

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-203
DA Number	DA 1946/2016/JP/B
LGA	The Hills Shire Council
Proposed Development	Section 4.55 (2) Modification to an Approved Residential Flat Building Development
Street Address	Lot 101 DP 1146629 and Lot A DP 158531, Nos. 51-53 and 55 Old Castle Hill Road, Castle Hill
Applicant	Toplace Pty Ltd
Consultants	LJB Planning Krikis Tayler Architects TSA RICQS Pty Ltd SLR Consulting Pty Ltd C & M Consulting Engineers
Date of DA lodgement	27 October 2020
Number of Submissions	Two (from the same property)
Recommendation	Approval of the Modification Application
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) Modification which has a variation to a Development Standard exceeding 10%
List of all relevant s4.15(1)(a) matters	SEPP State and Regional Development 2011 SEPP Infrastructure 2007 SEPP 55 – Remediation of Land SEPP 65 – Design Quality of Residential Apartment Development Apartment Design Guidelines LEP 2019 SEPP Building Sustainability Index: BASIX 2004 DCP Part D Section 2 – Pennant Street Target Site
List all documents submitted with this report for the Panel's consideration	Nil
Clause 4.6 requests	Nil
Summary of key submissions	Nil
Report prepared by	Kristine McKenzie Principal Co-ordinator
Report date	Electronic Determination

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

EXECUTIVE SUMMARY

On 20 April 2017 the then Joint Regional Planning Panel (JRPP) approved Development Application 1946/2016/JP for the demolition of structures and the erection of five apartment buildings containing 923 units and basement parking for 1154 vehicles. The controls which are in place are the result of a site specific Planning Proposal for the target site which includes a DCP. Since the time of the approval of the original application, the applicant has acquired No. 55 Old Castle Hill Road (located to the north). The consent was subsequently amended on 21 June 2018 by the Sydney Central City Planning Panel (SCCPP) to principally incorporate the additional property into the subject site and undertake associated design changes which included increasing the number of units to 962.

The subject Modification Application seeks to convert a redundant plant room area into two x two bedroom residential units which will result in external changes to create residential windows and balconies and also includes the provision of additional car parking and storage areas within the basement.

The proposed development includes a variation to the LEP 2019 FSR limit. In this regard the site contains two FSR requirements. No. 51-53 Old Castle Hill Road has an FSR of 5.5:1 under a site specific Planning Proposal and DCP requirements and No. 55 Old Castle Hill Road has an FSR of 1:1 with an incentivised FSR of 2.04:1 under the Castle Hill North Planning proposal. The proposed FSR when calculated across the whole site is 5.48:1.

DCP Part D Section 2 – Pennant Street Target Site (site specific DCP) also applies to the site. The proposal includes variations to the parking requirements and unit size and mix requirements. In this regard the proposal meets the requirements of the Apartment Design Guide in regard to parking and unit size.

The application was notified and two submissions were received from the one property. The issues raised primarily relate to footpath construction, worker behaviour, parking impacts and number of units. The footpath construction was required by a condition imposed on the original consent to improve pedestrian access. Worker behaviour is being monitored by Council's Compliance Team and on-site parking is encouraged. The proposal is considered

satisfactory in regard to the two additional units and there are no changes proposed to bulk, scale of height of the approved development.

The modification application is recommended for approval.

BACKGROUND

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

The approved development included a variation to LEP 2012 in regard to height. The LEP limits height to 54 metres, while the maximum height permitted was 76.8m to Building B which represented a maximum 42.2% variation to the LEP standard. The proposal complied with the FSR limit which is 5.5:1. The form of development approved on the site was also quite different from that envisaged by the Planning Proposal in terms of height and the location and form of the buildings. However, the approved built form outcome allowed the provision of more slender towers which were less bulky than the built form envisaged by the DCP and which allow for an improved streetscape outcome, smaller on-ground footprint and landscape works at ground level.

Since the time of the approval of the original application, the applicant has acquired No. 55 Old Castle Hill Road (located to the north). The consent was subsequently amended on 21 June 2018 by the Sydney Central City Planning Panel (SCCPP) to principally incorporate the additional property into the subject site and undertake associated design changes which included increasing the number of units to 962. The approved modification also included a variation to LEP 2012 in regard to height. Building E had an approved height of 54.5 metres (LEP height limit of 54 metres) and whilst there were no changes to the overall height of the development, that part of Building E which encroached over No. 55 Old Castle Hill Road had a height of 54.5 metres. The height limit under LEP 2012 is 9 metres and this represented a variation of 505% to the LEP standard.

The subject Modification Application was lodged on 27 October 2020. An email was sent to the applicant on 21 December 2020 requesting additional information regarding a Design Verification Statement, unit size and mix and FSR. Additional information was submitted by the applicant on 11 January 2021.

The development is currently under construction. Currently, Building A and B are nearing completion while significant works are still required for Buildings C (subject to the modification application), D and E. Attachment 7 shows photographs of the subject site and the area subject to the proposed modification.

DETAILS AND SUBMISSIONS

Owner:	51 OCHR Pty Ltd
Zoning:	R4 High Density Residential
Area:	14,795m ²
Existing Development:	Apartment development under construction
Section 7.11 Contribution:	\$2,927,648.20 (entire development)
Exhibition:	Not required.
Notice Adj Owners:	14 days
Number Advised:	70. This includes those persons who made submission to the original application.
Submissions Received:	Two

PROPOSAL

The subject Section 4.55(2) Modification application is for the conversion of a redundant Plant room in building C Level 23 into two x two bedroom residential units.

The subject Section 4.55(2) Modification includes the following works:

- Convert redundant plant room within Building C, on Level 23, into two x two bedroom units;
- Increase gross floor area by 164m²;
- Modify western and southern elevations of Building C from redundant plant screening to residential units containing windows and balconies;
- Provision of additional storage room and car space within Basement Levels 2 and 3 and the provision of two additional bicycle parking spaces within the lower ground floor.

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

Criteria	Approved (1946/2016/JP)	Approved (1946/2016/JP/A)	Proposed
Unit Numbers	923 units	962 units	964 units
Car Spaces – resident	969 spaces	1009 spaces	1011
Car Spaces – visitor	185 spaces	193 spaces	193
Total car spaces	1154 spaces	1202 spaces	1204
Zoning	R4 High Density Residential	No. 55 Old Castle Hill Road is zoned R3 Medium Density Residential (permissible under Clause 5.3 of LEP 2012)	R4 High Density Residential under LEP 2019
Height	Maximum 23 storey	No change to the maximum height	No change to the maximum height
Floor space ratio	5.5:1	5.47:1	5.48:1
Lot size	14,160m ²	14,795m ²	14,795m ²

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Part 4 and Schedule 7 of SEPP (State and Regional Development) 2011 provides the following referral requirements to the SCCPP:-

- General development that has a capital investment value of more than \$30 million.

The Modification Application has a Capital Investment Value of \$257,437,435.

Clause 123BA(2) of the Environmental Planning and Assessment Regulation 2000 states that:

A council is not to determine, on behalf of a regional panel, an application to modify a development consent under section 4.55(2) of the Act if the application is of a kind specified in

the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.

The instruction states:

*A council is **not** to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:*

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or*
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or*
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction.*

Note: Clause 123BA of the Regulation requires councils to determine all other applications for the modification of development consents under section 4.55(2) of the Act, as well as applications for the modification of development consents under section 4.55(1) and section 4.55(1A) of the Act.

This instruction takes effect on 1 August 2020 and applies to applications to modify development consents made but not determined before 1 August 2020.

The subject application includes a departure of development standards which exceeds 10% as set out in Schedule 1. As such the proposed Section 4.55(2) modification application is required to be determined by the Regional Panel.

2. Compliance with LEP 2019

a. Permissibility

The site is zoned R4 High Density Residential under Local Environmental Plan (LEP) 2019. Under LEP 2019, the proposed development is defined as modifications to an approved 'residential flat building' development as follows:

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

Note—

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

A residential flat building is a permissible form of development on land zoned R4 High Density Residential under LEP 2019 subject to consent being granted by Council. Accordingly, the proposal is considered satisfactory with regard to LEP 2019.

b. Objectives of the Zone

The objectives of the R4 High Density Residential zone are as follows:

- 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, as modified, remains consistent with the stated objectives of the zone, in that the proposal will provide for the housing needs of the community in a high density residential environment close to population centres and public transport routes.

c. Development Standards

The proposal has been assessed against relevant development standards as follows:-

STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	51-53 Old Castle Hill Road - 5.5:1 55 Old Castle Hill Road – 1:1 with an incentive bonus of an additional 2.04:1	Approved 5.47:1 (80,934m ²) Proposed (1946/2016/JP/B) 5.48:1 (81,107m ²)	No – refer to comments below.
Allotment Size	1,800m ²	14,795m ² (No change to existing)	Yes
Building Height	54 metres	No change to the approved height. Note: the approvals for the original and modified consents allowed variations to the LEP height.	Yes

i. Floor Space Ratio

LEP 2019 limits the development on 51-53 Old Castle Hill Road to an FSR of 5.5:1 and development on 55 Old Castle Hill Road to a FSR of 1:1 with an incentive bonus of 2.04:1.

