | \$ 103,901.62                    | \$ 282,399.26          |
| Transport Facilities - Land    | \$ 1,092.38                   | \$ 1,529.32                | \$ 1,893.45                | \$ 25,124.67                     | \$ 62,702.17                  | \$ 51,123.07                     | \$ 138,949.91          |
| Transport Facilities - Capital | \$ 1,699.88                   | \$ 2,379.83                | \$ 2,946.46                | \$ 39,097.23                     | \$ 97,573.18                  | \$ 79,554.33                     | \$ 216,224.75          |
| Water Management - Capital     | \$ 443.83                     | \$ 621.36                  | \$ 769.31                  | \$ 10,208.00                     | \$ 25,475.79                  | \$ 20,771.36                     | \$ 56,455.15           |
| Administration                 | \$ 58.40                      | \$ 81.79                   | \$ 101.26                  | \$ 1,343.30                      | \$ 3,353.44                   | \$ 2,734.00                      | \$ 7,430.74            |
| <b>Total</b>                   | <b>\$ 9,906.84</b>            | <b>\$ 13,869.58</b>        | <b>\$ 17,171.87</b>        | <b>\$ 227,857.26</b>             | <b>\$ 568,652.96</b>          | <b>\$ 463,640.40</b>             | <b>\$ 1,260,150.61</b> |

### Stage 3

|                                | Purpose: 1<br>bedroom<br>unit | Purpose: 2<br>bedroom unit | Purpose: 3<br>bedroom unit | No. of 1<br>Bedroom Units:<br>32 | No. of 2 Bedroom<br>Units: 70 | No. of 3<br>Bedroom Units:<br>26 | Total S7.11            |
|--------------------------------|-------------------------------|----------------------------|----------------------------|----------------------------------|-------------------------------|----------------------------------|------------------------|
| Open Space - Land              | \$ 4,392.23                   | \$ 6,149.11                | \$ 7,613.19                | \$ 140,551.44                    | \$ 430,437.60                 | \$ 197,942.84                    | \$ 768,931.87          |
| Open Space - Capital           | \$ 2,220.12                   | \$ 3,108.17                | \$ 3,848.21                | \$ 71,043.77                     | \$ 217,571.83                 | \$ 100,053.41                    | \$ 388,669.01          |
| Transport Facilities - Land    | \$ 1,092.38                   | \$ 1,529.32                | \$ 1,893.45                | \$ 34,956.06                     | \$ 107,052.49                 | \$ 49,229.62                     | \$ 191,238.17          |
| Transport Facilities - Capital | \$ 1,699.88                   | \$ 2,379.83                | \$ 2,946.46                | \$ 54,396.15                     | \$ 166,588.36                 | \$ 76,607.88                     | \$ 297,592.39          |
| Water Management - Capital     | \$ 443.83                     | \$ 621.36                  | \$ 769.31                  | \$ 14,202.43                     | \$ 43,495.24                  | \$ 20,002.05                     | \$ 77,699.73           |
| Administration                 | \$ 58.40                      | \$ 81.79                   | \$ 101.26                  | \$ 1,868.94                      | \$ 5,725.38                   | \$ 2,632.74                      | \$ 10,227.07           |
| <b>Total</b>                   | <b>\$ 9,906.84</b>            | <b>\$ 13,869.58</b>        | <b>\$ 17,171.87</b>        | <b>\$ 317,018.79</b>             | <b>\$ 970,870.90</b>          | <b>\$ 446,468.54</b>             | <b>\$ 1,734,358.23</b> |

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

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

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 19.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

#### **43. Permeable Paving**

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

#### **44. Use of Communal Rooms**

The areas identified as communal rooms within Buildings 2, 3 and 6 shall not be used or converted to be used for habitation purposes.

#### **45. Irrigation**

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

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **46. Design Verification**

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

#### **47. Onsite Stormwater Detention – Hawkesbury River Catchment Area**

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

The stormwater concept plan prepared by Smart Structures Australia, Project No. 180264, Drawing D00-D20, D25 and D26 Revision Various dated 25.01.21 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

- a) Maximum by pass for site is 15%. Stormwater plans to be amended to reduce the bypassing areas.
- b) Overflow from OSD to be clearly shown to ensure in the event of a blockage of the orifice water will be directed to street drainage
- c) The stormwater plan shall be amended to be consistent with the landscape plans and the architectural plans.
- d) The stormwater pits over the OSD tanks must remain unobstructed/remains accessible. Any proposed planter boxes/garden beds over the OSD tank shall be designed to comply with this requirement.
- e) Only RCP pipes are permitted within council's road reserve.

Water sensitive urban design elements, consisting of PSorb Cartridges, Oceanguard filters and rainwater tanks, are to be located generally in accordance with the plans and information submitted with the application.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The

modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided.

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

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

#### **48. Stormwater Pump/ Basement Car Park Requirements**

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

#### **49. Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$462480 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (615m) multiplied by the width of the road (8m).

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

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

#### **50. Security Bond – External Works**

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

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

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

### **51. Engineering Works**

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

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

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept External Civil Works Plan prepared by Smart Structures Australia Revision Various Dated 14.05.2020 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

#### **a) Indented Parking Bays/ Road Widening (Showground Precinct)**

The entire site frontage to Fishburn Crescent must be reconstructed including footpath paving, stormwater drainage adjustments and any other ancillary work to make this construction effective.

The existing footpath verge must be widened by 2m (and this road widening dedicated to the public). Within this widened verge the required formation must generally be in accordance with Council's Showground Precinct Public Domain Plan, Council's Showground Precinct Verge Treatment Detail/ Plans dated 15 February 2019, the above documents and Council's standard drawings/ details relating to these works.

The pedestrian pavement type and street lighting category must match the Showground Precinct Public Domain Plan.

### **52. Security Bond Requirements**

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

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

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

### **53. Erosion and Sediment Control/ Soil and Water Management Plan**

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

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

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

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

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

An INSERT is required for this development.

#### **54. Amended Landscape Plan**

An amended Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or designer if changes to either or both of the On-site Stormwater Detention (OSD) is undertaken which affects any of the following:

- The extent or location of the OSDs
- The depth of the OSDs
- Changes to pit locations, or levels

Stormwater plans and landscape plans must be consistent, such as the RL of pits within garden beds.

The amended Landscape plans are required to be submitted to the satisfaction of Council's Manager - Environment and Health prior to the issue of Construction Certificate.

#### **55. Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)**

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

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

In particular the acoustic statement shall detail that all recommendations contained within the DA Acoustic Report prepared by Acoustic Logic, with reference number 20190066.1/3005A/R0/AR and dated 30 May 2019, have been included in the construction plans of the development.

#### **56. Erosion & Sediment Control Plan**

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

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles

- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

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

#### **57. Internal Pavement Design Certification**

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

#### **58. Construction Management Plan (Staged Applications)**

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

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **59. Sydney Water Building Plan Approval**

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

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

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

#### **60. Tree Protection Fencing**

Prior to any works commencing on site, including demolition, Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing and ground protection shall be in accordance with the Tree Management Plan within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021.

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

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

Tree protection Fencing is to be installed and certified to have been supervised by the Project Arborist prior to demolition.

The relocation of any tree protection fencing is only to be undertaken under direct supervision of the project Arborist. All works to be undertaken when fencing has been moved must be supervised by the Project Arborist and be certified to have been undertaken under Arborist supervision.

#### **61. Tree Protection Signage**

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

#### **62. Mulching within Tree Protection Zone**

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

#### **63. Trenching within Tree Protection Zone**

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

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

#### **64. Separate OSD Detailed Design Approval**

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

#### **65. Property Condition Report – Public Assets**

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

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

#### **66. Dust Management Plan – Major Subdivision Works**

A site specific dust management plan must be developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Speed control on haul routes.
- Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Jute matting of the core riparian zone within any creeks/ riparian corridors.



- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

#### **67. Traffic Control Plan**

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

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

#### **68. Management of Building Sites**

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

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

#### **69. Consultation with Service Authorities**

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

#### **70. Approved Temporary Closet**

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

#### **71. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

#### **72. Stabilised Access Point**

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

#### **73. Details and Signage - Principal Contractor and Principal Certifier**

##### **Details**

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

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

### **Signage**

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

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

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

### **74. Notification of Asbestos Removal**

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

### **75. Engagement of a Project Arborist**

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

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

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

### **76. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

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

### **77. Site Water Management Plan**

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

### **78. Erosion & Sediment Control Plan Kept on Site**

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

### **79. Demolition Works and Asbestos Management**

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or

fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

#### **80. Discontinuation of Domestic Waste Services**

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

#### **81. Construction and/or Demolition Waste Management Plan Required**

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

### **DURING CONSTRUCTION**

#### **82. Standard of Works**

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

#### **83. Working Hours**

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

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

#### **84. Hours of Work**

Work on the project to be limited to the following hours: -

**Monday to Saturday - 7.00am to 5.00pm;**

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

#### **85. Roof Water Drainage**

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

#### **86. Survey Report and Site Sketch**

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey

shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

#### **87. Compliance with BASIX Certificate**

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1026011M\_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

#### **88. Critical Stage Inspections and Inspections Nominated by the Principal Certifier**

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

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

#### **89. Landscaping Works**

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

#### **90. Stockpiles**

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

#### **91. Asbestos Removal**

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

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

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

#### **92. Dust Management Plan**

Due to the size of the area being disturbed by the works and the fact that the development site is surrounded by residential properties, a site specific Dust Management Plan (DMP) is to be prepared by a suitably qualified and experienced construction management consultant and submitted to Council for review. The dust management plan shall address/ include the following matters at a minimum:

- Water carts must be used to regularly wet down exposed areas. The number of water carts on site at all times (and additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- A sprinkler/ misting system along the perimeter of the site.

- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Vehicle speed control on access routes.
- Stockpile management such as location, orientation, volume and height must be carefully considered to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- The DMP must also demonstrate how the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

### **93. Project Arborist**

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

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

The relocation of any tree protection fencing is only to be undertaken under direct supervision of the project Arborist. All works to be undertaken when fencing has been moved must be supervised by the Project Arborist and be certified to have been undertaken under Arborist supervision.

### **94. Rock Breaking Noise**

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

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

### **95. Construction Noise**

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

### **96. Contamination**

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

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

### **97. Construction Management Plan**

The recommendations of the Construction Management Plan, prepared by Ceerose Pty Limited, referenced as The Island Construction Management Plan and dated July 2019 are to be implemented as part of this approval.

## **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

### **98. Landscaping Prior to Issue of any Occupation Certificate**

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

### **99. Design Verification Certificate**

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

### **100. Completion of Engineering Works**

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

### **101. Public Road/ Road Widening Dedication**

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

### **102. Consolidation of Allotments**

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

### **103. Pump System Certification**

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a hydraulic engineer.

### **104. Stormwater Management Certification**

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

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

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

### **105. Creation of Restrictions/ Positive Covenants**

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

**a) Restriction/ Positive Covenant – Onsite Stormwater Detention**

The subject site must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.

**b) Restriction/ Positive Covenant – Water Sensitive Urban Design**

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

**c) Positive Covenant – Stormwater Pump**

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

**d) Positive Covenant – Onsite Waste Collection**

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

**e) Restriction – Bedroom Numbers**

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

**106. Performance/ Maintenance Security Bond**

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

**107. Section 73 Compliance Certificate**

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

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

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

**108. Provision of Electrical Services**

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

**109. Provision of Telecommunication Services**

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

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

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

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

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

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

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

#### **110. Privacy Screening**

Privacy screening is to be provided to the habitable rooms of the dwelling, as shown on the approved plans, prior to the issue of an Occupation Certificate. All privacy screens shall be maintained for the life of the development.

#### **111. Regulated Systems**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

The regulated system is to be registered with Council by submitting an Application for Registration of Regulated Water Cooling/Warm Water Systems, available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) prior to commissioning.

#### **112. Clearance Certificate**

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

#### **113. Internal Pavement Construction**

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

#### **114. Final Inspection of Waste Storage Area(s)**

Prior to any Occupation Certificate being issued, a final inspection of the waste storage area(s) and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council and its



Domestic Waste Collection Contractor. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

#### **115. Provision of Signage for Waste Storage Areas**

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

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

#### **116. Waste Chute System Installation Compliance Certificate**

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.

#### **117. Installation of Master Key System to Waste Collection Room**

The door/s servicing the waste bin collection room/s must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. Waste servicing room doors are doors used by waste collectors to access bins for collection purposes. Installation of the locking system is to be completed prior to the issue of any Occupation Certificate. The Master Key lock is to be installed through Council's contractor at the cost of developer. Please contact Council's Resource Recovery Project Officer to make the necessary arrangements.

### **THE USE OF THE SITE**

#### **118. Maintenance of Landscaping Works**

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

#### **119. Offensive Noise**

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

#### **120. Lighting**

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

#### **121. Offensive Noise - Acoustic Report**

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

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

### **122. Waste and Recycling Management**

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

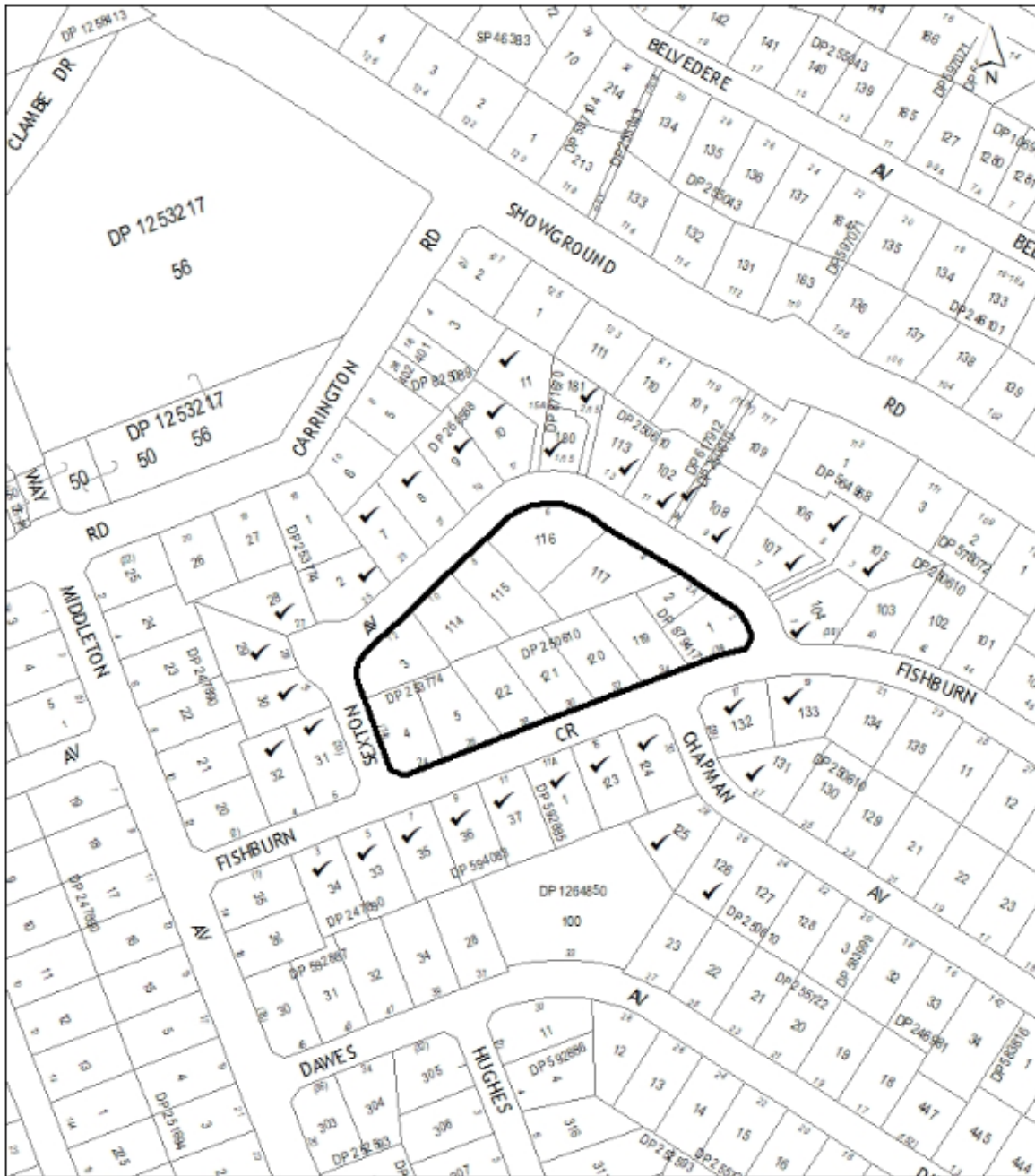
### **123. Access to Communal Areas**

All communal areas (including rooftop communal open space and communal rooms) shall be accessible to all residents of the development. Keying / access control must permit all residents to reach the communal areas.

