

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-243
DA Number	DA 688/2019/JP/A
LGA	The Hill Shire Council
Proposed Development	Section 4.55 (2) Modification to an Approved Residential Flat Building Development comprising 296 units.
Street Address	3-9 Fishburn Cr. & 14-16 Middleton Av. and 37-45 Dawes Av. Castle Hill
Applicant	Bridgestone Projects
Consultant/s	Town Planner: Willow Tree Planning Architect: PTW Architects Fire Engineering and BASIX: Stantec Australia Quantity Surveyor: Westbourne Constructions
Date of DA lodgement	03 December 2020
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) to an application previously approved by the panel and subject to a departure from development standards set out in Schedule 1
List of all relevant s4.15(1)(a) matters	<p>EPIs:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development 2011) • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No 64 – Advertising and Signage • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997. • The Hills Local Environmental Plan 2019 <p>Draft EPIs:</p> <ul style="list-style-type: none"> • Draft Environment SEPP <p>Relevant Development Control Plan/Guidelines</p> <p>The following sections of The Hills DCP 2012:</p> <ul style="list-style-type: none"> • The following sections of The Hills DCP 2012: <ul style="list-style-type: none"> ○ Part B Section 5 – Residential Flat Building ○ Part C Section 1 – Parking ○ Part C Section 3 – Landscaping ○ Part D Section 19 – Showground Precinct • Apartment Design Guide <p>Any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia):</p> <ul style="list-style-type: none"> • Nil <p>Relevant regulations:</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000
List all documents	<ul style="list-style-type: none"> • Plans

submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • Design Review Panel Report
Report prepared by	Cynthia Dugan - Principal Coordinator Development Assessment
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? **Yes**

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

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

Conditions

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

EXECUTIVE SUMMARY

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

1. The application seeks to vary Clause 4.3 Height of Buildings of the LEP. The proposal exceeds the height limit of 27m by a maximum 5.395 metres or 19.98%. The exceedance is primarily associated with the lift and lift over run. A Clause 4.6 submission to vary the height standard by a maximum of 5.03 metres or 18.6% was supported under the original development application.
2. The modification application was referred to Council's Design Review Panel. The Panel provided support of the proposal. The Applicant has addressed the concerns raised by the Design Review Panel to the satisfaction of Council officers.
3. The application was notified to adjoining and surrounding properties, and no submissions were received.
4. The proposed modifications result in an outcome that is substantially the same development as originally approved. The modification application is therefore satisfactory when evaluated against section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979.
5. The Modification Application requires referral to the Sydney Central City Planning Panel (SCCPP) for determination as the determination of the Section 4.55(2) Modification Application includes a variation to a development standard exceeding 10%.

The application is recommended for approval subject to conditions.

BACKGROUND

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

Development Application 688/2019/JP was approved by the Sydney Central City Planning Panel on 11 June 2020. A Clause 4.6 submission to vary the height standard was supported under this application.

On 8 July 2020, Ministerial Direction for *Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020* was published in the NSW Government Gazette. The Direction requires Council's to temporarily defer the payment of local infrastructure contributions until at least the issuing of the first occupation certificate. Whilst the granting of development of consent occurred prior to this publication, the Direction applies retrospectively and modifies development consents issued prior to the Direction coming into effect.

Council's Design Review Panel reviewed the subject application on 24 February 2021. The Panel concluded that *"the proposed changes in height and the façade modifications to the approved application have somewhat diminished the design quality of the existing approval, however are relatively minor in nature and the DA modification should be progressed"*.

Amended plans and a response to the Design Review Panel comments were submitted by the Applicant on 22 March 2021. Design changes have been incorporated in to the proposal in accordance with the recommendations made by the Design Review Panel.

DETAILS AND SUBMISSIONS

Zoning:	R4 High Density Residential
Area:	10,577m ²
Existing Development:	Dwelling houses and ancillary structures
Section 7.12 Contribution	\$3,597,668.60
Exhibition:	Not required
Notice Adj Owners:	14 days
Number Advised:	20
Submissions Received:	Nil

PROPOSAL

The subject Section 4.55(2) modification seeks approval for the following amendments:

- Modification to floor to floor for all levels by 20mm to allow for required insulation with the exception of level 3 which will be increased by 40mm and level 8 which will be increased by 90mm.
- Increase the overall building height from 32.03m to 32.395m.
- Modification to internal layouts including the reconfiguration of fire stairs, internal reconfiguration of apartment layouts.
- Modification to external elements including façade changes due to the reconfiguration of apartment layouts and structure and services coordination and provision of spas on rooftop private open space areas.
- Modification to unit numbering due to the reconfiguration of the fire stairs.
- Staging of the construction where Stage 1 includes the construction of Basements B1 and B2, Buildings A, B and D and associated external landscaping works and Stage 2 includes the construction of Building C and associated external/landscaping works.
- Deferral of the payment of Section 7.11 contributions to prior to the issue of the Occupation Certificate.

The key development statistics of the approved and modified development are detailed in the table below:

	Approved DA	Modified Proposal
Site Area	10,577m ²	10,577m ²
No. of Storeys	8 – 10 storeys	8 – 10 storeys
Maximum height	32.03m	32.395m
Number of apartments	1 bedroom – 69 2 bedroom – 167 3 bedroom – 60 Total 296	1 bedroom – 69 2 bedroom – 167 3 bedroom – 60 Total 296
Gross Floor Area	28,555m ²	28,555.62m ²
Floor Space Ratio	2.7:1	2.7:1
Communal Open space	3,174m ² (30%)	3,149.55m ² (29.8%)
Car Parking Spaces	Residential: 348 Visitor: 59 Total: 407	Residential: 348 Visitor: 59 Total: 407

As a result of the modifications, amendments are proposed to conditions 1 and 42 of the development consent.

STRATEGIC CONTEXT

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). The subject site is located within 400m walking distance of the Showground Station which opened on 26 May 2019.

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

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

Central City District Plan

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

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

ISSUES FOR CONSIDERATION

1. 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 applicant has submitted the following statement in support that the proposed modifications satisfy the provisions of Section 4.55(2) of the EP & A Act 1979.

Section 4.55(2)(a) – Substantially the same

The scope of a maximum modification of a consent without constituting assessment as a standalone application can be analysed through the ambit of Michael Standley & Associates v North Sydney Council [2005] NSWLEC 358, whereupon Commissioner Mason P. found in relation to modification of development consents that the word “modify” was given the ordinary meaning of “to alter without radical transformation”. Therefore, the extent to which a consent may be modified is that to which the consent, as modified, is as approved without radical transformation or alteration.

The development, as modified, is substantially the same development and will not result in a radical transformation of DA 688/2019 for the following reasons:

- The modification remains a residential flat building development which retain the approved primary land use, and proposes no substantial change to this fundamental element of the approval; and*
- The modification will not result in an intensification of the approved building bulk, scale, design or use;*
- There are no detrimental quantitative changes to the approved building bulk and scale that will impact the environmental amenity of the proposed development (as modified);*
- The internal reconfigurations to the building are not considered to inherently alter the primary operations of the building or affect the amenity of its occupants;*

- *The function, form, operations and importantly, public perception of the Site, as a residential flat building, remains largely unchanged, with the reconfigurations retaining the original intent of the development as approved.*

In light of the above, the proposal as amended, is not considered to result in a “radical transformation” of the consent, as currently approved, satisfying the radical transformation test pursuant to Michael Standley & Associates Pty Ltd v North Sydney Council [2005] NSWLEC 358.

Whilst the proposal seeks to minor modifications to the proposed building envelope, they are not considered to be material or essential elements of the approved development which would constitute a radical change to the ultimate development outcomes of the Site. This is further analysed in Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280 which applies a quantitate and qualitative test to determine what qualifies a development as being “substantially the same”.

Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280 provides that a comparison of the development as approved and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the approved development. The comparison involves an appreciation, qualitatively as well as quantitatively, of the developments being compared in their power contexts (including the circumstances in which the development consent was granted).

Whilst it is acknowledge that the proposal does include some quantitative changes to the approved development, these are not considered to be substantial or comprise a critical element of the development. Further, from a qualitative perspective, the development retains its identity as a residential flat building development.

Therefore the proposal, as amended, will be substantially the same development as approved, and satisfies the requirements for the application to be assessed and approved pursuant to Section 4.55(2) of the EP&A Act.

The development to be modified remains a residential flat building development for 296 dwellings with associated basement car parking. The unit mix is unchanged, the floor area has been marginally increased by 0.62m² and the other development statistics are similar to that of the approved scheme. The built form, including the height, bulk and scale of the development remains consistent with that approved development.

The additional height associated with the development is in part as a result of floor to ceiling height compliance to allow for required services. In the context of the development approved and proposed on the site the additional height is considered reasonable and results in development outcomes that are substantially the same to the approved development.

The nature of the approved development remains unchanged. Accordingly, no objection is raised to the proposal under the provisions of Section 4.55(2) of the EP&A Act, 1979.

2. State Environmental Planning Policy (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 Development Application had a Capital Investment Value of \$89,951,418.

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 4.55(2) modification includes a variation to the Building Height standard over 10% being 19.98% and is therefore required to be referred back to the Panel for determination.

3. SEPP No. 55 – Remediation of Land

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

Clause 7 of the SEPP states:

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

it has considered whether the land is contaminated, and

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

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

Comment:

The original Development Application was accompanied by a Preliminary Site Investigation prepared by EI Australia, report number E24007.E01_Rev0 dated 26 September 2018. The

report recommends that a hazardous materials survey on existing structures as well as intrusive investigation to verify the quality of the soil is warranted. Any remediation work is to be undertaken concurrently in the demolition/excavation phase.

Council's Environmental Health Officer has reviewed the proposal and concurs with the findings and recommendations of the Preliminary Site Investigation submitted with the original Development Application. Accordingly, appropriate conditions of consent were imposed on the original Development Consent to ensure that the recommendations of the report are implemented during the course of construction.

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

4. Compliance with The Hills Local Environmental Plan (LEP) 2019

a. Permissibility

The subject site is zoned R4 High Density Residential under LEP 2019. The proposed modification application seeks to increase the floor to floor and overall heights of the residential flat building and stage the construction of the development. In this regard, the land uses of a "*Residential flat building*" and "*building identification signs*" remain permissible with consent under the provision of the LEP.

b. Zone Objectives

The objectives of the R4 High Density Residential zone are:

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

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

c. Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height of Buildings	27 metres	Building A - 32.03m Building B - 27.948m Building C - 29.875m Building D - 28.47m	No, refer to discussion below.
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 the LEP.
9.2 Site Area of Road dedication	Road dedication	Land dedication area	Yes. No change to

Max. LEP Height	Approved Development	Approved Extent of Variation	Proposed Development	Proposed Extent of Variation
27m	Building A <i>NW Corner</i> 31.4m (lift overrun)	4.43m (16.4%)	Building A <i>NW Corner</i> 31.75m (lift overrun)	4.75m (17.59%)
	30.48m (communal roof)	3.49m (12.9%)	30.78m (communal roof)	3.78m (14%)
	<i>SW Corner</i> 32m (lift overrun)	5m (18.6%)	<i>SW Corner</i> 32.365m (lift overrun)	5.365m (19.98%)
	Building B 27.95m (POS stair roof)	0.95m (3.5%)	Building B 28.35m (POS stair roof)	1.35m (5%)
	Building C <i>NE</i> 29.13m (lift overrun)	2.13m (7.9%)	Building C <i>NE</i> 29.48m (lift overrun)	2.48m (9.19%)
	<i>SE</i> 29.88m (lift overrun)	2.88m (10.6%)	<i>SE</i> 30.23m (lift overrun)	3.23m (11.96%)
	Building D 28.47m (lift overrun)	1.47m (5.45%)	Building D 28.77m (lift overrun)	1.77m (6.55%)

This modification primarily relates to a minor increase in overall height of up to 365mm to allow for sufficient area for insulation services. This is a 1.38% increase from the approved development. A comparison of the proposed development and approved development is detailed in the below sections (refer Figures 1 – 4). The comparison demonstrates that there are negligible changes in built form subject to the height exceedance.

Overall the variations to the height standard are considered consistent with the approved development and do not result in any significant changes to privacy and overshadowing impacts (refer Attachment 11). The variation is considered reasonable in this instance.

It is noted that case law demonstrates that for a Section 4.55 application, a Clause 4.6 Exceptions to Development Standards is not required.

The relevant judgments originating with *North Sydney Council v Michael Standley and Associates Pty Ltd 1998* indicates that Section 4.55 is a ‘free-standing provision’, meaning that “a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application”. A Section 4.55 modification authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is a broad power to approve, subject to its own stand-alone tests (such as the “substantially the same” test, and a requirement to consider all relevant Section 4.15 matters). Section 4.55 does not rely upon having any SEPP 1 objection or Clause 4.6 variation in order to enliven that power to approve.

The Courts have stated that SEPP 1 cannot be used at Section 4.55 stage, as SEPP 1 expressly only applies ‘where a development application is made’, not when a modification application is made. The same would apply to Clause 4.6 variations, which expressly only regulates whether ‘development consent’ may be granted, not whether an existing consent may be modified. As such, a Clause 4.6 variation is not applicable to Section 4.55 modification applications.

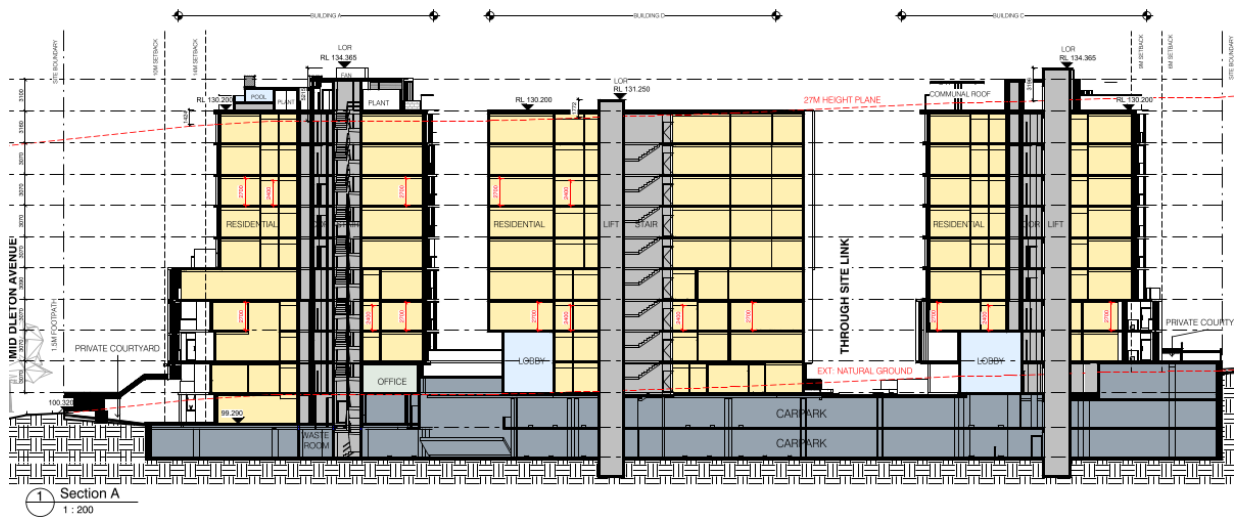


Figure 1: Section A – Proposed Modification (Buildings A, D and C)

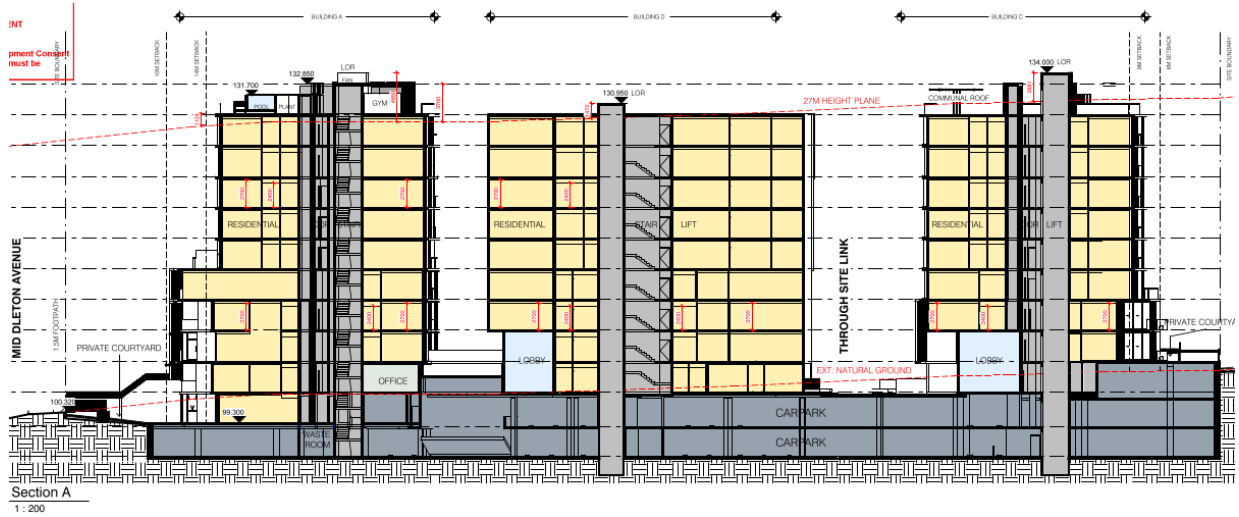


Figure 2: Section A – Approved development (Buildings A, D and C)

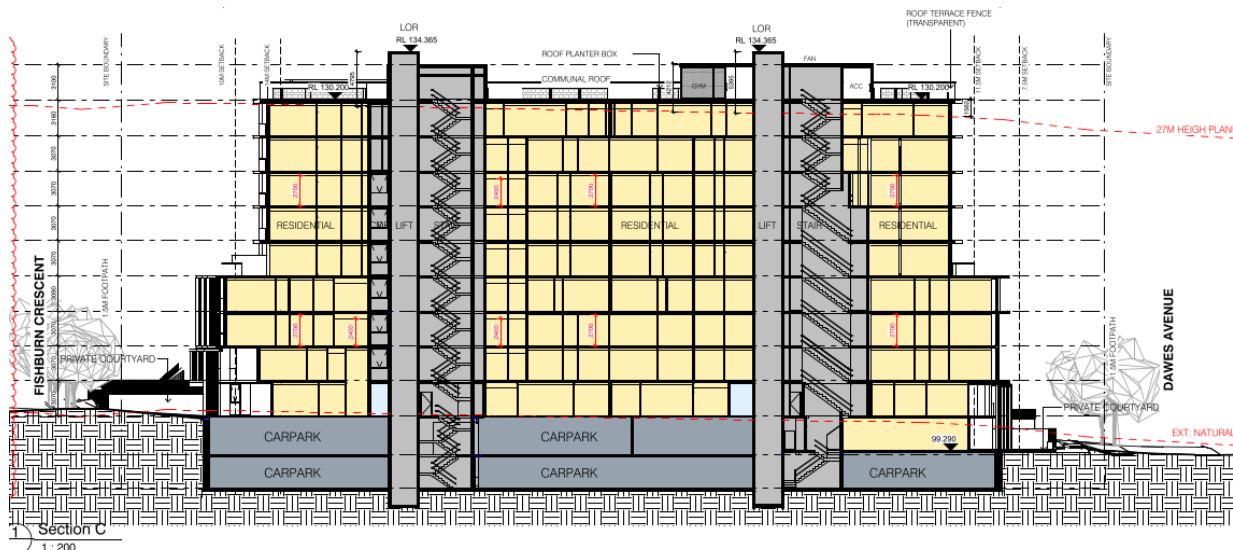


Figure 3: Section C – Proposed Modification (Building C)

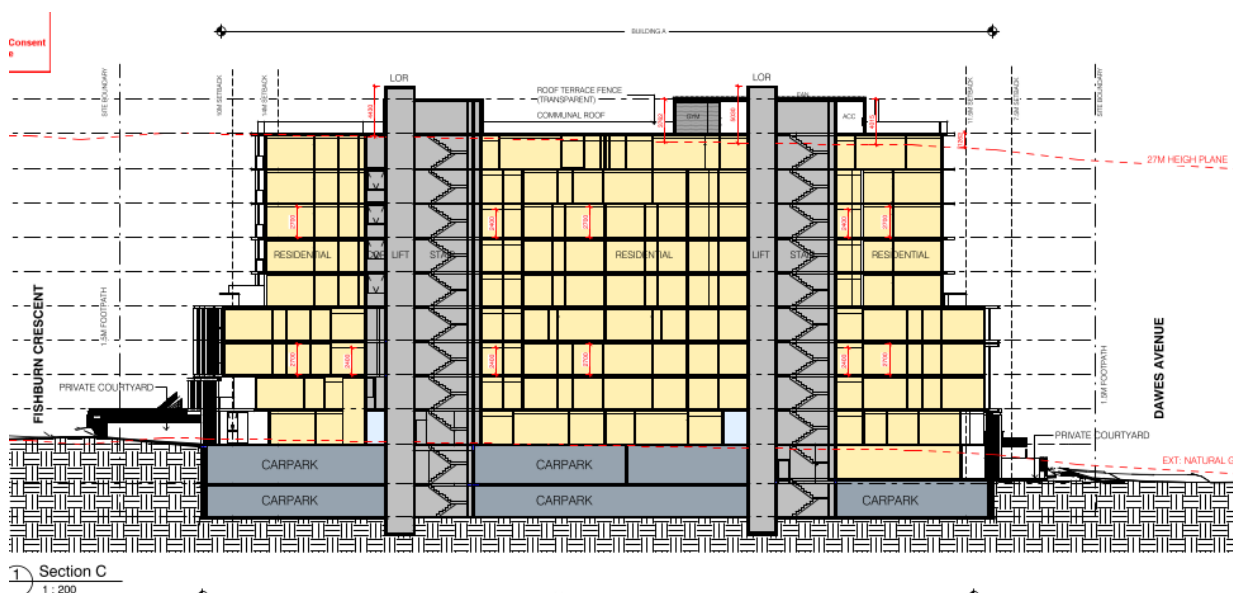


Figure 4: Section C – Approved development (Building C)

ii. Design Excellence

Clause 9.5 of the LEP specifies an objective to deliver the highest standard of architectural urban and landscape design and applies to development within the Showground Station Precinct. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. 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.*

In addition, as the development exceeds 21 metres and 6 storeys, but not higher than 66 metres or 20 storeys, the proposal is required to be reviewed by a design review panel, and the consent authority is required to take into account the findings of the design review panel.