The development as modified proposes a FSR of 5.48:1 or 81,107m² across the whole site which represents an increase in floor area of 164m² from the previous approval.

The applicant has provided the following addressing the FSR:

Clause 4.4 of the LEP provides the objectives and maximum floor space ratio. The most recent Section 4.55 application approved a FSR of 5.47 across the extended site.

Under the former Hills LEP 2012 a maximum FSR of 5.5:1 applied to the part of the site occupied by 51-53 Old Castle Hill Road while there was no FSR control across 55 Old Castle Hill Road.

The recent commencement of The Hills LEP 2019 has applied a FSR of 1.1:1 for 55 Old Castle Hill Road and a potential incentive bonus of an additional 2.04:1 across the site, under Clause 7.11 of the LEP 2019. The development has not sought to apply the incentive bonus in this instance.

The following table outlines the approved FSR, proposed FSR and the previous and current LEP control maximums for the site:

Site	FSR Control HLEP 2012	FSR Control HLEP 2019	Max FSR and GFA (without bonus)	Approved FSR Combined	Proposed FSR and GFA Combined	Variation
51-53 Old Castle Hill Road	5.5:1	5.5:1	5.31:1 78,517m ²	5.47:1 (80,943m ²)	5.48:1 (81,107m ²)	164m ² (0.2% variation) 0.17:1 FSR exceedance (3% variation)
55 Old Castle Hill Road	N/A	1:1 with Incentive bonus of an additional 2.04:1				

Although the development results in a FSR increase beyond the already approved 5.47, the increase in FSR has only occurred due to the conversion of redundant plant area into two residential units. Plant is not included in the gross floor area calculation.

The conversion of the plant area will not create any additional bulk and scale beyond the current approval, as the envelope still extended to cover the existing floor plate and improve the elevation of the building. The FSR objectives continue to be satisfied as shown below.

The objectives of Floor Space Ratio as follows:

- To ensure development is compatible with the bulk, scale and character of existing and future surrounding development,*
- To provide for a built form that is compatible with the role of town and major centres.*

The site has an area of 14,795m² in size and can therefore sustain a development of this density. The site has frontages to 3 roads and shares part of a common boundary with adjoining properties that front either Gay Street or Old Castle Hill Road.

The approved through-site link and generous landscaped surrounds that will integrate the buildings to the public domain will remain and continue to provide an appropriate transition from Castle Hill Towers shopping centre in the south to the lower density residential areas to the north (bearing in mind these properties are proposed to be rezoned for a higher density in accordance with the Castle Hill north Planning Proposal that recently received gateway).

This modification only relates to Building C and will still be consistent with the approved form and scale. Overall, the conversion of redundant plant will improve the external façade with the removal of metal screens and louvres that will be replaced with high quality materials and finishes through a seamless addition of the two new two bedroom units.

Clause 4.6 of the LEP provides exceptions to development standards that are contained in the LEP. Section 4.55 applications do not require a Clause 4.6 variation. However, to assist Council's assessment of the modification application, the principles of Clause 4.6 are discussed below:

Under Clause 4.4 of the Hills LEP 2019 permits a maximum FSR of 5.31:1 across the site and an FSR of 5.48 is sought (increase from 5.47:1).

The proposed development seeks a 164m² GFA increase being a further 0.2% variation from the current approved GFA. The FSR increases from 5.47:1 (80,943m²) to 5.48:1 (81,107m²).

In summary, the applicant states that there are sufficient environmental planning grounds to justify the variation as follows:

- *The additional floor space will be contained within the already approved envelope and results from the removal of redundant plant area on Level 3 of Building C. Therefore, the portion of the building was not originally included in the GFA calculations based on the definition. This space will be included as GFA, as two (2) residential units will be provided.*
- *The height of Building C will remain as approved and will not be increased.*
- *The modification to the western and southern façades, to match the remainder of the building, will not alter the bulk and scale and will result in an improved design with the removal of metal screening that is no longer required for the plant.*
- *Additional car and bicycle parking will be provided in the basement car park and will be sufficient to service the additional two units. No further excavation is required.*
- *All setbacks and separation will remain as approved and satisfy the intent of the ADG. In addition the windows and balconies of the two new units will be strategically positioned and screening installed to maintain privacy.*
- *The deep soil landscaping and communal open space will not be reduced. The common open space is of sufficient size to support the two (2) new units.*

Based on the above, there are sufficient planning grounds to justify the variation. This justification has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The objective of LEP 2019 in regard to FSR are:

- (a) *to ensure development is compatible with the bulk, scale and character of existing and future surrounding development*
- (b) *to provide for a built form that is compatible with the role of town and major centres.*

The original proposal complied with the FSR limit for the site of 5.5:1. The proposed FSR for both sites is 5.48:1. When considered as separate sites, the following FSRs apply:

51-55 Old Castle Hill Road – 14,795m² (entire site)

Permitted FSR – 51-53 Old Castle Hill Road - 5.5:1

Permitted FSR – 55 Old Castle Hill Road - 1:1 with incentive bonus of 2.04:1

Approved FSR - 5.47:1

Proposed FSR - 5.48:1

51-53 Old Castle Hill Rd – 14,160m² (part of site only)

Permitted FSR - 5.5:1

Approved FSR - 5.68:1

Proposed FSR - 5.69:1

No. 55 Old Castle Hill Road (part of site only)

Permitted FSR – 55 Old Castle Hill Road - 1:1 with incentive bonus of 2.04:1

Approved FSR - 0.898:1

At the time of inclusion of No. 55 Old Castle Hill Road into the development site, there were no applicable LEP FSR limits under LEP 2012. Since that time, the Castle Hill North Planning Proposal has been gazetted which introduced FSR controls to the area north of the subject

site and including No. 55 Old Castle Hill Road. The Castle Hill North Planning Proposal introduced the 1:1 FSR with an incentive FSR of 2.04:1 on that part of the site.

The conversion of the approved plant room into two residential units does not increase the building envelope and the setbacks and height of the approved building remain as approved. Sufficient parking, landscaping and private open space has been provided. Further, the proposed units are consistent with the requirements under The Apartment Design Guide.

A high level of amenity is provided to the units given the area of landscape provided as part of the development site, the proximity to the existing and proposed shopping areas, future public transport and the variety of unit types available.

It is acknowledged that the area is one which will likely undergo changes in built form in the coming years due to the demand for higher density forms of development near public transport hubs.

The proposed building form outcome is considered to respond appropriately to the desired future character of the area which will reflect a modern urban character. The proposed FSR is considered to be appropriate for the development site and will not result in adverse impacts in regard to the development of the land to the north under the Castle Hill North Planning Proposal.

The proposed FSR is considered to be satisfactory.

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

a. Apartment Design Guide (ADG) Compliance

The proposal has been accompanied by a Design Verification Statement by Krikis Tayler which confirms that the proposal is satisfactory with regard to the provisions of SEPP 65.

The proposal has been assessed against the provisions of the Apartment Design Guide (ADG) as outlined below:

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	35% of the site contains common open space. Appropriate solar access is provided.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	13% of the site area is provided as deep soil planting.
Separation	Between habitable rooms and balconies, 12m for up to 4 storeys, 18m for 5-8 storeys and 24m for 9 storeys and above. At the boundary between a change in zone from apartment buildings to a lower density	The proposed two additional units do not change the approved separation between buildings.

	area, increase the building setback from the boundary by 3m.	
Visual privacy	<p>Between habitable rooms and balconies, 6m for up to 4 storeys, 9m for 5- 8 storeys and 12m for 9 storeys and above.</p> <p>Visual privacy is to be provided through use of setbacks, window placements, screening and similar.</p>	Appropriate visual privacy is achieved through window placement, use of balustrades, screens and separation between buildings.
Carparking	<p>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).</p>	Parking is provided in accordance with SEPP 65. See comments below.
Designing the Building		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	77.9% of the units within the development will receive in excess of 2 hours sunlight midwinter.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	6.4% of units receive no direct sunlight in mid-winter.
Natural ventilation	<p>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>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	72.8% of units will achieve cross ventilation.
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p>	The ceiling heights are compliant with the required heights.