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height Map
5. LEP Floor Space Ratio (Incentive) Map
6. Site Plan
7. Floor Plans
8. Elevations
9. Sections
10. Shadow Diagrams
11. Sun Eye Diagrams
12. Finishes Schedule
13. Perspectives
14. Proposed Staging Plan
15. Building Height Plane
16. Clause 4.6 Variation
17. Design Review Panel Minutes

## ATTACHMENT 1 – LOCALITY PLAN



☐ SUBJECT SITE

✓ PROPERTIES NOTIFIED

**THE HILLS**  
Sydney's Garden Shire

### THE HILLS SHIRE COUNCIL

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

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

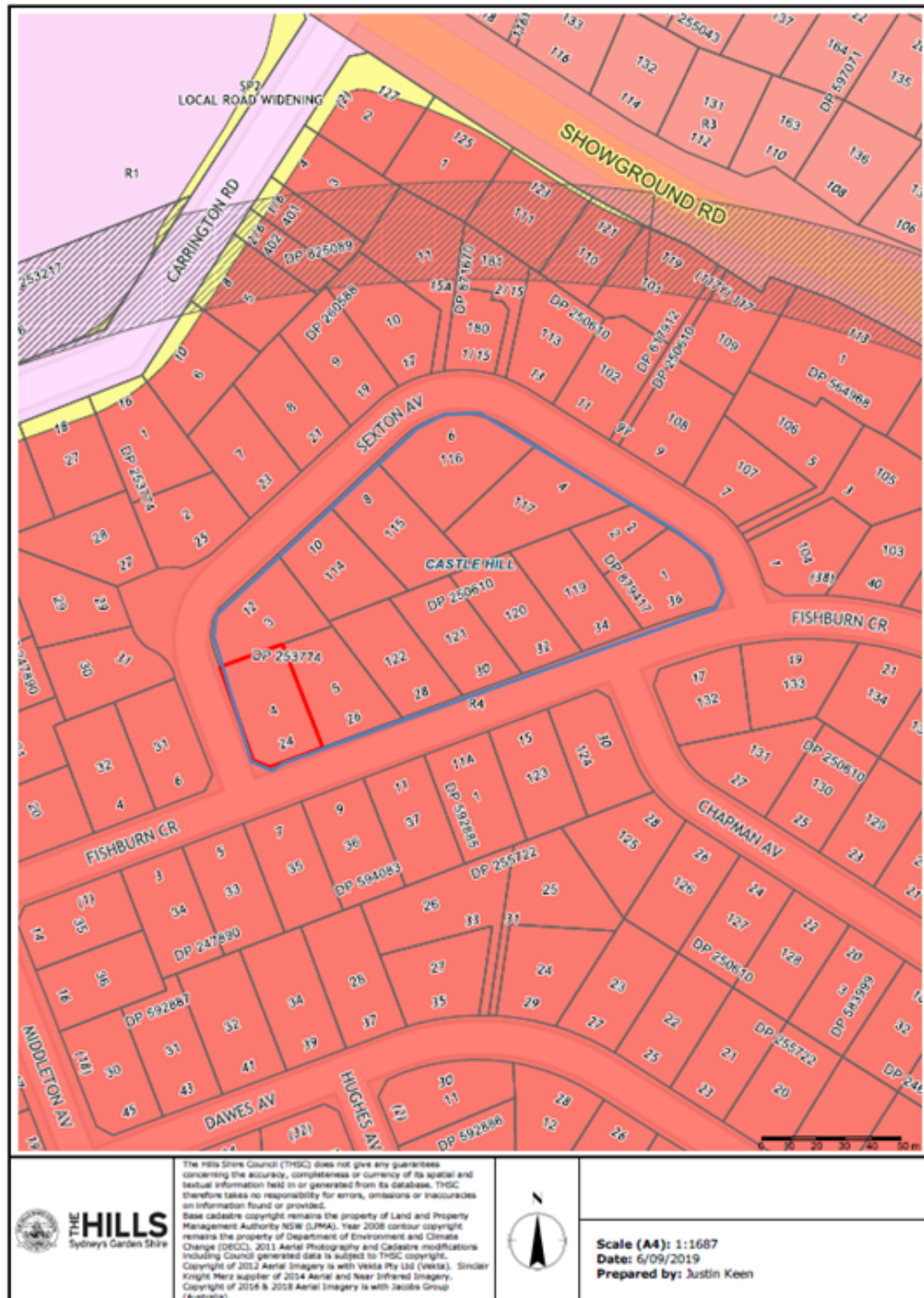


## ATTACHMENT 2 – AERIAL PHOTOGRAPH



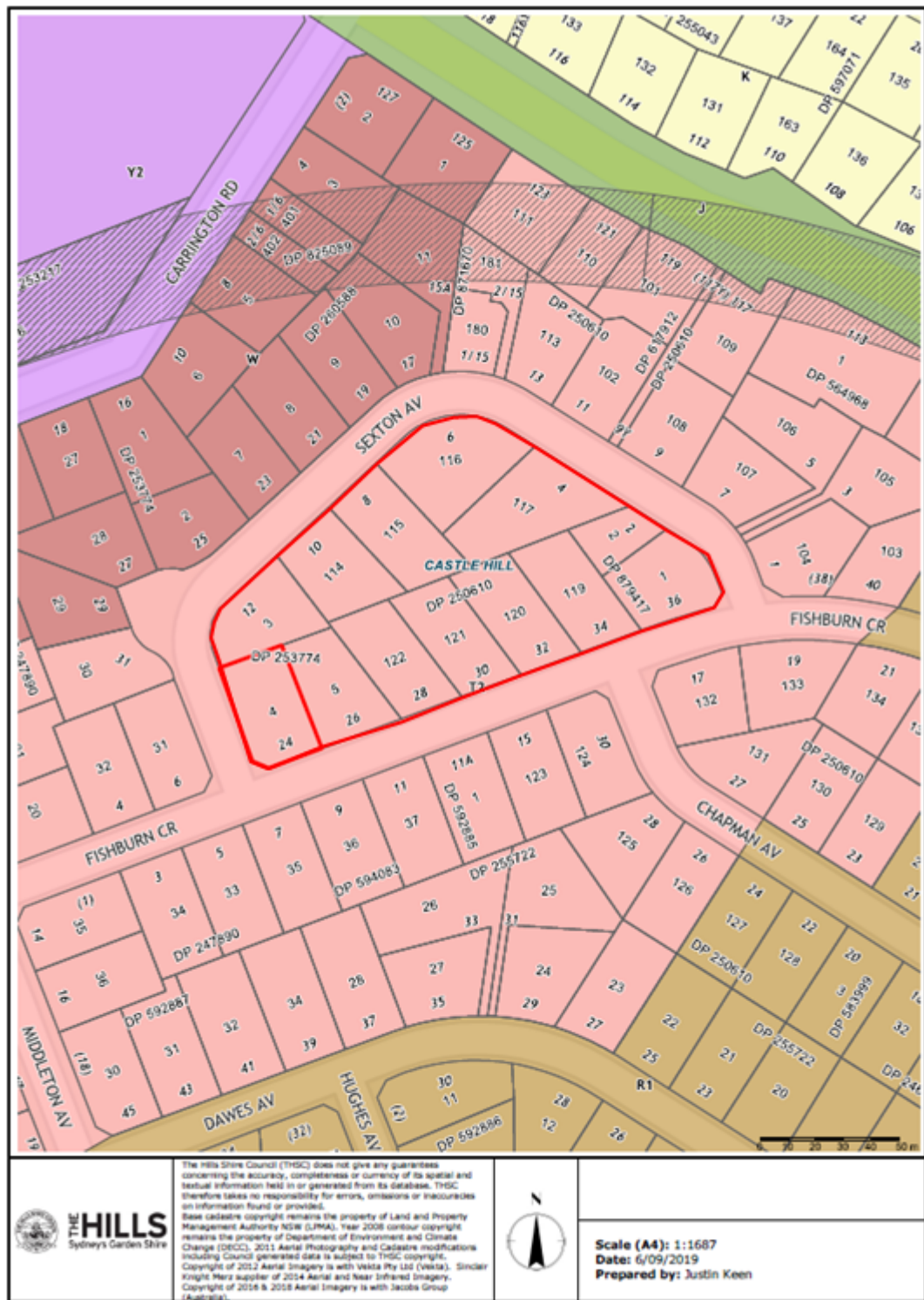


## ATTACHMENT 3 – LEP ZONING MAP

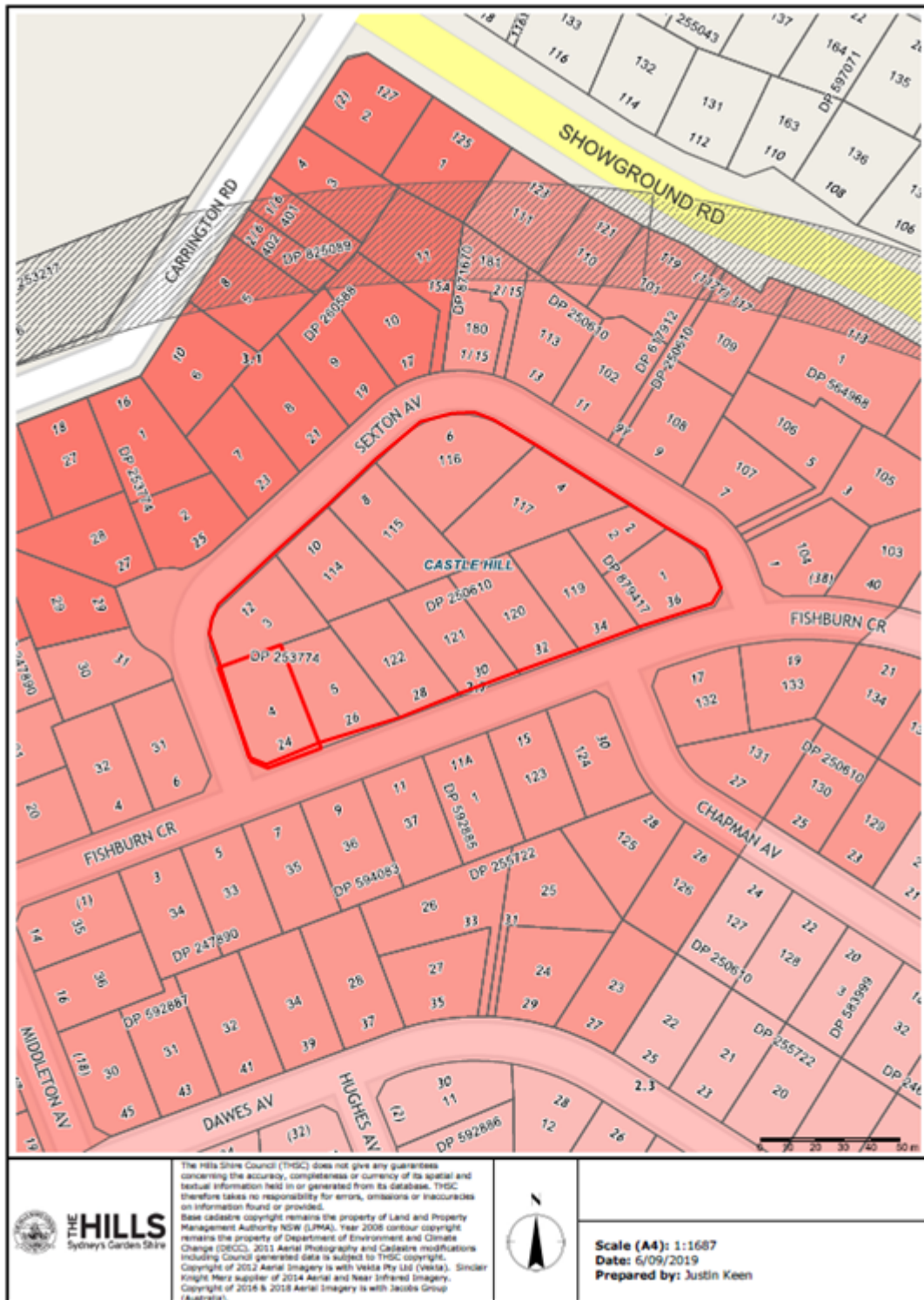


R4 HIGH DENSITY RESIDENTIAL

# ATTACHMENT 4 – LEP BUILDING HEIGHT MAP



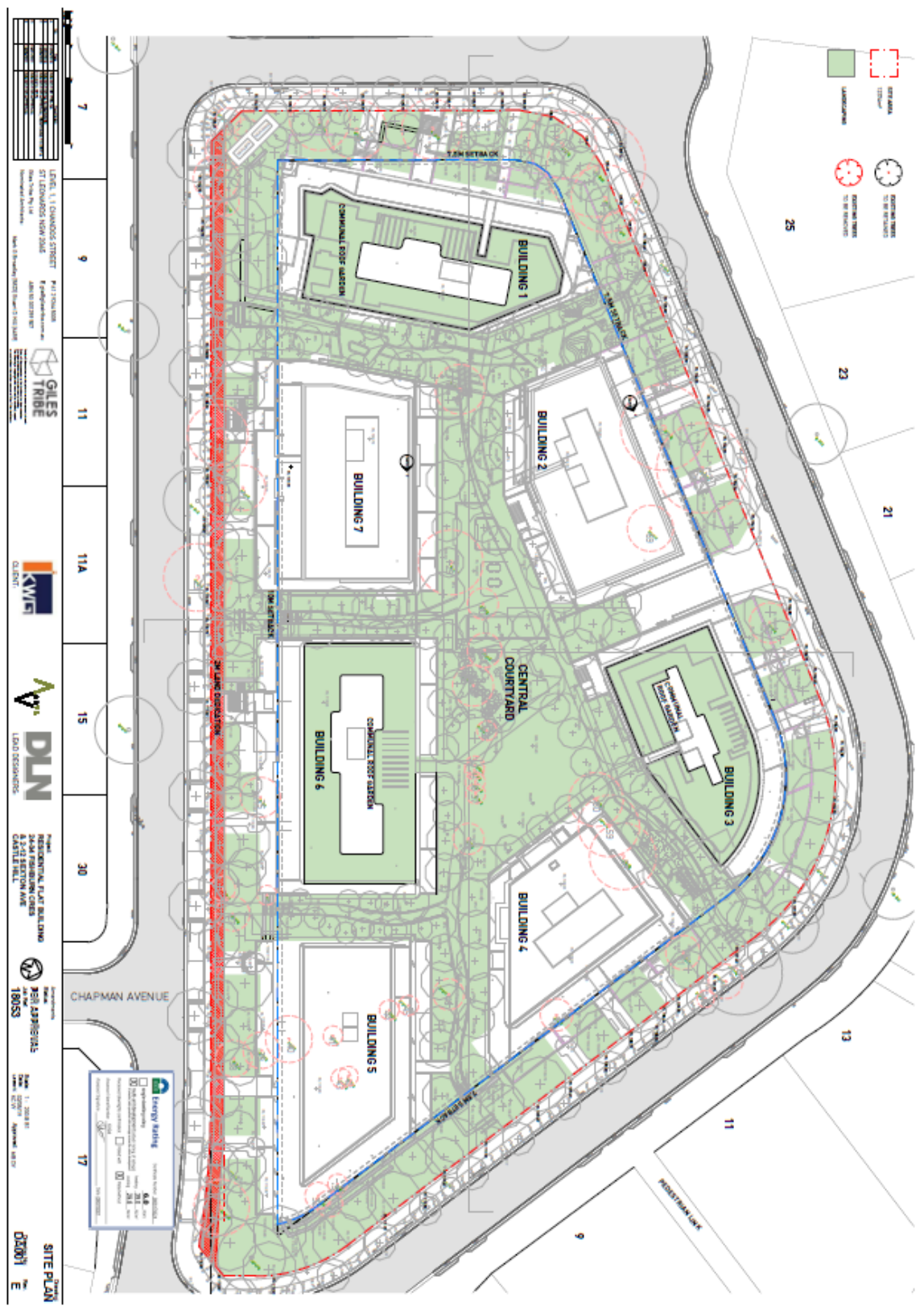
# ATTACHMENT 5 – LEP FLOOR SPACE RATIO (INCENTIVE) MAP