Comment:

The design excellence of the subject application was considered at a Design Review Panel (DRP) meeting held on 24 February 2021. The meeting minutes of the DRP are included at Attachment 13. The DRP concluded that *“the proposed changes in height and the façade modifications to the approved application have somewhat diminished the design quality of the existing approval, however are relatively minor in nature and the DA modification should be progressed”*.

The DRP recommendations are summarised below:

- The height increase was considered to have negligible further impacts however the amenity of the private roof top spa areas was questioned with regard to lack of shading. It was noted that the balustrades did not appear to be of complaint heights. The Panel recommended that further roof elements to cover these private open space areas are not supported.
- The cross site link should extend to the kerb line, with kerb crossovers to provide accessibility and recommended review of the landscape plans.
- Substations on Dawes Avenue to be rotated and screened with planting or other material with the short elevation addressing the street and all other services by suitably screened that is wholly integrated with street fencing/façade treatments.
- Concerns raised regarding the addition of a corner columns to originally cantilevered corner balconies. The cantilevered corner balconies were considered a strong design approach that contributed to the aesthetic quality and public domain presentation of the apartments. The Panel recommends that better visual integration to the columns within the façade through size reduction, colour, shape and/or materially is achieved.

Amended plans and a response to the DRP comments were submitted by the Applicant on 22 March 2021. The concerns raised by the DRP are addressed as follows:

- No further amendments to the roof structure over private open space areas are proposed as part of the subject modification application. The spas illustrated in the perspective views and presented to the DRP are only for marketing purposes and compliant heights and screens to the roof top will be required to comply with the relevant Australian Standard and BCA requirements.
- The cross site link and landscaping is not proposed as part of the subject modification application however the Architect intends to explore the possibility of extending the cross site link to the kerb line as part of the public domain design.
- No further amendments to the substation or services within the front setback are proposed as part of the subject modification application. A memo from the Applicant's Services Engineer, Stantec has been submitted that indicates that the substation has been designed in accordance with the Endeavour Energy requirements and rotating this element will require a road access for maintenance which would reduce landscape screening within the frontage.
- Columns have been added to a number of corner balconies due to structural transfer requirements and building height limitations. To ensure better visual integration to the columns within the façade, the columns have been treated with a timber look screening similar to other elements within the approved façade design (refer figure 6). In addition, existing blade wall elements have been extended to enable some of the circular columns to be removed, providing a design which is more consistent with the approved development.

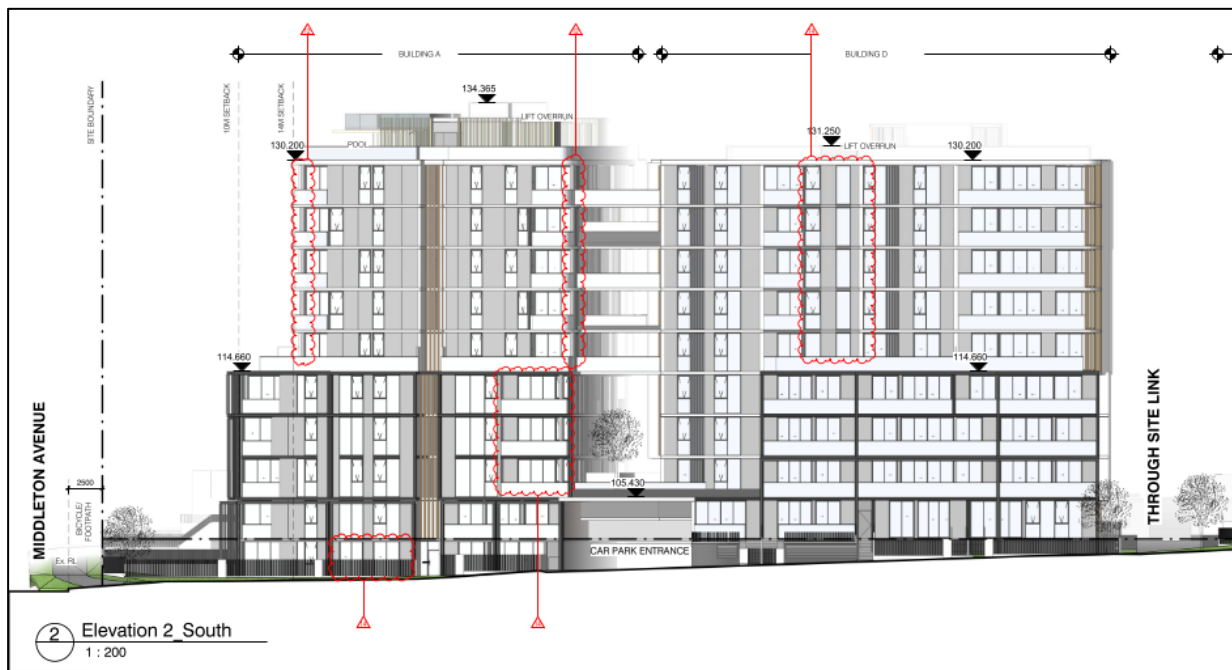


Figure 5: Columns proposed as part of subject application as reviewed by DRP



View from corner of Middleton Ave. and Dawes Ave.

Figure 6: Columns wrapped with timber look screen as a response to DRP concerns.

Design changes have been incorporated in to the proposal in accordance with the recommendations made by the Design Review Panel and all concerns raised have been satisfactorily addressed. It is considered that the proposal exhibits design excellence in accordance with Clause 9.5 of the LEP.

iii. Other Provisions

The proposal has been considered against all relevant provisions of the LEP. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation;
- 6.3 Public utility infrastructure; and
- 7.2 Earthworks

The proposal satisfies each of the provisions and objectives relating to each of the clauses.

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

The proposal has been reviewed under the provisions of SEPP 65 and the Apartment Design Guideline. The amendments are minor and the proposal remains consistent with the provisions of the SEPP and Apartment Design Guide.

The required Design Verification Statement was prepared by Simon Parsons, registration number 6098 of PTW Architects.

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

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes. 29.8% of the development site area (3,149.55m ²) is proposed. The rooftop communal open space area, the principal rooftop communal open space areas (Buildings A and C) receive at least 50% direct sunlight for 2 hours during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	No change proposed to approved deep soil zones. Approximately 15% of the development site area is provided with deep soil zones.
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 change proposed to approved building separation.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. Screening devices and blade walls set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking. Obscured glazed windows or privacy louvres have been conditioned for windows in Unit G26 which face the pedestrian cross through link. Refer condition 1.
Car parking	<p>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:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 41.4 0.9 spaces per 2 bedroom unit. 150.3 1.40 spaces per 3 bedroom unit. 84 1 space per 5 units (visitor parking). 59.2</p>	<p>Yes.</p> <p>No change proposed to approved number of car parking spaces for the development.</p>

Designing the Building		
Solar and daylight access	<p>1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Yes. The proposed development will achieve two hours solar access for 71.6% (212 of 296) of apartments between 9am and 3.00pm.</p> <p>Yes. There are 12.5% (37 of 296) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.</p>
Natural ventilation	<p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes. A total of 60% (177 of 296) of units will meet the cross ventilation requirements or can be naturally ventilated.</p> <p>Yes. The maximum overall depth is 18 metres for a cross through apartment, measured glass line to glass line.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area.</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. Floor to ceiling height 2.7 metres for all apartments including two storey 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 – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas</p>	<p>Yes.</p> <p>1 bedroom 50.1m² - 67.7m² 2 bedroom 75.1m² – 121.9m² 3 bedroom 95m² - 149m²</p> <p>Where additional bathrooms are proposed,</p>

	<p>include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>an additional 5m² has been provided.</p> <p>No four bedroom units proposed.</p> <p>Yes, as conditioned in original consent as an amendment in red in condition 1.</p> <p>It is noted that the room to the north of the kitchen in G01 is no longer annotated for storage purposes in the amended set of plans. A condition is recommended that this room is only to be used for storage purposes.</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>Yes.</p> <p>Yes.</p> <p>Yes.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth</p> <p>1 bedroom – 8m² with a minimum depth of 2m</p> <p>2 bedroom – 10m² with a minimum depth of 2m</p> <p>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>	<p>Yes, all balcony areas comply. No further variation to the balcony depths approved under the original development.</p> <p>Yes.</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>Yes. No change to approved development.</p> <p>Maximum of 11 units provided off a circulation core in Building A.</p>

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes.
Storage	Storage is to be provided as follows: Studio – 4m ³ 1 bedroom – 6m ³ 2 bedroom – 8m ³ 3+ bedrooms – 10m ³ At least 50% of the required storage is to be located within the apartment.	Yes. Each unit contains the minimum storage area. The basement plans have been amended to include more storage cages within the basement levels as a result of the reconfiguration of the fire stairs.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. No change to approved unit mix.

6. Compliance with The Hills DCP 2012

The proposed modification has been assessed against the provisions of The Hills Development Control Plan. The approved development achieved compliance with the relevant requirements of The Hills Development Control Plan except for site specific controls under Part D Section 19 Showground Station Precinct. Variations were supported under the original approval for inconsistency with the number of storeys as indicated in the Showground Precinct structure plan, site coverage, encroachments to the underground car parking within front setbacks, open space and landscaping, façade and building length, tower floor plate areas and the number of adaptable housing units.

The proposed modification does not seek any further variations to the controls, except for site coverage which is discussed below.

a. 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 proposal increases the site coverage by 17.4m² to 56.4% by the extension of a ground floor terrace in Unit G26.

The DCP provides the following objectives relating to the control:

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

Comment:

The approved development was supported with a site coverage of 55% which is a variation of 5%. The variation was supported as it was considered that the proposal provided for sufficient space for landscaping that will complement the building form and enhanced the character of the street frontages as well as the pedestrian cross through link. The amount and quality of landscaping had also been substantially increased as recommended by the Design Review Panel.

The proposed modification includes an extension to the impervious ground floor private open space area of Unit G26 from 39.9m² to 57.3m². Refer figure 7 and 8 below. The terrace extension would result in the deletion of two *angophora floribunda* Rough barked apple medium canopy trees and three *cyathea cooperi* Australian tree ferns as detailed in the approved landscape plans. Further, the proposal would result in Unit G26 comprising a 1m setback to the public pedestrian cross through link which would be insufficient space to plant medium canopy trees. No amended landscaping plans have been provided to address the public and private interface. It is considered that compared to the approved 3m building setback to the public cross through link, the proposal would result in detrimental landscaping and visual amenity impacts for future occupants in Unit G26.

In this regard, no further variation to the site coverage control is supported. A condition is recommended to delete the extension of the balcony in Unit G26 and landscaping to be provided as originally approved. Refer condition 1.



Figure 7: Approved Landscape Plan

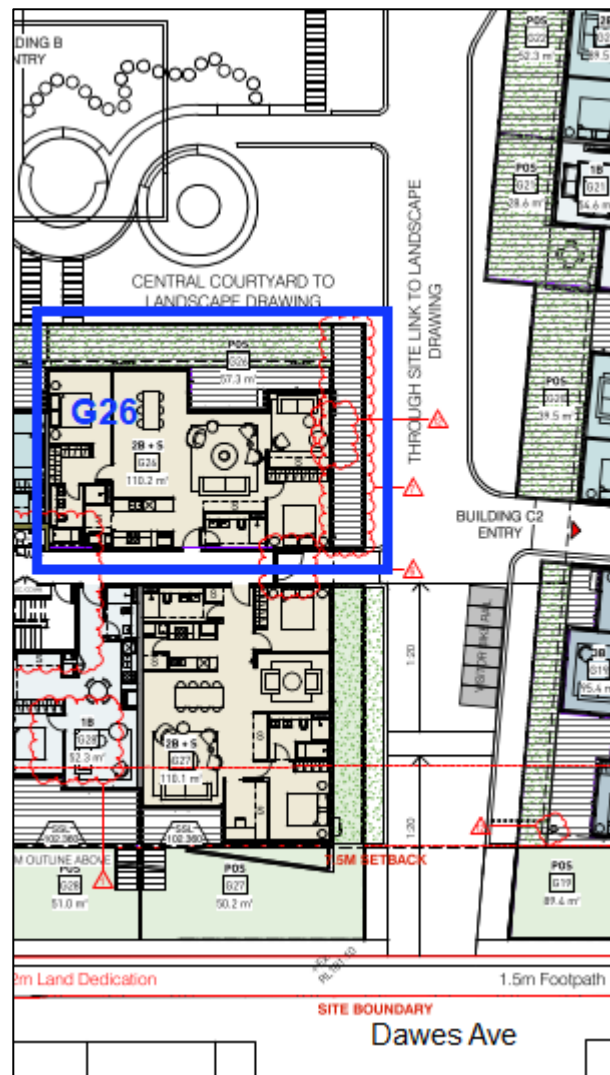


Figure 8: Proposed balcony extension to Unit G26

7. Internal Referrals

The application was referred to following sections of Council:

- Subdivision Engineering
- Section 7.11 Contributions
- Land Information Systems

No objection was raised to the proposal (as amended) subject to conditions. Relevant comments have also provided below in the recommendation.

Section 7.11 Contributions

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.

CONCLUSION

The Application has been assessed against the relevant heads of consideration under Section 4.15 and 4.55(2) of the Environmental Planning and Assessment Act, 1979, SEPP 65 – Design Quality of Residential Apartment Buildings, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

The further variation to the LEP Height standard is addressed in the report and considered satisfactory. The variation is an increase of 1.38% to the height of the approved development and results in a built form that is consistent with the objectives of the standard and R4 high density zone objectives.

There are no further variations to the Apartment Design Guide and the further variation to site coverage as a result of an extension of a terrace area within ground floor unit G26 is not supported. A condition of consent is recommended to delete this terrace on the plans.

It is considered that the proposal is consistent with the desired future character of the Showground Station Precinct, provides for a high quality architectural design and appropriate residential amenity for future occupants of the site and adjoining properties.

No submissions were received following the notification period.

Accordingly approval subject to modified conditions of development 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 does not alter the number of units approved under the original development consent and meets the housing diversity clause by providing larger apartment sizes and mix. In this regard, the proposal is consistent with the outcomes planned under the The Hills Local Strategic Planning Statement.

RECOMMENDATION

1. Modification Application No. 688/2019/JP/A be approved for the reasons listed below and subject to the following new and amended conditions:
 - The site is considered suitable for the development (as proposed to be modified).
 - The proposed modifications result in an outcome that is substantially the same development as originally approved.
 - The proposed modifications adequately satisfy the relevant state and local planning provisions.
 - The proposed modifications will have no unacceptable impacts on the built or natural environments.
 - The variation to height results in a development that is consistent with the relevant objectives, and compliance with the standard is unnecessary in this instance, and the proposal results in a better planning outcome as outlined in this report.
 - The proposal is in the public interest.

The heading under General Matters is amended as follows:

GENERAL MATTERS

Note that all conditions apply to both Stage 1 and 2 of the development unless otherwise specified.

Condition No. 1 be deleted and replaced as follows:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the approved plans and details associated with development application 688/2019/JP and as further modified by the following plans approved with Development Consent No. 688/2019/JP/A, except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – 688/2019/JP

Amendments in red are to include the following:

- To ensure habitable rooms are not enclosed without the provision of a window, the walls or door to each of the study or storage rooms within the apartments are to be deleted from the following units:

G22, G23, G28, 106, 108, 119, 121, 122, 127, 131, 211, 212, 218, 219, 228, 229, 233, 303, 309, 310, 313, 328, 331, 334, 401, 406, 411, 421, 429, 501, 506, 512, 606, 612, 631, 701, 710, 711, 728, 730, 731, 820, 821, 823 and 824.

- Windows provided in all bedrooms are required to have a total minimal glass area of not less than 10% of the floor area of each bedroom in the unit.
- To ensure a reasonable level of visual amenity is provided, a 1.8m high privacy screen is to be installed to the eastern side of the balconies in Units 901 and 905.
- The business identification signage zones fronting Middleton Avenue and Fishburn Crescent is to both be limited to the following dimensions: 1m height x 2.6m width and a maximum area of 2.6m². Both signage zones are to be attached to the car park louvre screening element. The content and design of the signage is subject to separate approval.
- All services and service provision visible from the street, public domain and nearby taller buildings are required to be carefully and substantially screened in a manner to match the aesthetic of the approved development.

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-003	Demolition Plan	H	8/11/2019
DA-001	Location and Site Plan	H	8/11/2019
DA-100	Basement B2 Floor Plan	L	6/05/2020
DA-101	Basement B1 Floor Plan	L	6/05/2020
DA-110	Ground Floor Plan	L	6/05/2020
DA-111	Level 1 Floor Plan	L	6/05/2020
DA-112	Level 2 Floor Plan	N	19/05/2020
DA-113	Level 3 Floor Plan	P	28/05/2020
DA-114	Level 4 Floor Plan	L	6/05/2020
DA-115	Level 5 Floor Plan	L	6/05/2020
DA-116	Level 6 Floor Plan	L	6/05/2020
DA-117	Level 7 Floor Plan	L	6/05/2020
DA-118	Level 8 Floor Plan	L	6/05/2020
DA-119	Level 9 Floor Plan	L	6/05/2020
DA-120	Roof Plan	L	6/05/2020
DA-210	Elevations 1 (North) & 2 (South)	L	6/05/2020
DA-211	Elevations 3 (West) & 4 (East)	L	6/05/2020
DA-212	Elevations 5 & 6 (Through Site Link)	L	6/05/2020
DA-213	Elevations 7 & 8 (Central Courtyard)	L	6/05/2020
DA-300	General Sections A & B	L	6/05/2020
DA-301	General Sections C & D	L	6/05/2020
DA-302	General Sections E	L	6/05/2020
DA-310	Driveway Profile Ramp 1	H	8/11/2019
DA-311	Driveway Profile Ramp 2 & 3	H	8/11/2019
DA-400	DA Adaptable Apartment Type Plan	L	6/05/2020
DA-700	DA Colour Sample Board & Façade	H	8/11/2019

	Elevations		
DA-800	DA Coloured Perspective	H	8/11/2019
DA-801	DA Coloured Perspective	H	8/11/2019
142491-1	Landscape Design Report including Vegetation Management Plan, Masterplan, Ground Floor, Private Communal Courtyard, Private Courtyard Terrace, Cross-block link, typical lower level, roof levels, planting strategy, material colour, soil plans, tree plan and canopy cover	M	14/04/2020

REFERENCED PLANS AND DOCUMENTS 688/2019/JP/A

Amendments in red are to include the following:

- The balcony extension to the east of Unit G26 is not supported and is to be deleted from the plans. Trees are to be planted in accordance with the approved Landscape Design Report.
- To ensure overlooking impacts are minimised, privacy louvres or obscured glazing is to be installed to the east facing windows of Unit G26.
- The room to the north of the kitchen in Unit G01 is only to be used for storage purposes.

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-100	Basement B2 Floor Plan	R	16/03/2021
DA-101	Basement B1 Floor Plan	R	16/03/2021
DA-110	Ground Floor Plan	R	16/03/2021
DA-111	Level 1 Floor Plan	R	16/03/2021
DA-112	Level 2 Floor Plan	R	16/03/2021
DA-113	Level 3 Floor Plan	R	16/03/2021
DA-114	Level 4 Floor Plan	R	16/03/2021
DA-115	Level 5 Floor Plan	R	16/03/2021
DA-116	Level 6 Floor Plan	R	16/03/2021
DA-117	Level 7 Floor Plan	R	16/03/2021
DA-118	Level 8 Floor Plan	R	16/03/2021
DA-119	Level 9 Floor Plan	R	16/03/2021
DA-120	Roof Plan	R	16/03/2021
DA-210	Elevations 1 (North) & 2 (South)	R	16/03/2021
DA-211	Elevations 3 (West) & 4 (East)	R	16/03/2021
DA-212	Elevations 5 & 6 (Through Site Link)	R	16/03/2021
DA-213	Elevations 7 & 8 (Central Courtyard)	R	16/03/2021
DA-300	General Sections A & B	R	16/03/2021
DA-301	General Sections C & D	R	16/03/2021
DA-302	General Sections E	R	16/03/2021
A-10-0800	Staging Plan - Overall Plan - Basement 2	A	19/07/2020
A-10-0900	Staging Plan - Overall Plan - Basement 1	A	19/07/2020
A-10-1000	Staging Plan - Overall Plan - Ground Floor	A	19/07/2020
A-10-1010	Staging Plan - Overall Plan - Level 1	A	19/07/2020
A-10-1020	Staging Plan - Overall Plan - Level 2	A	19/07/2020

-	Amended Unit Numbering Plan prepared by Council staff	-	30/4/2021
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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.