	If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	
Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	The two additional units comply with the required sizes. Unit C2302 has an area of 83m ² and Unit C2340 has an area of 81m ² .
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>	The proposed apartment layout is satisfactory.
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	The two additional units comply with the required minimum balcony areas.
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	All units provide the required storage areas. Unit C2302 has an area of 14m ² and Unit C2340 has an area of 14.1m ² .
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	The proposed apartment mix is satisfactory – see comments below.

b. Design Quality Principles

(i) Context and Neighbourhood Character

The site is located in Castle Hill and the development is consistent with the future desired character of the area. The site has frontage to existing roads on three sides. The surrounding properties to the north, east and west are zoned for residential purposes, whilst the property to the south is zoned B4 Mixed Use and contains the existing Castle Towers Shopping Centre. The area to the north is part of the Castle Hill North Planning Proposal (see comments in Section 3).

The area can be described as one which in the future will be undergoing change, due to factors such as Castle Hill North, the general upgrade of older housing stock and the desire to provide higher density housing close to the Town Centre, future rail link and bus transit centre. This context is likely to evolve further over time as adjoining and surrounding sites are to be developed.

(ii) Built Form and Scale

The design of the building elements are of a contemporary style with a number of elements being used. Articulation of the elevations, the selection of appropriate materials and high quality landscaping are achieved. The height of the development is acceptable in terms of solar access and amenity impacts. The proposal responds to the existing topography of the site. The height ensures that the development responds to the desired future scale and character of the site where the proposal is consistent with other recent approved developments in the precinct.

The setbacks allow for sufficient landscape areas, entrances and deep-soil zones. The proposed setbacks provide for satisfactory distances to boundaries, to form active street frontages and adequate open space areas for recreation. The proposed development addresses both privacy and open space provisions.

(iii) Density

There is no density requirement under the DCP, however the proposal provides an appropriate built form outcome. The proposed development is suitable given the zoning and location close to a Town Centre.

(iv) Sustainability

The design achieves good natural ventilation and will contribute significantly to the reduction of energy consumption, use of valuable resources and costs. A BASIX certificate has been lodged and the energy rating of the residential units satisfies the BASIX requirements.

(v) Landscape

The landscape plan indicates that all open spaces will be appropriately landscaped with native trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

(vi) Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the design incorporates satisfactory access/circulation, apartment layouts, ceiling heights, private open space, common open space, energy efficiency rating, adaptability, safety, security and site facilities.

(vii) Safety

The development has been designed with safety and security concerns in mind. The common open spaces allow for passive surveillance. Open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened. The basement car parks have been appropriately designed and appropriate conditions of consent are imposed to further assist in the promotion of safety/security.

(viii) Housing Diversity and Social Interaction

The development provides for a diverse range of units within a new precinct. The proposal provides a mix of unit sizes and also provides 49 adaptable units. The proposal is considered satisfactory in terms of the provision of a variety of unit layouts.

(ix) Aesthetics

An appropriate composition of building elements, material textures and colours has been used. The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass into smaller segments. The bulk of the overall building is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall scale of the development. The design is modern in style and appropriate for the area.

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

DCP Part D Section 2 – Pennant Street Target Site is a site specific DCP which addresses the development of 51-53 Old Castle Hill Road. The following table details compliance with the development controls where they are relevant to the modifications proposed within this application:

CLAUSE	REQUIRED	PROVIDED	SATISFACTORY
Building Setbacks	Building setbacks shall be in accordance with Figure 4. Figure 4 requires a 3m setback to the boundary adjoining Old Castle Hill Road.	No changes are proposed to the approved building setbacks.	Yes
Building Height	Maximum building heights shall be in accordance with Figure 6.	The approved development exceeds the number of storeys and LEP height limit. No changes are proposed.	Yes – variations to height were considered in the previous applications and considered satisfactory. There are no changes to the approved height.
Architectural Style and Character	Building facades should be well articulated with textures, materials, colours, windows and recessed elements to soften the visual bulk of the development (Figure 7).	The proposal provides a reasonable streetscape outcome and has adequate articulation. The proposed windows and balconies soften the visual bulk of the building.	Yes

	Buildings shall use a diverse range of natural and visually appealing materials	The proposal includes a variety of materials and colours which are in keeping with the modern character of the building. The existing external colours scheme and material palette will be continued.	Yes
Car Parking and Vehicular Access	On-site parking is to be provided at the following rate: 1 bed unit – 1 space 2 bed unit – 1.5 spaces 3 bed unit – 2 spaces Visitor – 2 spaces for every 5 dwellings	Based on 203 x 1 bedroom units, 714 x 2 bedroom units, and 47 x 3 bedroom units, 1368 resident spaces are required. In addition, 386 (385.6) visitor spaces are required. Total required = 1754 Total provided = 1204 (which comprises 1009 resident spaces and 193 visitor spaces)	No – see comments below.
Private Open Space	All balconies and/or roof top areas conveniently accessible from a main living area must have a minimum area of 10m ² , with a minimum dimension of 2.5 metres.	The additional units propose balcony areas of 15m ² (proposed unit C2303) and 14m ² (proposed unit C2304).	Yes
Internal Floor Area	The proposal is required to meet unit mix and sizes.	The proposal does not meet the required unit mix and sizes.	No – see comments below.

a. Car Parking

The DCP requires parking to be provided at the following rate:

1 bed unit – 1 space
2 bed unit – 1.5 spaces
3 bed unit – 2 spaces
Visitor – 2 spaces for every 5 dwellings

Based on 203 x 1 bedroom units, 714 x 2 bedroom units, and 47 x 3 bedroom units, 1368 resident spaces are required.

In addition, 386 (385.6) visitor spaces are required.

Total car spaces required = 1754

Total car spaces provided = 1204 (which comprises 1011 resident spaces and 193 visitor spaces)

The applicant has provided the following as justification:

The proposal involves the provision of an additional two (2) resident car parking spaces increasing the total parking provision to 1,204 spaces comprising 1,011 resident and 193 visitor spaces. In order to assess the adequacy of the increased site wide parking provision, reference is made to The Department of Planning & Environment's Apartment Design Guide, which specifies within Clause 3J-1 that development on sites within 800m of a railway station or light rail stop are to use the lesser of the minimum car parking requirement for residents and visitors set out in the Roads and Maritime Services' (Transport for NSW) Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant control.

With regard to the above control parking measures, since the site is located within 800m of the future Castle Hill Railway Station, the minimum parking requirements applicable to the development are those specified by the Roads & Maritime Services' Guide to Traffic Generating Developments, as the parking rates are lower than that presented within Council's Development Control Plan.

Transport for NSW provide the following parking recommendations relevant to the development within their Guide to Traffic Generating Developments:

Residential Flat Buildings in Regional Centres

0.6 space per 1 bedroom unit

0.9 spaces per 2 bedroom unit

1.4 spaces per 3 bedroom unit

1 visitor spaces per 5 units

Based on the proposed development yield, the following calculations are provided:

$(0.6 \times 203) + (0.9 \times 714) + (1.4 \times 47) = 830.2$ (adopt 831) resident spaces

$(964/5) = 192.8$ (adopt 193) visitor spaces

The proposed on-site parking provision of 1,011 resident and 193 visitor parking spaces readily accords with relevant Transport for NSW parking requirements and thereby the planning intentions of the Apartment Design Guide. Accordingly, it is considered to be satisfactory.

Comment:

The proposal requires the provision of 1368 resident parking spaces and 386 visitor parking spaces, being a total of 1755 spaces required. The proposal provides 1204 parking spaces comprising 1011 resident spaces and 193 visitor spaces.

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

The objectives of the DCP are:

- (i) To ensure that vehicular access to and from the development is simple and safe and does not compromise the safety or amenity enjoyed by more vulnerable road users.*
- (ii) To provide sufficient and accessible parking for residents and visitors so as to maintain the amenity of adjoining properties and the efficiency of the road network.*

The proposal has been considered having regard to the location of the site within a Town Centre location and the proximity to the existing bus transit centre and the future rail line (under construction). Given the high level of accessibility to existing and future public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

In addition, it is noted that the ADG contains alternate parking rates for sites in close proximity to rail stations as follows:

On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan area.	<p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off site.</p>
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The subject site is approximately 330m from the future rail station (measured to the entry to the through-site link on Pennant Street).

The RMS Guide to Traffic Generating Development contains the following rate for parking:

Metropolitan Sub-Regional Centres:

0.6 spaces per 1 bedroom unit.
0.9 spaces per 2 bedroom unit.
1.40 spaces per 3 bedroom unit.
1 space per 5 units (visitor parking).

Based on:

203 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 121.8 spaces
714 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 642.6 spaces
47 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 65.8 spaces

Total of 831 (830.2) resident spaces required.

1 space per 5 units (visitor parking) @ 964 units = 192.9 spaces.