✓ U 2.7

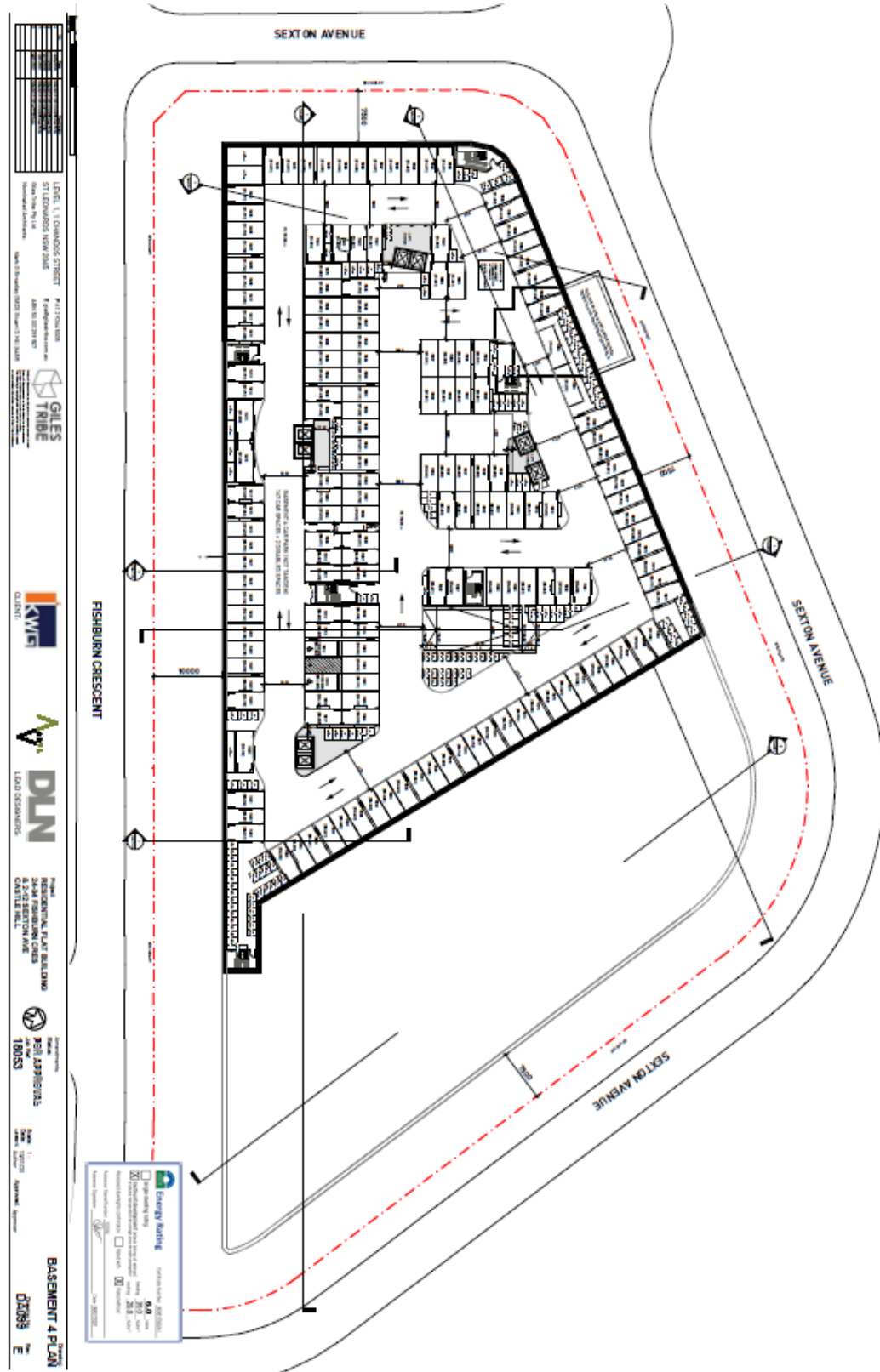


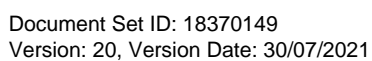
# ATTACHMENT 6 – SITE PLAN

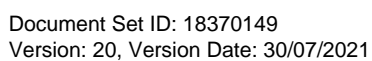




## ATTACHMENT 7 – FLOOR PLANS



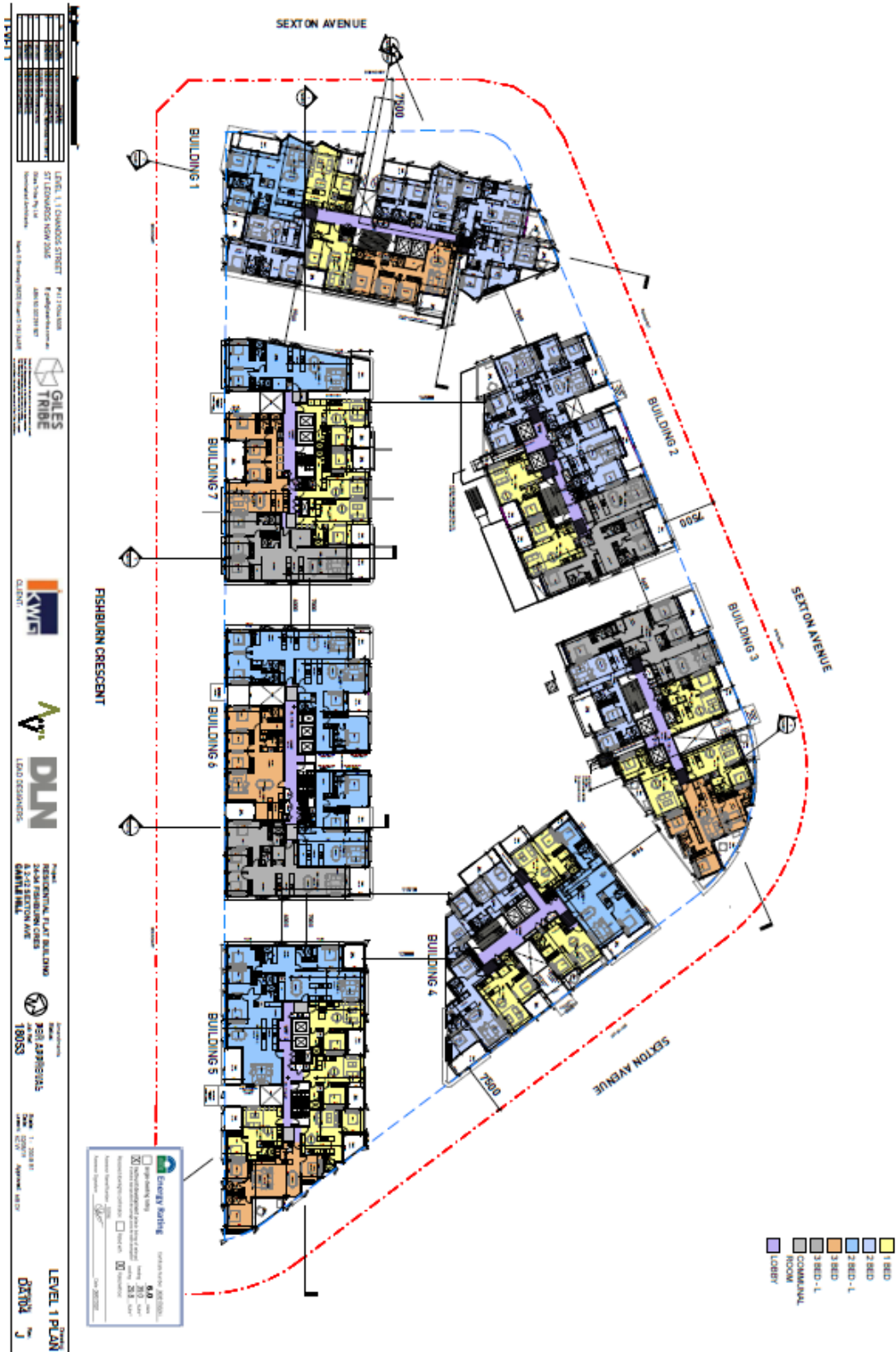




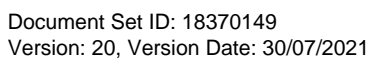






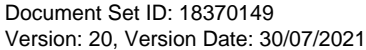












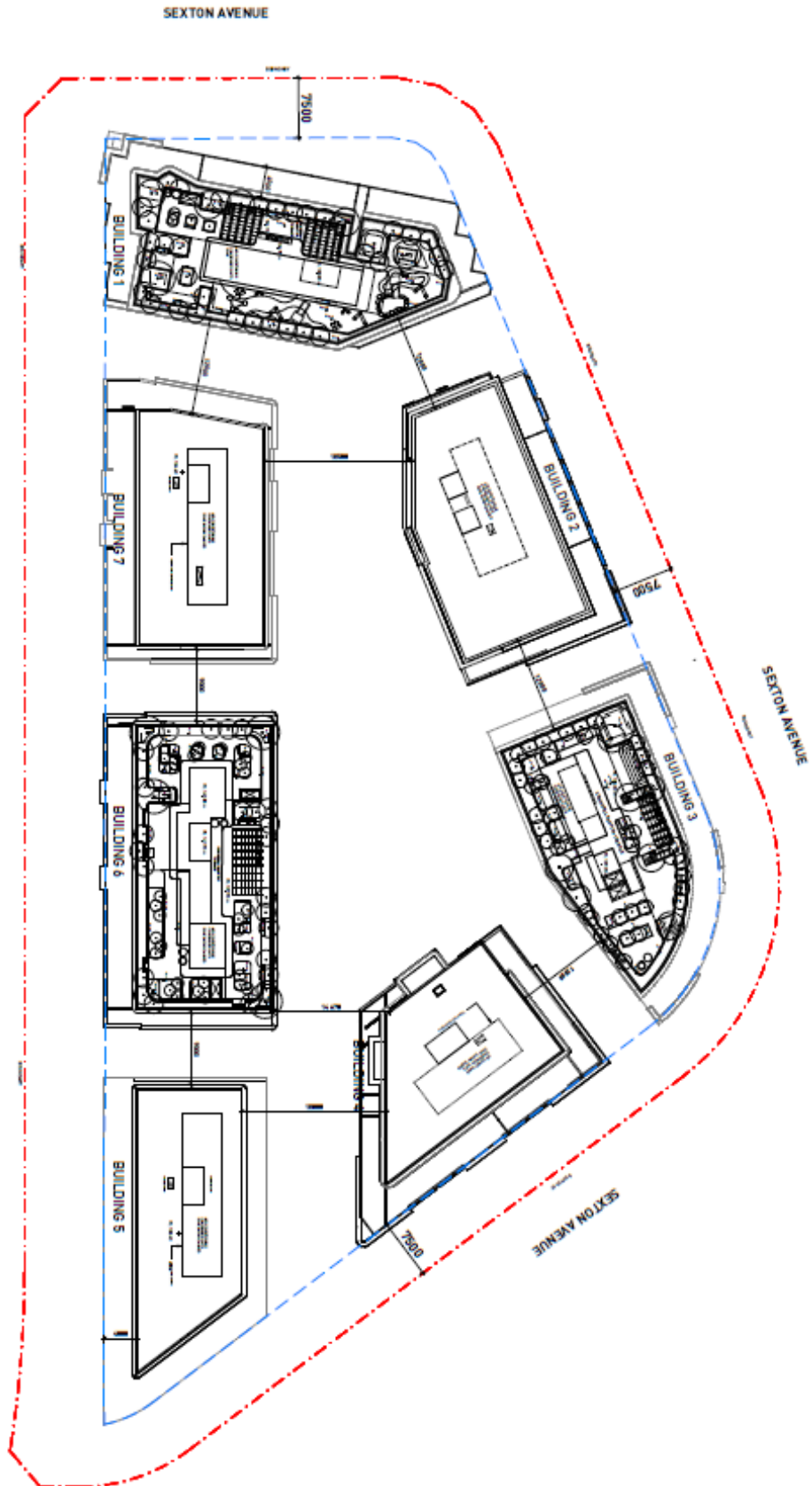












|  |  |  |  |
|--|--|--|--|
| <b>PROJECT INFORMATION</b><br>PROJECT NO: 18370149<br>PROJECT NAME: 3444 FISHBURN CRESCENT<br>CLIENT: KVMG<br>DESIGNER: DLN<br>ARCHITECT: JEN APPELBAUM<br>DATE: 11/20/21<br>SCALE: 1/8" = 1'-0" |  | <b>REVISIONS</b><br>NO. DESCRIPTION<br>18053<br>03/17/21 H |  |
| <b>DESIGNER</b><br>JEN APPELBAUM<br>ARCHITECT<br>3444 FISHBURN CRESCENT<br>8-1-12 SEXTON AVE<br>CANTERBURY, ONTARIO<br>L9B 5K3   |  | <b>DATE</b><br>11/20/21<br><b>SCALE</b><br>1/8" = 1'-0"    |  |

**NORTH ELEVATION**

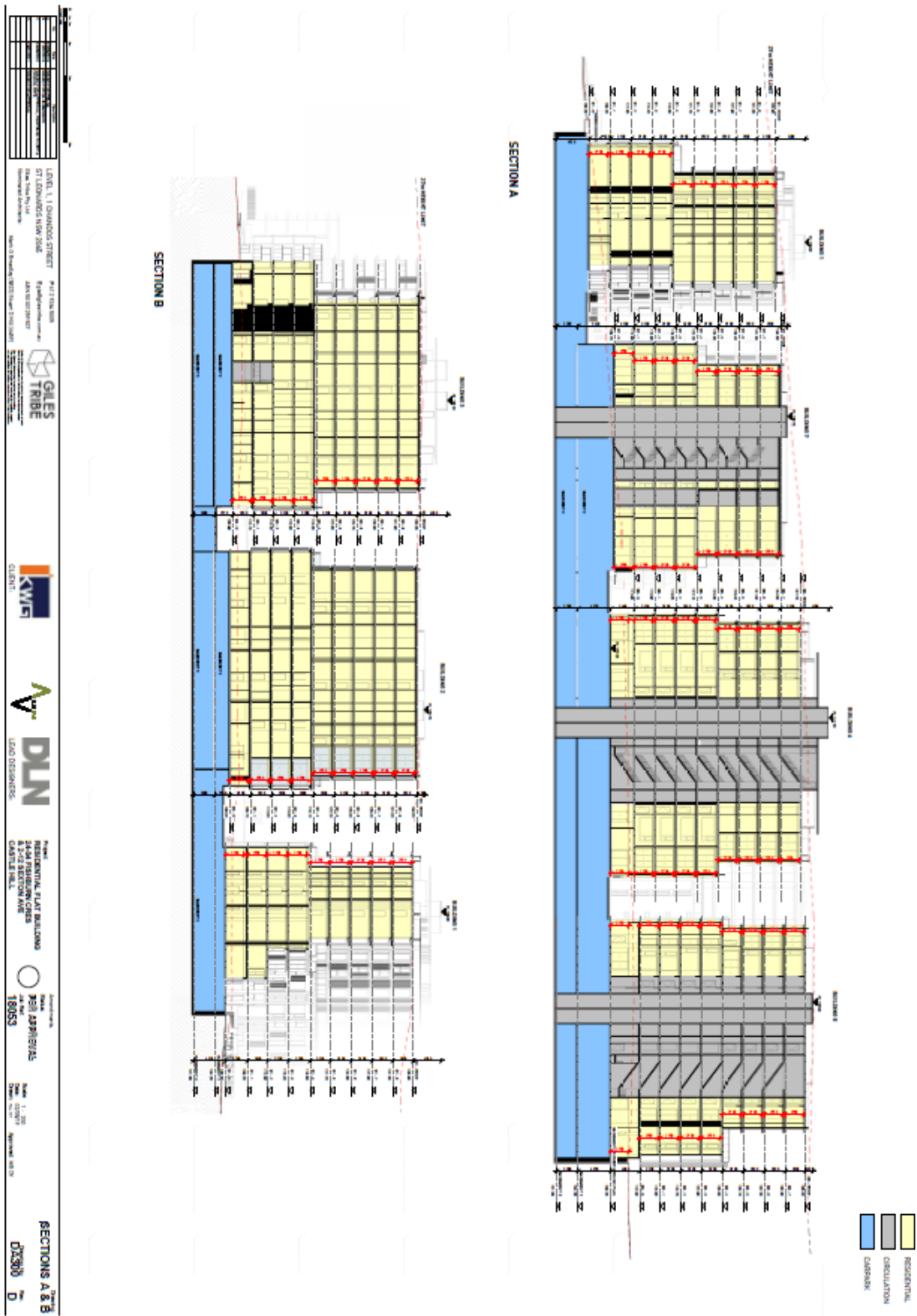
[illegible]





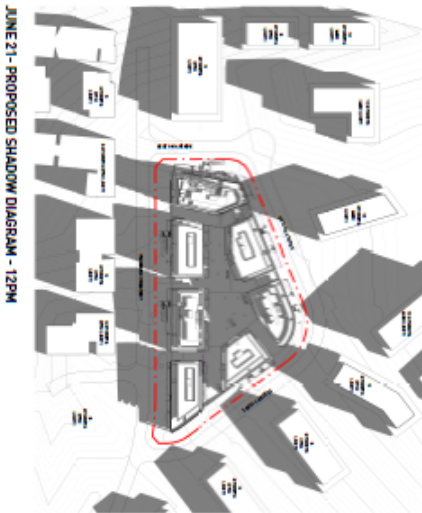


ATTACHMENT 9 - SECTIONS





ATTACHMENT 10 – SHADOW DIAGRAMS

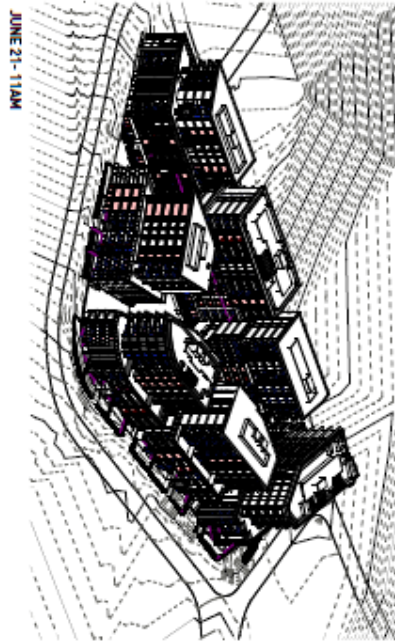
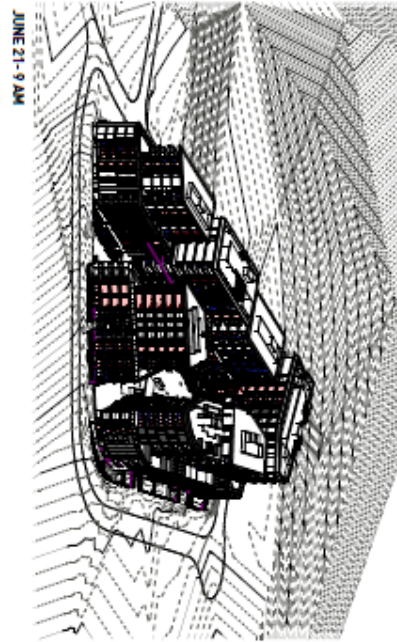


|   |  |
|---|--|
| <b>PROJECT INFORMATION</b>                          |  |
| PROJECT NAME  | 100% 100% 100%                               |
| PROJECT ADDRESS                                     | ST. LOUIS, MISSOURI 63101                    |
| PROJECT OWNER                                       | ST. LOUIS, MISSOURI 63101                    |
| PROJECT CONTACT                                     | ST. LOUIS, MISSOURI 63101                    |
| PROJECT PHONE                                       | ST. LOUIS, MISSOURI 63101                    |
| PROJECT FAX   | ST. LOUIS, MISSOURI 63101                    |
| PROJECT EMAIL                                       | ST. LOUIS, MISSOURI 63101                    |
| PROJECT WEBSITE                                     | ST. LOUIS, MISSOURI 63101                    |
| <b>CLIENT INFORMATION</b>                           |  |
| CLIENT NAME   | ST. LOUIS, MISSOURI 63101                    |
| CLIENT ADDRESS                                      | ST. LOUIS, MISSOURI 63101                    |
| CLIENT PHONE  | ST. LOUIS, MISSOURI 63101                    |
| CLIENT FAX  | ST. LOUIS, MISSOURI 63101                    |
| CLIENT EMAIL  | ST. LOUIS, MISSOURI 63101                    |
| CLIENT WEBSITE                                      | ST. LOUIS, MISSOURI 63101                    |
| <b>DESIGNER INFORMATION</b>                         |  |
| DESIGNER NAME                                       | ST. LOUIS, MISSOURI 63101                    |
| DESIGNER ADDRESS                                    | ST. LOUIS, MISSOURI 63101                    |
| DESIGNER PHONE                                      | ST. LOUIS, MISSOURI 63101                    |
| DESIGNER FAX  | ST. LOUIS, MISSOURI 63101                    |
| DESIGNER EMAIL                                      | ST. LOUIS, MISSOURI 63101                    |
| DESIGNER WEBSITE                                    | ST. LOUIS, MISSOURI 63101                    |
| <b>SHADOWS - PROPOSED DEVELOPMENT JUNE 21, 12PM</b> |  |
| SHADOWS - PROPOSED DEVELOPMENT JUNE 21, 12PM        | SHADOWS - PROPOSED DEVELOPMENT JUNE 21, 12PM |