Condition No. 15 be deleted and replaced as follows:

15. Vehicular Access and Parking (Stage 1)

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.
- Due to inconsistency in public domain works, vehicular crossing within the public road reserve will be approved under separate application, inclusive of all works within the public domain (Refer to Showground Precinct Verge Treatment details)

Condition No. 16 be deleted and replaced as follows:

16. Vehicular Crossing Request (Stage 1)

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.

Condition No. 17 be deleted and replaced as follows:

17. Minor Engineering Works (Stage 1)

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) Site Stormwater Drainage

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

Condition No. 18 be deleted and replaced as follows:

18. Road Opening Permit (Stage 1)

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.

Condition No. 19 be deleted and replaced as follows:

19. Subdivision Works Approval (Stage 1)

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

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

Condition No. 42 be deleted and replaced as follows:

Section 7.11 Contribution

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

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	\$4,180.59	\$5,852.81	\$7,246.34	\$9,475.66
Open Space - Capital	\$2,113.14	\$2,958.40	\$3,662.78	\$4,789.63
Transport Facilities - Land	\$1,039.74	\$1,455.63	\$1,802.21	\$2,356.66
Transport Facilities - Capital	\$1,617.97	\$2,265.16	\$2,804.48	\$3,667.27
Water Management - Capital	\$422.44	\$591.42	\$732.24	\$957.51
Administration	\$55.60	\$77.85	\$96.38	\$126.02
Total	\$9,429.48	\$13,201.27	\$16,344.43	\$21,372.75

No. of 1 Bedroom Units: 69	No. of 2 Bedroom Units: 168	No. of 3 Bedroom Units: 59	Sum of Units	No. of Credits: 11	Total \$7.11
\$ 288,460.71	\$ 983,272.08	\$ 427,534.06	\$ 1,699,266.85	\$ 104,232.26	\$ 1,595,034.59
\$ 145,806.66	\$ 497,011.20	\$ 216,104.02	\$ 858,921.88	\$ 52,685.93	\$ 806,235.95
\$ 71,742.06	\$ 244,545.84	\$ 106,330.39	\$ 422,618.29	\$ 25,923.26	\$ 396,695.03
\$ 111,639.93	\$ 380,546.88	\$ 165,464.32	\$ 657,651.13	\$ 40,339.97	\$ 617,311.16
\$ 29,148.36	\$ 99,358.56	\$ 43,202.16	\$ 171,709.08	\$ 10,532.61	\$ 161,176.47
\$ 3,836.40	\$ 13,078.80	\$ 5,686.42	\$ 22,601.62	\$ 1,386.22	\$ 21,215.40
\$ 650,634.12	\$ 2,217,813.36	\$ 964,321.37	\$ 3,832,768.85	\$ 235,100.25	\$ 3,597,668.60

In
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rdance 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 or a copy may be inspected or purchased at Council's Administration Centre.

Condition No. 39 be deleted and replaced as follows:

39. 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 property addresses for this development are:

Building A – 16 Middleton Ave Castle Hill

Building B – 5 Fishburn Cres Castle Hill

Building C – 5 Fishburn Cres & part 39 Dawes Ave Castle Hill

Building D – 39 Dawes Ave Castle Hill

Approved unit numbering is as per plans submitted marked as DWG No: DA 101, 110-119, Dated: 16/3/2021, Rev: R marked up within consent documentation; and as follows:

Level	Building A	Building B	Building C	Building D
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Basement 1	B01-B04	N/A	N/A	N/A
Ground	G01-G10	G11-G13	G14-G18	G19-G24
One	101-107	108-113	114-126	127-131
Two	201-211	212-216	217-227	228-233
Three	301-309	310-315	316-327	328-334
Four	401-409	410-414	415-427	428-433
Five	501-510	511-515	516-529	530-535
Six	601-610	611-615	616-629	630-635
Seven	701-711	712-716	717-730	731-735
Eight	801-809	N/A	810-823	824-828
Nine	N/A	N/A	901-905	N/A

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 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.

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

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

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

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

Mail Boxes

One Cluster mail box is to be located as shown on plans submitted marked as DWG No DA 110 - 111; Rev R; Dated 16/3/2021 marked up within consent documentation.

Cluster mail boxes are to be located within the site 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 A - 16 Middleton Ave.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Condition No. 48 be deleted and replaced as follows:

48. Onsite Stormwater Detention – Hawkesbury River Catchment Area (Stage 1)

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 Adams Drawing C022 and C023 Revision \$ and 3 respectively dated 05/03/2020 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) OSD tank must be designed to ensure suitable storage is achieved based on the maximum head available in the HED. Design of HED to be in accordance with Upper Parramatta River Catchment Trust.
- b) More detailed plans are required to ensure suitable spill ways from HED to WSUD storage to OSR storage and Rainwater Tank. Calculations to represent plans (i.e. values for maximum to orifice)
- c) Additional access points to ensure suitable and safe access for maintenance of OSD Tank

Water sensitive urban design elements, consisting of PSORB Storm filter Cartridges, enviropods and swales, 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.

Condition No. 49 be deleted and replaced as follows:

49. Stormwater Pump/ Basement Car Park Requirements (Stage 1)

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

Condition No. 51 be deleted and replaced as follows:

51. Security Bond – External Works (Stage 1)

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.

Condition No. 53 be deleted and replaced as follows:

53. Engineering Works (Stage 1)

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.

Works within the Road reserve are to be approved under the Roads Act 1993 and must be done prior to the release of any construction certificate

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 engineering plan C022 and C023 prepared by Adams Revision 4 and 3 respectively 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) Dawes Avenue – Indented Parking Bays/ Road Widening

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

The existing footpath verge measured from the face of kerb must be widened by 2m to 5.62m approximately (and this road widening dedicated to the public as road at no cost to Council as

conditioned separately). Within this widened verge the required formation must be in accordance with Showground Precinct Verge Treatment Detail as available on Councils Website.

With respect to the civil works plans by Adams (and all architectural plans) Revision 2, Dated 05/03/2020:

- Plans submitted as part of development application are incorrect. Kerb alignment in Dawes Avenue is to remain, however replaced with v-drain where parking is to be provided. Applicant is to refer to approved plans for public domain works for 320/2019/JP for direction.
- The existing street drainage in Dawes Avenue will need to be adjusted to match, not relocated as per plan C040 states. Kerb line is not changing so where required modification of pit to butterfly grate may be required.
- The stormwater calculations provided with the detailed design must demonstrate that the amended pit has sufficient inlet capacity according to the above documents, which may require additional (or larger) pits.
- The pipework on either side needs to be surveyed and replaced as necessary to connect to this new pit.
- No blind/ junction pits under the road carriageway will be supported.
- The grading, trimming, topsoiling and turfing of the widened footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

The driveway long-section must be amended to match.

b) Indented Parking Bays/ Road Widening (Showground Precinct)

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

The existing 3.62m (approx.) wide footpath verge measured from the face of kerb must be widened by 2m to 5.62m approx. (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.

c) Signage and Line Marking Requirements/ Plan

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

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

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

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

d) Disused Layback/ Driveway Removal

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

The addition of Condition No. 53(i) as follows:

53(i). Engineering Works (stage 2)

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. Works within the Road reserve are to be approved under the Roads Act 1993 and must be done prior to the release of any construction certificate. 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 engineering plan C022 and C023 prepared by Adams Revision 4 and 3 respectively 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) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to Onsite Stormwater Detention built within stage 1 of this development.

PRIOR TO WORKS COMMENCING ON SITE

Condition No. 59 be deleted and replaced as follows:

59. Separate OSD Detailed Design Approval (Stage 1)

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.

PRIOR TO ISSUE OF AN OCCUPATION/SUBDIVISION CERTIFICATE

Condition No. 108 be deleted and replaced as follows:

108. Pump System Certification (Stage 1)

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.

Condition No. 109 be deleted and replaced as follows:

109. Stormwater Management Certification (Stage 1)

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.

Condition No. 110 be deleted and replaced as follows:

110. Road Widening Dedication (Stage 1)

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

Condition No. 111 be deleted and replaced as follows:

111. Creation of Restrictions/ Positive Covenants (Stage 1)

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.

Condition No. 112 be deleted and replaced as follows:

112. Water Sensitive Urban Design Certification (Stage 1)

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

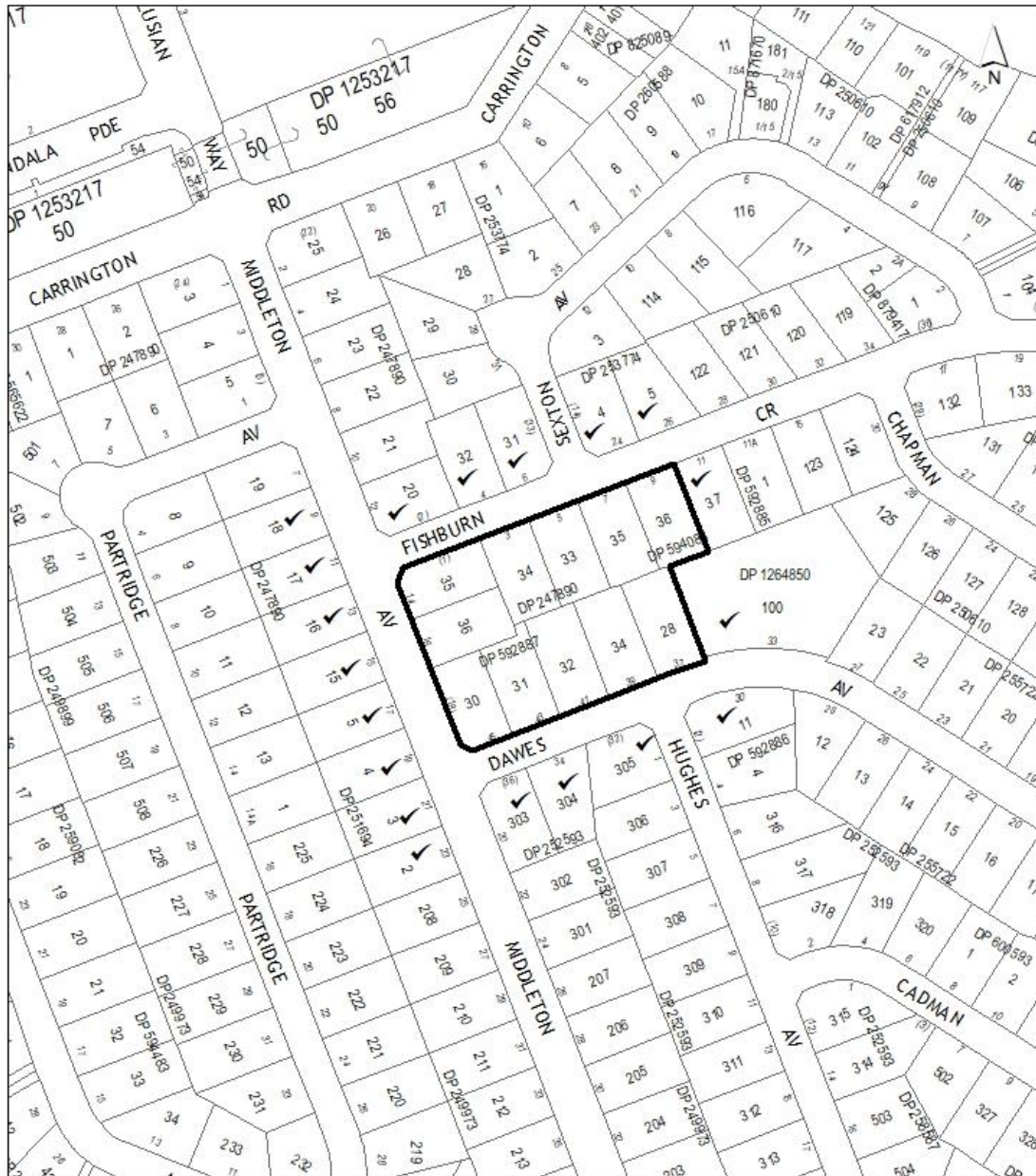
- WAE drawings and any required engineering certifications;
- Records of inspections;

- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Height of Buildings Map
4. FSR (Incentive) Map
5. Site Plan
6. Proposed Staging Plan
7. Approved Floor Plans
8. Proposed Floor Plans
9. Approved Elevations/Sections
10. Proposed Elevations/Sections
11. Shadow Diagrams
12. Perspectives
13. Design Excellence Panel Minutes
14. Notice of Determination for Development Consent No. 688/2019/JP
15. Approved Landscape Plans

ATTACHMENT 1 – LOCALITY PLAN



□ SUBJECT SITE

✓ PROPERTIES NOTIFIED

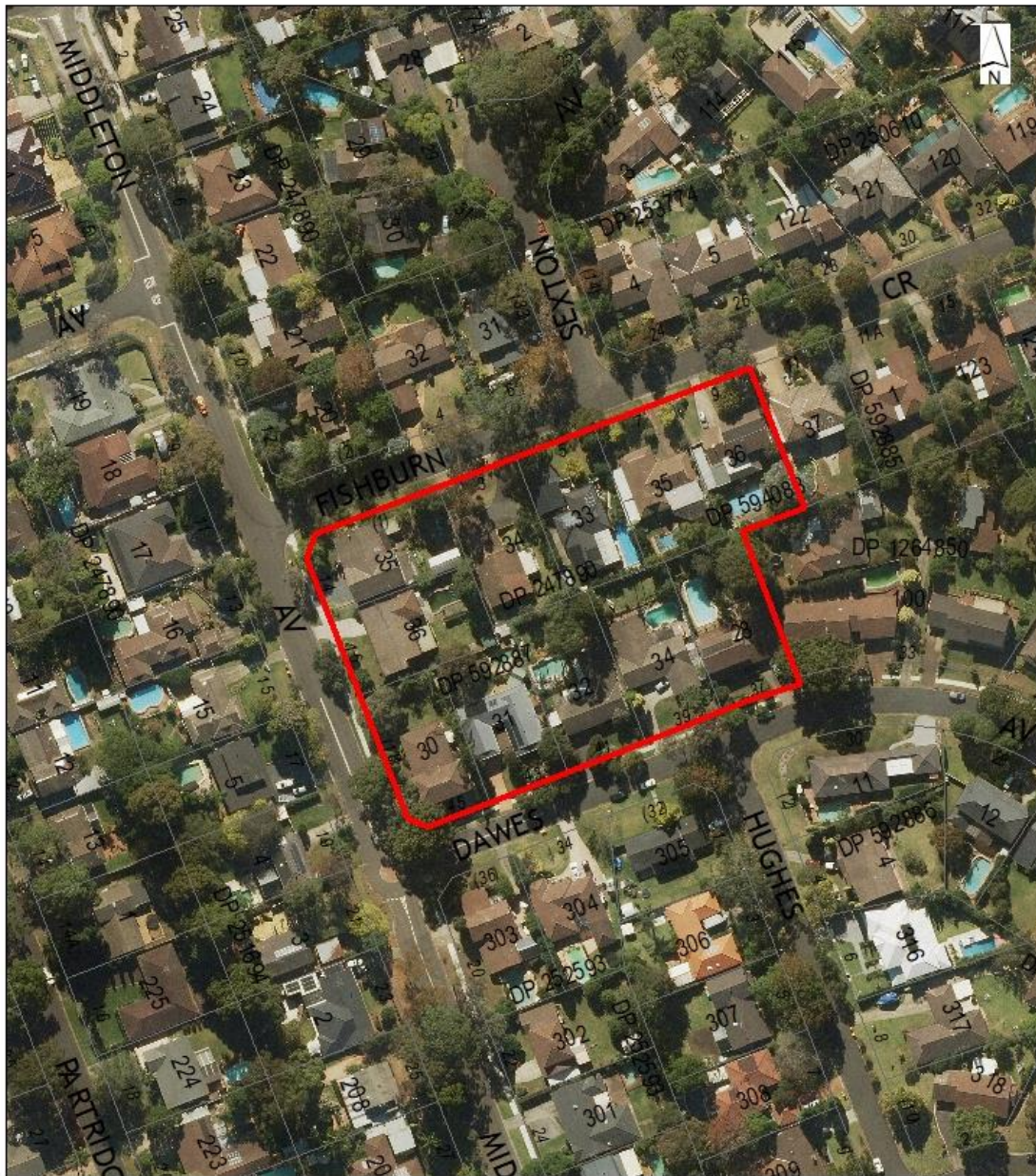
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Sydney's Garden Shire

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ATTACHMENT 2 – AERIAL MAP



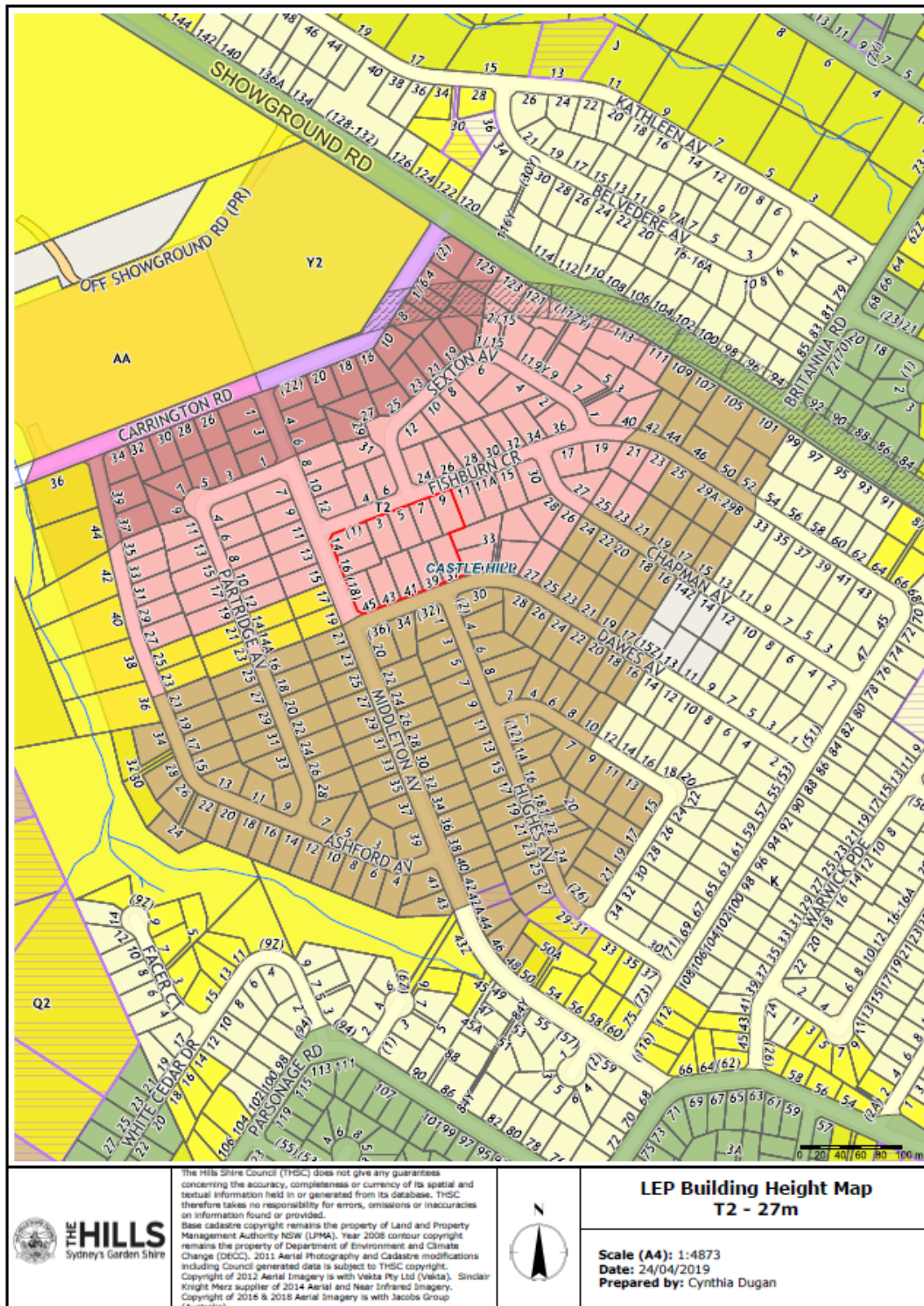
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