Total of 193 visitor spaces required.

The proposal provides 1204 spaces comprising 1011 resident spaces and 193 visitor spaces, and as such meets the requirements of the ADG.

Clause 30(1)(b) of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the parking provided is equal to or greater than the recommended minimum amount of parking specified in Part 3J of the Apartment Design Guide. The development meets the minimum parking numbers specified in the ADG.

The proposal has been considered in the context of Town Centre location and the high level of access to a variety of entertainment, retail and business uses. The Town Centre provides a mix of goods and services for future residents which may assist in limiting reliance of vehicles.

The high level of accessibility to existing and future public transport will promote a reduction in car dependency and encourage walking, cycling and use of public transport. The existing bus transitway and future rail link are convenient in terms of location and accessibility and are likely to be highly utilised.

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

b. Unit Size and Mix

The DCP requires the following in regard to unit size and mix:

Apartment Mix

- (a) *No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.*
- (b) *No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.*

Residential Flat Development (30 or more units)

- (d) *The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:*

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m ²
2 bedroom	70m ²
3 or more bedrooms	95m ²
Type 2	
1 bedroom	65m ²
2 bedroom	90m ²
3 or more bedrooms	120m ²
Type 3	
1 bedroom	75m ²
2 bedroom	110m ²
3 or more bedrooms	135m ²

- (e) *Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.*
- (f) *Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.*
- (g) *All remaining apartments are to comply with the Type 3 apartment sizes.*

The following is proposed:

203 x 1 bedroom units (21.1% of units);
 714 x 2 bedroom units (74.1% of units); and
 47 x 3 bedroom units (4.8% of units)

(Approved unit mix: 203 x 1 bedroom units (21.1% of units), 712 x 2 bedroom units (74% of units) and 47 x 3 bedroom units (4.9% of units)).

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 203 x 1 bedroom units (21.1% of the total) – no change proposed from Modification Application 1946/2016/JP/A.
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 47 x 3 bedroom units (4.8% of the total) – no change proposed from Modification Application 1946/2016/JP/A.

The proposed unit sizes are:

Unit Type	Size	No. of Units	Type
1 bed	50-64m ²	202	1
	65-74m ²	1	2
2 bed	70-89m ²	693	1
	90-109m ²	21	2
3 bed	95-119m ²	47	1

The following is proposed:

- Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 942 x Type 1 apartments which is 97.7%.
- Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 22 x Type 2 apartments which is 2.3%.
- All remaining apartments are to comply with the Type 3 apartment sizes – there are no Type 3 apartments.

The applicant has submitted the following justification:

.....as a result of the additional 2 units, the mix of units is as follows:

Approved Unit mix	Proposed Unit mix
One bed x 203 (21.1%)	One bed x 203 (21%)
Two bed x 712 (74%)	Two bed x 714 (74.1%)
Three bed x 47 (4.9%)	Three bed x 47 (4.9%)
TOTAL - 962	TOTAL - 964

As noted in the planning report, the proposed mix is consistent with the approved unit mix that was deemed appropriate for this site. The approved variation and negligible change proposed under this S4.55 application is appropriate on this site and provides a good mix of units given the sites proximity to the metro station. The approval of this modification will have no impact on the diverse range of apartments on this site.

In regard to the size of units the two additional units, the following is proposed:

- Unit C2303 – two bedroom unit 83m² – type 1
- Unit C2304 – two bedroom unit 81m² – type 1

The following table provides a comparison of the approved unit types and proposed as a result of this modification:

Unit Type	Size	Approved		Proposed under S4.55	
		No. of Units	Apartment Type	No of Units	Apartment Type
1 bed	50-64m ²	202	1	202	1
	65-74m ²	1	2	1	2
	75m ² +	0	3	0	3
2 bed	70-89m ²	691	1	693	1
	90-109m ²	21	2	21	2
	109m ² +	0	3	0	3
3 bed	95-119m ²	47	1	47	1
	120-134m ²	0	2	0	2
	135m ² +	0	3	0	3
Total Units		962		964	

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

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m ²
2 bedroom	70m ²
3 or more bedrooms	95m ²
Type 2	
1 bedroom	65m ²
2 bedroom	90m ²
3 or more bedrooms	120m ²
Type 3	
1 bedroom	75m ²
2 bedroom	110m ²
3 or more bedrooms	135m ²

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

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (g) All remaining apartments are to comply with the Type 3 apartment sizes.

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

The approved development provides the following percentage of unit types:

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

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

- Type 1 apartments = 97.5% (940 apartments);
- Type 2 apartments = 2.5% (24 apartments); and
- Type 3 apartments = 0%.

The increased number of units and modifications is consistent with the approved unit types. The amended units will still ensure the development achieves an appropriate mix of unit layouts and sizes that will achieve the intent of this requirement. In addition, all units meet the minimum unit sizes required under the Apartment Design Guide.

The change to the proportion of unit types is considered negligible and is consistent with the approved development.

Comment:

The objectives of the DCP are:

- (i) *To ensure that individual units are of a size suitable to meet the needs of residents.*
- (ii) *To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
- (iii) *To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (iv) *Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) *To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

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

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

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

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

Although the development does not meet the requirements of the DCP in regard to unit sizes, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes. The proposal also meets the objective of the ADG in regard to unit mix which requires 'A range of

apartment types and sizes is provided to cater for different household types now and into the future’.

Clause 30(1)(b) of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide. The units all meet the minimum internal area specified in the ADG.

The proposal complies with the intent of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. The SEPP also requires that the development demonstrates that the proposal has had adequate regard to the Design Quality Principles and the objectives of the ADG. The application has been assessed having regard to the design quality principles outlined in SEPP 65 and is considered satisfactory.

The proposal is considered satisfactory in regard to the proposed unit sizes and mix. The development provides a range of unit types and layouts to meet the needs of future residents.

5. Section 4.55 of the Environmental Planning and Assessment Act, 1979

Under the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The proposed modifications are considered reasonable on the basis of the following:

- The proposed works are generally contained within the existing built form with the exception of the two additional balconies;
- The proposed external works are minor and are in keeping with the approved built form and external appearance of the building; and
- The proposed works will not create any additional impact to adjoining property owners given the location of the two units.

In view of the above, the proposed amendments are satisfactory and reasonable. The proposal is substantially the same development as originally approved and involving minor environmental impact. The nature of the approved development remains unchanged. Accordingly, no objection is raised to the proposal under the provisions of Section 4.55(1A) of the EP & A Act, 1979.

6. Issues Raised in the Submission

The proposal was notified to adjoining property owners and those who made a submission to the original and first modification application. Two submissions were received from the same property. The following table outlines the issues raised in the submission:

ISSUE	COMMENT	OUTCOME
<p>A footpath has been constructed along Gay Street which does not benefit the resident.</p> <p>A pathway from the objector's property (side gate to gutter) was removed when the new footpath was constructed.</p> <p>The construction of the new footpath is unsatisfactory and unsightly and the ground is uneven.</p> <p>The turfing beside the new footpath is a mess and has tyre marks and lumps of soil.</p> <p>Council are requested to level, reseed and water on either side of the new footpath and repair the damaged verge.</p>	<p>Condition 42 of the original consent required the construction of a footpath along the frontage of the site and extending to Gilham Street. The intent of the footpath is to facilitate pedestrian access via the through-site link (across the subject site) to Pennant Street/Old Castle Hill Road to improve pedestrian access to the Town Centre and public transport.</p> <p>Council's Construction Engineer has advised that the footpath works have been inspected and are satisfactory.</p> <p>The removal of the objector's pathway is acknowledged however these works were on Council property and as such the applicant is not required to reconstruct the pathway.</p>	Issue addressed.
Workmen have waited on the verge outside of the	Council's Development Monitoring Team monitor the site on a regular basis to seek	Issue addressed.

objector's property in the morning prior to the site opening. They arrive from 5.30am onwards and talk, eat and drink, play music, and throw rubbish. This has been raised with the site supervisor who organised for the area to be cleaned in the afternoon. The littering is not as bad now however has continued. Harassment, lack of privacy and peace occurs.	to limit such activities. In addition Council compliance staff meet frequently with representatives from Toplace to reinforce appropriate behaviour concerning such compliance issues.	
The project has degraded the area.	The approved and proposed works are permissible within the R4 High Density Residential zone. The area is located close to the Castle Hill Town Centre and public transport options and can be described as an area which will undergo significant change in the future.	Issue addressed.
Parking of tradesmen/workers impacts on the area. The previous site foreman advised that 'Council won't let us use the carpark'.	Parking off the street is now limited for construction workers at this stage of the project as works within basement areas are undertaken. However, staff are still encouraged to park on the site when parking is available.	Issue addressed.
Toplace has been given additional modifications in the past.	Modification Application 1946/2016/JP/A was approved by the SCCPP on 21 June 2018 by the Sydney Central City Planning Panel (SCCPP) to principally incorporate an additional property into the subject site and undertake associated design changes which included increasing the number of units to 962.	Issue addressed.
The proposal is a 'greedy grab' and goes over what was promised to residents over the years. There are already too many units on the site. Previous Councillors advised that the site would contain two buildings, limited vehicle access to Gay Street and only 10 townhouses fronting Gay Street with vehicle access.	<p>The proposed modification seeks to add two additional units within a redundant plant area and does not impact on bulk, scale or height of the approved buildings. The proposed FSR has been addressed in Section 2 above and is satisfactory.</p> <p>The site was subject to a site specific Planning Proposal and DCP and the approved form of development is consistent with the desired built form outcome.</p>	Issue addressed.