## ATTACHMENT 11 – SUN EYE DIAGRAMS

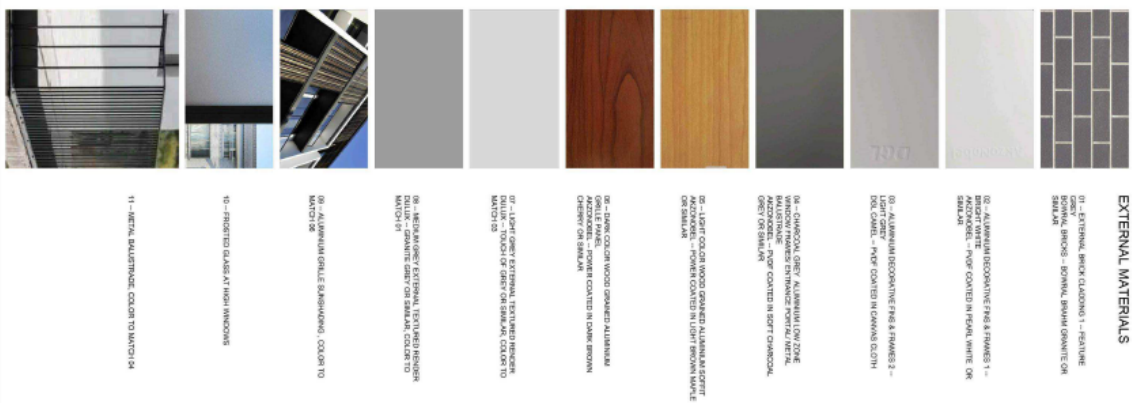
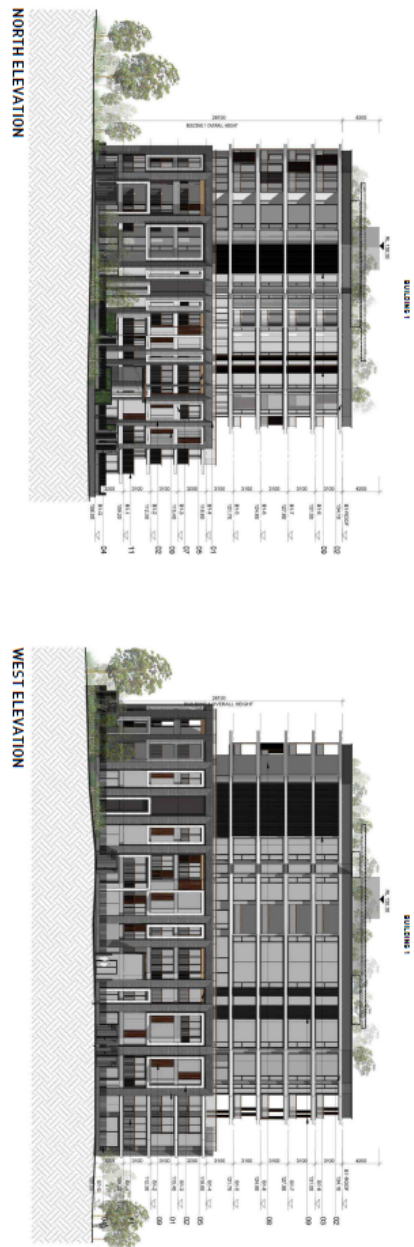


**NOTE:** SURFACES VISIBLE IN A VIEW RECEIVE DIRECT SUNLIGHT

|     |            |                   |
|-----|------------|-------------------|
| NO. | DATE       | REVISION          |
| 1   | 11/11/2014 | ISSUED FOR PERMIT |
| 2   | 11/11/2014 | FOR REVIEW        |
| 3   | 11/11/2014 | FOR REVIEW        |
| 4   | 11/11/2014 | FOR REVIEW        |
| 5   | 11/11/2014 | FOR REVIEW        |
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| 98  | 11/11/2014 | FOR REVIEW        |
| 99  | 11/11/2014 | FOR REVIEW        |
| 100 | 11/11/2014 | FOR REVIEW        |



## ATTACHMENT 12 – FINISHES SCHEDULE









# EXTERNAL MATERIALS

01 - EXTERNAL BRICK CLADDING 1 - FEATURE GOLD BRICKS - NORMAL, LINDSEY GOLD OR SHALAN

02 - EXTERNAL BRICK CLADDING 2 - GREY BROWN BRICKS - NORMAL, BROWN OR WHITE OR SHALAN

03 - ALUMINIUM RESISTANT FINISH & FINISHES 1 - BRUSH WHITE - POW COATED IN BROWN, WHITE OR SHALAN

04 - BRUSH WHITE EXTERNAL TINTED BRICKS DIALX - WHITE OR WHITE OR SHALAN

05 - GLASSON ALUMINIUM RESISTANT FINISHES 1 - BRUSH WHITE - POW COATED IN BROWN, WHITE OR SHALAN

06 - ALUMINIUM RESISTANT FINISHES 2 - BRUSH WHITE - POW COATED IN BROWN, WHITE OR SHALAN

07 - BRUSH WHITE EXTERNAL TINTED BRICKS DIALX - WHITE OR WHITE OR SHALAN

08 - ALUMINIUM RESISTANT FINISHES 3 - BRUSH WHITE - POW COATED IN BROWN, WHITE OR SHALAN

09 - ALUMINIUM RESISTANT FINISHES 4 - BRUSH WHITE - POW COATED IN BROWN, WHITE OR SHALAN

10 - ALUMINIUM RESISTANT FINISHES 5 - BRUSH WHITE - POW COATED IN BROWN, WHITE OR SHALAN

11 - FINISHED GLASS AT HIGH WINDOW

12 - BRUSH WHITE EXTERNAL TINTED BRICKS DIALX - WHITE OR WHITE OR SHALAN

13 - BRUSH WHITE EXTERNAL TINTED BRICKS DIALX - WHITE OR WHITE OR SHALAN

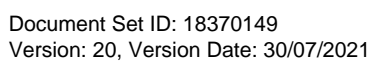
PROJECT: BUILDING 3  
CLIENT: ST LEONARDS NSW 2005  
ARCHITECT: GILES & TRIBE  
DATE: 30/07/2021  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

CLIENT: KWA  
LEAD DESIGNERS: DLN

PROJECT: ESSENTIAL FLAT BUILDING  
24-24 FISHERMAN CREWS  
& 2-12 SIXTON AVE  
CASTLE HILL

FOR APPROVAL  
DATE: 30/07/2021  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

BUILDING 3 COLOUR & MATERIALS  
PALETTE  
DIA802  
8





BUILDING 5



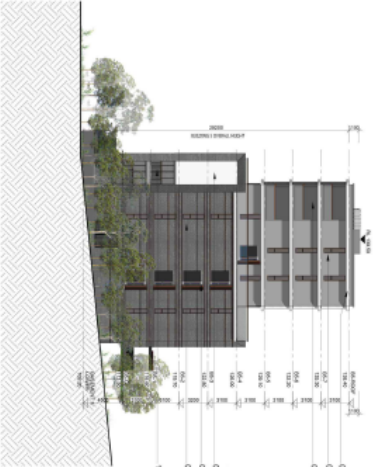
EAST ELEVATION

BUILDING 5



NORTH ELEVATION

BUILDING 5



WEST ELEVATION

BUILDING 5



SOUTH ELEVATION

EXTERNAL MATERIALS



01 - EXTERNAL BRICK CLADDING 1 - FEAVER  
CONCRETE BRICKS - BROWN, BROWN GRANITE OR  
SILVER



02 - ALUMINUM DECORATIVE FINS & FRAMES 1 -  
BRONZE WHITE  
FINISH - PAINT COATED IN BROWN WHITE OR  
SILVER



03 - ALUMINUM DECORATIVE FINS & FRAMES 2 -  
DOL CAMEL - PAINT COATED IN DARKS CLOTH



04 - CHROMAL GREY ALUMINUM LOW ZONE  
BALUSTRADE - CHROMAL GREY FINISH,  
PAINT COATED IN BROWN WHITE,  
GREY OR SILVER



05 - LIGHT COLOR WOOD GRAINED ALUMINUM SPIFF  
MATERIAL SHOWN



06 - DARK COLOR WOOD GRAINED ALUMINUM  
SPIFF MATEL - FINISH COATED IN DARK BROWN  
OR BROWN GRANITE



07 - LIGHT GREY EXTERNAL TEXTURED RENDER  
DILUX - TOUCH OF GREY OR SILVER COLOR TO  
MATCH 05



08 - LIGHT GREY EXTERNAL TEXTURED RENDER  
DILUX - TOUCH OF GREY OR SILVER COLOR TO  
MATCH 07



09 - ALUMINUM GRILLE BAKING, COLOR TO  
MATCH 05



10 - FROSTED GLASS AT HIGH WINDOWS

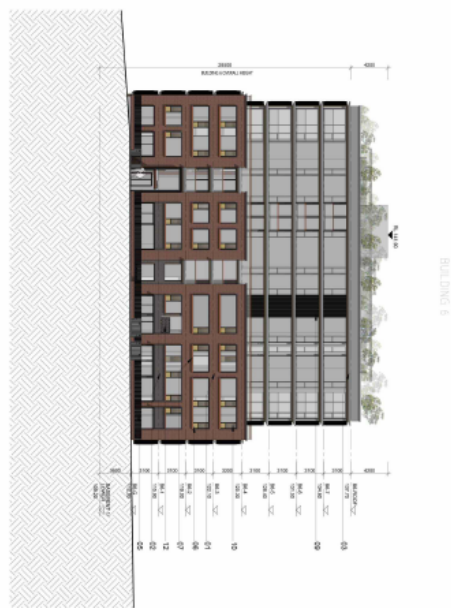
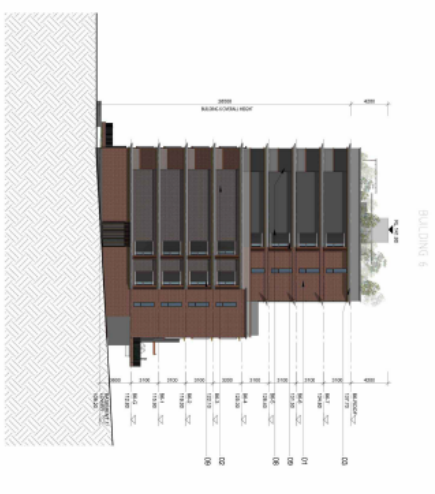
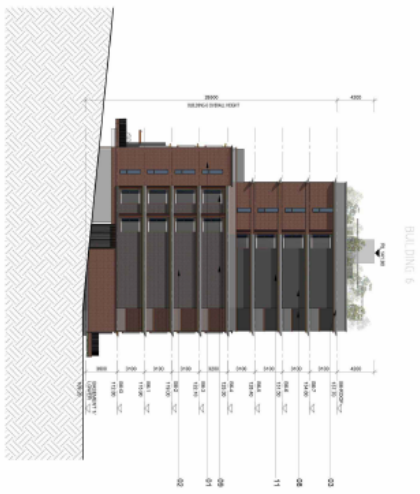


11 - METAL BALUSTRADE COLOR TO MATCH 04

LEVEL 1, 1 CHANDOS STREET P 1.2 2024 2025  
ST LEONARDS NSW 2205  
GILES  
TRIBE  
ARCHITECTS  
10/100 CHANDOS STREET  
ST LEONARDS NSW 2205  
PH: 02 9239 5000  
WWW.GILESTRIBE.COM.AU

CLIENT: KWS  
LEAD DESIGNERS: DLN  
PROJECT: RESIDENTIAL FLAT BUILDING  
2, 3 & 4 FLOORS  
& 2-12 SECTION AVE  
CASTLE HILL

FOR APPROVAL  
18053  
BUILDING 5\_COLOUR & MATERIALS  
PALETTE  
DA804 B



## EXTERNAL MATERIALS



01 - EXTERNAL BRICK CLADDING 1 - FEATURE  
BROWN  
BOMMAL BRICKS - BOMMAL RENOVATION  
CENTRULDS BROWN OR SIMILAR



02 - EXTERNAL BRICK CLADDING 2 - GREY  
BOMMAL BRICKS - BOMMAL BRICK-GRANITE  
SANDLAP

05 - CHARCOAL GREY ALUMINUM LOW ZONE WINDOW FRAMES/ENTRANCE PORTAL.  
AKZONOBEL - PVDF COATED IN SOFT CHARCOAL GREY OR STEEL



07 - BRIGHT ORANGE ALUMINUM ACCENT CO.  
DOL. CANAL - PVC COATED IN GOLDEN SAND  
SIMILAR

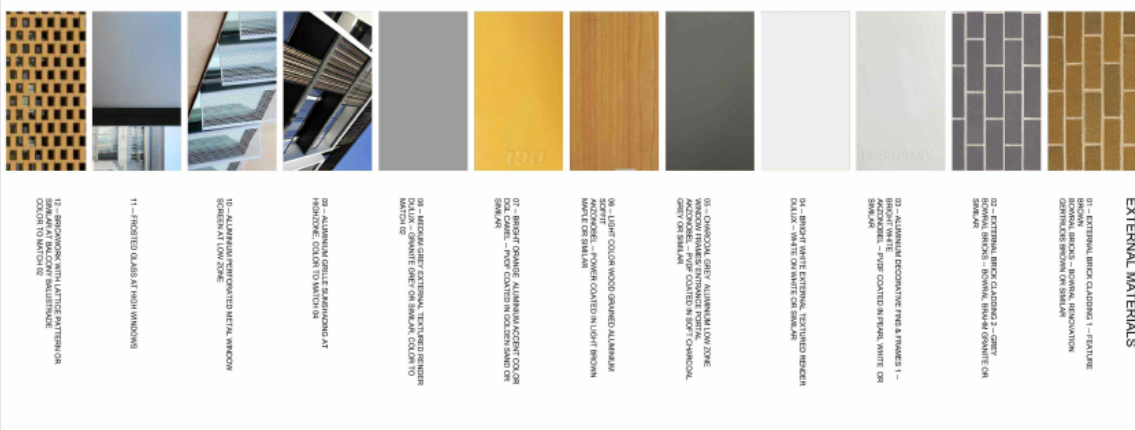


03 - ALUMINUM CRILLE SLIPSHADING AT HIGHZONE, COLOR TO MATCH 04



## Building 6 Colour & Materials Palette



[illegible]