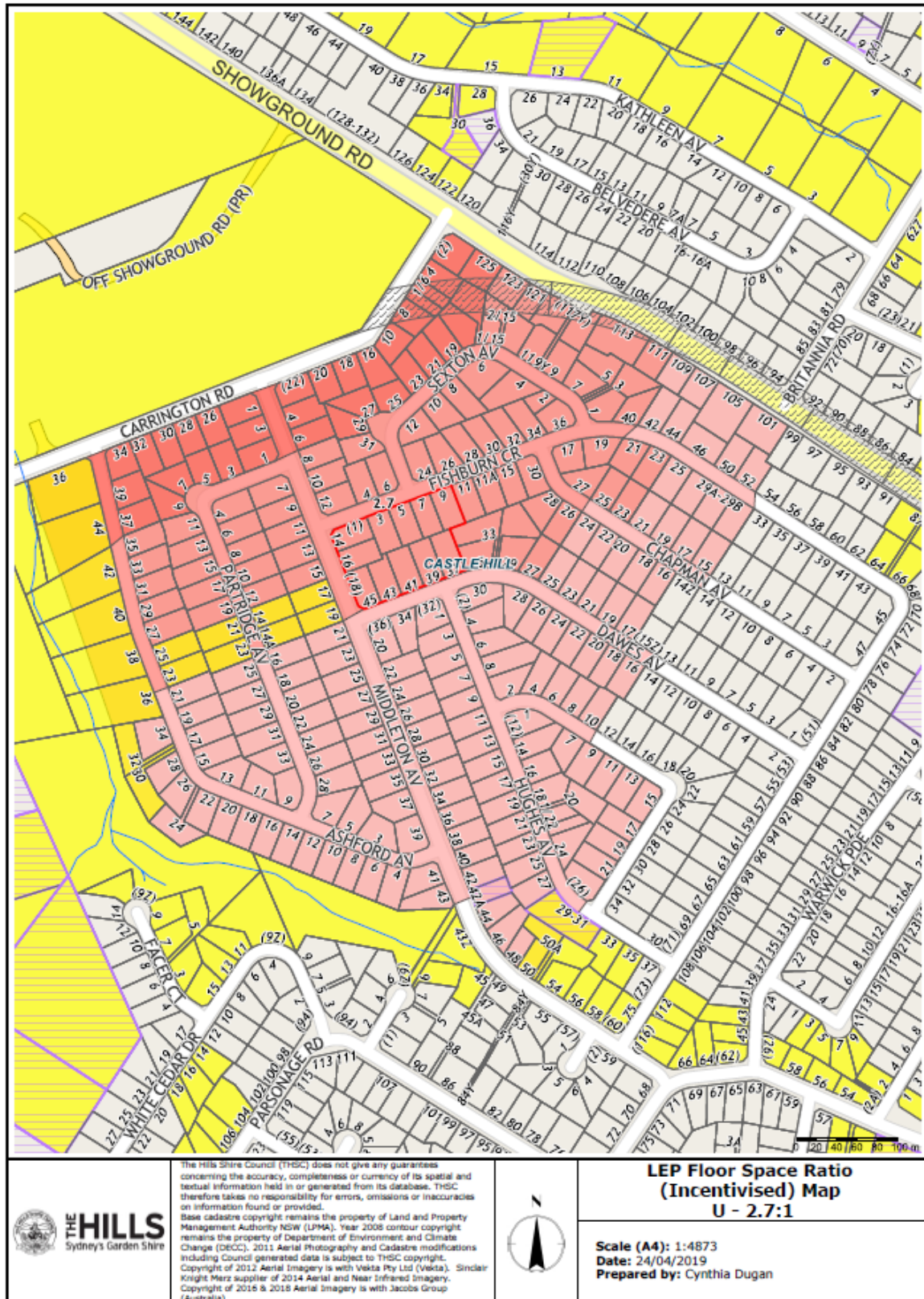
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ATTACHMENT 3 – LEP 2019 HEIGHT OF BUILDINGS MAP



ATTACHMENT 4 – LEP 2019 FSR (INCENTIVE) MAP

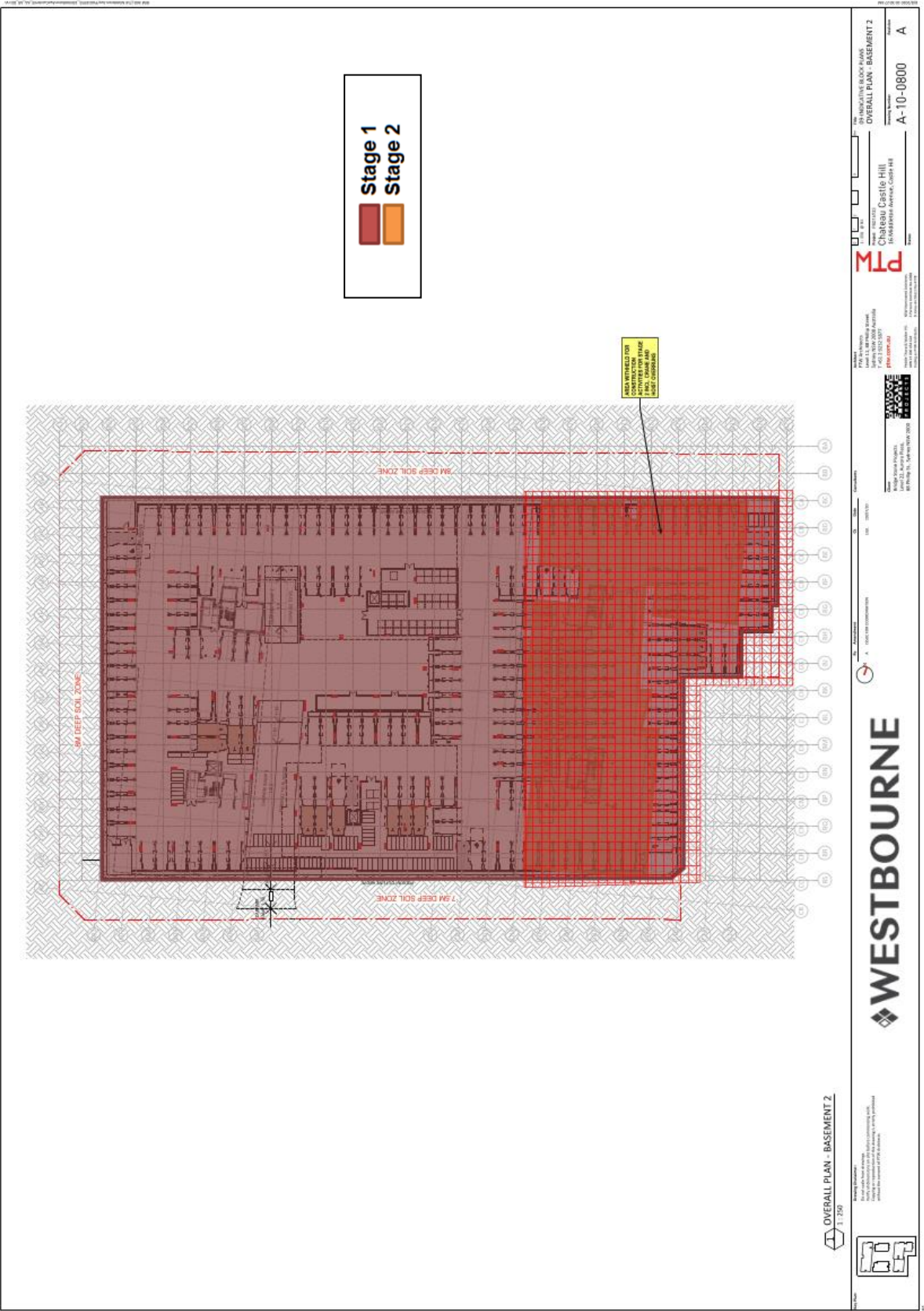


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ATTACHMENT 6 – PROPOSED STAGING PLAN



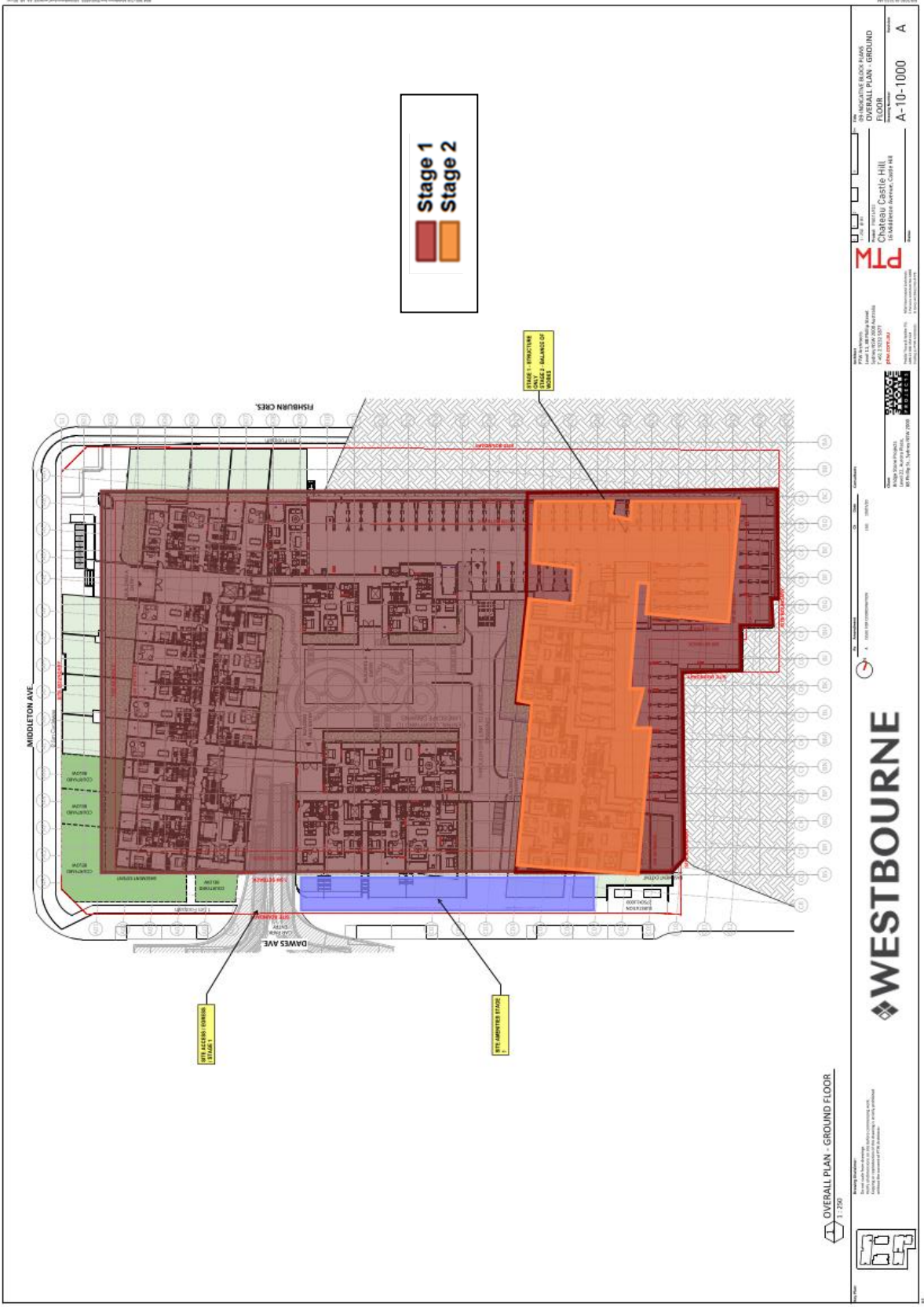


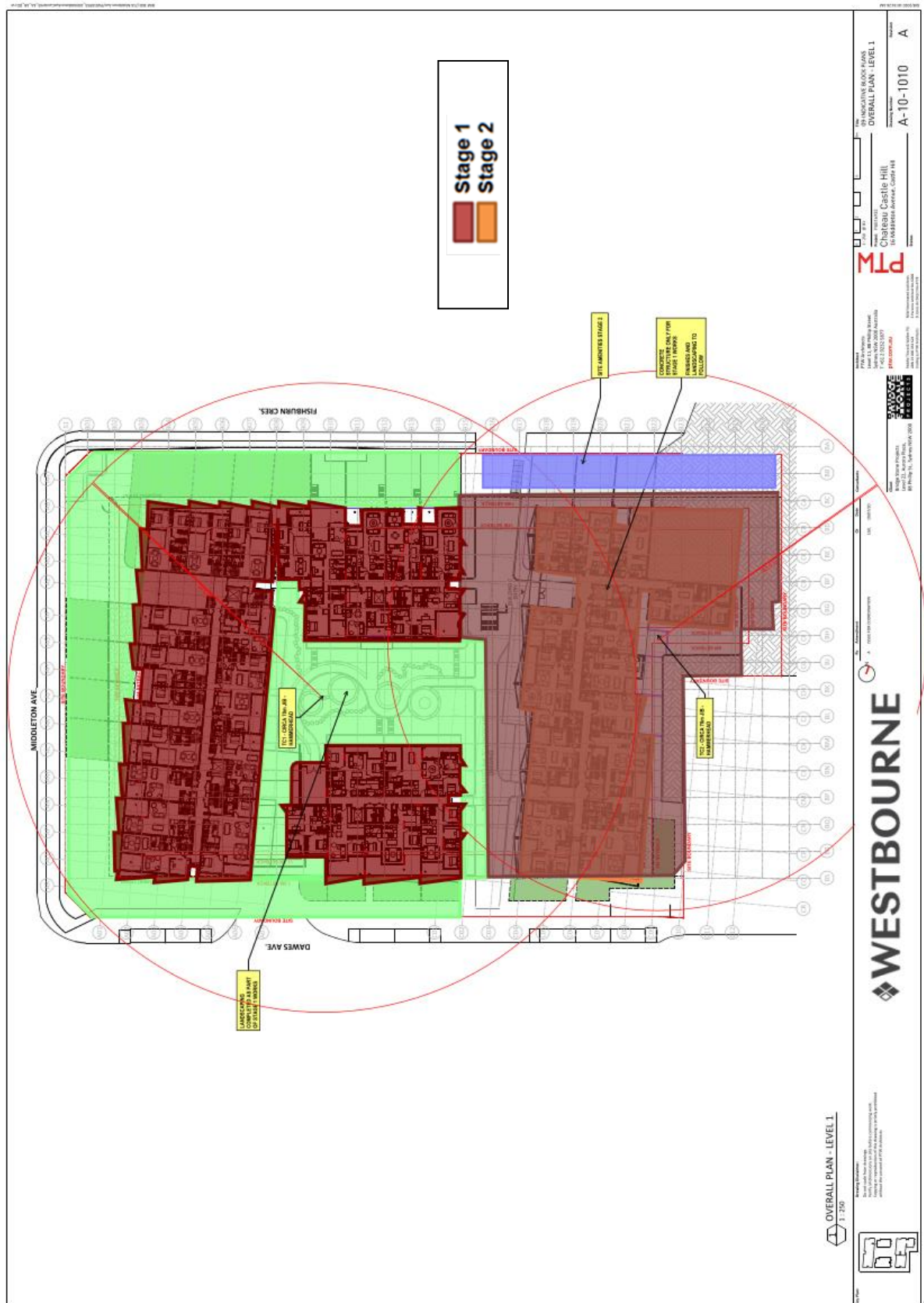
Keywords: *Blindness*

WESTBOURNE

<p>SAVING SPECIAL PROJECTS</p> <p>NAME _____</p> <p>Address _____</p> <p>City _____</p> <p>State _____</p> <p>Zip _____</p> <p>Phone _____</p> <p>Fax _____</p> <p>E-mail _____</p> <p>Website _____</p> <p>Project _____</p> <p>Comments _____</p>	<p>SAVING SPECIAL PROJECTS</p> <p>NAME _____</p> <p>Address _____</p> <p>City _____</p> <p>State _____</p> <p>Zip _____</p> <p>Phone _____</p> <p>Fax _____</p> <p>E-mail _____</p> <p>Website _____</p> <p>Project _____</p> <p>Comments _____</p>
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WESTBOURNE

Client:
Bridges Water Products
Level 22, Aurora Place,
80 Phillip St., Sydney NSW 2000

Authors
PWA Associates
Level 11, 300 Phillipa Street
Sydney NSW 2000 Australia
P. 02 9439 5000

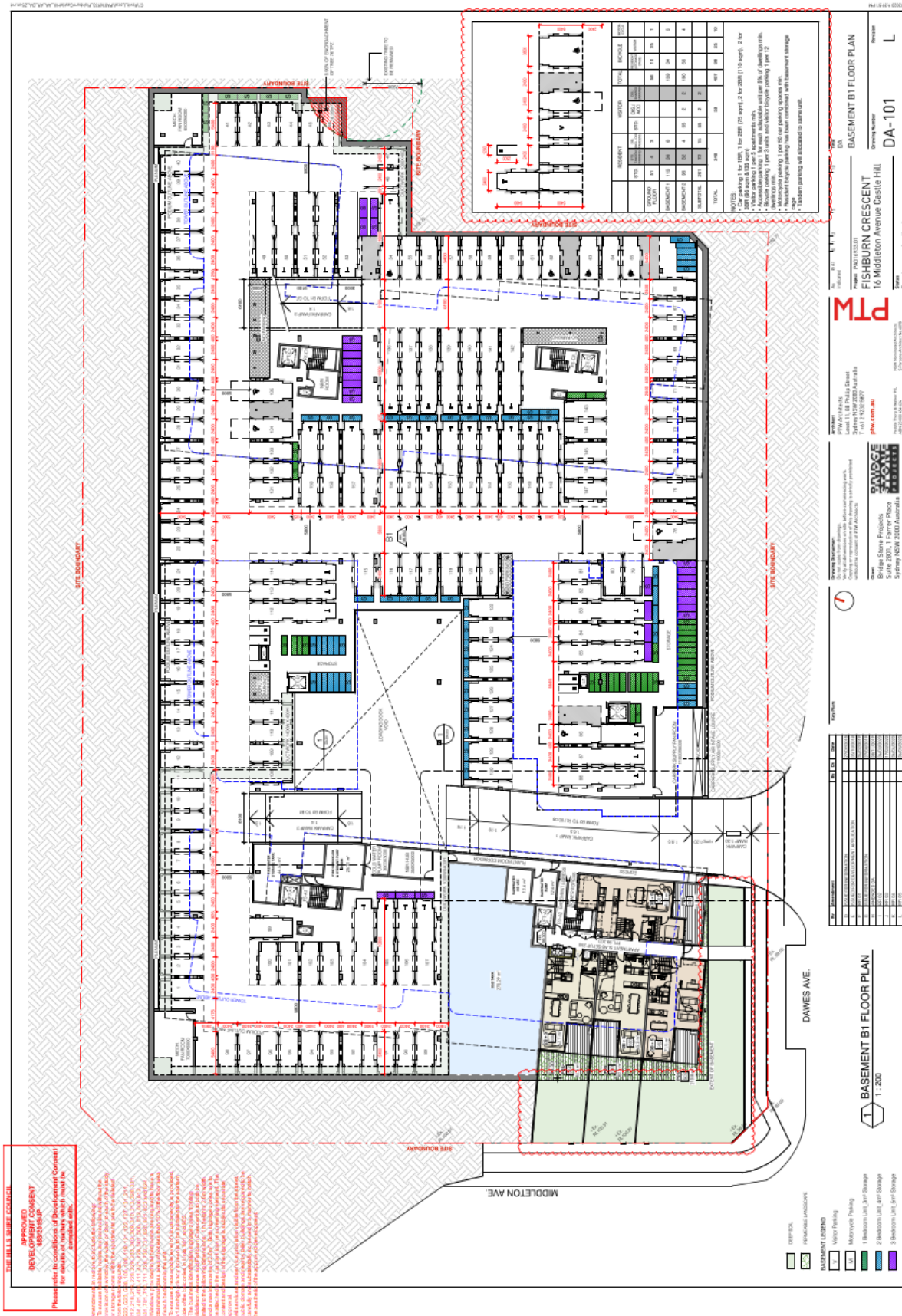
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Date: _____
 Overall Plan - Level 2
A-10-1020

Title
 09-INDICATIVE BLOCK PLANS
 OVERALL PLAN - LEVEL 2
 Drawing Number
 A-10-1020
 Revision
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THE HILL & DUNDAS COUNCIL
APPROVED DEVELOPMENT CONSENT
DA-111
Please refer to conditions of Development Consent for details of matters which must be complied with.

Approved Development Consent is granted for the following:
The development of the site for residential purposes, including the construction of a new residential building, and the use of the site for residential purposes, in accordance with the provisions of the Development Consent.
The development of the site for residential purposes, including the construction of a new residential building, and the use of the site for residential purposes, in accordance with the provisions of the Development Consent.
The development of the site for residential purposes, including the construction of a new residential building, and the use of the site for residential purposes, in accordance with the provisions of the Development Consent.