7. Internal Referrals

The application was referred to following sections of Council:

- Engineering
- LIS
- Contributions

No objection was raised to the proposal subject to conditions. Relevant comments have also provided below:

8. External Referrals

The proposal was referred to RMS under the provisions of SEPP Infrastructure 2007. RMS advised that no objection was raised to the proposal.

CONCLUSION

The proposal has been assessed having regard to the provisions of Sections 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, LEP 2019, SEPP 55 Contamination of Land, SEPP No. 65 Design Quality of Residential Apartment Development and DCP Part D Section 2 – Pennant Street Target Site and is considered satisfactory. The proposed variation to the LEP FSR requirement and the variations to the DCP in respect to parking and unit size and mix have been assessed and are considered to be supportable. The objections received to the proposal have been reviewed and do not warrant refusal of the application.

The modification application is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Modification Application be approved subject to the following conditions.

1. Condition 1 be deleted and replaced with:

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS 1946/2016/JP

DRAWING NO.	DESCRIPTION	DATE
A(2)00	Title Sheet, Location Plan & Site Analysis	06/03 /17 Issue G
A(2)01	Site Plan	08/02/17 Issue E
A(2)02	Basement 3 Plan	08/02/17 Issue N
A(2)03	Basement 2 Plan	08/02/17 Issue N
A(2)04	Basement 1 Plan	08/02/17 Issue Q
A(2)05	Lower Ground Floor Plan	08/02/17 Issue Q

A(2)06	Upper Ground Floor	08/02/17 Issue T
A(2)07	Level 1 Plan	08/02/17 Issue P
A(2)08	Level 2 Gay Street Plan	08/02/17 Issue P
A(2)10	Typical Level Plan (Level 12)	08/02/17 Issue K
A(2)11	Roof Plan	08/02/17 Issue K
A(2)12	North & South Elevations	08/02/17 Issue J
A(2)13	East, West & Through Site Link Elevations	08/02/17 Issue J
A(2)14	Sections	08/02/17 Issue J
A(2)15	Shadow Diagrams Summer	08/02/17 Issue E
A(2)16	Shadow Diagrams Equinox	08/02/17 Issue E
A(2)17	Shadow Diagrams Winter	08/02/17 Issue E
A(2)20	Materials Board Sheet 1	08/02/17 Issue E
A(2)21	Materials Board Sheet 2	08/02/17 Issue E
A(2)24	View From Gay Street Looking South	---
A(2)25	View From Through Site Link Looking North	---
A(2)26	View From Gilham Street Looking South	---
A(2)27	View From Gilham Street Looking South – Night	---
A(2)28	View From Pennant Street Looking North	---
A(2)29	View From Pennant Street Looking North-Night	---
A(2)30	Building A Lower & Upper Ground Floor Plans	08/02/17 Issue L
A(2)31	Building A Level 1 & Typical Levels 2-11 Plans	08/02/17 Issue K
A(2)32	Building A Levels 12-18 & 19 Plans	08/02/17 Issue K
A(2)33	Building A Level 20 & Roof Plans	08/02/17 Issue K
A(2)40	Building B Upper Ground Floor & Level 1 Plans	08/02/17 Issue L
A(2)41	Building B Level 2 & Typical Levels 3-14 Plans	08/02/17 Issue L
A(2)42	Building B Levels 15-22 & 23 Plans	08/02/17 Issue K
A(2)43	Building B Roof Plan	08/02/17 Issue K
A(2)50	Building C Upper Ground Level & Level 1,2 Plans	08/02/17 Issue M
A(2)51	Building C Level 3, Typical Levels 4-13 & 14-22 Plans	08/02/17 Issue K
A(2)52	Building C Level 23 & Roof Plans	08/02/17 Issue K
A(2)60	Building D Upper Ground Floor & Level 1 Plans	08/02/17 Issue L
A(2)61	Building D Level 2 & Typical Levels 3-10 Plans	08/02/17 Issue K
A(2)62	Building D Typical Levels 11-20 & Roof Plans	08/02/17 Issue K
A(2)70	Building E Upper Ground Floor, Level 1 & 2	08/02/17 Issue L

	Plans	
A(2)71	Building E Level 3, Typical Levels 4-9 Plans	08/02/17 Issue K
A(2)72	Building E Typical Levels 10-13 & 14 Plans	08/02/17 Issue K
A(2)73	Building E Levels 15-17 & Roof Plans	08/02/17 Issue K
A(2)80	Basement Details	08/02/17 Issue C
SK160704-3	Landscape Area Diagram	08 Feb 2017 Rev. C
SK160704-4A	Communal Open Space Area Diagram - Podium	08 Feb 2017 Rev. D
SK160704-4B	Communal Open Space Area Diagram – Roof Top	08 Feb 2017 Rev. D
SK160707-5	Deep Soil Area Diagram	08 Feb 2017 Rev. D
SK160928-COS-01	Principal Usable Communal Open Space	08 Feb 2017 Rev. C
SK160928-01	Depth of Soil on Slab Diagram Section-Through Site Link & Loading Dock	08 Feb 2017 Rev. C
SK160928-02	Depth of Soil on Slab Diagram Section-Communal Open Space	08 Feb 2017 Rev. C
SS16-3247 100	Landscape Masterplan	01.02.2017 Issue G
SS16-3247 101	Landscape Plan	01.02.2017 Issue G
SS16-3247 102	Landscape Plan	01.02.2017 Issue G
SS16-3247 104	Landscape Plan	01.02.2017 Issue G
SS16-3247 105	Landscape Planting Plan	03.03.2107 Issue C
SS16-3247 201	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 202	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 203	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 204	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 205	Plant Schedule	01.02.2017 Issue G
SS16-3247 206	Planting Plan - Rooftop	08.03.2017 Issue B
SS16-3247 501	Landscape Details	01.02.2017 Issue G
SS16-3247 502	Specification & Plant Schedule	01.02.2017 Issue G
8269/15	Plan Showing Details and Levels	7/10/15
SK160706-1A-1	GFA Diagram Building A-Lower Ground Level	08 Feb 2017 Rev C
SK160706-1A-2	GFA Diagram Building A-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1A-3	GFA Diagram Building A-Level 1	08 Feb 2017 Rev C
SK160706-1A-4	GFA Diagram Building A- Level 2-11	08 Feb 2017 Rev C
SK160706-1A-5	GFA Diagram Building A- Level 12-17	08 Feb 2017 Rev C
SK160706-1A-6	GFA Diagram Building A- Level 18	08 Feb 2017 Rev C
SK160706-1A-7	GFA Diagram Building A- Level 19	08 Feb 2017 Rev C
SK160706-1A-8	GFA Diagram Building A- Level 20	08 Feb 2017 Rev C