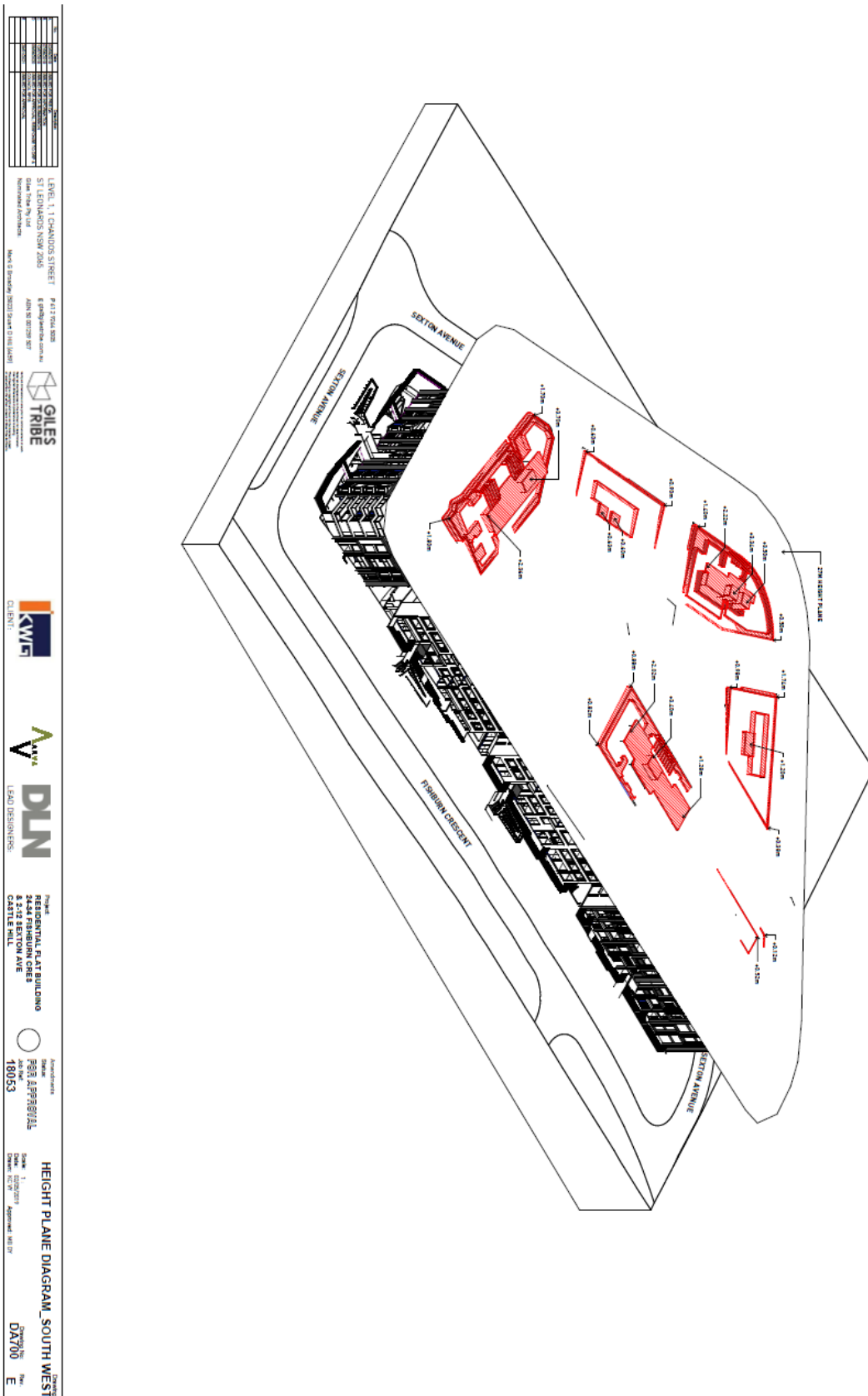


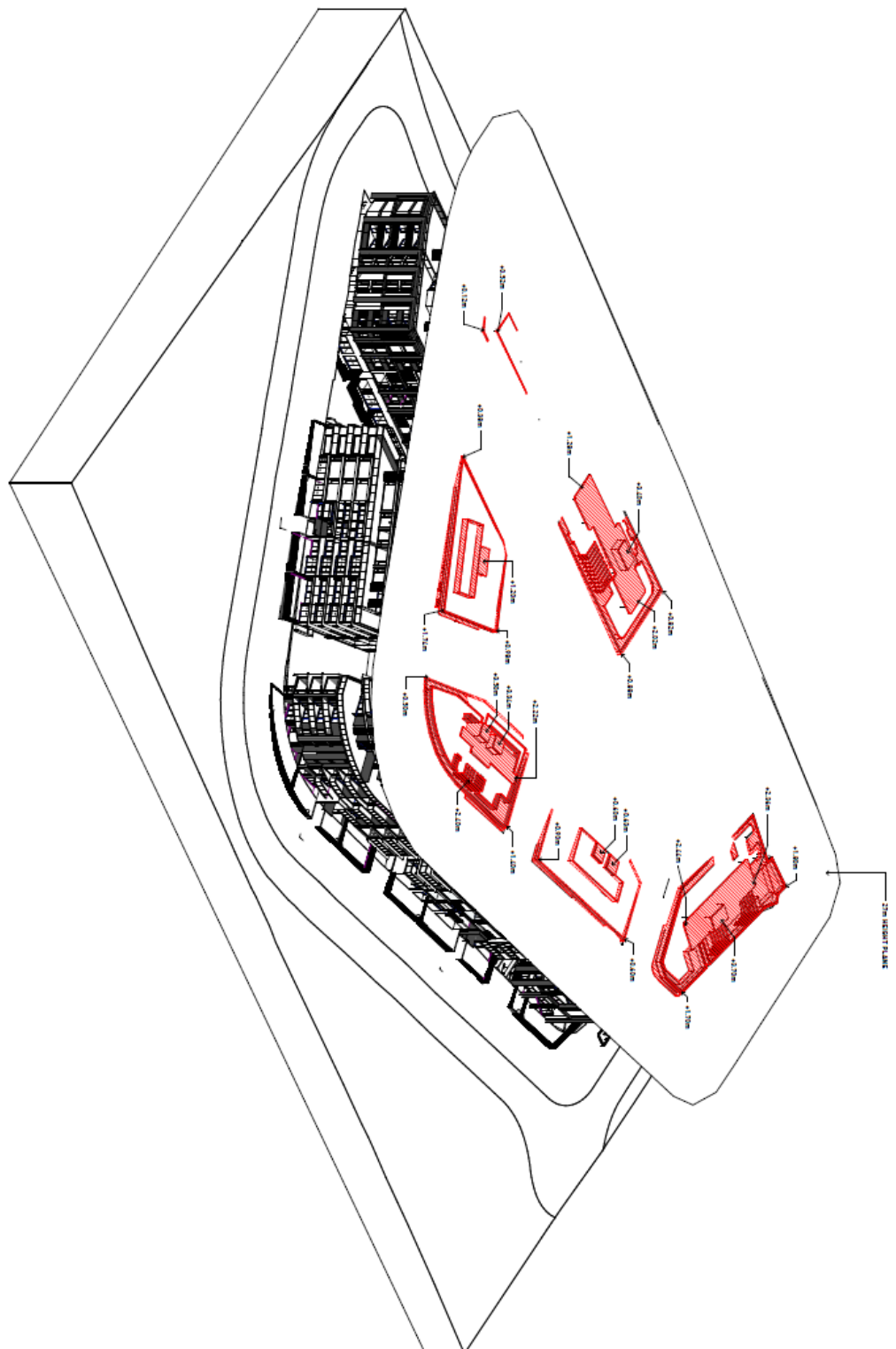
## ATTACHMENT 13 – PHOTOMONTAGE



[illegible]

# ATTACHMENT 15 – BUILDING HEIGHT PLANE





| Sl. No. | Particulars  | Amount |
|---------|--|--------|
| 1.      | Salaries and Wages                                 |        |
| 2.      | Gratuities   |        |
| 3.      | Provision for Depreciation                         |        |
| 4.      | Provision for Bad Debts                            |        |
| 5.      | Provision for Sundry Expenses                      |        |
| 6.      | Provision for Contingencies                        |        |
| 7.      | Provision for Income Tax                           |        |
| 8.      | Provision for Corporation Tax                      |        |
| 9.      | Provision for Dividend                             |        |
| 10.     | Provision for Interest on Loans                    |        |
| 11.     | Provision for Interest on Debentures               |        |
| 12.     | Provision for Interest on Bonds                    |        |
| 13.     | Provision for Interest on Shares                   |        |
| 14.     | Provision for Interest on Loans from Banks         |        |
| 15.     | Provision for Interest on Loans from Government    |        |
| 16.     | Provision for Interest on Loans from Public        |        |
| 17.     | Provision for Interest on Loans from Private       |        |
| 18.     | Provision for Interest on Loans from Foreign       |        |
| 19.     | Provision for Interest on Loans from International |        |
| 20.     | Provision for Interest on Loans from Multinational |        |
| 21.     | Provision for Interest on Loans from Global        |        |
| 22.     | Provision for Interest on Loans from Universal     |        |
| 23.     | Provision for Interest on Loans from World         |        |
| 24.     | Provision for Interest on Loans from Earth         |        |
| 25.     | Provision for Interest on Loans from Universe      |        |
| 26.     | Provision for Interest on Loans from Cosmos        |        |
| 27.     | Provision for Interest on Loans from Galaxy        |        |
| 28.     | Provision for Interest on Loans from Solar         |        |
| 29.     | Provision for Interest on Loans from Planetary     |        |
| 30.     | Provision for Interest on Loans from Stellar       |        |
| 31.     | Provision for Interest on Loans from Galactic      |        |
| 32.     | Provision for Interest on Loans from Cosmic        |        |
| 33.     | Provision for Interest on Loans from Universal     |        |
| 34.     | Provision for Interest on Loans from World         |        |
| 35.     | Provision for Interest on Loans from Earth         |        |
| 36.     | Provision for Interest on Loans from Universe      |        |
| 37.     | Provision for Interest on Loans from Cosmos        |        |
| 38.     | Provision for Interest on Loans from Galaxy        |        |
| 39.     | Provision for Interest on Loans from Solar         |        |
| 40.     | Provision for Interest on Loans from Planetary     |        |
| 41.     | Provision for Interest on Loans from Stellar       |        |
| 42.     | Provision for Interest on Loans from Galactic      |        |
| 43.     | Provision for Interest on Loans from Cosmic        |        |
| 44.     | Provision for Interest on Loans from Universal     |        |
| 45.     | Provision for Interest on Loans from World         |        |
| 46.     | Provision for Interest on Loans from Earth         |        |
| 47.     | Provision for Interest on Loans from Universe      |        |
| 48.     | Provision for Interest on Loans from Cosmos        |        |
| 49.     | Provision for Interest on Loans from Galaxy        |        |
| 50.     | Provision for Interest on Loans from Solar         |        |
| 51.     | Provision for Interest on Loans from Planetary     |        |
| 52.     | Provision for Interest on Loans from Stellar       |        |
| 53.     | Provision for Interest on Loans from Galactic      |        |
| 54.     | Provision for Interest on Loans from Cosmic        |        |
| 55.     | Provision for Interest on Loans from Universal     |        |
| 56.     | Provision for Interest on Loans from World         |        |
| 57.     | Provision for Interest on Loans from Earth         |        |
| 58.     | Provision for Interest on Loans from Universe      |        |
| 59.     | Provision for Interest on Loans from Cosmos        |        |
| 60.     | Provision for Interest on Loans from Galaxy        |        |
| 61.     | Provision for Interest on Loans from Solar         |        |
| 62.     | Provision for Interest on Loans from Planetary     |        |
| 63.     | Provision for Interest on Loans from Stellar       |        |
| 64.     | Provision for Interest on Loans from Galactic      |        |
| 65.     | Provision for Interest on Loans from Cosmic        |        |
| 66.     | Provision for Interest on Loans from Universal     |        |
| 67.     | Provision for Interest on Loans from World         |        |
| 68.     | Provision for Interest on Loans from Earth         |        |
| 69.     | Provision for Interest on Loans from Universe      |        |
| 70.     | Provision for Interest on Loans from Cosmos        |        |
| 71.     | Provision for Interest on Loans from Galaxy        |        |
| 72.     | Provision for Interest on Loans from Solar         |        |
| 73.     | Provision for Interest on Loans from Planetary     |        |
| 74.     | Provision for Interest on Loans from Stellar       |        |
| 75.     | Provision for Interest on Loans from Galactic      |        |
| 76.     | Provision for Interest on Loans from Cosmic        |        |
| 77.     | Provision for Interest on Loans from Universal     |        |
| 78.     | Provision for Interest on Loans from World         |        |
| 79.     | Provision for Interest on Loans from Earth         |        |
| 80.     | Provision for Interest on Loans from Universe      |        |
| 81.     | Provision for Interest on Loans from Cosmos        |        |
| 82.     | Provision for Interest on Loans from Galaxy        |        |
| 83.     | Provision for Interest on Loans from Solar         |        |
| 84.     | Provision for Interest on Loans from Planetary     |        |
| 85.     | Provision for Interest on Loans from Stellar       |        |
| 86.     | Provision for Interest on Loans from Galactic      |        |
| 87.     | Provision for Interest on Loans from Cosmic        |        |
| 88.     | Provision for Interest on Loans from Universal     |        |
| 89.     | Provision for Interest on Loans from World         |        |
| 90.     | Provision for Interest on Loans from Earth         |        |
| 91.     | Provision for Interest on Loans from Universe      |        |
| 92.     | Provision for Interest on Loans from Cosmos        |        |
| 93.     | Provision for Interest on Loans from Galaxy        |        |
| 94.     | Provision for Interest on Loans from Solar         |        |
| 95.     | Provision for Interest on Loans from Planetary     |        |
| 96.     | Provision for Interest on Loans from Stellar       |        |
| 97.     | Provision for Interest on Loans from Galactic      |        |
| 98.     | Provision for Interest on Loans from Cosmic        |        |
| 99.     | Provision for Interest on Loans from Universal     |        |
| 100.    | Provision for Interest on Loans from World         |        |

[illegible]

**Project:**  
**RESIDENTIAL FLAT BUILDING**  
**24-34 FISHBURN CREOS**  
**8-2-12 SEXTON AVE**  
**CASTLE HILL**



**Amendments  
Due:  
PER APPROVAL  
Job Ref:  
18053**

SCALE: 1" = 10'-0"  
 DATE: 04/24/19  
 DRAWN BY: Approved: MJC/CT  
 CHECKED BY: DA/01  
 REV: C

## ATTACHMENT 16 – CLAUSE 4.6 VARIATION TO BUILDING HEIGHT

### 1. INTRODUCTION

This request has been prepared by Urbis on behalf of KWG Group Holdings, the applicant in support of a Development Application (DA) for the redevelopment of 2-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill (the site).

The DA seeks development consent for the following:

- Site preparation and demolition of existing structures.
- Construction of seven residential apartment buildings.
- Two levels of basement parking.
- Central communal area.
- Rooftop communal areas on three of the buildings.
- Landscaping of communal areas and ground level setbacks.

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

This request should be read in conjunction with the Statement of Environmental Effects, Architectural Drawings prepared by DLN Architects and Giles Tribe Architects, and other supporting documented submitted with the DA.

## 2. ASSESSMENT FRAMEWORK

### 2.1. CLAUSE 4.6 OF THLEP 2012

Clause 4.6 of THLEP 2012 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of Clause 4.6 are:

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

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a development application that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, Clause 4.6 requires that the consent authority consider a written request from the applicant, which demonstrates:

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

Furthermore, the consent authority must be satisfied that 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, and the concurrence of the Secretary has been obtained.

In deciding whether to grant concurrence, subclause (5) requires that the consent authority 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 Secretary before granting concurrence.*

[Note: Concurrence is assumed pursuant to *Planning Circular No. PS 18-003 Variations to Development Standards* dated 21 February 2018].

This document forms a Clause 4.6 written request to justify the contravention of the height of buildings development standard in Clause 4.3. The assessment of the proposed variation has been undertaken in accordance with the requirements of the THLEP 2019, Clause 4.6 Exceptions to Development Standards.

### 2.2. NSW LAND AND ENVIRONMENT COURT: CASE LAW

Several key New South Wales Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached.

This Clause 4.6 objection has had regard to the approach summarised by Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, with particular reference to the assessment 'test' as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446.



## 3. SITE DESCRIPTION

### 3.1. SITE LOCATION

The site consists of 13 separate lots, known as 2-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill, which is located in The Hills Shire Council Local Government Area (LGA). The site is legally described as:

- Lot 1 and 2 on DP 879417
- Lot 114-117 and 119-122 on DP250610
- Lot 3-5 on DP 253774

The site has an area of 12,374m<sup>2</sup>, and is bounded by two roads, with frontage of approximately 176m to Fishburn Crescent (southern boundary), and frontage of approximately 289m to Sexton Avenue (remaining boundary). The site topography falls approximately 8m, with the highest point located in the south-east corner of the site, and the lowest located in the south-west corner.

Overland flow paths head westward via Council stormwater infrastructure towards Cattai Creek approximately 430m to the south-west of the site.

The site has approximately an 8m fall in topography, with the highest point being the south east corner of the site, and the northern portion of the site being the lowest,

The site is outlined in red in the aerial image in Figure 1 below.



Figure 1 Aerial photograph of the site

Source: Urbis / Nearmap



## 3.2. SITE CONTEXT

The site is situated approximately 2.5km north-west of Castle Hill Centre, and 30km north-west of the Sydney Central Business District (CBD). The Hills Showground Metro Station has recently opened and is in operation. This station is situated approximately 300m walk from the site.

The immediate surrounds of the site in all directions consist of predominantly one and two storey dwellings with scattered vegetation and landscaping.

The site's broader context is unique due to its location within the Showground Station Precinct, which forms part of the North West Rail Link Corridor Strategy. The Strategy, which includes structure plans for eight station precincts along the corridor, was finalised in 2013 to guide growth and expansion in the region into the future.

The Showground Station Precinct was rezoned in December 2017. Some of the key amendments which supported future growth and urbanisation of the locality included over 5,000 new dwellings to be delivered in the precinct, changes to Floor Space Ratio (FSR) controls within the R4 High Density Residential area, and the introduction of bonus floor space provisions when larger apartments are delivered. Due to the rezoning and adoption of new planning controls, the area is currently undergoing substantial redevelopment.

Site context is illustrated in Figure 2.



Figure 2 Site Context

Source: Urbis

A detailed description of the site is provided in the Statement of Environmental Effects prepared by Urbis, accompanying the DA.