DATE: 10/10/2023
DRAWN BY: [Name]
CHECKED BY: [Name]

NO.	DESCRIPTION	DATE
1	REVISION	10/10/2023
2	REVISION	10/10/2023
3	REVISION	10/10/2023
4	REVISION	10/10/2023
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6	REVISION	10/10/2023
7	REVISION	10/10/2023
8	REVISION	10/10/2023
9	REVISION	10/10/2023
10	REVISION	10/10/2023

LEVEL 1 FLOOR PLAN
1:200

PTM
Project: FISHBURN CRES
16 Middleton Avenue Castle Hill
Sydney NSW 2128 Australia
Phone: 02 9638 1000
Email: info@ptm.com.au
Website: www.ptm.com.au

LEVEL 1 FLOOR PLAN
Drawing Number: DA-111
Revision: L

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Key Points



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Architect
PFW Architects
Level 11, 88 Phillip Street
Sydney, Australia

PTM

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LEVEL 4 FLO

PLAN

1 LEVEL 4 FLOOR PLAN
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Stipend Projects

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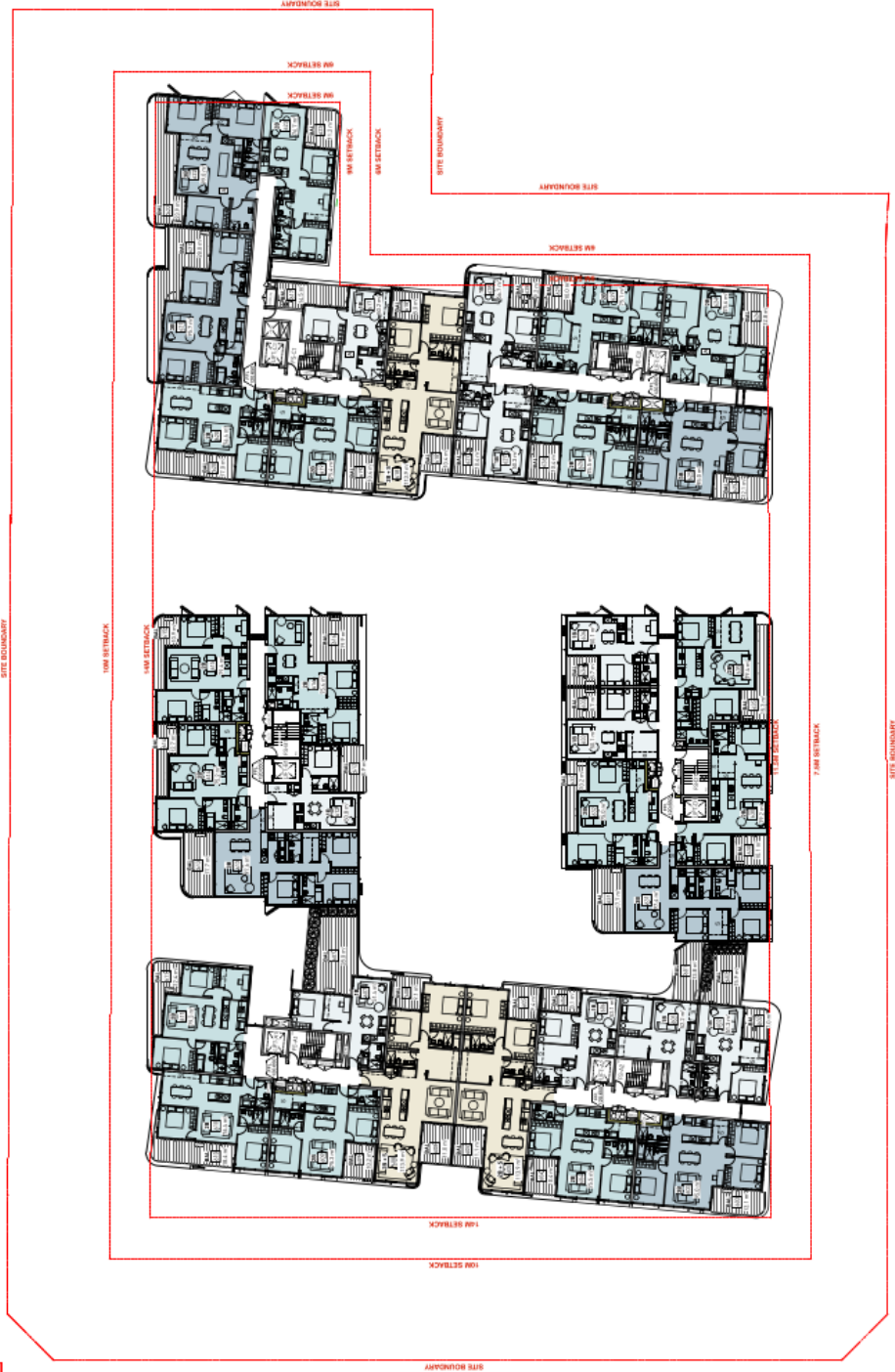
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APPROVED
DEVELOPMENT CONSENT
483/2019/JP

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1 LEVEL 6 FLOOR PLAN
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C	2016-02-01 bis 2016-02-28			2016-02-28
D	2016-03-01 bis 2016-03-31			2016-03-31
E	2016-04-01 bis 2016-04-30			2016-04-30
F	2016-05-01 bis 2016-05-31			2016-05-31
G	2016-06-01 bis 2016-06-30			2016-06-30
H	2016-07-01 bis 2016-07-31			2016-07-31
I	2016-08-01 bis 2016-08-31			2016-08-31
J	2016-09-01 bis 2016-09-30			2016-09-30
K	2016-10-01 bis 2016-10-31			2016-10-31
L	2016-11-01 bis 2016-11-30			2016-11-30
M	2016-12-01 bis 2016-12-31			2016-12-31

Key Points



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Client
Bridge Stone Projects
Suite 2801, 1 Farrer Place
Sydney NSW 2000 Australia

Architect
P+W Architects
Level 11, 88 Phillip Street
Sydney NSW 2000 Australia
Tel: +61 2 9233 7400

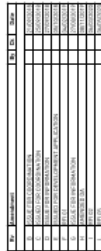
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Project: P4016 R33.07

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venue Castle H

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Drawing Number	

OUR PLAN

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1 LEVEL 7 FLOOR PLAN
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Warning: This column:
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architect
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Level 11, 88 Phillip Street
Sydney NSW 2000 Australia
T +61 2 9232 5877
stw.com.au

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Title
DA
LEVEL 7 FLOOR PLAN
Project: P1071633-01
FISHBURN CRESCENT
16 Middleton Avenue Castle Hill
Drawing Number
DA-117

THE MIDDLEBURY COUNCIL
APPROVED DEVELOPMENT CONSENT
882919.P
Please refer to conditions of Development Consent
for details of matters which must be
complied with.

1. The development is to be carried out in accordance with the approved development consent and the conditions of development consent.
2. The development is to be carried out in accordance with the approved development consent and the conditions of development consent.
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1	LEVEL 9 FLOOR PLAN				
2	LEVEL 8 FLOOR PLAN				
3	LEVEL 7 FLOOR PLAN				
4	LEVEL 6 FLOOR PLAN				
5	LEVEL 5 FLOOR PLAN				
6	LEVEL 4 FLOOR PLAN				
7	LEVEL 3 FLOOR PLAN				
8	LEVEL 2 FLOOR PLAN				
9	LEVEL 1 FLOOR PLAN				
10	LEVEL 0 FLOOR PLAN				

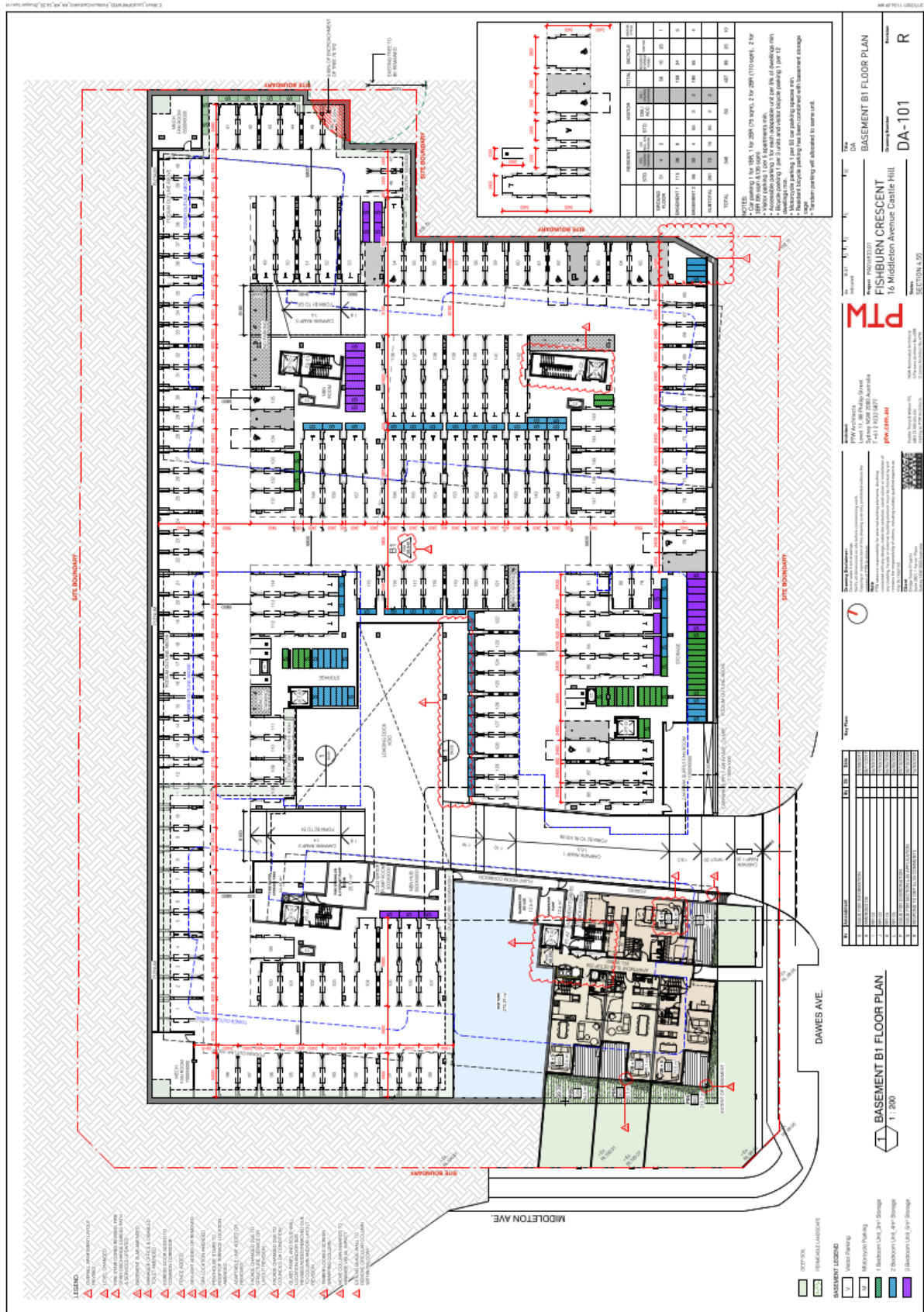


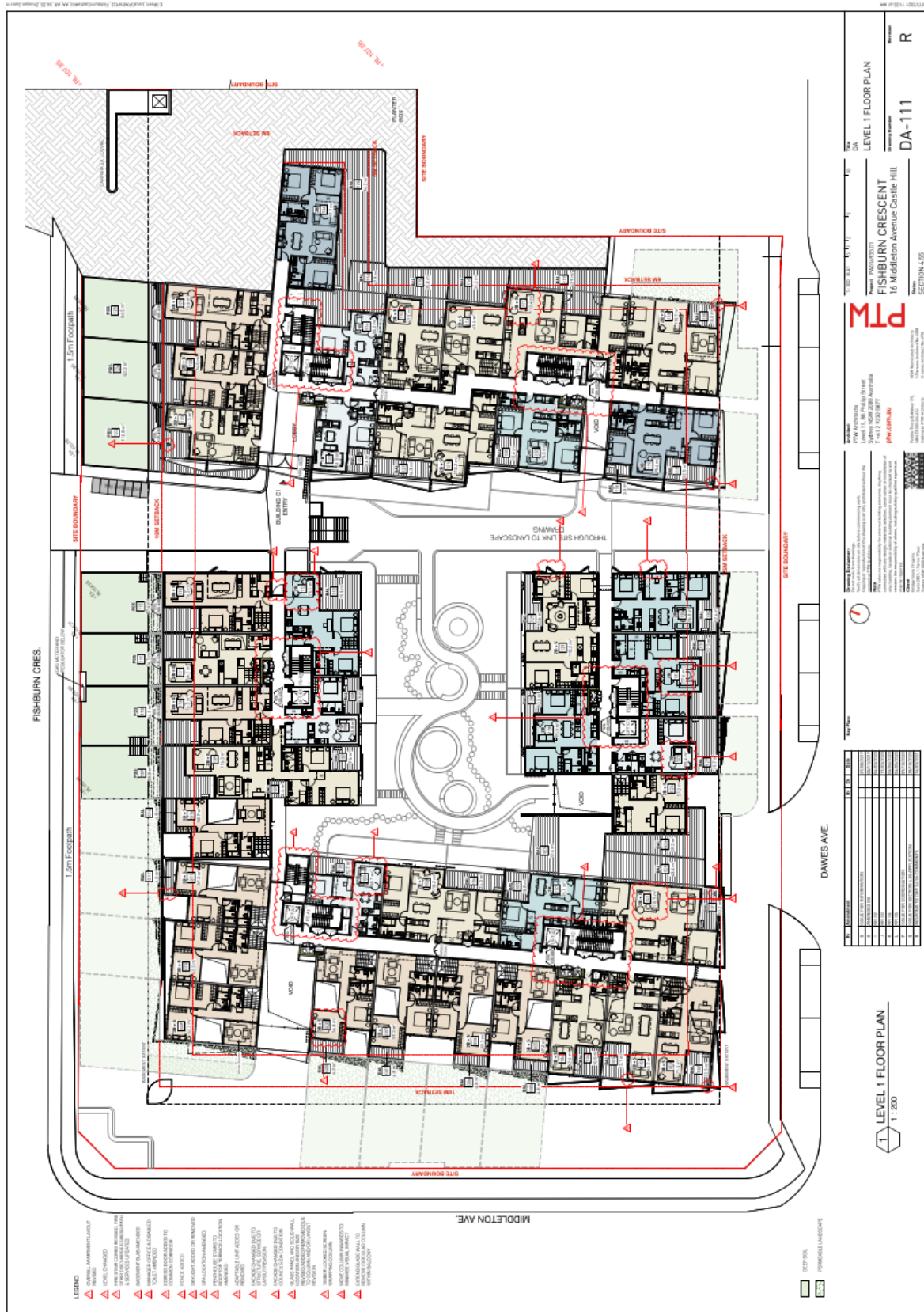
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DAVIDE PROJECTS
Sydney NSW 2000 Australia
Phone: 02 9550 1234
Email: david@dauide.com.au
Website: www.dauide.com.au

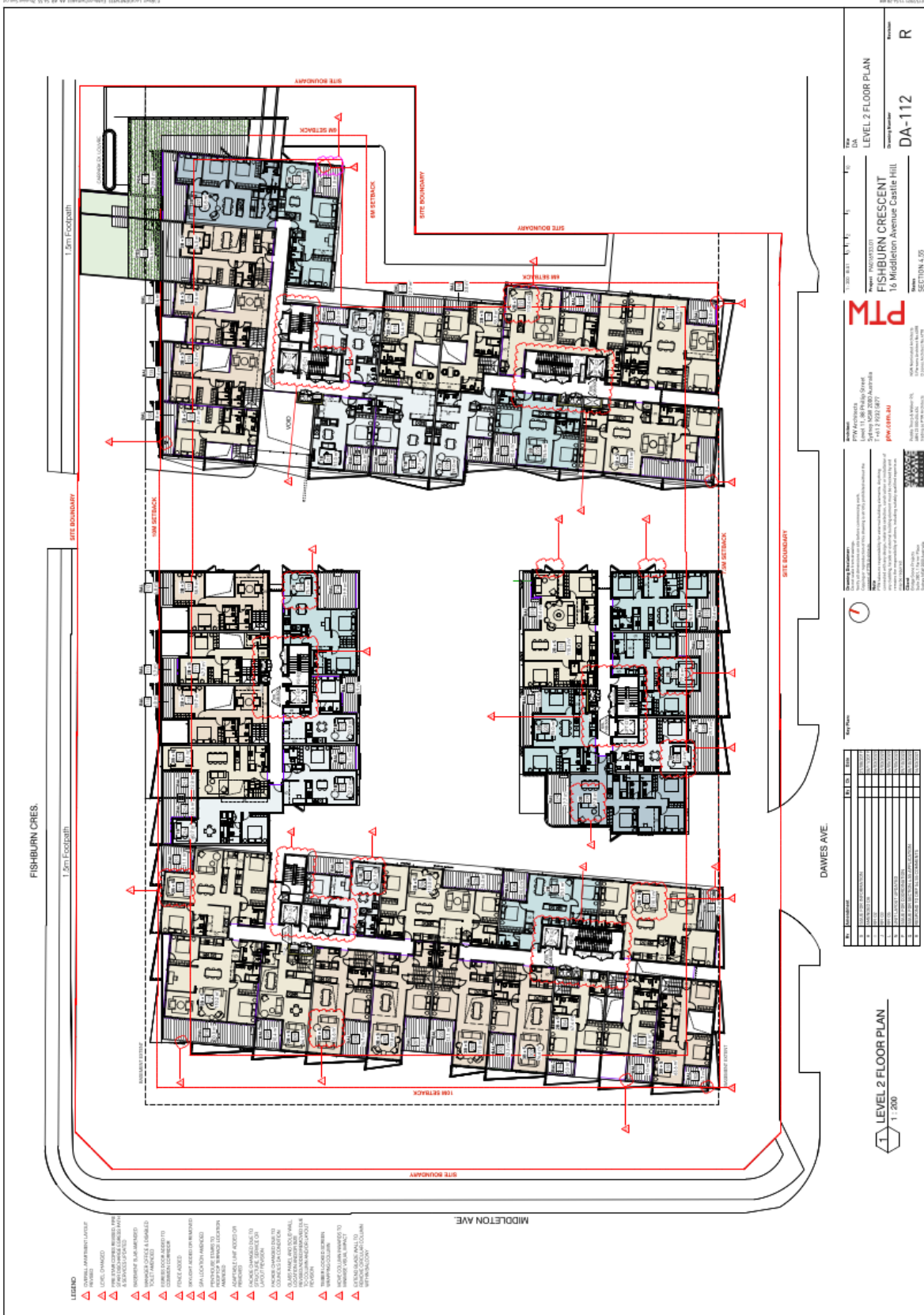
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Sydney NSW 2000 Australia
Phone: 02 9550 1234
Email: ptm@ptm.com.au
Website: www.ptm.com.au

LEVEL 9 FLOOR PLAN
Drawing Number: **DA-119**
Revision: **L**

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No.	Measurement	h	h ₀	h ₁₀
1	USE OF FISH FEEDING EQUIPMENT			NA/NA/22
2	NET USE			NA/NA/22
3	USE OF TRIP NETS AND NETS			NA/NA/22
4	MARKING OF FISH			NA/NA/22
5	NET USE			NA/NA/22
6	NET USE			NA/NA/22
7	USE OF FISH CONCENTRATOR			NA/NA/22
8	USE OF FISH NETS AND NETS			NA/NA/22
9	RESEARCH TO IMPROVE CAPACITY			NA/NA/22

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PWN Architects

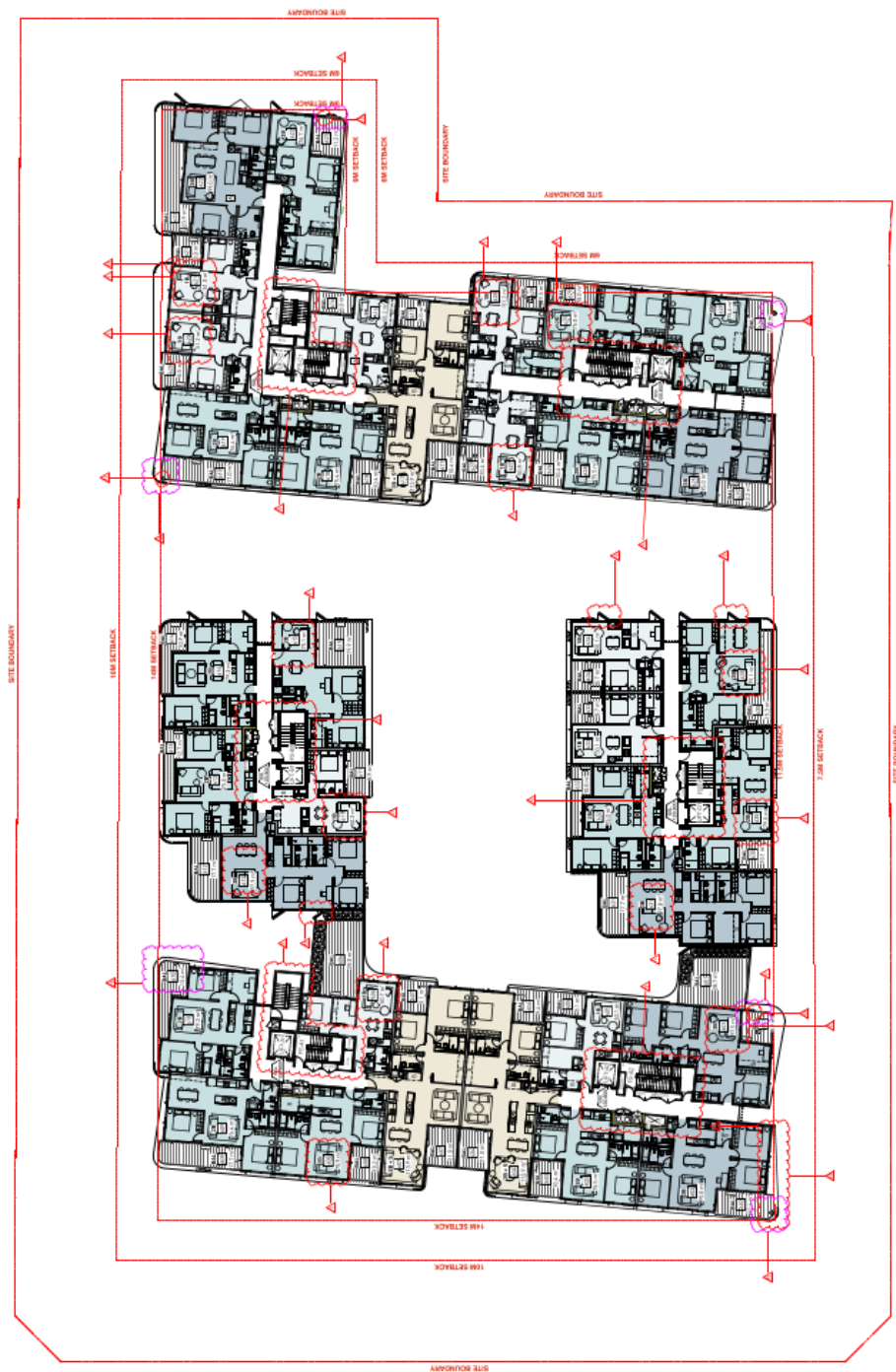
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LEVEL 4 FLOOR PLAN