SK160706-1B-1	GFA Diagram Building B-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1B-2	GFA Diagram Building B- Level 1	08 Feb 2017 Rev C
SK160706-1B-3	GFA Diagram Building B- Level 2	08 Feb 2017 Rev C
SK160706-1B-4	GFA Diagram Building B- Level 3-14	08 Feb 2017 Rev C
SK160706-1B-5	GFA Diagram Building B- Level 15-22	08 Feb 2017 Rev C
SK160706-1B-6	GFA Diagram Building B- Level 23	08 Feb 2017 Rev C
SK160706-1C-1	GFA Diagram Building C-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1C-2	GFA Diagram Building C-Level 1	08 Feb 2017 Rev C
SK160706-1C-3	GFA Diagram Building C- Level 2	08 Feb 2017 Rev C
SK160706-1C-4	GFA Diagram Building C- Level 3	08 Feb 2017 Rev C
SK160706-1C-5	GFA Diagram Building C-Level 4-13	08 Feb 2017 Rev C
SK160706-1C-6	GFA Diagram Building C- Level 14-22	08 Feb 2017 Rev C
SK160706-1C-7	GFA Diagram Building C- Level 23	08 Feb 2017 Rev C
SK160706-1D-1	GFA Diagram Building D-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1D-2	GFA Diagram Building D- Level 1	08 Feb 2017 Rev C
SK160706-1D-3	GFA Diagram Building D- Level 2	08 Feb 2017 Rev C
SK160706-1D-4	GFA Diagram Building D- Typical Level 3-10	08 Feb 2017 Rev C
SK160706-1D-5	GFA Diagram Building D- Level 11-20	08 Feb 2017 Rev C
SK160706-1E-1	GFA Diagram Building E - Upper Ground Level	08 Feb 2017 Rev C
SK160706-1E-2	GFA Diagram Building E - Level 1	08 Feb 2017 Rev C
SK160706-1E-3	GFA Diagram Building E - Level 2	08 Feb 2017 Rev C
SK160706-1E-4	GFA Diagram Building E - Level 3	08 Feb 2017 Rev C
SK160706-1E-5	GFA Diagram Building E - Level 4-9	08 Feb 2017 Rev C
SK160706-1E-6	GFA Diagram Building E - Level 10-13	08 Feb 2017 Rev C
SK160706-1E-7	GFA Diagram Building E - Level 14	08 Feb 2017 Rev C
SK160706-1E-8	GFA Diagram Building E - Level 15-17	08 Feb 2017 Rev C
SK170331-01	Building E Upper Levels North Façade Revisions	31 March 2017

REFERENCED PLANS AND DOCUMENTS 1946/2016/JP/A

DRAWING NO.	DESCRIPTION	DATE
A(2)00	Title Sheet, Location Plan & Site Analysis	16/11/17 Issue H
A(2)01	Site Plan	16/11/17 Issue F
A(2)02	Basement 3 Plan	26/10/17 Issue P
A(2)03	Basement 2 Plan	26/10/17 Issue P
A(2)04	Basement 1 Plan	26/10/17 Issue R
A(2)05	Lower Ground Plan	26/10/17 Issue R
A(2)06	Upper Ground Plan	27/10/17 Issue V
A(2)07	Level 1 Plan	27/10/17 Issue R
A(2)08	Level 2 Gay Street Plan	27/10/17 Issue R
A(2)11	Roof Plan	16/11/2017 Issue L

A(2)12	North and South Elevations	26/10/2017 Issue K
A(2)13	East, West & Through Site Link Elevations	23/03/2018 Issue L
A(2)14	Sections	16/11/2017 Issue K
A(2)15	Shadow Diagrams Summer	16/11/2017 Issue F
A(2)16	Shadow Diagrams Equinox	16/11/2017 Issue F
A(2)17	Shadow Diagrams Winter	16/11/2017 Issue F
A(2)20	Materials Board Sheet 1	08/02/17 Issue E
A(2)21	Materials Board Sheet 2	08/02/17 Issue E
A(2)30	Building A Lower & Upper Floor Plans	08/02/17 Issue L
A(2)31	Building A Level 1 & Typical Levels 2-11 Plans	08/02/17 Issue K
A(2)32	Building A Levels 12-18 & 19 Plans	08/02/17 Issue K
A(2)33	Building A Level 20 & Roof Plans	08/02/17 Issue K
A(2)40	Building B Upper Ground Floor & Level 1 Plans	08/02/17 Issue L
A(2)41	Building B Level 2 & Typical Levels 3-14 Plans	08/02/17 Issue L
A(2)42	Building B Levels 15-22 7 23 Plans	08/02/17 Issue K
A(2)43	Building B Roof Plan	08/02/17 Issue K
A(2)50	Building C Upper Ground Level & Level 1, 2 Plans	08/02/17 Issue M
A(2)51	Building C Level 3, Typical Levels 4-13 & 14-22 Plans	08/02/17 Issue K
A(2)52	Building C Level 23 & Roof Plans	08/02/17 Issue K
A(2)60	Building D Upper Ground Floor & Level 1 Plans	26/10/17 Issue M
A(2)61	Building D Level 2 7 Typical Levels 3-10 Plans	26/20/17 Issue L
A(2)62	Building D Typical Levels 11-20 & Roof Plans	26/10/17 Issue L
A(2)70	Building E Upper Ground Floor, Level 1 & 2 Plans	26/10/17 Issue M
A(2)71	Building E Typical Levels 3-10 Plans, Typical Levels 11-13 Plans	26/10/17 Issue L
A(2)72	Building E Level 14, Typical Levels 15-17 & Roof Plans	26/10/17 Issue L
A(2)80	Basement Details	08/02/17 Issue D
8269/15	Plan showing Details and Levels Sheets 1-17	7/10/15
SS16-3247 100	Landscape Masterplan	27.11.2017 Issue J
SS16-3247 101	Landscape Plan	27.11.2017 Issue J
SS16-3247 102	Landscape Plan	27.11.2017 Issue J
SS16-3247 103	Landscape Plan	27.11.2017 Issue J
SS16-3247 104	Landscape Plan	27.11.2017 Issue J
SS16-3247 105	Landscape Plan - Rooftop	27.10.2017 Issue D
SS16-3247 201	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 202	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 203	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 204	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 205	Planting Plan – Rooftop	22.10.2017 Issue C
SS16-3247 501	Landscape Details	22.10.2018 Issue I
SS16-3247 502	Specification & Plant Schedule	22.10.2017 Issue I
SS16-3247 503	Plant Schedule	22.10.2017 Issue I
SK 160704-3-Rev D	Landscape Area Diagram	10 Nov 2017
SK 160704-4A-Rev E	Communal Open Space Area Diagram - Podium	10 Nov 2017
SK 160704-4B-Rev E	Communal Open Space Area Diagram – Roof Top	10 Nov 2017
SK 160928-COS-01-Rev D	Principal Usable Communal Open Space	10 Nov 2017

SK 160704-5-Rev F	Deep Soil Area Diagram	29 May 2018
SK 180327-1	Deep Soil area/Communal Open Space Diagram	29 May 2018
0916	GFA Summary	17 November 2017 Issue J
SK 160706-1D-1-Rev E	GFA Diagram Building D Upper Ground Level Sheet 1/5	10 Nov 2017
SK 160706-1D-2-Rev E	GFA Diagram Building D Level 1 Sheet 2/5	10 Nov 2017
SK 160706-1E-1-Rev E	GFA Diagram Building E Upper Ground Level Sheet 1/7	10 Nov 2017
SK 160706-1E-2-Rev E	GFA Diagram Building E Level 1 Sheet 2/7	10 Nov 2017
SK 160706-1E-3-Rev E	GFA Diagram Building E Level 2 Sheet 3/7	10 Nov 2017
SK 160706-1E-4-Rev E	GFA Diagram Building E Level 3-10 Sheet 4/7	10 Nov 2017
SK 160706-1E-5-Rev E	GFA Diagram Building E Level 11-13 Sheet 5/7	10 Nov 2017
SK 160706-1E-6-Rev E	GFA Diagram Building E Level 14 Sheet 6/7	10 Nov 2017
SK 160706-1E-7-Rev E	GFA Diagram Building E Level 15-17 Sheet 7/7	10 Nov 2017

REFERENCED PLANS AND DOCUMENTS 1946/2016/JP/B

DRAWING NO.	DESCRIPTION	ISSUE
A(2)02	Basement 3 Plan	Issue Q
A(2)03	Basement 2 Plan	Issue Q
A(2)05	Lower Ground Plan	Issue S
A(2)12	North & South Elevations	Issue L
A(2)14	Sections	Issue L
A(2)52	Building C – Level 23 Plan	Issue L
SK200910	Building C – Level 23 Plan (Additional GFA Plan)	Issue A
---	Unit Numbering Plan (2 pages - for unit numbering purposes only)	---

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

2. Condition 2 be deleted and replaced with:

2. Parking and Bicycle Spaces

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

Resident spaces: 1011

Visitor spaces: 193

All units are to be provided with a minimum of one resident parking space.

In addition, the following is required to be provided:

Bicycle racks/storage for a minimum 964 bicycles.

Motorcycle Parking: 24 spaces

3. Condition 23 be deleted and replaced with:

23. Property Numbering and Cluster Mail Boxes

The overall property address for this development is: - 55 Old Castle Hill Road Castle Hill

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

Approved unit numbering for: Amendment to Building C Level 23 extra 2 units.