## 3.3. PLANNING CONTEXT

The site is zoned R4 High Density Residential under the THLEP 2012. The proposed development is defined within THLEP 2019 as a 'residential flat building', being a *building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*.

Residential flat buildings are permitted with development consent within the R4 High Density Residential zone.

THLEP 2012 applies a maximum 27m height control across the site.

## 4. PROPOSED DEVELOPMENT

### 4.1. DEVELOPMENT OVERVIEW

The DA seeks consent for:

- Demolition of existing structures
- Construction of seven residential apartment buildings ranging between 8 and 9 storeys in height, consisting of a total of 295 dwellings.
- Two levels of basement car parking providing 368 parking spaces, as well as bicycle and motorbike parking.
- Associated landscaping and communal open space, including rooftop courtyard on three buildings.

A photomontage of the proposed development is provided in Figure 3 below.

The Architectural Plans detailing the proposal as prepared by DLN Architects and Giles Tribe Architects are attached at **Appendix A**.

Table 1 provides a numeric overview of the proposed development.

**Table 1** Numeric Overview

| Component               | Proposed   |
|-------------------------|--|
| Site area               | 12,374m <sup>2</sup>   |
| Maximum height (m)      | 30.7m measured at the top of the lift overrun in the centre of building 1. |
| Height (storeys)        | 8 storeys (buildings 5, 6 and 7); 9 storeys (buildings 1, 2, 3 and 4)      |
| Gross Floor Area (GFA)  | 30,799sqm  |
| Floor Space Ratio (FSR) | 2.49:1   |
| Parking spaces (total)  | 368  |

Figure 3 – Photomontage of proposed development



Source: DLN Architects and Giles Tribe Architects



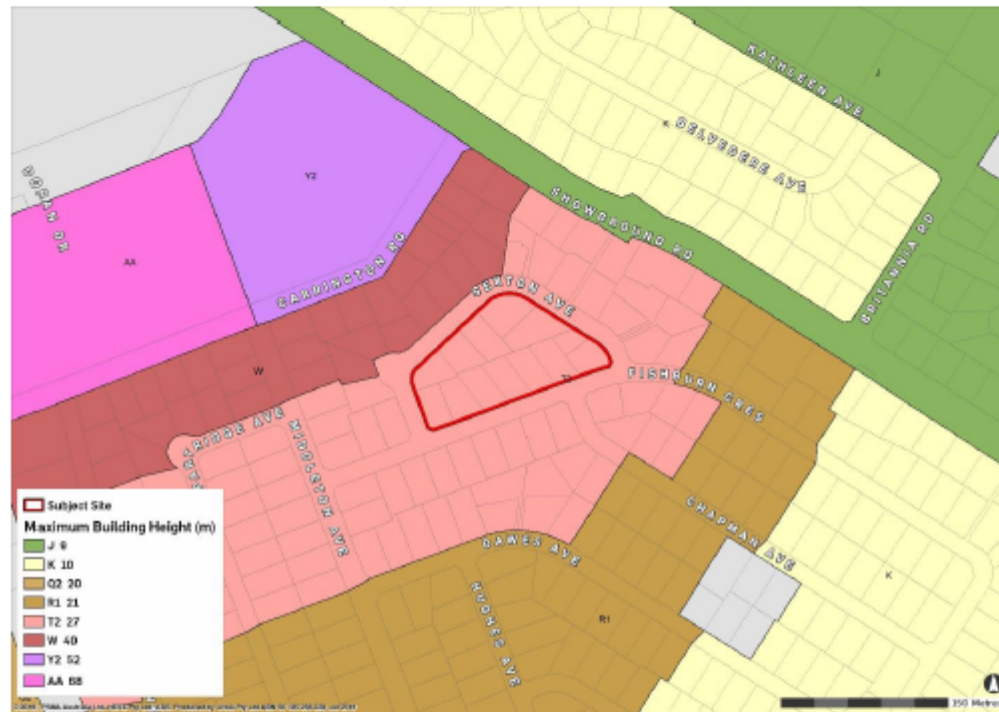
## 5. EXTENT OF VARIATION

### 5.1. DEVELOPMENT STANDARD

The relevant Height of Buildings map within THLEP 2012 identifies the site as subject to a height of buildings maximum of 27m (refer Figure 4).

Refer maximum height of buildings map extract at Figure 4 below.

Figure 4 – Maximum Building Height



Source: Urbis

### 5.2. AREA OF NON-COMPLIANCE

The areas of non-compliance generally relate to the rooftop areas of the buildings only, specifically:

- Building 1, 3, 6 rooftop terraces including pergola structures and lift and stair overruns
- Lift and stair overruns and other rooftop elements on Buildings 1-6.

Table 1 on the following page provides a detailed description of the area and extent of non-compliance



## 6. CLAUSE 4.6 VARIATION ASSESSMENT

The following sections of the report provide an assessment of the request to vary the development standard relating to the maximum height of buildings in accordance with Clause 4.6 of THLEP 2012.

### 6.1. KEY QUESTIONS

#### Is the Planning Control a Development Standard?

The height of buildings control prescribed under Clause 4.3 of the THLEP 2012 is a development standard capable of being varied under Clause 4.6 of THLEP 2012.

#### Is the Development Standard Excluded from the Operation of Clause 4.6?

The development standard is not excluded from the operation of Clause 4.6.

#### What is the Underlying Object or Purpose of the Standard?

The objectives of the height of buildings development standard are as follows:

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

### 6.2. CONSIDERATION

#### 6.2.1. Clause 4.6(3)(a) – Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Having regard to the established case law outlined earlier, the common ways in which an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary is listed within the 'five-part test' outlined in *Wehbe v Pittwater [2007] NSWLEC 827*.

An applicant does not need to establish all of the tests or 'ways'. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way

The development is justified against one of the *Wehbe* tests as set out below.

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

The proposed development achieves the objectives of the development standard as outlined within Table 2.

Table 2 Achievement of objectives of Clause 4.3 height of buildings standard

| Objectives   | Assessment   |
|--|--|
| a) <i>To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape</i> | <p>The statutory building height and FSR increases recently enacted by Council to capitalise on the location signal that the desired future character of the locality is for a significantly taller and denser building forms than current.</p> <p>The site and surrounding locality are in the early phases transforming from the current prevailing character of detached housing scale to apartment buildings as evidenced by a number of existing development applications under assessment. As such, significant weight must be given to the compatibility with the desired future character.</p> <p>As outlined in Table 1, the magnitude of the building height variation is considered relatively minor in the context of the current control. The area of</p> |



| Objectives | Assessment   |
|------------|--|
|            | <p>greatest building exceedance occurs where communal rooftop open space is provided which will provide a valuable amenity contribution to residents.</p> <p>As demonstrated in Figure 9 the height of the buildings in the proposed development when analysed in the context of the potential future surrounding developments is entirely compatible with that of future adjoining development which is currently seeking development consent and the overall streetscape as it will develop.</p> <p>As shown in LEP height Map in Figure 4, to the east, west and south of the site, the height limit is 8 storeys (27m) and to the north it is 12 storeys (40m). The site is well separated by over 100m from the lowest building height control in the locality of 21m, thus the site will be visually read amongst the context of either comparable or taller building forms close to the station. The proposed non-compliance ranging from 0.9m to 3.7m (one lift overrun only at this height) is considered to be compatible with that of adjoining development (including future anticipated development) and the overall streetscape.</p> <p>Various approvals such as that located at 7-23 Cadman Crescent fall within the immediate area of this development, noting an exceedance of over 10m was supported on this site which is to the south of this site away from the high densities focused around the new metro station.</p> <p>As shown in Figure 5, the major of the height variations occurs on building components that are above the highest habitable floor – meaning they do not form part of gross floor area.</p> <p>The buildings are stepped to respond to the slope (approximately 8m slope between the southeast to southwest corners) along Fishburn Crescent. This topographic condition has directly impacted in-part the building height non-compliance. Given the topographic condition of the site and locality, the visual experience of ‘reading’ building height will be such that there will be perceived variations in building height even if buildings are of the same height and scale.</p> <p>Furthermore, the proposed exceedance of the proposed height limit will not be immediately perceptible from ground level and surrounding areas. Given the minor scale of the variation in most cases, and where the largest variance occurs, being the building form located centrally on the roof, the full extent of the exceedances to be viewed from the public domain in the immediate surrounding streets will be limited.</p> <p>Finally, when considered as an overall development massing outcome, building height and FSR being the main statutory built form controls, the proposal achieves an outcome that could reasonably be expected given the it not only complies with the FSR, it is actually 7.7% less than the allowable maximum control for the site.</p> <p>For these reasons, the proposed building variations will be compatible with the intent of the height objective and the scale of the future surrounding building forms.</p> |

| Objectives   | Assessment  |
|--|---|
| b) <i>To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas</i> | <p>There is no additional impact caused by overshadowing to future apartments in neighbouring properties to the south resulting from areas of the proposal which exceed the maximum building height from 9am to 12 noon. At 3pm there is small additional shadow cast on the northern façade of a future building opposite, however the analysis demonstrates that it will be capable of satisfying its ADG solar access design objectives. This is shown by the shadow diagrams prepared by DLN Architects and Giles Tribe Architects at <b>Appendix A</b> of the SEE and included in <b>Figure 6</b> below which shows the proposed shadow in grey, with the overlay of a fully compliant envelope in pink</p> <p>The height impact has been mitigated because the exceedances occur the building elements on the roof that are set back from the southern edge of the buildings to ensure no additional impacts are caused by overshadowing to the south. <b>Figure 6</b> to <b>Figure 8</b> below compares the shadows cast across Fishburn Crescent from buildings of fully compliant height in comparison to those cast by the proposed development and its minimal exceedances. This demonstrates that the areas of non-compliance have a no impact upon overshadowing of adjoining properties to the south.</p> <p>Further, due to the stepped design of the building, solar impacts are less than that which would result from a development seeking to maximise the achievable building envelope.</p> <p>Similarly, impacts to the communal open space area in the centre of the site will be negligible as a result of the height exceedances on buildings 2, 3 and 4 in comparison to buildings which are fully compliant with the height limit. At June 21, no additional impacts will be experienced on the ground, with minor impacts only noticeable during longer days of the year. Refer <b>Figure 6</b> full set of architectural plans included at <b>Appendix A</b>.</p> <p>The visual impact of the proposed development will not be adversely affected by the minor height non-compliances on the buildings. On buildings 1, 5, 6, and 7 on the south of the site, the non-compliant building elements are set back from the southern edge of the building and are unlikely to be visible from the immediately surrounding street level.</p> <p>Views will be able to be gained of the non-compliant building elements primarily from a greater distance away, however this distance will mean that the visual impact of the minor height exceedances is imperceptible. As the scale and nature of the building elements in non-compliance, the view impacts arising from the increased building elements are at worst minor but more likely negligible. Given this, coupled with the site location in a suburban context with no access to iconic views, the proposal will not create any unreasonable view impact.</p> <p>Loss of privacy to adjoining properties and open space areas as a result of the proposed height non-compliances has been considered and deemed as negligible. The reasons being that the elements of the building that exceed the floorspace are mostly lift overrun structures or roof top communal open space structures and not part of an apartment's habitable floor space.</p> |

| Objectives | Assessment  |
|------------|---|
|            | <p>Consideration has been given to the use of roof spaces by occupants and design measures have been employed to mitigate privacy issues. This is achieved through setting back the private roof gardens on buildings 2, 3, 5, 6 and 7 from the edges of the building by a minimum of 3m to form a non-trafficable area which also prevents direct overlooking of other buildings. In addition, the communal rooftop courtyards on buildings 1, 3 and 6 also have high use areas set back from the edges of the buildings to ensure privacy impacts are minimised. Planting further assists with this the level of privacy between buildings. For these reasons, the additional building height do not create any privacy issues beyond what one could reasonably expect in a well-designed fully compliant building.</p> |

Figure 6 – Shadow Diagrams – Compliant Height and Proposed – 9am June 21



Source: DLN Architects and Giles Tribe Architects

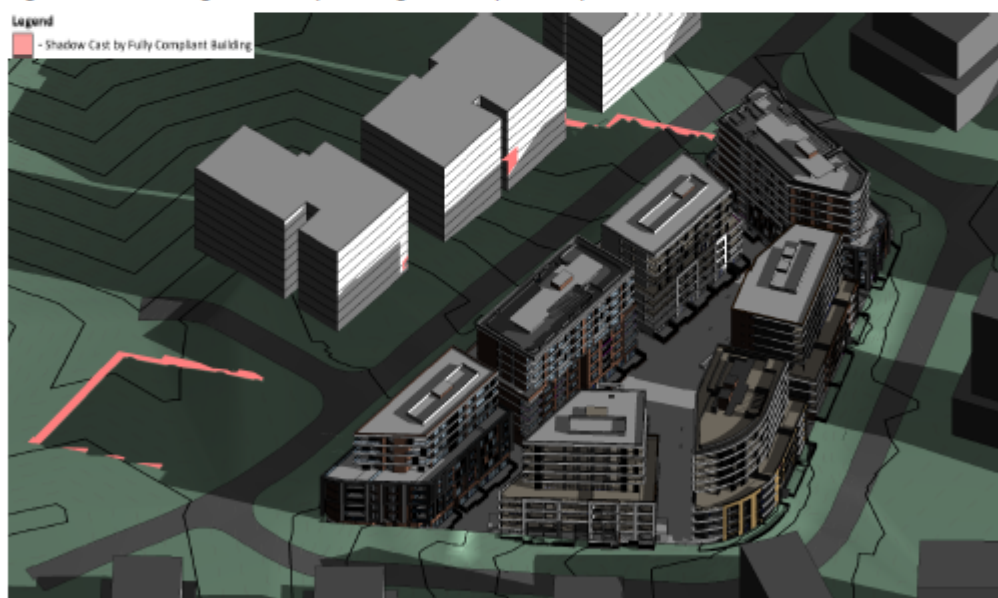


Figure 7 - Shadow Diagrams – Compliant Height and Proposed – 12pm June 21



Source: DLN Architects and Giles Tribe Architects

Figure 8 - Shadow Diagrams – Compliant Height and Proposed – 3pm June 21



Source: DLN Architects and Giles Tribe Architects

Figure 9 – Surrounding Context – 12pm June 21



Source: DLN Architects and Giles Tribe Architects

In summary, the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

#### 6.2.2. Clause 4.6(3)(b) - Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

There are sufficient environmental planning grounds to justify the proposed variations to the development standard, including the following:

##### Massing and Built Form

The massing approach has directly responded to directions and recommendations from the pre-lodgement and follow up engagement with Council staff, and numerous reviews by council's Design Review Panel. These engagements has led to the current approach of 7 separate residential buildings on the site as it was deemed to be the most contextually appropriate massing approach to create appropriate scaled buildings and spaces between for landscaping.

The proposal is consistent with the objectives of the development standard and objectives of the R4 High Density Residential zone. The proposal is a high-quality residential development which is of a scale entirely compatible with the strategic direction of the Showground Precinct. The site is intended to provide a transition between higher density development north/northwest of the site and the lower density development to the south. Accordingly, the proposed building height is entirely suitable in this context.

The proposed development incorporates generous landscaped setbacks comprising retained trees and supplemented with new trees. A central communal open space area combines with these to soften the impact of the building massing when viewed from the public domain.

The building forms have been strategically designed to follow topography of the site. The minimal height non-compliances enabled an efficient utilisation of the site while retaining the setbacks and ground level open space areas which are an important aspect of the site's character.

The proposed buildings are well modulated and articulated with indentations, juxtapositions of horizontal and vertical elements and setbacks to the ground, podium and top levels. The architectural design creates a clear low-scale building base which will be 'read' as a strong street wall height. The taller building forms are setback from this podium height and treated in 'lighter' material tones which help it recede in the background, thus visually reducing the visual mass.

The site has a crossfall of approximately 8m from southeast to southwest. The maximum additional height ranges from 0.19m to 3.7m above the height limit and contributes minimal bulk and scale to the development. The non-compliant elements are set back from the building edges where possible to minimise perceived bulk.

In terms of density, the proposal at 2.49:1 complies with the maximum incentivised FSR control of 2.7:1. Thus the minor height breaches are not a result of seeking to fully utilise the allowable FSR and the massing proposed arguably illustrates what one would ordinarily anticipate from on the site. If strict numerical height compliance were required, the development would fall considerably short of the allowable FSR which will result in a gross underutilisation of a valuable site in close walking distance to the new metro station, failing to meet the intended housing outcome for the precinct. Such an outcome would not constitute a satisfactory redevelopment outcome of a strategically located site designated for high density residential redevelopment.

#### **Amenity**

##### *Overshadowing*

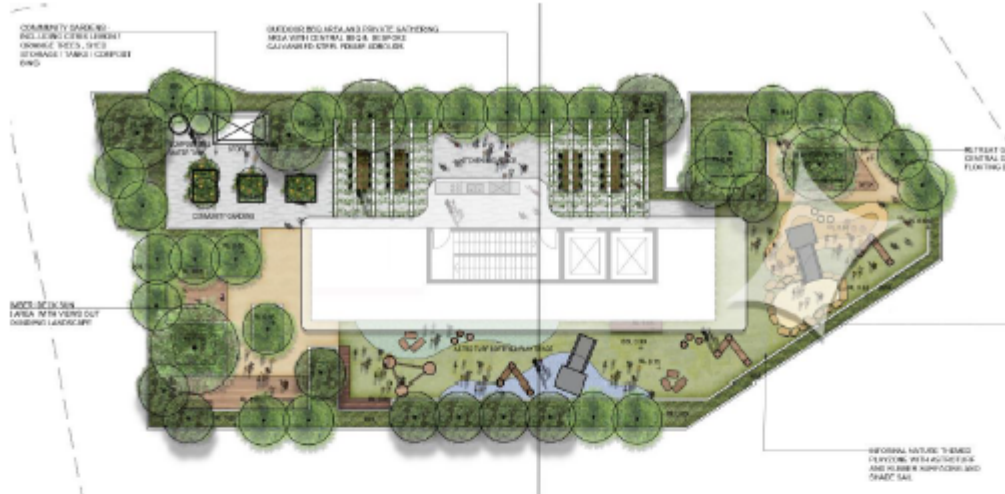
As addressed in Table 2 above, there is no additional overshadowing to adjoining properties which result from the proposed height non-compliances. The location where building elements exceed the maximum building height on the roof are set back from the building edges to ensure no additional overshadowing impacts are caused. Further, due to the stepped design of the building, solar impacts are less than that which would result from a development seeking to maximise the achievable building envelope.