FISHBURN CRESCENT
6 Middleton Avenue Castle Hill

DA-114 R

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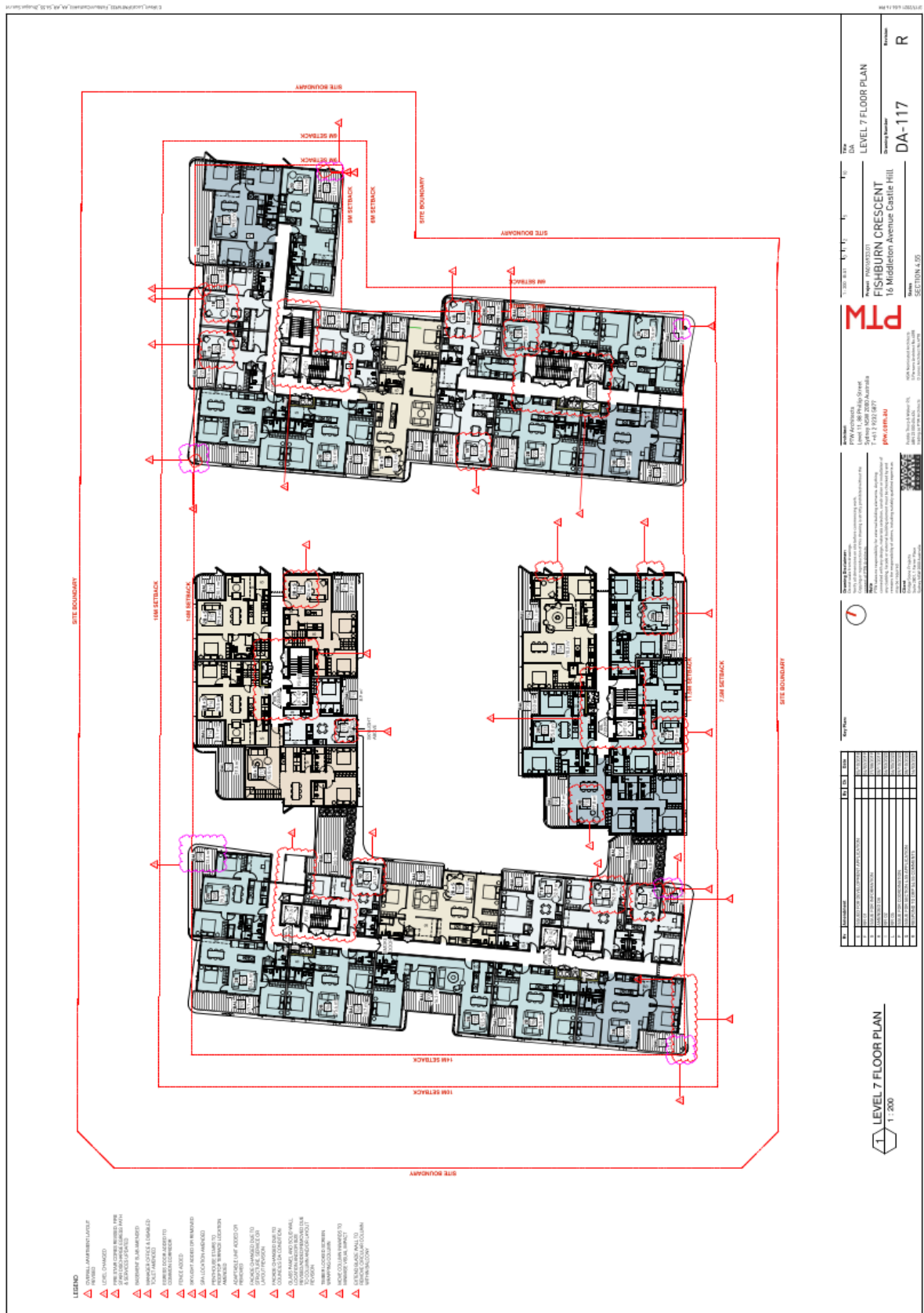
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 PTM Architects
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 Sydney NSW 2000 Australia
 +61 2 9232 5877
www.ptm.com.au

NSCM Nominated Architects
 Architects: Terry & Wayne PLC

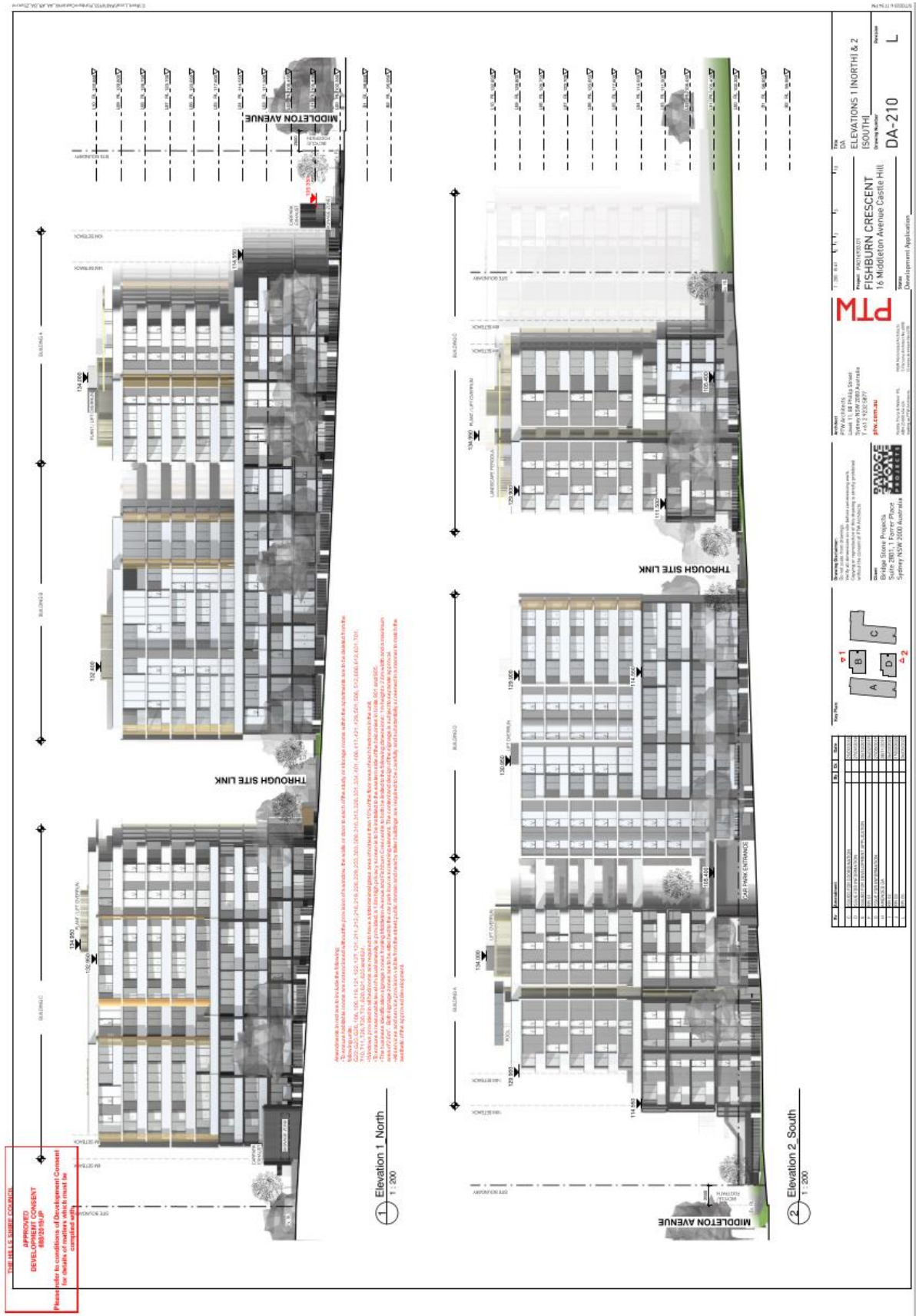
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LEVEL 6 FLOOR PLAN
DA-116
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1 LEVEL 6 FLOOR PLAN
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ATTACHMENT 9 – APPROVED ELEVATIONS/SECTIONS

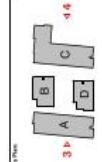




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Symptoms

DA-211

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**APPROVED
DEVELOPMENT CONSENT**
#88/28/13/JP



1 Elevation 5
1 : 200



② Elevation 6
1:200

№	Адресат(ов)	№	Д	Дата
1	УВАЖАЕМЫЙ ГОСПОДИН			19.05.2012
2	ИГОРЬ ВЛАДИМИРОВИЧ			19.05.2012
3	УВАЖАЕМЫЙ ГОСПОДИН			19.05.2012
4	ИГОРЬ ВЛАДИМИРОВИЧ			19.05.2012
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Drawing Illustration:
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Client:
Bridge Stone Projects
Suite 2001, 1 Farrer Place
Sydney NSW 2000 Australia

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STONE
PROJECTS**

Architects
PFW Architects
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Sydney NSW 2000 Australia
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pfw.com.au

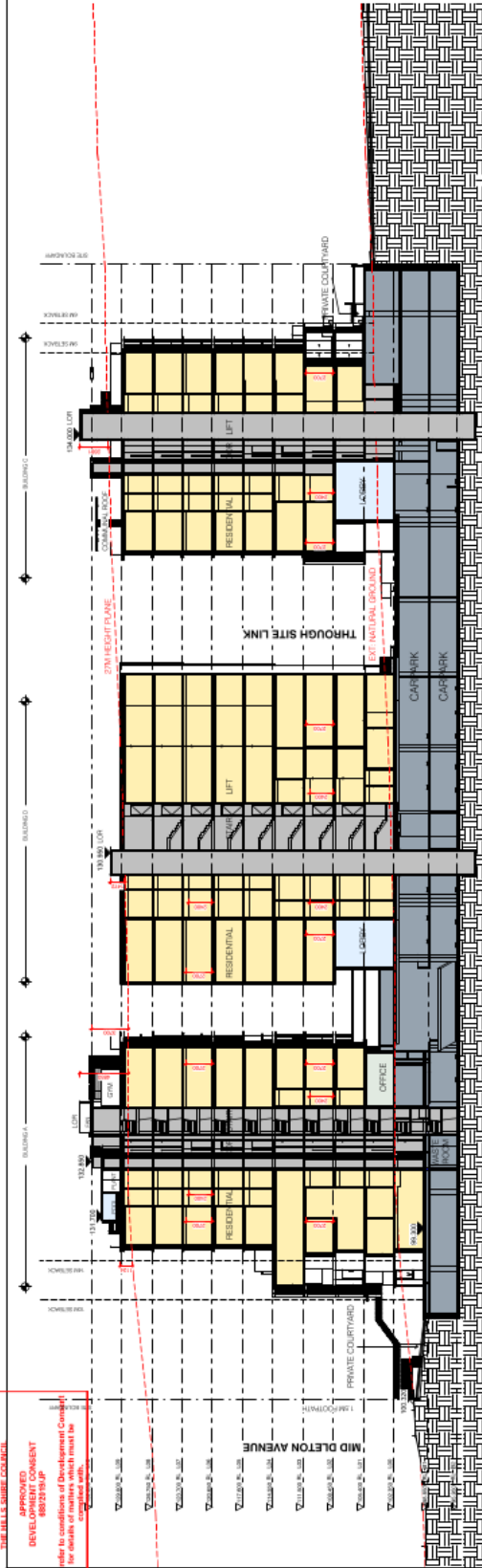
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FISHBURN CRESCENT
16 Middleton Avenue, Castle Hill
DA-212

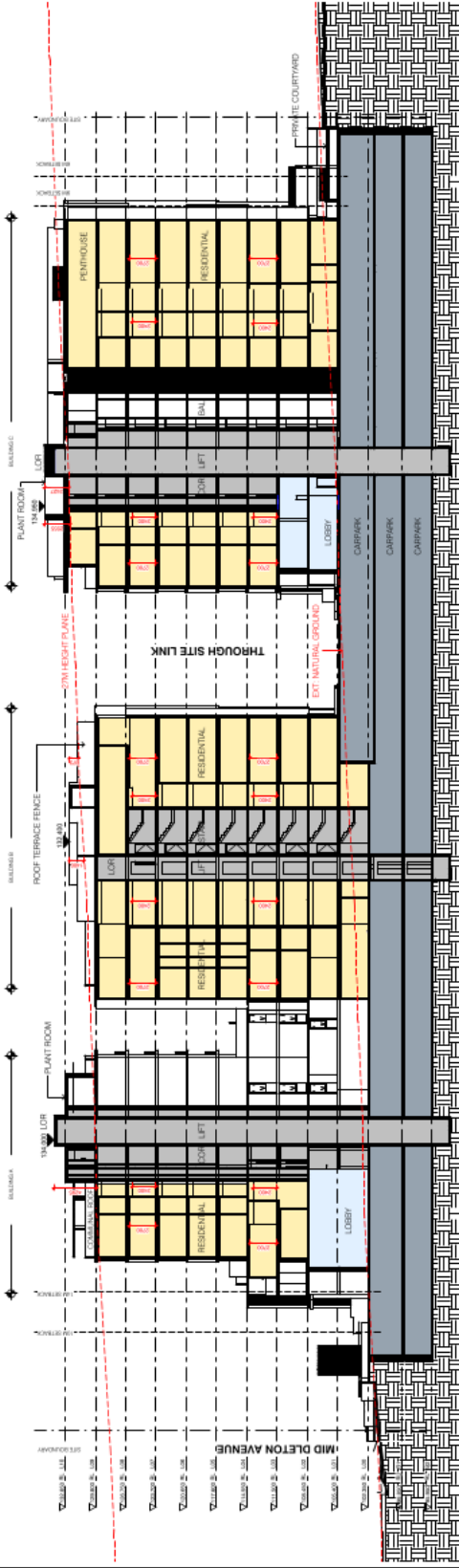
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File DA	ELEVATIONS 7 & 8 (CENTRAL COURTYARD)	Revision L
	Drawing Number	DA-213

THE HILLS SHIRE COUNCIL
APPROVED
DEVELOPMENT CONSENT
Reference is made to the Development Consent
for details of matters which must be
complied with.



Section A
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Section B
1:200

NO.	DESCRIPTION	DATE	BY	CHECKED
1	DESIGN DEVELOPMENT	10/01/2020	PTM	PTM
2	FINAL DESIGN DEVELOPMENT	10/01/2020	PTM	PTM
3	FINAL DESIGN DEVELOPMENT	10/01/2020	PTM	PTM
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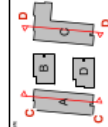


Project: FISHBURN CRESCENT
16 Middleton Avenue Castle Hill
DA-300
Development Application

PTM
Project: FISHBURN CRESCENT
16 Middleton Avenue Castle Hill
DA-300
Development Application

GENERAL SECTIONS A & B
Drawing Number: DA-300
Revision: L

Please refer to conditions of Development Consent for details of matters which must be complied with.

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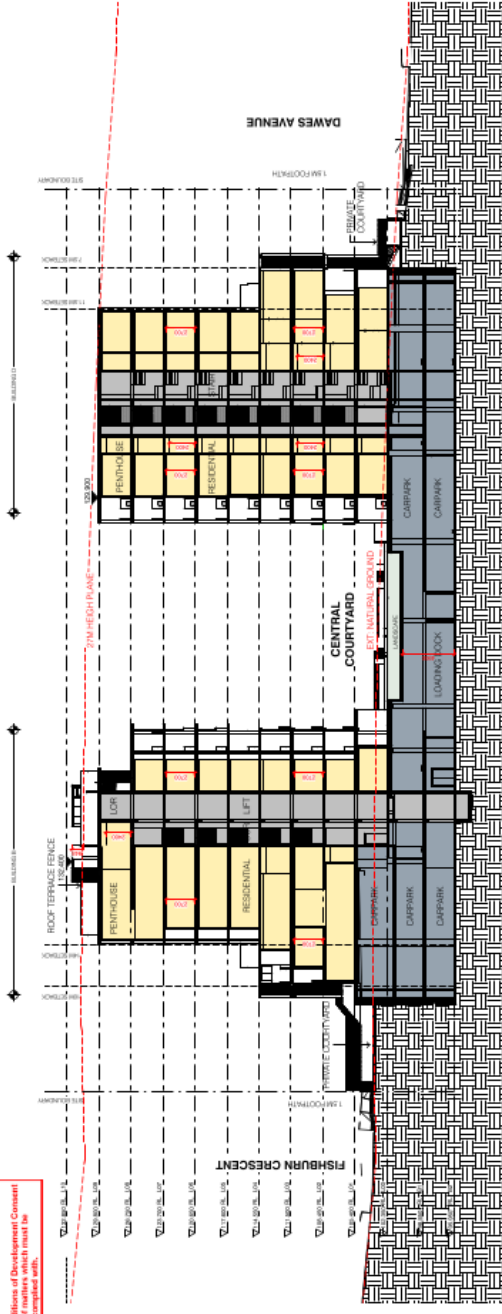
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Sydney NSW 2000 Australia
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PTM

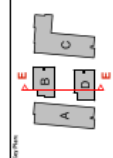
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THE HILLIS COUNCIL
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DEVELOPMENT
88023 P/LP
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Section E
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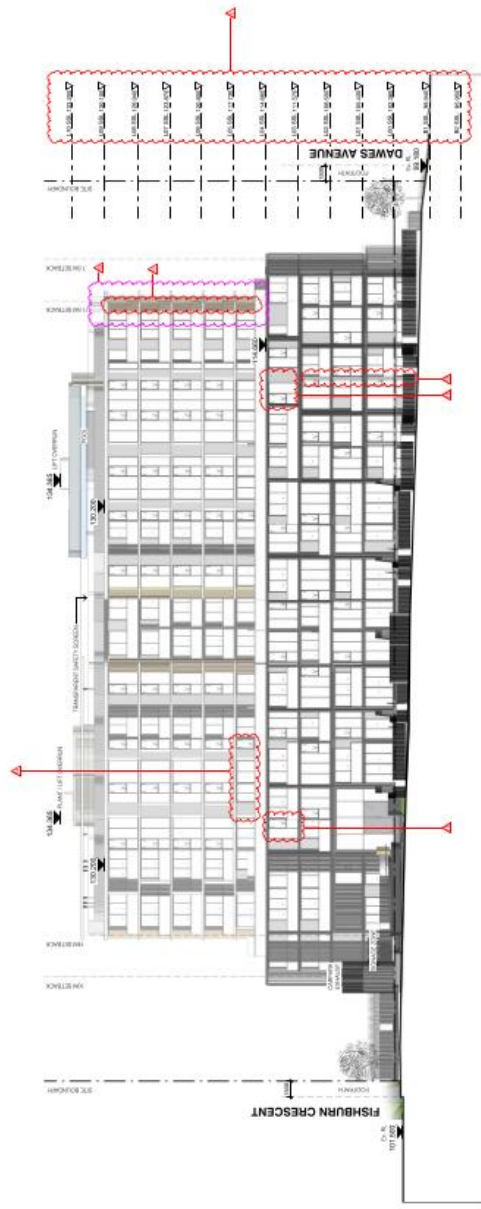
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ARCHITECTS
BRIDGE STONE PROJECTS
10/01/2023
Sydney NSW 2000 Australia