Level	Building A	Building B	Building C	Building D	Building E
23	N/A	2301-2308	2309-2315	N/A	N/A

Approved unit numbering for Building C Level 23 is as per plans marked up within table of approved plans and unit numbering schedule as follows:

The approved unit numbering Strata Plan Address Schedule for Level 23 to be lodged with Land Registry Services NSW is as follows:-

Lot	Unit Number	Address Number	Street Name	Street Type	Locality
CP	N/A	55	Old Castle Hill	Road	Castle Hill
PT 188	2310	55	Old Castle Hill	Road	Castle Hill
PT 189	2311	55	Old Castle Hill	Road	Castle Hill
PT 190	2312	55	Old Castle Hill	Road	Castle Hill
PT 191	2313	55	Old Castle Hill	Road	Castle Hill
PT 192	2314	55	Old Castle Hill	Road	Castle Hill
PT 193	2315	55	Old Castle Hill	Road	Castle Hill
PT 194	2309	55	Old Castle Hill	Road	Castle Hill

Approved unit numbering for the whole development is as follows:

Level	Building A	Building B	Building C	Building D	Building E
LG	1-6	N/A	N/A	N/A	N/A
G	10-17	18	19-21	22-29	30-34
1	101-110	111-119	120-124	125-132	133-139
2	201-210	211-219	220-223	224-232	233-240
3	301-310	311-320	321-324	325-333	334-342
4	401-410	411-420	421-429	430-438	439-447
5	501-510	511-520	521-529	530-538	539-547
6	601-610	611-620	621-629	630-638	639-647
7	701-710	711-720	721-729	730-738	739-747

8	801-810	811-820	821-829	830-838	839-847
9	901-910	911-920	921-929	930-938	939-947
10	1001-1010	1011-1020	1021-1029	1030-1038	1039-1047
11	1101-1110	1111-1120	1121-1129	1130-1138	1139-1147
12	1201-1210	1211-1220	1221-1229	1230-1238	1239-1247
13	1301-1310	1311-1320	1321-1329	1330-1338	1339-1347
14	1401-1410	1411-1420	1421-1429	1430-1438	1439-1447
15	1501-1510	1511-1520	1521-1529	1530-1538	1539-1547
16	1601-1610	1611-1620	1621-1629	1630-1638	1639-1647
17	1701-1710	1711-1720	1721-1729	1730-1738	1739-1747
18	1801-1810	1811-1820	1821-1829	1830-1838	N/A
19	1901-1904	1905-1914	1915-1923	1924-1932	N/A
20	2001-2003	2004-2013	2014-2022	2023-2031	N/A
21	N/A	2101-2110	2111-2119	N/A	N/A
22	N/A	2201-2210	2211-2219	N/A	N/A
23	N/A	2301-2308	2309-2315	N/A	N/A

Only Council approved property and unit numbering shall be used for all correspondence, legal property transactions and shown on the final registered 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

Location of cluster mail boxes are to be within 11 Gay Street as approved by Australia Post.

The following addresses are to be used for Mailing Address purposes only for residents:-

Lot	Unit Number	Address Number	Street Name	Street Type	Locality
CP	N/A	11	Gay	Street	Castle Hill
PT 188	2310	11	Gay	Street	Castle Hill
PT 189	2311	11	Gay	Street	Castle Hill
PT 190	2312	11	Gay	Street	Castle Hill
PT 191	2313	11	Gay	Street	Castle Hill
PT 192	2314	11	Gay	Street	Castle Hill
PT 193	2315	11	Gay	Street	Castle Hill
PT 194	2309	11	Gay	Street	Castle Hill

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

Strata Developments

All approved developments that require subdivision under a Strata Plan, must comply with Council approved 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.

Please call 9843 0555 or email a copy of the draft strata plan prior to construction certificate to 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 with any property and unit numbering that is not approved by Council.

4. Condition 30 be deleted and replaced with:

30. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 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:-

	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>	<i>Purpose: Credit</i>
Roads & Traffic - Land	\$ 4.52	\$ 6.26	\$ 9.40	\$ 12.18
Roads & Traffic - Capital	\$ 174.44	\$ 241.56	\$ 362.35	\$ 469.70
Open Space - Land	\$ 1,133.28	\$ 1,569.16	\$ 2,353.75	\$ 3,051.15
Open Space - Capital	\$ 302.81	\$ 419.33	\$ 629.00	\$ 815.35
Community Facilities - Land	\$ 20.75	\$ 28.73	\$ 43.09	\$ 55.86
Community Facilities - Capital	\$ 639.81	\$ 885.79	\$ 1,328.70	\$ 1,722.30
Total	\$ 2,275.60	\$ 3,150.83	\$ 4,726.29	\$ 6,126.54

<i>No. of 1 bedroom units: 203</i>	<i>No. of 2 bedroom units: 714</i>	<i>No. of 3 bedroom units: 47</i>	<i>Sum of Units</i>	<i>No. of Credits: 1</i>	<i>Total S7.11</i>
\$ 917.56	\$ 4,469.64	\$ 441.80	\$ 5,829.00	\$ 12.18	\$ 5,816.82
\$ 35,411.69	\$ 172,471.52	\$ 17,030.23	\$ 224,913.44	\$ 469.70	\$ 224,443.74
\$ 230,055.84	\$ 1,120,380.24	\$ 110,626.25	\$ 1,461,062.33	\$ 3,051.15	\$ 1,458,011.18
\$ 61,469.70	\$ 299,400.44	\$ 29,563.13	\$ 390,433.26	\$ 815.35	\$ 389,617.91
\$ 4,212.25	\$ 20,513.22	\$ 2,025.23	\$ 26,750.70	\$ 55.86	\$ 26,694.84
\$ 129,880.75	\$ 632,456.14	\$ 62,449.12	\$ 824,786.01	\$ 1,722.30	\$ 823,063.71
\$ 461,947.78	\$ 2,249,691.20	\$ 222,135.75	\$ 2,933,774.74	\$ 6,126.54	\$ 2,927,648.20

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

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No. 5.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

5. Condition 79 be deleted and replaced with:

79. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate Nos. 737993M_05 and 744459M_03 are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.


ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP 2019 FSR Plan
4. Approved and Proposed South Elevation
5. Approved Level 23 Floor Plan
6. Proposed Level 23 Floor Plan
7. Site Photographs

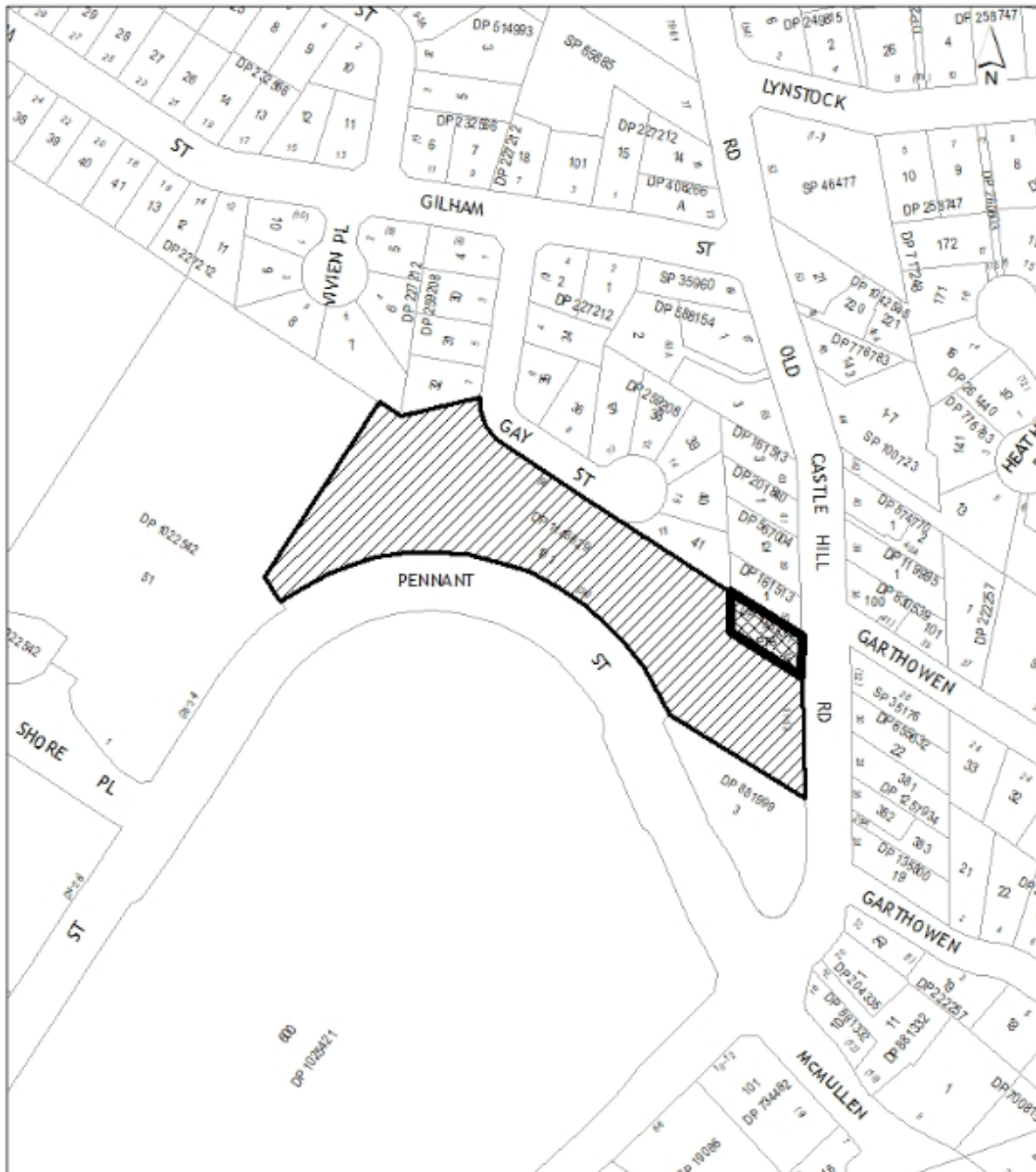
- Document Set ID: 19319710
Version: 8, Version Date: 15/03/2021