##### *Community spaces*

The proposal will provide increased amenity for future residents. The rooftops of buildings 1, 3 and 6 provide sizeable community spaces (total 1,390.5sqm) for the use of residents. This communal open space is accessible via lift, ensuring the space is available for all residents of the development. The landscaped areas on the rooftops include seating, open air cinema screen, children's play area, vegetable and herb community garden with storage shed/water tank and compost facilities, astro turf informal play spaces and barbecue facilities and there are expansive views from these rooftops.



Figure 10 – Communal Rooftop Terraces on Buildings 1, 3 and 6.



Source: Urbis

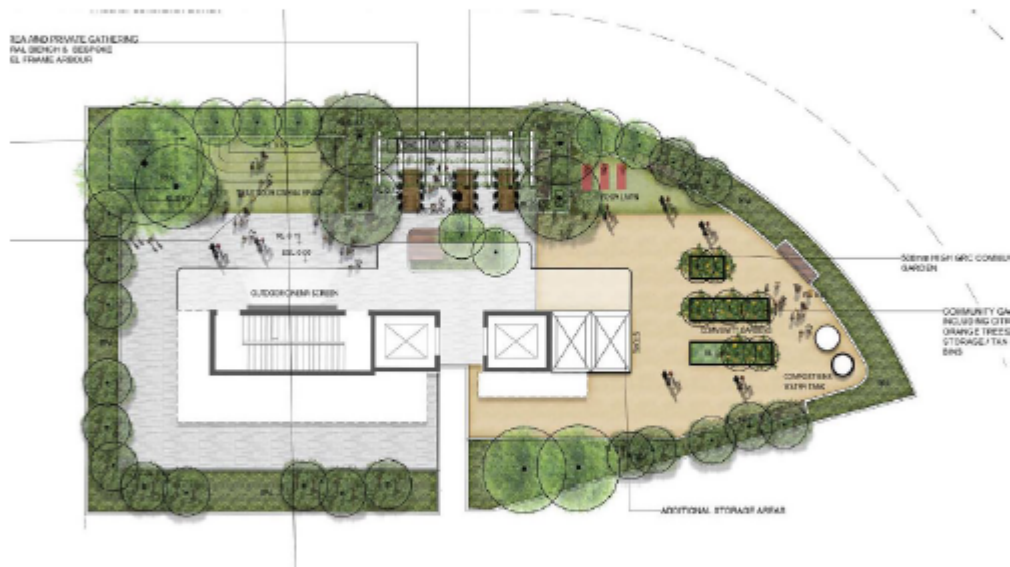




Table 3 Assessment of Consistency with Land Use Zone Objectives

| Objective   | Assessment   |
|---|--|
| a) <i>To provide for the housing needs of the community within a high density residential environment</i>                                 | The proposed development will provide for the diverse housing needs of the community within a high density residential environment, incorporating a wide range of housing types consistent with Council's policy.  |
| b) <i>To provide a variety of housing types within a high density residential environment</i>   | <p>The development provides a variety of housing types including one bedroom, two bedroom and three bedroom apartments. The apartment mix and minimum apartment size provisions of the THLEP 2012 are fully complied with. The proposed built form above the specified maximum building height will not affect the proposal's consistency with this objective.</p> <p>The proposed height exceedance enables the development to optimise the amenity for residents to providing accessible rooftop communal space as well as provide a site responsive design outcome that marries up the sloping terrain and consideration of the desired future context by Council which provides incentive FSR control for the site.</p>  |
| c) <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents</i>                         | All proposed land uses are residential development or directly associated with residential development such as car parking and communal areas. Residential use is considered the most appropriate use for the site in its context, surrounded by residential uses.   |
| d) <i>To encourage high density residential development in locations that are close to population centres and public transport routes</i> | <p>The proposed development is within 300m walking distance of the recently opened Showground Metro Station. The site is located within the Showground Station Precinct which has been rezoned for high density residential development due to its proximity to the Metro Station.</p> <p>The proposal is considered to achieve a good balance of meeting the high-density residential objectives, without fully utilising all of the allowable FSR, and identifying opportunities to incorporate small amounts of additional building mass to upper level of buildings so as not to undermine the streetscape character.</p> <p>The height breaches are a detailed site design response aimed to ensure the massing approach is consistent with Council's desired plan. As illustrated, the proposed built form above the specified maximum building height will not affect the proposal's consistency with this objective.</p> |

The proposal is in the public interest as the development is consistent with the objectives of the development standard, and the land use objectives of the zone.

#### **6.2.4. Clause 4.6(5)(a) - Would Non-Compliance Raise any Matter of Significance for State or Regional Planning?**

The proposed non-compliance with the height of buildings development standard will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specified circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

#### **6.2.5. Clause 4.6(5)(b) - Is There a Public Benefit of Maintaining the Planning Control Standard?**

The proposed development achieves the objectives of the height of buildings development standard and the land use zoning objectives despite the non-compliance. The strict application of the height control would prevent effective redevelopment of the site in accordance with the R4 zoning and other development standards, resulting in an underutilisation of a strategically valuable site in the Showground Road Station Precinct. The minimal height exceedances enable the development to provide improved and superior internal and external amenity, which has been achieved following a number of redesigns for the site and is reflected in the current proposal.


The contravention has been demonstrated to be appropriate and supportable in the circumstances of the case and there would be no public benefit in maintaining the development standard in this case.

#### **6.2.6. Clause 4.6(5)(c) – Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?**

Concurrence has been assumed. Nevertheless, there are no known additional matters that need to be considered within the assessment of the Clause 4.6 variation request prior to granting concurrence, should it be required.



# ATTACHMENT 17 – DESIGN REVIEW PANEL MEETING MINUTES

| <b>DESIGN REVIEW PANEL</b><br><b>DESIGN ADVISORY MEETING REPORT – 22<sup>nd</sup> July 2020</b> |   |
|---|---|
| <b>Item 4.1</b>   | 9.32am – 11.00am  |
| <b>DA Number</b>  | DA 58/2020/JP   |
| <b>DA officer</b>   | Justin Keen   |
| <b>Applicant</b>  | KWG group   |
| <b>Planner</b>  | Urbis   |
| <b>Property Address</b>   | 2-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill   |
| <b>Proposal</b>   |  <p>Residential flat development comprising seven residential blocks over basement car parking.</p>  |
| <b>Design review</b>  | Second review DA stage (Reviewed pre-DA stage)  |
| <b>Background</b>   | <p>The proposal was previously reviewed by the Design review Panel as a Pre-DA on 2nd May 2019 and as a DA on 25<sup>th</sup> September 2019.</p> <p>The site was inspected by the panel on the 02/05/19 and again on the 25/09/19 between 9am-10am. The site is located in an area subject to a number of development sites and alternate Panel members are familiar with the surrounding locality and adjacent sites.</p>                                       |
| <b>Applicant representative address to the design review panel</b>                              | <p>Mark Broadley<br/>Registration number: 5823</p>  |
| <b>Key Issues</b>   | <p>Summary of key issues discussed:</p> <ul style="list-style-type: none"> <li>• Levels across the site and cross site accessibility</li> <li>• Accessibility to individual development blocks from the street frontage.</li> <li>• Residential amenity and adequate provision of common open space</li> <li>• ADG considerations.</li> </ul>   |
| <b>Panel Location</b>   | Electronic video conference meeting via Skype for Business  |
| <b>Panel Members</b>  | <p><b>Chairperson</b> - Paul Berkemeier<br/> <b>Panel Member</b> – Tony Caro<br/> <b>Panel Member</b> - Marc Deuschle</p>   |
| <b>Declaration of Interest</b>  | None  |
| <b>Councillors</b>  | None present  |
| <b>Council Staff</b>  | Cynthia Dugan, Justin Keen, Marika Hahn   |
| <b>Other attendees</b>  | <p>Steven White (Urbis – Planner)<br/>           Andrew Hobbs (Urbis – Planner)<br/>           Charlie Robinson (Urbis – Landscape Architect)<br/>           Danny Yeung (GTA – Project Director)<br/>           Mark Broadley (GTA – Design Director)<br/>           Vanessa Yu (GTA – Architect)<br/>           Raymond Soo ( KWG – Client representative)<br/>           William Tam (Architect - Arva Limited )<br/>           John Cheng (Architect DLN)</p> |

## SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct and is in the immediate catchment of the Showground Metro station.



Location plan (THSC)

**DOCUMENTATION** – provided for the 02-05-19 and 25-09-19 Panel Meeting is listed in previous meeting reports.

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

*Architectural drawing set*, dated 22<sup>nd</sup> July 2020, by combined project team

*SEPP 65 verification statement*, dated 1<sup>st</sup> June 2020, by Giles Tribe Architects

*The Hills Statement*, no date, by Giles Tribe Architects

*Landscape Plans*, dated 11<sup>th</sup> June, by Urbis

*Pedestrian Wind Tunnel Tests for: The Island*, July 2019, by Cermak Peterka Peterson

*Revised clause 4.6*, 15 June 2020, by Urbis

## PANEL COMMENT

### DA 58/2020/JP – 2-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill

The Panel commenced at 9.10am

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

For clarity, this meeting report structure is based on previous Panel comments (*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 22 July 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:** *Partially addressed. The applicant presented an overview of how the proposal had been designed to integrate into the broader regional context and the strong garden/landscape identity of the Hills Shire, however, this is not fully reflected in the presented architectural drawings in which services and basement car parking egress have been placed within the front setbacks introducing obtrusive elements in the streetscape that are without precedent in the locality.*

**New Comment:** The documentation set includes 'The Hills Statement' which lists measures taken to respond to the context of Castle Hill. Examples include the landscape treatment of the street setback zones and all roofs treated as green areas. The Panel advises that street setbacks should remain unencumbered by built elements, services and excessive areas of hard paving. The Statement refers to occupation by intergenerational families. Further consideration should be given to accessibility to each of the buildings and communal open spaces for wheelchair users, the elderly and parents with prams.



## 2. Site planning and built form strategy

- The scheme is based on a central courtyard built form typology that is proliferating in many new high-density locations around Sydney. The Panel recommends that substantial breaks in the continuity of this typology are integrated into the design, 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.
- Notwithstanding, the Panel suggested investigating amalgamation of some of the nine blocks within the podium level (such as blocks T2/T3 or T1/T2) to provide more definition and variety to the street edge condition whilst retaining a human scale address to the street. These infill elements should be recessed by at least 2 metres behind the primary facade and of a discreet, dark colour, in order to satisfy the DCP objectives for maximum building length. They should also provide a minimum double storey open space above ground level that fosters air movement and natural light at courtyard level, and good opportunity for additional leafy, well-shaded communal open space possibly with introduction of safe water features (child play areas for example)

### COMMENT:

- The architectural result of the two links is not convincing and would be better being redesigned to provide non masonry solution or removed. In particular the bedrooms placed over the main vehicle entry way between blocks 2 and 3 are subject to poor acoustic amenity.
- The minimum distances provided between the development blocks creates solar amenity issues resulting the internal courtyard being largely in shadow. The provision of two upper level common open spaces in lieu of appropriate residential amenity at the ground level is insufficient for a development of this size. Whilst numerical solar compliance may be achieved, the residential amenity provision is lacking.

**New Comment:** The Panel supports the removal of the two link elements.

### Bulk, Scale and Massing

- The central court and its common areas are largely in shade as a result of the site geometry and the proposed bulk and mass of the development.
- The Panel recommends reducing building height of building T2, to improve solar access, natural light and improved residential amenity whilst also providing for some diversity of built form along the Sexton Avenue street edge.

### COMMENT:

The Panel remains concerned at the extent of overshadowing to the central courtyard and the potential flow-on to solar amenity within the apartments at lower levels.

**New Comment:** The courtyard was noted by the proponent as the primary Common Open Space (COS) of the development and as such should comply with the ADG's minimum solar requirements. Options for reducing overshadowing should be considered. The Panel notes the additional rooftop COS included in the current proposal and encourages the proponent to make the remaining roofs accessible open space as well.

### Site Coverage/ Landscaped Open Space

#### COMMENT:

- Applicant to confirm details with Council planner.
- Provide clear annotated site coverage diagrams to demonstrate compliance with DCP controls and ADG design criteria.

**New Comment:** Final site coverage and Landscaped open space, Communal Open Space, and Deep Soil Zone (DSZ) provisions to be provided to the Council's Landscape and DA Officers. The minimum requirements in the ADG (eg. 6m width and no paving or structures being present) should be adhered to with regards to calculating the DSZ. Likewise the minimum requirements in the ADG with regards to calculating the COS will result in not all landscaped areas being able to be counted as COS.

### 3. Compliance

#### Height

- The Panel does not generally support LEP height non-compliance. 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.
- On this basis the Panel recommends that the non-compliant ninth level is deleted. The infill elements described above will assist in compensating for the yield.

#### **COMMENT:**

- As previously noted, the infill linking elements have not achieved an acceptable design outcome.
- The Panel reiterates that height exceedance is not supported and notes that the incentive FSR provides a generous site uplift and the attainment of the maximum yield cannot be justified when residential amenity is compromised. The Panel noted that the height exceedance of development block 4 contributed to the courtyard overshadowing.

**New Comment:** No further comment. Applicant to clarify with DA officer height exceedance of Building 5 as illustrated on Drawing Sheet DA211 E East elevation. Development block 5 is a nine storey building but the desired future character indicated in the DCP is 8 storeys.

#### Density

- Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction.
- The development density appears to be too high for the site, and the proposal would benefit from greater consideration and compliance with ADG residential amenity requirements.

**COMMENT:** No further comment.

**New Comment:** No further comment.

#### Setbacks

- *Complies.*
- **COMMENT:** As noted above development related to the basement car park egress, services and exhausts is not acceptable in the landscaped setback zone.

**New Comment:** The Panel is satisfied that the applicant understands the undesirable impact that large services placed in the front setback will have on the overall appearance and desirability of the development. The Panel recommends that all services be incorporated into the development and not as part of the front setback, however if any must occur in the front setback zone, they should be clearly documented and locations confirmed with relevant engineering consultants prior to the DA submission. Documentation to show why such services cannot be incorporated into the development should be provided.

The Panel advises the encroachment of the lower ground courts into the Sexton Avenue setback zone adversely impacts on the aesthetic, environmental and landscape qualities of this street frontage.

- The submitted sections are completely inadequate in quantity sufficient to describe the proposal, including for example relationships to adjacent development (existing and future), landscape planting set down provisions in the courtyard and clearances in the basement.

**COMMENT:** Partially addressed. RL's of all ground level units, courts and adjacent ground levels are required to provide clarity on privacy impacts

**New Comment:** Each residential development block must be able to be accessed directly from the immediately adjacent street frontage by a mobility impaired person such as a person in a wheel chair or on crutches. This is clearly articulated in the Hills Shire Council DCP 2012 and the design objectives of the ADG. The lack of thorough documentation earlier in the process has resulted in this being made apparent at a very late stage. To minimise the need for handrails 1:20 walkways would be preferred over 1:14 ramps.

The Panel recommends that:

- Cross sections through each development block communal entry way at the street interface be provided to the DA officer.



- Additional cross sections through each development block illustrating the ground level apartment and street interface be provided to the DA officer to ensure that the ground level of apartments are not below the existing street footpath level. The provision of ground level apartments below the footpath level is considered unacceptable due to privacy and safety concerns, and is in non-compliance with DCP controls.

#### Apartment Mix and Building Design

- Street frontage apartments with ground floor levels and courtyards below footpath level are not supported. Note; refer to above.
- Adequate built form separation, visual privacy, acoustic amenity and solar access compliance need to be considered from a residential amenity and liveability perspective. The spaces between buildings are "canyon-like" in proportion and not appropriate to the future context. As described, infill of some of these spaces at podium level would assist in mitigating this.
- The vehicle access ramp between T2 and T3 would particularly benefit by having the upper two podium levels infilled as described. Alternatively, the ramp should be located within the building footprint.

**COMMENT:** The design of the link elements between Buildings 2 & 3 and Buildings 5 & 6 is not satisfactory. The placement of bedrooms above the and alongside the main vehicle access ramp will create severe acoustic problems.

**New Comment:** The Panel remains concerned at the narrowness and regularity of the gaps between the buildings. More consideration needs to be given the dimensions, window separation, façade design and landscape treatment. The spaces between buildings 5 & 6 and 6 & 7 are of particular concern.