PTM
PROJECTS
10/01/2023
Sydney NSW 2000 Australia

GENERAL SECTIONS E
DA-302
L

ATTACHMENT 10 – PROPOSED ELEVATIONS/SECTIONS





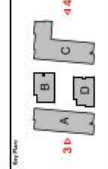
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2 Elevation 4 East
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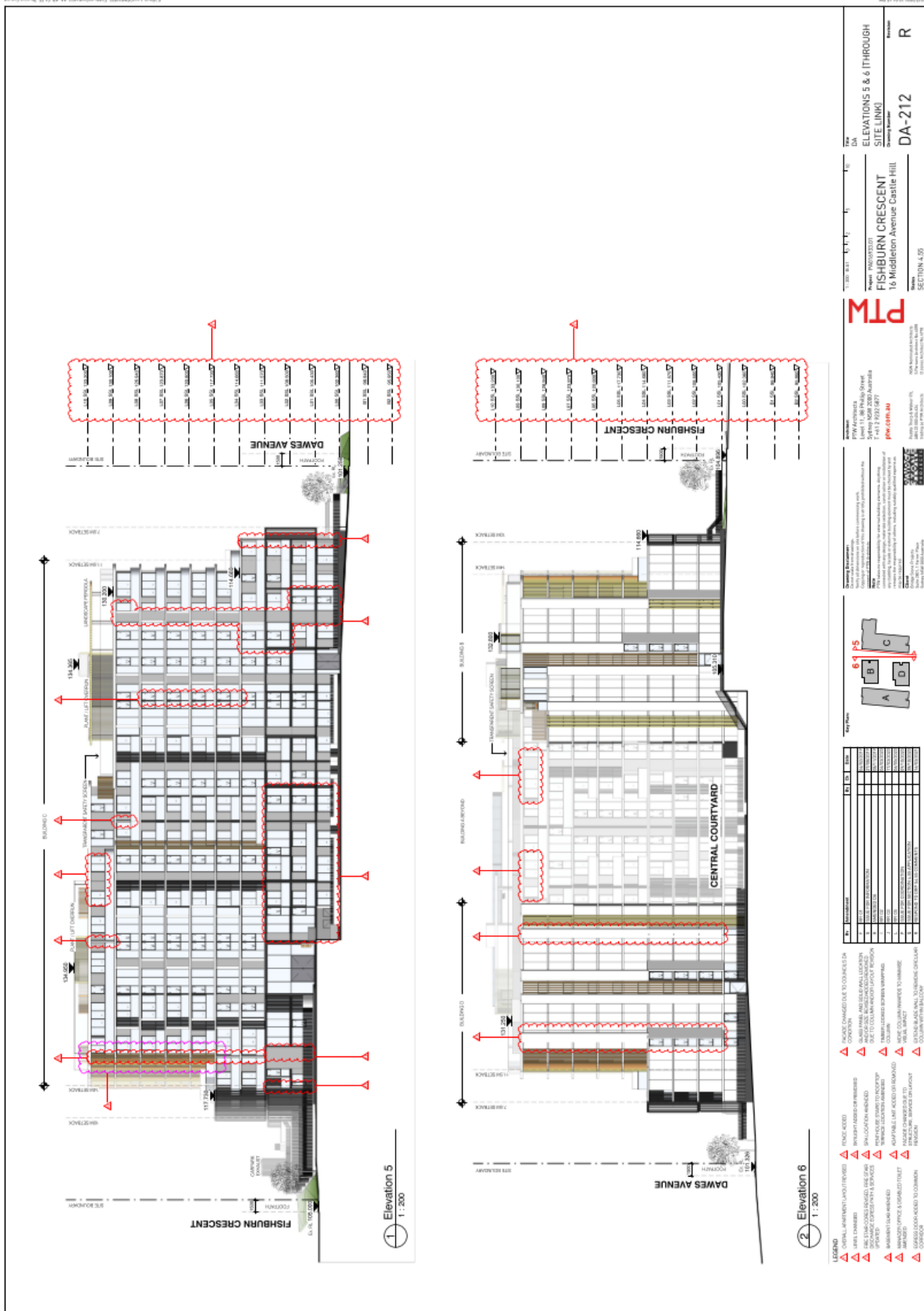
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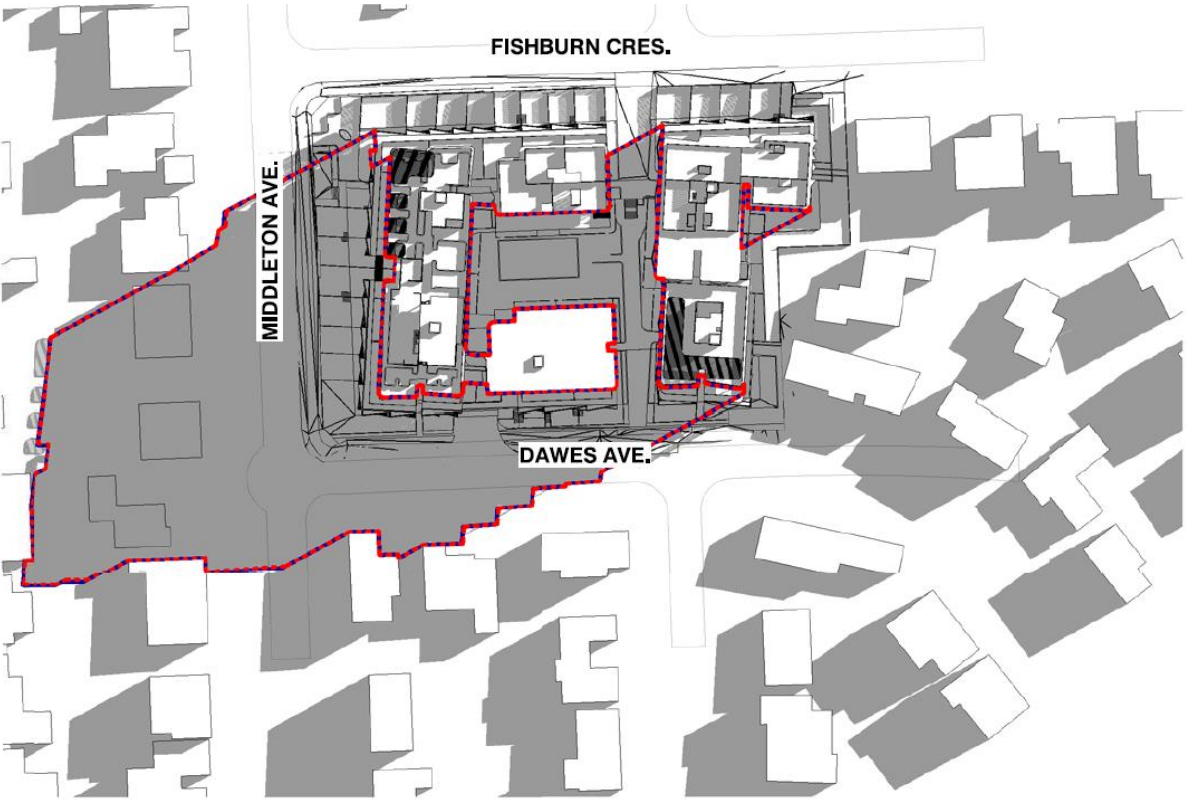
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Project: FISHBURN CRESCENT 16 Middleton Avenue Castle Hill		ELEVATIONS 3 (WEST) & 4 (EAST)	
Section: SECTION 4.05		R	
Date: 11/05/01		Drawing & Revision:	

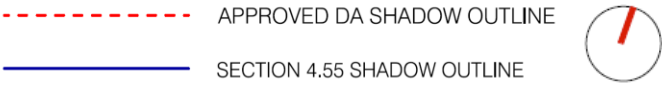


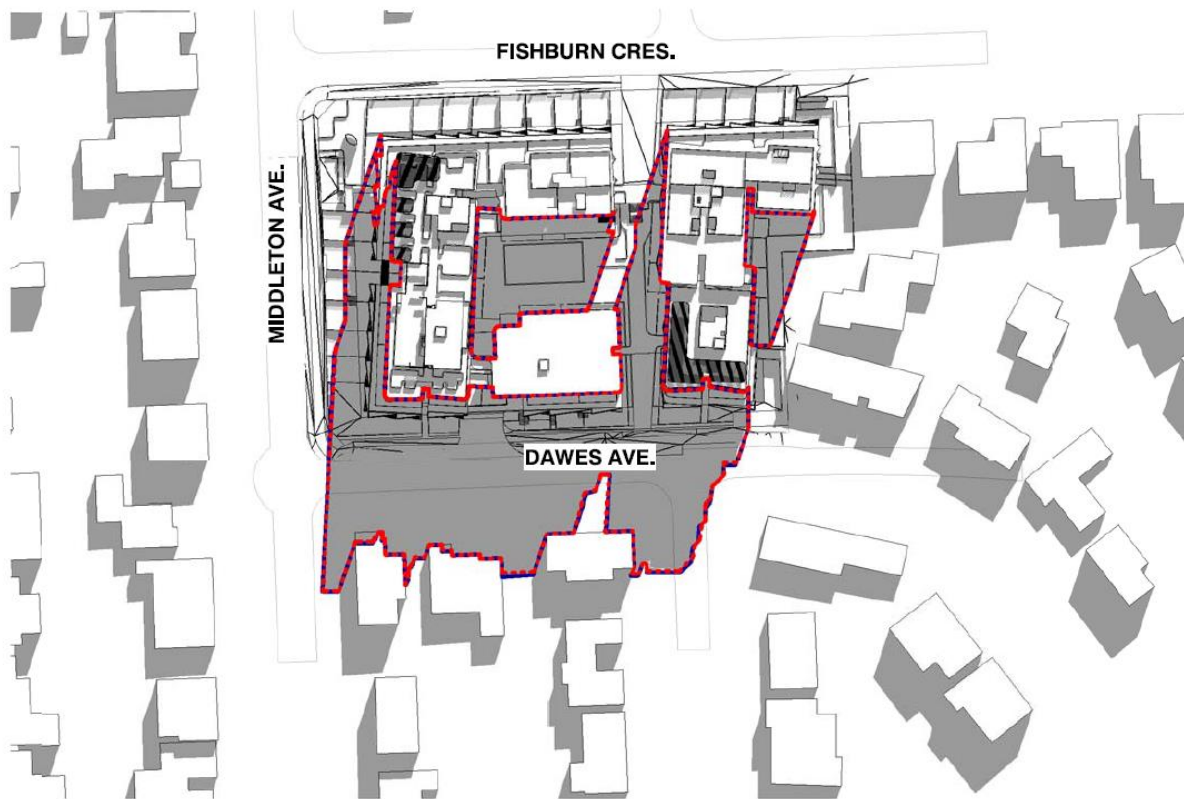
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ATTACHMENT 11 – SHADOW DIAGRAMS

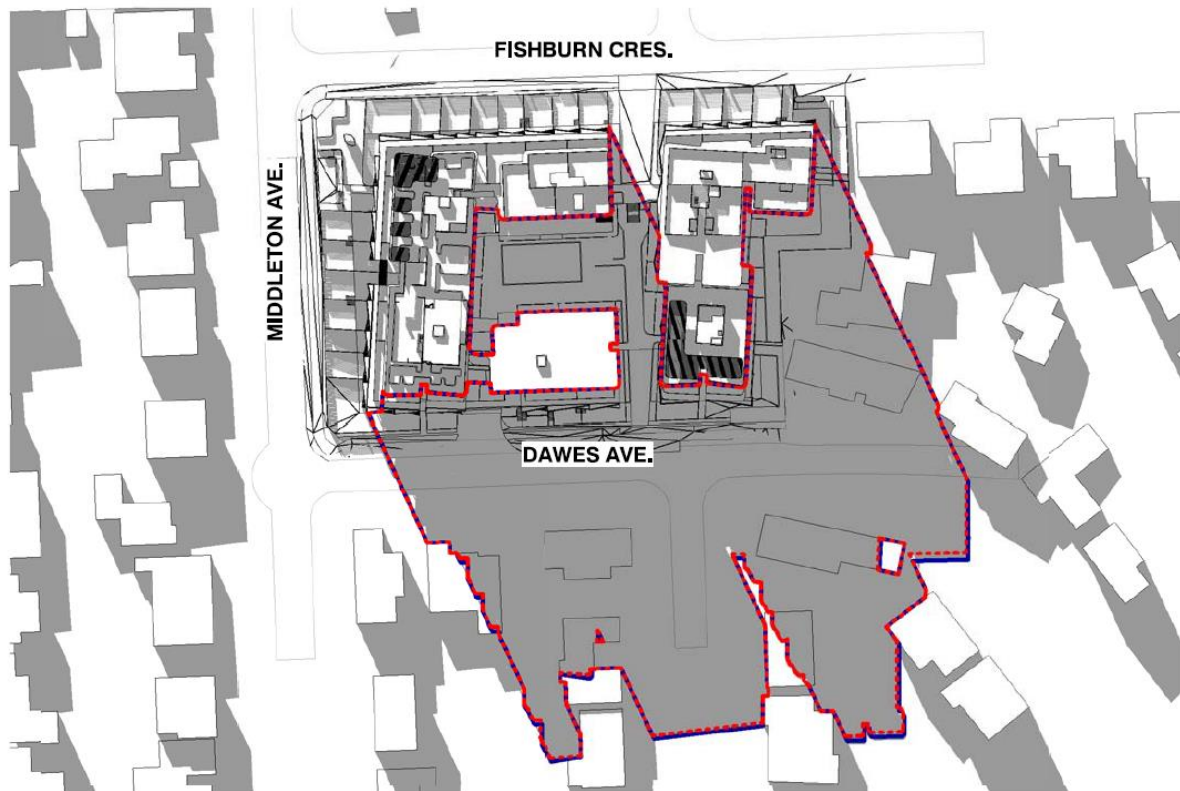


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ATTACHMENT 12 – PERSPECTIVES



Part B - 3D perspectives of Façade Changes



View from corner of Middleton Ave and Fishburn Cres



View from corner of Middleton Ave. and Dawes Ave.

Part B - 3D perspectives of Façade Changes




View from Fishburn Cres.

ATTACHMENT 13 – DESIGN EXCELLENCE PANEL MINUTES



DESIGN REVIEW PANEL

DESIGN ADVISORY MEETING REPORT – 24th February 2021

Item 4.1	9.30am – 10.15am
DA Number	DA 688/2019/JP/A
DA officer	Cynthia Dugan
Applicant	Bridgestone Projects
Planner	Ashleigh Simpson , Willow Tree Planning
Property Address	3-9 Fishburn Crescent, 14-16 Middleton Ave and 37-45 Dawes Ave, Castle Hill
Proposal	 <p>Four 8-10 storey residential development blocks comprising 296 units, over basement car parking.</p>
Design review	Section 4.55 application
Background	The site has been previously inspected by all Panel members
Applicant representative address to the design review panel	Simon Parsons, Architect
Key Issues	<p>Summary of key issues discussed:</p> <ul style="list-style-type: none"> • Additional Height variance • Façade changes inclusion of additional columns to support balconies • Roof top private open space treatment • Cross site link interface with kerb • Visual impact of services located in front setbacks
Panel Location	Electronic meeting hosted by Council
Panel Members	<p>Chairperson - Tony Caro</p> <p>Panel Member - Stephen Pearse</p> <p>Panel Member - Adam Hunter</p>
Declaration of Interest	None
Councillors	None present
Council Staff	Cameron McKenzie, Paul Osborne, Cynthia Dugan, Marika Hahn
Other attendees	<p>Simon Parsons + 3 others, PTW Architects</p> <p>Lilian Gu – PTW Architects, Project Architect</p> <p>Ashleigh Smith, Willow Tree Planning</p>

	Amy Huang, Bridgestone Projects Ben Thompson, Project Manager PDS Group Annika Fawley, Project Manager PDS Group
--	------------------------------------------------------------------------------------------------------------------------

INTRODUCTION

The Panel thanks the applicant for the comprehensive presentation of the proposed amendments.

DOCUMENTATION

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

Design Review Panel section 4.55 presentation, 04/02/21, by PTW Architects

Architectural Plans, dated 28/10/20, by PTW Architects

SEPP 65 statement, dated 27/10/20, by PTW Architects

PANEL COMMENTS

688/2019/JP/A – 3-9 Fishburn Crescent, 14-16 Middleton Ave and 37-45 Dawes Ave, Castle Hill

The Panel commenced at 9.30am

1. Height exceedance

The Panel notes the floor to floor level on the approved DA is 3.05 m and is proposed to be increased to 3.07 m on each typical floor level. This does not comply with ADG Design guidance of 3.1m floor to floor height, which is recommended to minimise the need to change an approved DA as a result of additional tolerance requirements that become apparent as DA documentation developed.

Recommendation – The Panel recommends that for future applications the applicant complies with the ADG guidelines, which are based on the need to accommodate construction tolerances derived from best practise.

The proposed height increase has negligible further impacts, whilst noting that the approved development already exceeds the height limit.

2. Façade changes

The cantilevered corner balconies originally presented a strong design approach, and are compromised by the addition of a corner column as a result of value management. Part of the distinctive appeal of the design was the presence of the floating corner terraces, which reduced the apparent bulk and scale of the development. The Panel noted that the set of illustrations provided to convey the design intent in the presented concept design submission, (that had taken into account the comments provided by the Design Review Panel on the previous DA submission), should be consistent with the final design intent and built form outcome.

The apparent impacts of value management that has taken place since the DA approval has adversely impacted upon the aesthetic quality and public domain presentation of the apartments.

Recommendation – The Panel recommends the architect better visually integrate the columns within the façade through size reduction, colour, shape and/ or materiality.

3. Private open space treatments

The Panel questioned the amenity of the private roof top spa areas with regard to lack of shading. The Panel noted the spas as illustrated in perspective views were not compliant with compliant balustrade legislation. It should also be noted that the location of the spas appeared to be different within the perspective views and the submitted plans

Recommendation – The Panel accepts the approved design, noting that any further roof elements to cover these private open spaces in an area already exceeding the maximum height should not be supported. All issues around walls and balustrade design compliance must be resolved.

4. Cross site link refinements

The Panel is supportive of the design refinements within the cross site link, whilst noting that its presence and function could be further enhanced by the continuation of the link to the kerb with provision made for kerb crossovers for those using prams etc.

Recommendation – The Panel recommends the cross site link is extended to the kerb line, with kerb crossovers to provide accessibility. It is also recommended the landscape plan be reviewed to ensure tree planting reinforces the visual connections across the street and complements pedestrian access.

5. Services in the front setback

The Panel accepts that utility services in the front setbacks are inevitable. A great amount of time and detail has been placed into the creation of this buildings architectural presence, however the location and screening treatment of these elements will detract from the streetscape and overall visual appearance of the development. The Panel also noted the location of the carpark exhaust, which is prominently situated on an important corner in the streetscape and precinct, rather than being integrated into the building envelope and exhausting at the roof level. Similarly the arrangement the substations could be rotated as in other locations within the precinct to minimise the visual impact.

Recommendation – The Panel recommends substations on Dawes Avenue be rotated and screened with planting or other material (subject to authority approvals) with the short elevation addressing the street, and the services that take up the width of a unit façade on Middleton Avenue be suitable screened in a manner that is wholly integrated with street fencing/ façade treatments.

PANEL CONCLUSION

The Panel notes that the comments provided are advisory only and are provided with the intent of improving design outcomes.

The Panel considers the proposed changes in height and the façade modifications to the approved DA have somewhat diminished the design quality of the existing approval, however are relatively minor in nature and the DA modification should be progressed.

Subject to Council's DA Officer being satisfied that the applicant has addressed issues raised in this report, the project need not return to the panel for further consideration.

ATTACHMENT 14 – DEVELOPMENT CONSENT 688/2019/JP



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

18 June 2020

Bridgestone Projects
Governor Phillip Tower, Suite 2801, 1 Farrer Pl
SYDNEY NSW 2000

Ref No.:688/2019/JP
Sydney Central City Planning Panel: 11 June 2020

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 4.18(1) of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by Sydney Central City Planning Panel of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 4.3, Section 4.17 of the Environmental Planning and Assessment Act, 1979.

Lapsing of Consent

This consent will lapse unless work is physically commenced within five years from the determination date in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 except as amended below.

Right of Review

Division 8.2 of the Environmental Planning and Assessment Act 1979 allows an applicant the right to review a determination subject to such a request being made within six months of the determination date. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

Right of Appeal

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to appeal to the NSW Land and Environment Court within six months after receipt of this determination except as amended below.

COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020

The Amendment commenced on 25 March 2020 and made a number of amendments to the Environmental Planning and Assessment Act 1979 in response to COVID-19. The Amendment extends various time periods for events that occur during the “prescribed period”, commencing on 25 March 2020 and ending on 25 March 2022.

The period for the lapsing of development consents that come into operation during the prescribed period (or that were already in operation when the prescribed period commenced) is extended by two years. A development consent granted during the prescribed period now lapses seven years after it comes into operation.

The time to commence an appeal against a decision relating to a development application is extended for decisions made during (or immediately before) the prescribed period. The time to commence an appeal (except an objector appeal) has been extended from six months to twelve months if the decision being appealed against occurs during the prescribed period or during the six month period immediately before the prescribed period. In the case of an appeal by an objector the appeal period is extended from 28 days to 56 days if the relevant decision occurs during the prescribed period or during the 28 day period immediately before the prescribed period.

APPLICANT	Bridgestone Projects
OWNER:	Mr J M Parsons and Mrs G S Parsons and Mr P S Hinding and Mrs C M E Hinding and Mr P A Cross and Mrs D Cross and Mrs J A Tindale and Mr W G Tindale and Mrs N Bertrand and Mr D W Hall and Mrs S Hall and Mr S Sroba and Mrs Z Sroba and Mr M A Gilchrist and Mrs M G Gilchrist and Mr S J Armsworth and Mrs D A Armsworth and Mrs M Scuglia and Mr V Scuglia and Mr Z Liu
PROPERTY:	Lot 34 DP 247890, Lot 33 DP 247890, Lot 35 DP 594083, Lot 36 DP 594083, Lot 35 DP 247890, Lot 36 DP 247890, Lot 28 DP 255722, Lot 34 DP 594083, Lot 32 DP 592887, Lot 31 DP 592887, Lot 30 DP 592887 3-9 Fishburn Cr. & 14-16 Middleton Av. and 37-45 Dawes Av. Castle Hill
DEVELOPMENT:	Demolition of Existing Structures and Construction of four 8-10 storey Residential Flat Buildings comprising 296 units and 407 car parking spaces within a basement car park.
ENDORSED DATE OF CONSENT:	11 June 2020

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

Amendments in red are to include the following:

- To ensure habitable rooms are not enclosed without the provision of a window, the walls or door to each of the study or storage rooms within the apartments are to be deleted from the following units:
G22, G23, G28, 106, 108, 119, 121, 122, 127, 131, 211, 212, 218, 219, 228, 229, 233, 303, 309, 310, 313, 328, 331, 334, 401, 406, 411, 421, 429, 501, 506, 512, 606, 612, 631, 701, 710, 711, 728, 730, 731, 820, 821, 823 and 824.
- Windows provided in all bedrooms are required to have a total minimal glass area of not less than 10% of the floor area of each bedroom in the unit.
- To ensure a reasonable level of visual amenity is provided, a 1.8m high privacy screen is to be installed to the eastern side of the balconies in Units 901 and 905.
- The business identification signage zones fronting Middleton Avenue and Fishburn Crescent is to both be limited to the following dimensions: 1m height x 2.6m width and a maximum area of 2.6m². Both signage zones are to be attached to the car park louvre screening element. The content and design of the signage is subject to separate approval.