ATTACHMENT 2 - AERIAL PHOTOGRAPH



 **SUBJECT SITE**

ATTACHMENT 3 - LEP 2019 FSR PLAN



FSR 5.5:1



**FSR 1.1:1 WITH AN INCENTIVE
FSR OF 2.04:1**

ATTACHMENT 4 – APPROVED AND PROPOSED SOUTH ELEVATION

Approved Elevation

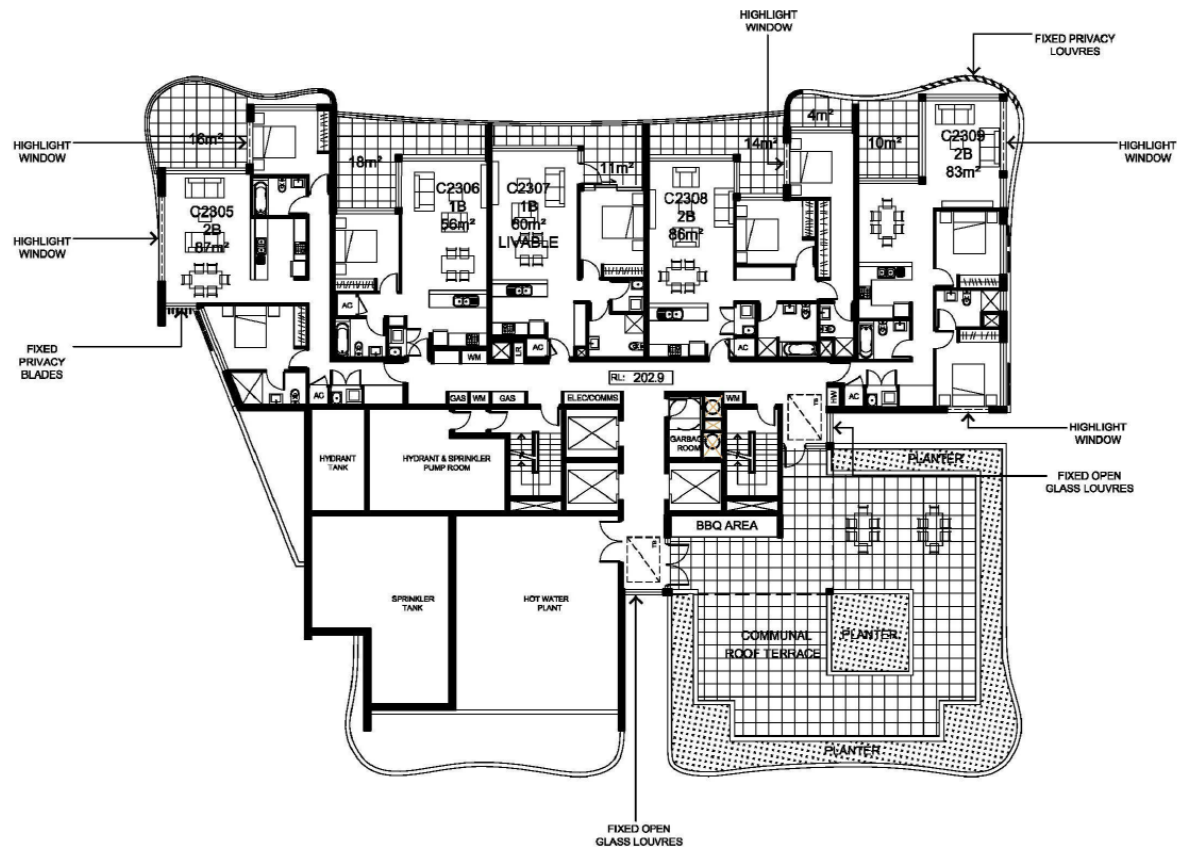


Proposed Elevation

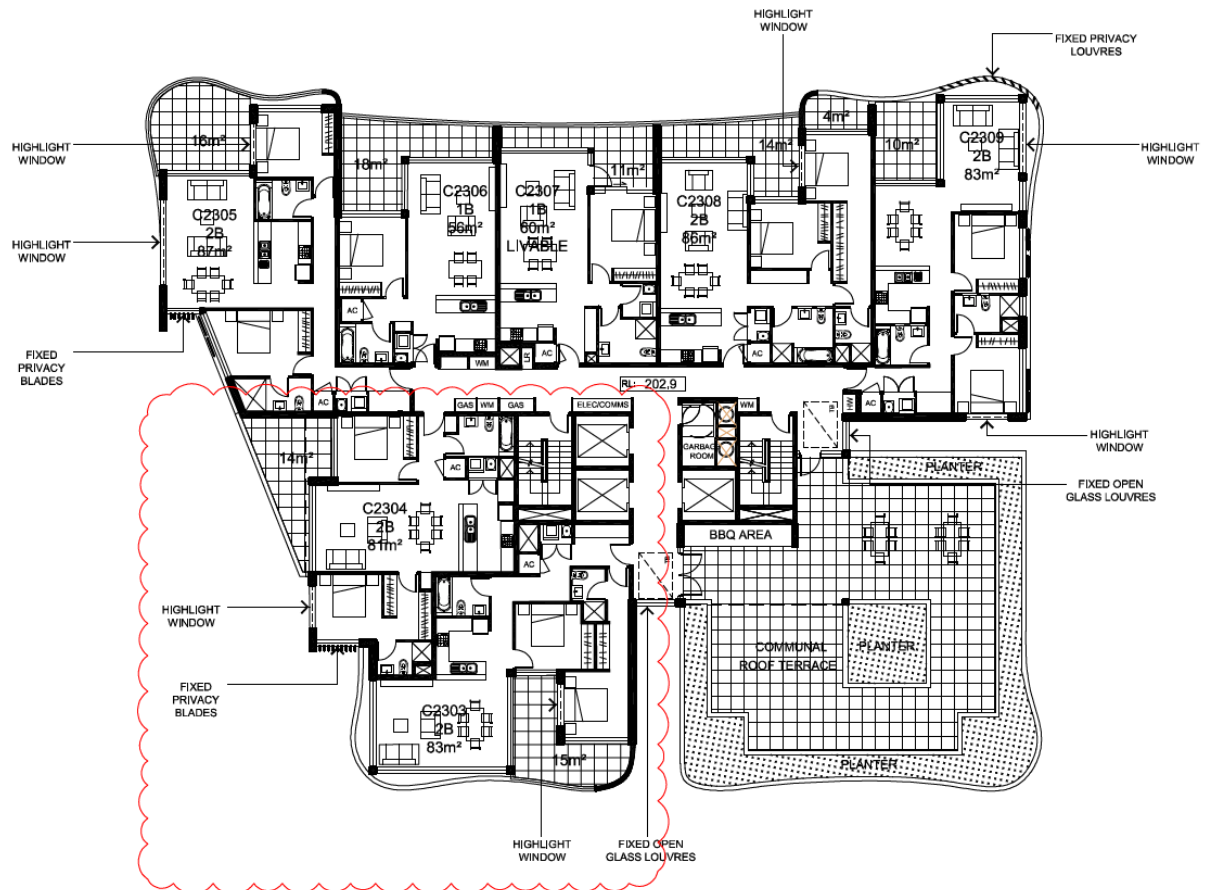
Proposed two additional units



ATTACHMENT 5 – APPROVED LEVEL 23 FLOOR PLAN



ATTACHMENT 6 – PROPOSED LEVEL 23 FLOOR PLAN



ATTACHMENT 7 – SITE PHOTOGRAPHS

Buildings A and B nearing completion



Building C (subject building) is under construction



Buildings D and E

Internal photos of location of proposed units