#### **4. Landscape Design**

##### **Public Domain**

- All established trees should be retained where practicable and described by an arborist report. Particular attention and evaluation is required to the trees nominated for retention located in setbacks, which are close to the basement and building lines.
- The Panel recommends that a significant 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. Planting details are to be provided to the Landscape assessment officer for review.
- There should be a stronger presence of mature trees and concomitant deep soil provision within all street setbacks to ensure that the development is sited within a landscape setting of canopied trees.
- Ensure landscape architectural and engineering drawing sets are coordinated. Services and hard paving located within the soil zone of trees are generally not supported.
- The natural level change across the site has many impacts on the development. The scheme appears to have addressed connection to the communal space and streetscape ground levels. A more detailed grading plan will need to be provided with the DA to describe level differences with regards to access, privacy and heights of apartments / courtyards relative to street level.
- 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 noted a number of significant trees within the landscaped setback have been indicated as being removed. Council sign off on any significant tree removal needs to be confirmed.

- The indented car-parking shall comply with the Public Domain Plan. Documentation details are found on Council's website under Subdivision and Engineering Specifications - refer to Showground Precinct Verge Treatment Details.
- Deep Soil zones are to be clearly identified with minimum dimensions as required for sites in excess of 1500sqm in accordance with ADG guidelines, it is noted that the indicated 4.5m deep soil zone is not in compliance with SEPP 65 which requires a minimum distance of 6m to be included in the calculation.

**New Comments:** - The Panel is of the opinion that more of the existing trees around the site could be retained given their location and the adjacent DSZ – this is to be reviewed and the removal or all trees justified by the arborists report.

- The 'DSZ' in the centre of the site should not be counted within the site's DSZ calculations.
- The development overall has a high proportion of play equipment and play spaces. While some play is an acceptable addition to a development of this size, the high proportion in this development means a balanced variety of amenity and program is lacking. Given the anticipated cross-section of users, the landscape should respond by providing more variety in terms of sizes and types of use especially small to large open spaces for active play.
- The GF landscape is heavily planted with trees. Given the already lacking solar access within this zone some areas should have their canopy removed or spread to provide opportunities for sun penetration throughout the day / year.
- The planting schedule suggests no deciduous trees are to be used in the COS. This should be reviewed as the use of some deciduous trees would be beneficial to the use of several areas in winter.
- The landscape drawings are hard to read with linework and colour making the design hard to decipher. Likewise drawings of rooftops do not label which building's roof is being displayed.
- Rooftop 01 (p16 of landscape design report) – The Panel questions the need for the play area here given the extent of the Ground Floor play area. However it may be retained if the overall COS program is better rationalised. The arrangement of the 'community garden' should be reviewed with consideration of how this space will function if residents do not take up this use. Perhaps garden beds could be better arranged to allow for adaptive re-use.
- Rooftop 02 (p17 of landscape design report) – The large area of grey paving needs to be resolved. The yoga lawn could be given more space and the community garden reduced (also refer to previous comment re: community garden). The yoga lawn would benefit from more seclusion so users feel private and comfortable using the space.
- Rooftop 03 (p18 of landscape design report) – Given there are no large or open lawn spaces on the ground floor it seems odd to have one on a rooftop. If on the GF it could be used as a relaxing or active space but the use is limited on the rooftop (ie no balls can be kicked or frisbees safely thrown). Generally the arrangement of this rooftop creates a large proportion of circulation space as opposed to usable landscape 'rooms.' Consideration should be given to rearranging at least some of the spaces and circulation to provide more private 'rooms' accessible off a circulation route as opposed to all spaces being part of the circulation. Creating some entry thresholds to these spaces may be useful.
- Artificial lawn to the inaccessible rooftops should be reconsidered given the relatively high heat absorption of this material. Likewise planters on all rooftops should ensure they have adequate volume and depth to enable the provision of shade of trees provided. Trees should be anchored.
- Documentation should be provided to explain by who and how the private terrace edge planters are maintained.

#### **Private Domain**

- *For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.*
- *The public domain and adjoining deep soil zones requires more substantive tree planting.*
- *The Landscape description has many positive attributes, and the Panel particularly supports the extensive structured deep soil provision above basement waste loading area. Further detail in relation to ramp design, basement clearances and planter depth below courtyard level is required. Ensure that the benefit of the central structured deep soil is maximised with the planting of substantial trees.*

**New Comment:** The Panel notes the proposed 1500mm deep soil zone above the truck turning area as shown on DA302 C. It is not clear how adequate soil depth will be provided in other places where extensive planting is shown above the basement area. Further detail should be shown in cross section that indicate and comply with the minimum soil depths and volumes indicated by the ADG.

- *Sunken or raised courts and ground level courts within the street frontage setback will compromise the landscape and garden setting character of the overall precinct. 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.*



**New Comment:** The Panel advises development blocks 2 and 3 on Sexton Avenue have documented courtyard areas which encroach on the landscape setback zone. The Panel recommends the courtyard boundary be reinstated to align with the 7.5m street setback. The Panel considers the encroachment unacceptably large and compromises the intent of the DCP. Fencing details to all court areas are to be properly documented and details provided to the DA officer.

- *The front private courtyards need to be evaluated with regards to level change to the natural ground level. Excessive height differences are likely to create large walls in the setback area in some areas due to the sloping natural topography.*
- *The central courtyard is very shaded and narrow along the western edge, which will compromise the uses in the courtyard as well as potential filtering of views between apartments that would be provided by tree planting.*
- *The narrow links between buildings (although useful connections into the central courtyard) do not offer useful amenity to the development as effective communal open space. The provision of additional rooftop communal space would provide some additional space that also has access to sun in winter.*
- *The Panel recommends the applicant provide more dispersed roof top gardens to provide equity of access for this number of residents. Access for residents from common courtyards to common roof top gardens should be clear and direct.*

**New Comment:** The Panel recommends that consideration be given to the flexibility of landscape spaces subject to programmed uses that are not taken up by residents.

**Keying / access control** must permit all residents to reach one or more of the rooftop communal open spaces.

**COMMENT:**

- *Ensure DDA access to all public common open space areas and provide a diagram demonstrating path of travel from all access points.*
- *Provide typical plans for the different types of private yards to show varied scale, arrangements and planting areas.*
- *Design of fencing, gates and walling treatments to be illustrated in these plans to ensure that the design character is achieved.*

**New Comment:** All comments above are to be re-reviewed.

**5. SEPP 65 items to be clarified or revised:**

**Apartment Design Guide**

*The Panel notes that the DCP makes reference to the ADG and that full compliance with the Design Objectives and Criteria are reasonably expected to be met in order to achieve design excellence.*

*The Panel therefore recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in many parts of the ADG. Specific items as noted are:*

- *Cross privacy between units facing into the building separation passageways. The Panel acknowledges that window openings across the separations have been designed to minimise impacts, this has resulted in large corner apartments with very large blank walls.*
- *Provide calculation of deep soil provision.*
- *Provide solar access diagrams to communal open space at ground level.*
- *Adequacy of common facilities for this size development. For example, is a swimming pool considered to be necessary in the context of the size of development and rising temperatures in western Sydney?*
- *Solar access diagrams to ADG definition/compliance should be provided to satisfaction of Council planner. Likely future development on neighbouring sites should be shown to full extent allowed under LEP controls.*
- *The Deep Soil Zone as shown does not take into account the paved areas, fencing and walling in the setback from the boundary to the building. The Deep Soil area should be re-evaluated and re-presented. The deep soil area needs to be drawn on the landscape plans to demonstrate that there are no conflicts or intrusion into the designated deep soil area.*
- *The requirement for sunlight to 50% of the communal open space needs to be clarified and demonstrated.*

**COMMENT:** The Panel remains concerned at the extent of apparent ADG noncompliance, particularly cross ventilation and solar access

*The Panel recommends ADG considerations be reviewed and compliance confirmed with the planner, including:*

- *Natural Cross ventilation compliance to ADG definition to be confirmed via independent review or a more convincing demonstration of compliance.*
- *Solar access to ADG to be demonstrated clearly*
- *Balcony dimensions and areas*
- *Storage provision*
- *Communal facility provision – provide further explanation as to the proposed uses NOTE*
- *Additional Rooftop communal landscape areas should be provided to compensate for the amount of ground floor communal landscape area which is in shadow.*

**New Comment:** The communal space calculations do not appear to meet the ADG Objective 3D-1 Communal and Public Open Space provision despite the additional roof-top provision. The Panel recommends providing additional roof top landscaped areas for communal open space and that access be provided to all rooftop areas. The Panel notes that the principal communal open space, which was noted by the proponent in the meeting as the ground plane central court, receives less than 50% direct sunlight for a minimum of 2hrs between 9am and 3pm June 21 (mid-winter) – this should be addressed.

The Panel recommends a plan of management be prepared that clearly establishes how equitable access to rooftop communal open spaces is to be maintained for all residents of the development.

The plan drawings show very few internal dimensions. Dimensions of all habitable rooms and key spaces should be included in the DA drawings.

The Panel notes a number of bedrooms do not demonstrate compliance with design criteria in Objective 4D-3 2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space).

The Panel noted that a number subterranean spaces were labelled as being Communal uses but the proposed use was unclear and the usefulness/ or benefit was not evident. If these 'half storey' spaces are a result of a single slab over a large sloping site then the applicant should consider stepping the slab in relation to the topography to mitigate these awkward outcomes.

## **6. Sustainability and Environmental Amenity**

- *Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground precinct. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC (Central City District Plan, Planning Priority C16).*
- *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:** ADG minimum design criteria :4A Solar and daylight access, 4B Natural ventilation, 4H Acoustic privacy, 4O Landscape design, 4U Energy Efficiency. 4V Water management and conservation and Waste management and 4X Building Maintenance are to be achieved.

**New Comment:** The Panel noted the screens applied externally on some facades to provide solar protection and recommend that the use of screens should be more extensive on those facades most impacted by solar heat gain during summer. Refer to ADG part 4A Solar and daylight access for guidance on passive solar strategies in addition to liaising with environmental engineers to verify that reasonable levels of thermal comfort will be attained.

## **7. Architecture and Aesthetics**

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

**COMMENT:** Partially addressed.

- *The Panel notes that the detailed design of buildings has a level of variety in their detail, it considers that the overall built form and architectural character of the proposed development is too homogeneous for a development of this size. There needs to be more diversity in scale, proportioning systems and materiality within the streetscape. Previous comments have suggested some ways in which to bring variety into the streetscape.*

**New Comment:** The Panel notes the design team have undertaken further design work to achieve greater diversity of architectural expression. The consideration of materials, colours and articulation of



the façade present a finer grained street address more in keeping with the defined future character of the precinct.

**COMMENT:** Discussed. The computer renderings failed to fully convey the material differentiation between development blocks. This is an important design consideration as there is a high degree of repetition as part of the site's design concept. The detail of brickwork including pattern variation, depth of reveals and colour variation are critical in achieving the desired diversity and scale within the limited palette. The Panel noted the undifferentiated fencing detail and the podium like capping form and material to the carpark for each block around the site accentuated the mass and bulk of the development. It was suggested that each block be more personalised with a different fencing and landscape treatment to provide greater individuality between blocks and scale for the apartments at the lower 2 levels. This is to be clearly articulated in greater detail with a materials palette board be provided per development block to the DA officer.

- The street elevation interface at ground level is unresolved when the slope falls away from the floor level. This must be appropriately resolved and detailed to integrate with the podium level above.
- Panel suggested a greater emphasis on the ground plane appearance for pedestrians and the desired fine grain aesthetic described in the DCP. This has been successfully achieved in other projects within the precinct. The public domain interface is critical to the success of this project.
- The architect stated that all air conditioning condenser units would be placed on the roof and not the residential balconies. Coordination between the landscape and architecture drawings needs to reflect this and the extent of screening accurately shown in all elevations and perspectives.

**New Comment:** The Panel recommends that documentation relating to location of all air conditioning units be provided to the DA officer.

- In addition the Panel suggested a calmer, "lighter" simplification of the upper level building elements to contrast with the more detailed masonry treatment of the podium levels. Fenestration between the lower and upper form of buildings could vary between horizontality (e.g. floor expression) and verticality (e.g. structure and party wall expression), to enhance a sense of fine grain and to diversify the presentation of this large project to the public domain.

**COMMENT:** The Panel noted the design changes presented were effective and an improvement.

**New Comment:** The Panel is generally supportive of the revised architectural approach to façade design. The Panel recommends façade treatment be continued around to the internal façades addressing the internal court area.

- All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Indicate services provision on all plans submitted for DA application and provide proposed screening details.

**COMMENT:** The basement carparking ventilation shafts and egress stairs are to be removed from all setback areas. These objects are unsightly, present safety and security concerns and provide intrusive and unattractive objectives in the public domain. The design and location of these objects is poorly considered, they must be integrated into the development blocks. The ventilation shafts and stair access must also not occur in the internal courtyard areas or any part of the public domain.

**New Comment:** The Panel notes that the carpark ventilation shafts and egress stairs have been integrated into the building footprint and this will greatly improve the appearance of the building when viewed by the residents / and pedestrians from the street. The Panel notes also the effort made to conceal the substations from public view. The Panel notes that similar sized developments have integrated substations into the basement of the development. If the substations are to be located on the street as indicated the Panel advises that coordination with Endeavour Energy be undertaken promptly to ensure compliance with maintenance and access requirements.

- 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.

**New Comment:** The Panel reiterates the above comment. The internal planning of many apartments needs more development, informed by consideration of how occupants will use the various spaces. Further thought needs to be given to storage. Some storage spaces appear to be inaccessible while many laundry spaces are poorly located and too small for the likely number of occupants.

- The Panel notes that the internal elevations into the courtyard impact upon the residential amenity and so should also be illustrated for future review as part of the drawing set.

**New Comment:** as noted above, the care taken into the architectural materiality and façade articulation should continue around into the central courtyard to mitigate the impact of the bulk and scale of the development blocks on the internal court area.

#### SUMMARY OF PANEL RECOMMENDATIONS (from all previous meetings)

- Provide a statement of the schemes design response to its precinct broader regional context. - Addressed
- Revise the building envelope to comply with the height control controls (minor non GFA elements may be considered if designed as noted in report). - To be further resolved to satisfaction of DA officer. Refer to elevation drawing DA211 E which shows apparent non-compliance.
- Revise the building envelope as required to comply with building setbacks. - Addressed
- Amend courtyard encroachments from all setbacks and provide more substantial landscaping. - To satisfaction of DA officer as per comment
- Avoid subterranean units and sunken terraces. - To be addressed
- Aim to provide more usable cross-site pedestrian access and links with streetscape. - Addressed – but DDA access needs to be demonstrated.
- Improve solar access to the ground level courtyard area. - To be addressed
- Ensure common facilities and related spaces are appropriate to the size of the development. - To be further resolved
- Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks. - Addressed
- Provide external solar shading to exposed windows. - To be further resolved
- Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations. - Addressed
- Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting. - To be further resolved
- Sign off from both the Council Landscape DA officer and the Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas. - To satisfaction of DA officer
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council. - Partially addressed. Provide further information on location and design of proposed substation.
- Improve scale interface at street level for all blocks including design of apartment gardens, variation in fence design and landscape. - To be further resolved to satisfaction of DA officer.
- Clarification of façade detail to be incorporated within perspectives and elevations particularly within masonry podium buildings – Partially addressed
- The Wind Tunnel Test report was issued to the Panel a few days after the meeting and the findings were not discussed with the Applicant. The design must be modified as necessary to ensure compliance with DCP wind requirements. - Addressed
- Provide additional roof top communal open space. Partially addressed. Consider providing rooftop landscape areas to all buildings. Ensure roof access for all residents.

#### ADDITIONAL PANEL RECOMMENDATIONS

- Documentation to aid the DA officer with assessment as indicated in the report. Items; 2. [Site Coverage / landscaped Open Space](#), 4 Landscape Design – Private Domain.
- Removal of ground level private open space encroachment into street setback to Sexton Avenue as indicated in report. Item 3. [Setbacks](#).

- Give further consideration to the design of the gaps between the building blocks and to the associated landscape design.
- Ensure each development block common lobby is able to be accessed directly from the immediately adjacent street footpath by all residents and visitors as per DDA legislation. Item 3. Setbacks.
- Provide cross sections at the street interface to the DA officer as recommended. Item 3. Setbacks.
- Further develop the internal planning of apartments.
- Show internal dimensions to habitable rooms and other key spaces.
- Amend non-compliant bedroom minimum widths.
- Consider additional solar heat mitigation strategies (screening).Item 6. Sustainability and Environmental Amenity
- Applicant to provide written confirmation that as previously stated all air conditioning condenser units are indeed located on the rooftops.

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

Council officer to place DA conditions on:

- Screening of service provision from any existing and future public domain outlook. All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development. Details are to be provided to the DA officer for review prior to DA approval. Details are to be shown in plan with services clearly notated. Provide detail elevations and sections details at a minimum scale of 1:50 on an A3 drawing sheet.
- Air conditioning condenser units are located as documented on the roof and are not visible from any part of the surrounding streets and public domain.

## PANEL CONCLUSION

The Panel previously concluded:

*It is recommended that the applicant address the issues identified in this report prior to DA submission. The revised application should be reviewed by the DRP.*

*The Panel notes that some of the issues have been addressed and the design team indicated further design rework is to be undertaken. The Panel acknowledges improvements made to the design but it still needs further work to meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.*

The Panel acknowledges the meaningful amendments to the scheme that have been made in response to its previous comments. However a number of matters have yet to be resolved, as noted variously in this report. The Panel is of the opinion the proposal can achieve the requirements of design excellence with further refinement as identified in this report. If the DA officer is satisfied that the applicant has addressed the concerns of the Panel, the project need not return to the Panel for further consideration.