- All services and service provision visible from the street, public domain and nearby taller buildings are required to be carefully and substantially screened in a manner to match the aesthetic of the approved development.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-003	Demolition Plan	H	8/11/2019
DA-001	Location and Site Plan	H	8/11/2019
DA-100	Basement B2 Floor Plan	L	6/05/2020
DA-101	Basement B1 Floor Plan	L	6/05/2020
DA-110	Ground Floor Plan	L	6/05/2020
DA-111	Level 1 Floor Plan	L	6/05/2020
DA-112	Level 2 Floor Plan	N	19/05/2020
DA-113	Level 3 Floor Plan	P	28/05/2020
DA-114	Level 4 Floor Plan	L	6/05/2020
DA-115	Level 5 Floor Plan	L	6/05/2020
DA-116	Level 6 Floor Plan	L	6/05/2020
DA-117	Level 7 Floor Plan	L	6/05/2020
DA-118	Level 8 Floor Plan	L	6/05/2020
DA-119	Level 9 Floor Plan	L	6/05/2020
DA-120	Roof Plan	L	6/05/2020
DA-210	Elevations 1 (North) & 2 (South)	L	6/05/2020
DA-211	Elevations 3 (West) & 4 (East)	L	6/05/2020
DA-212	Elevations 5 & 6 (Through Site Link)	L	6/05/2020
DA-213	Elevations 7 & 8 (Central Courtyard)	L	6/05/2020
DA-300	General Sections A & B	L	6/05/2020
DA-301	General Sections C & D	L	6/05/2020
DA-302	General Sections E	L	6/05/2020
DA-310	Driveway Profile Ramp 1	H	8/11/2019
DA-311	Driveway Profile Ramp 2 & 3	H	8/11/2019
DA-400	DA Adaptable Apartment Type Plan	L	6/05/2020
DA-700	DA Colour Sample Board & Façade Elevations	H	8/11/2019
DA-800	DA Coloured Perspective	H	8/11/2019
DA-801	DA Coloured Perspective	H	8/11/2019
142491-1	Landscape Design Report including Vegetation Management Plan, Masterplan, Ground Floor, Private Communal Courtyard, Private Courtyard Terrace, Cross-block link, typical lower level, roof levels, planting strategy, material colour, soil plans, tree plan and	M	14/04/2020

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

2. External Finishes

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

3. Building Work to be in Accordance with BCA

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

4. Construction Certificate

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

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

5. Compliance with NSW Police Requirements

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

Surveillance:

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

Lighting:

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

Territorial Reinforcement:

- All public access points are to be well marked.

Environmental Maintenance:

- Use of anti-graffiti building materials.

Access Control:

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.
- Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.

- High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Park smarter signage to be installed around the car park.
- Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.

6. Compliance with Endeavour Energy requirements

• Network Capacity / Connection

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

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

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

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch. Alternatively the applicant should engage a Level 3 ASP approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

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

• Location of Electricity Easements / Prudent Avoidance

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

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

• Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure

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

- **Dial Before You Dig**

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

- **Asbestos**

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

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

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

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

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

- **Demolition**

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

- **Public Safety**

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

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

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

Construction.Works@endeavourenergy.com.au .

- **Emergency Contact**

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

7. Air Conditioner Location

Any air conditioning unit on the property must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

8. Tree Removal

Approval is granted for the removal of fifty five (55) trees within the site boundaries numbered 1, 4 - 17, 21, 24 - 34, 38 - 48, 50, 51, 53 - 55, 60, 64 - 70, 72 - 74, and 77 and located on Tree Management Plan within Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 15/04/20.

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

See Tree Removal on Public Land condition for street tree removal.

9. Planting Requirements

All trees, shrubs and groundcovers planted as part of the approved landscape plan are to be provided in quantity and pot sizes in accordance with Planting Schedule within Landscape Design Report prepared by RPS dated 14/04/20.

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

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

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

10. Retention of Trees

All trees not specifically identified on the approved plans for removal, or approved by council under Tree Removal or Tree Removal on Public Land conditions 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 15/04/20.

11. Irrigation

Automatic watering system to be installed as a minimum to all common areas and roof top terrace raised garden beds. 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.

12. Street Trees

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

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

13. Permeable paving

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

14. Protection of Public Infrastructure

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

15. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. 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.

- Due to inconsistency in public domain works, vehicular crossing within the public road reserve will be approved under separate application, inclusive of all works within the public domain (Refer to Showground Precinct Verge Treatment details)

16. Vehicular Crossing Request

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

17. Minor Engineering Works

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

Works 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) Site Stormwater Drainage

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

18. 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.

19. Subdivision Works Approval

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

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

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. Litter Control

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

22. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as DA Acoustic Assessment 16 Middleton Avenue, Castle Hill, dated 25th October 2018 and submitted as part of the Development Application are to be implemented as part of this approval.

23. Contamination Assessment & Site Remediation

The recommendations of the Preliminary Site Assessment and Report prepared by EI Australia Pty Ltd, referenced as Report E24007.E01_Rev0, dated 26th September 2018 and submitted as part of the Development Application are to be implemented as part of this approval.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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 rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

31. 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.

32. Provision of Bulky Goods Storage Area

A separate room or caged area for unwanted bulky goods must be provided that opens directly onto the designated waste service bay. The area must be designed and constructed in accordance with the following requirements.

- The area must have a minimum floor area of 4m² per 50 apartments. Floor space must be rounded up to the nearest 50 apartments for best operational outcome
- The floor of the area must be constructed of concrete with a smooth non-slip finish.

- The area must have a suitable access door, with a minimum clear floor width of 2m (to allow access for large items). Suitable access doors are single or double swinging doors.
- The access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened.
- The area must be provided with lighting, such as automatic sensor lights.

33. Provision of Waste Chute System

The development must incorporate a dual chute system with a total of 6 x chutes for garbage and 6 x chutes for recyclables. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the Waste Discharge Rooms. Garbage must discharge into 1100 litre bins housed on 2-bin linear track system with compactor (2:1 compaction ratio) and recyclables must discharge into 1100 litre bins housed on a 2-bin linear track system. No compaction for recyclables. The waste chute system must be maintained in accordance with manufactory standards.

34. 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.

35. 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.

36. 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.

37. 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.

38. Construction of Waste Storage Areas (Bin Holding Room & Waste Discharge Rooms)

The waste storage areas must be designed and constructed in accordance with the following requirements. The Bin Holding Room must provide minimum storage facility for 40 x 1100 litre bins. The Waste Discharge Rooms must provide minimum storage facility for 1 x 2-(1100 litre) bin linear track system with compaction unit for garbage and 1 x 2-(1100 litre) bin linear track system for recyclables.

- 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 Bin Holding Room must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The Bin Holding Room must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the waste storage 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 the Owners Corporation.
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

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

39. 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 property addresses for this development are: - 16 Middleton Ave Castle Hill

Alternate Addresses - 39 Dawes Ave and 5 Fishburn Cres Castle Hill

Further subdivision application is to be lodged to strata each building separately, therefore approved unit numbering is as per plans marked up within consent documentation; and as follows:

Level	Building A	Building B	Building C	Building D
Ground	G01 – G14	G15 – G17	G18 – G22	G23 – G27
One	101 – 107	108 – 113	114 – 126	127 – 131
Two	201 – 211	212 – 216	217 – 227	228 – 233
Three	301 – 309	310 – 315	316 – 327	328 – 334
Four	401 – 410	411 – 415	416 – 428	429 – 434
Five	501 – 511	512 – 516	517 – 530	531 – 536
Six	601 – 611	612 – 616	617 – 629	630 – 635
Seven	701 – 711	712 – 716	717 – 729	730 – 734
Eight	801 – 809	N/A	810 – 822	823 – 827
Nine	N/A	N/A	901 – 905	N/A

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

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

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

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

Mail Boxes

One Cluster mail box is to be located as shown on plans submitted marked as DWG No DA-110; Rev H; Dated 28/11/2019 marked up within consent documentation.

Cluster mail boxes are to be located within the site 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 A - 16 Middleton Ave.

The applicant is to obtain approval for mail delivery from Australia Post and provide a copy to Council prior to issue of Construction Certificate. Australia Post Seven Hills Delivery Centre – phone 02 9674 4027.

Strata Developments

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

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

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

40. Excavation/ Anchoring Near Boundaries

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

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

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

41. Parking Spaces

The development is required to be provided with 407 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

The development includes a large number of stacked parking spaces. These spaces are to be allocated/ used for resident parking only (not visitor parking) and each set of two stacked/ tandem parking spaces must be allocated to the same unit without exception.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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:-

	Purpose/ 1 bedroom unit	Purpose/ 2 bedroom unit	Purpose/ 3 bedroom unit	Purpose/ Credit	No. of 1 Bedroom Units: 69	No. of 2 Bedroom Units: 108	No. of 3 Bedroom Units: 39	Sum of Units	No. of Credits: 11	Total \$7.11
Open Space - Land	\$4,180.59	\$5,852.81	\$7,246.34	\$9,475.66	\$ 288,460.71	\$ 963,272.08	\$ 427,534.05	\$ 1,689,266.85	\$ 104,232.36	\$ 1,585,894.59
Open Space - Capital	\$2,133.24	\$2,959.40	\$3,693.79	\$4,789.03	\$ 145,899.89	\$ 497,011.28	\$ 216,104.02	\$ 858,921.89	\$ 52,685.93	\$ 806,235.95
Transport Facilities - Land	\$1,039.24	\$1,455.63	\$1,892.21	\$2,366.69	\$ 71,292.05	\$ 244,545.04	\$ 106,330.39	\$ 422,618.29	\$ 25,402.36	\$ 396,495.04
Transport Facilities - Capital	\$1,617.97	\$2,285.36	\$2,894.49	\$3,667.27	\$ 111,629.93	\$ 360,546.00	\$ 166,464.32	\$ 638,640.25	\$ 40,229.97	\$ 617,211.16
Water Management - Capital	\$422.04	\$593.02	\$732.24	\$937.51	\$ 29,188.39	\$ 99,288.59	\$ 43,202.16	\$ 171,709.08	\$ 10,532.61	\$ 181,179.67
Administration	\$55.00	\$77.85	\$95.38	\$126.02	\$ 3,836.40	\$ 12,078.80	\$ 5,686.40	\$ 22,601.62	\$ 1,386.22	\$ 21,215.40
Total	\$9,429.40	\$13,201.27	\$16,344.43	\$21,372.75	\$ 636,634.12	\$ 2,217,813.36	\$ 964,321.37	\$ 3,852,798.85	\$ 235,106.25	\$ 3,597,668.00

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

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

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

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

43. 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.

44. 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.

45. Protection of Internal Noise Levels (Residential Unit Development)

An acoustic statement is required to be submitted providing methods of noise attenuation (if any) prior to the issue of a Construction Certificate ensuring the following noise levels are achieved:

- a) 35 dB (A) in any bedroom between 10pm and 7am.
- b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.

46. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 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.

47. 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 SWMP is required for this development.

48. 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 Adams Drawing C022 and C023 Revision \$ and 3 respectively dated 05/03/2020 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) OSD tank must be designed to ensure suitable storage is achieved based on the maximum head available in the HED. Design of HED to be in accordance with Upper Parramatta River Catchment Trust.
- b) More detailed plans are required to ensure suitable spill ways from HED to WSUD storage to OSR storage and Rainwater Tank. Calculations to represent plans (i.e. values for maximum to orifice)
- c) Additional access points to ensure suitable and safe access for maintenance of OSD Tank

Water sensitive urban design elements, consisting of PSORB Storm filter Cartridges, enviropods and swales, 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.

49. Stormwater Pump/ Basement Car Park Requirements

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

50. 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 \$337,064 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 (363m) multiplied by the width of the road (8m). For low scale, low impact residential development a reduced amount based on a rate of \$5,000.00 per unit/ dwelling is instead used.

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.

51. 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.

52. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate or Subdivision Works Certificate is issued.

53. 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.

Works within the Road reserve are to be approved under the Roads Act 1993 and must be done prior to the release of any construction certificate

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 engineering plan C022 and C023 prepared by Adams Revision 4 and 3 respectively 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) Dawes Avenue – Indented Parking Bays/ Road Widening

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

The existing footpath verge measured from the face of kerb must be widened by 2m to 5.62m approximately (and this road widening dedicated to the public as road at no cost to Council as conditioned separately). Within this widened verge the required formation must be in accordance with Showground Precinct Verge Treatment Detail as available on Council's Website.

With respect to the civil works plans by Adams (and all architectural plans) Revision 2, Dated 05/03/2020:

- Plans submitted as part of development application are incorrect. Kerb alignment in Dawes Avenue is to remain, however replaced with v-drain where parking is to be provided. Applicant is to refer to approved plans for public domain works for 320/2019/JF for direction.
- The existing street drainage in Dawes Avenue will need to be adjusted to match, not relocated as per plan C040 states. Kerb line is not changing so where required modification of pit to butterfly grate may be required.
- The stormwater calculations provided with the detailed design must demonstrate that the amended pit has sufficient inlet capacity according to the above documents, which may require additional (or larger) pits.
- The pipework on either side needs to be surveyed and replaced as necessary to connect to this new pit.
- No blind/ junction pits under the road carriageway will be supported.
- The grading, trimming, topsoiling and turfing of the widened footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

The driveway long-section must be amended to match.

b) Indented Parking Bays/ Road Widening (Showground Precinct)

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

The existing 3.62m (approx.) wide footpath verge measured from the face of kerb must be widened by 2m to 5.62m approx. (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.

c) Signage and Line Marking Requirements/ Plan

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

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

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

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

d) Disused Layback/ Driveway Removal

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

54. 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 Assessment 16 Middleton Avenue, Castle Hill prepared by Acoustic Logic PTY LTD, with reference number 20180942.1 and dated 25th October 2018, have been included in the construction plans of the development.

55. Tree Removal on Public Land

Approval is granted for the removal of eleven (11) trees numbered 2, 3, 22, 23, 35, 36, 37, 52, 62, 63 and 71 as located on Tree Management Plan within Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 15/04/20. The trees are located on the Council nature strip and will be impacted by works associated with the development.

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

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

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

56. Notice of Requirements

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

57. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

58. 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.

59. 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.

60. 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.

61. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the properties subject to this Development Application. This service must be cancelled prior to demolition of the existing dwellings 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.

62. Erosion and Sediment Control

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.

63. Site Water Management Plan

The approved SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

64. 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.

65. 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.

66. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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

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

67. 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.

68. 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.

69. Trenching within Tree Protection Zone

Any trenching for installation of retaining walls, basement carpark, drainage, sewerage, irrigation, or any other services shall not occur within the Tree Protection Zone of trees identified for retention and trees within adjoining properties 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.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without

Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

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

Details

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

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

Signage

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

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

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

71. 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.

72. 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.

73. 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.

74. 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).

75. Sydney Water Building Plan Approval

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

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

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

76. Contractors Details

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

77. Erection of Signage – Supervision of Work

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

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

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

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

78. 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.

DURING CONSTRUCTION

79. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

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

80. Survey Report and Site Sketch

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

81. 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. 967311M_07 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application may be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application will be required for a BASIX Certificate with a new number.

82. Critical Stage Inspections and Inspections Nominated by the PCA

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

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

83. 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.

84. 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.

85. 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.

86. Dust Management Plan

Due to the size of the area being disturbed by the works, a site specific Dust Management Plan (DMP) must be prepared by a suitably qualified and experienced construction management consultant in conjunction with the civil contractor to proactively address this issue. This DMP must be approved prior to work commencing and shall address/ include the following matters:

- 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.

87. 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.

88. Further contamination assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

89. 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.

90. 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)*.

91. 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.

92. Construction Noise Management

The recommendations of the Preliminary Construction Noise Vibration Management Plan, prepared by Acoustic Logic Pty Ltd, referenced as Project Number 20180942.2/1112A/R1/MF and dated 11th December 2018 are to be implemented as part of this approval.

93. Construction Management Plan

The recommendations of the Construction Management Plan, prepared by Westbourne Constructions Pty Limited, referenced as Fishburn Crescent Castle Hill and dated 5th October 2018 are to be implemented as part of this approval.

PRIOR TO THE ISSUE OF A FINAL OCCUPATION AND/OR SUBDIVISION CERTIFICATE

94. 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 prior to commissioning.

95. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Acoustic Assessment 16 Middleton Avenue, Castle Hill prepared by Acoustic Logic Pty Ltd dated 25th October 2018. Certification is to be provided.

96. 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 Certifying Authority.

97. Validation report

A validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

98. 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 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

99. 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.

100. 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 (Bin Holding Room and Waste Discharge Rooms). 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. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

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

101. Domestic Waste Collection Risk Assessment

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

102. 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.

103. Landscaping Prior to Issue of any Occupation Certificate

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

104. 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.

105. 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 undergrounding 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.

106. 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.

107. 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.

108. 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.

109. 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.

110. Road Widening Dedication

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

111. 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.

112. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

113. 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.

114. 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.

USE OF THE SITE

115. 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*.

116. 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.

117. 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*.

118. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises.

The emission of dust must be controlled and monitored for on-going effectiveness to minimise nuisance in accordance with the Dust Management Plan (DMP) referred to in Condition 86.

119. 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.

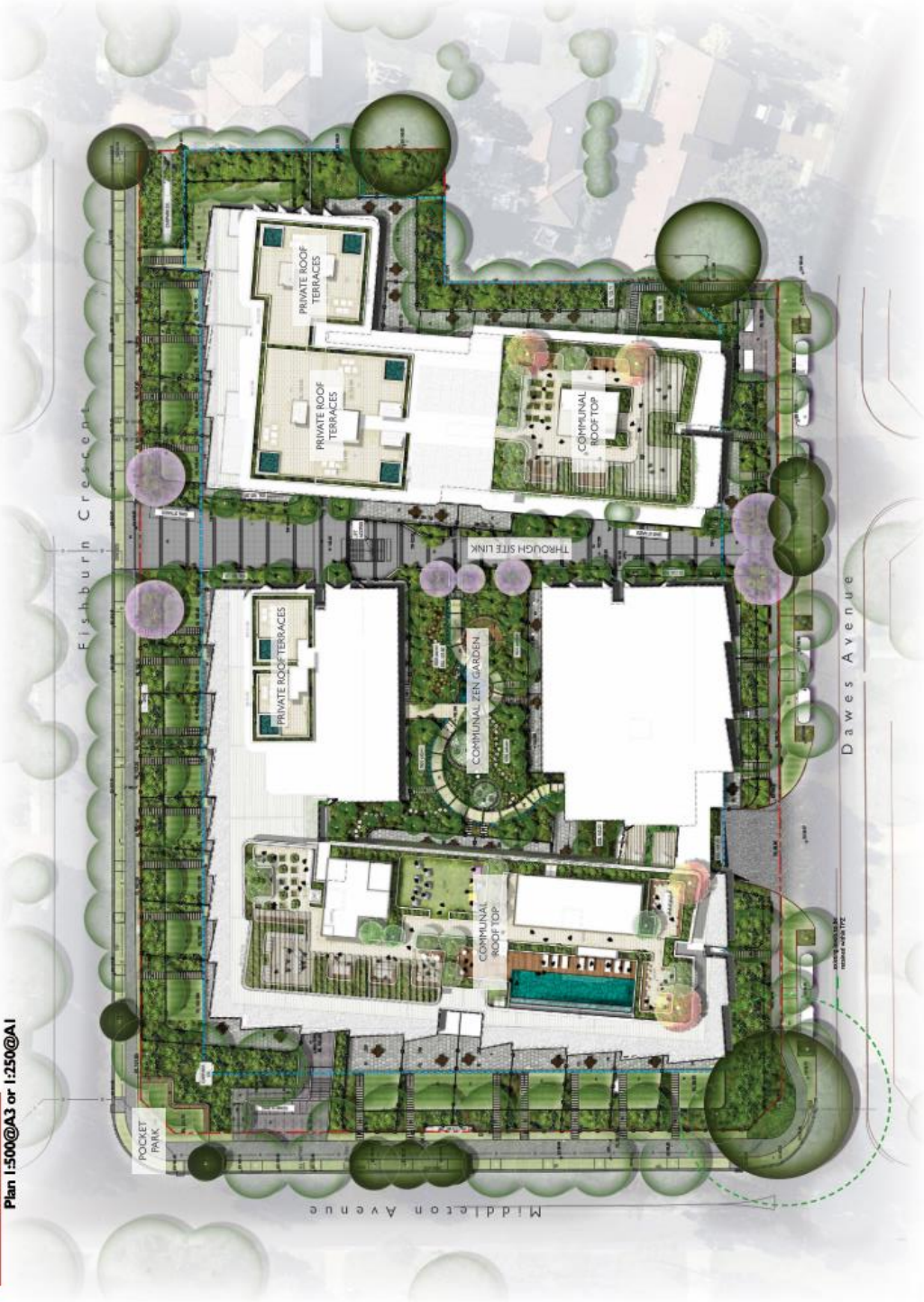
120. Lighting

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*.

ATTACHMENT 15 – APPROVED LANDSCAPE PLANS

THE HILLS SHIRE COUNCIL
APPROVED
DEVELOPMENT INSTRUMENT
8829184-UP
Please refer to condition 3 of the Masterplan
for details of the proposed development.

Plan 1:500@A3 or 1:250@A1



THE HILLS SHIRE COUNCIL
APPROVED
DEVELOPMENT COMMENT
DATE: 14/05/2024
Project No: 25/2024/DC
Site Name: Fishburn Crescent
Cross-section
containing walls

Cross-Block Link

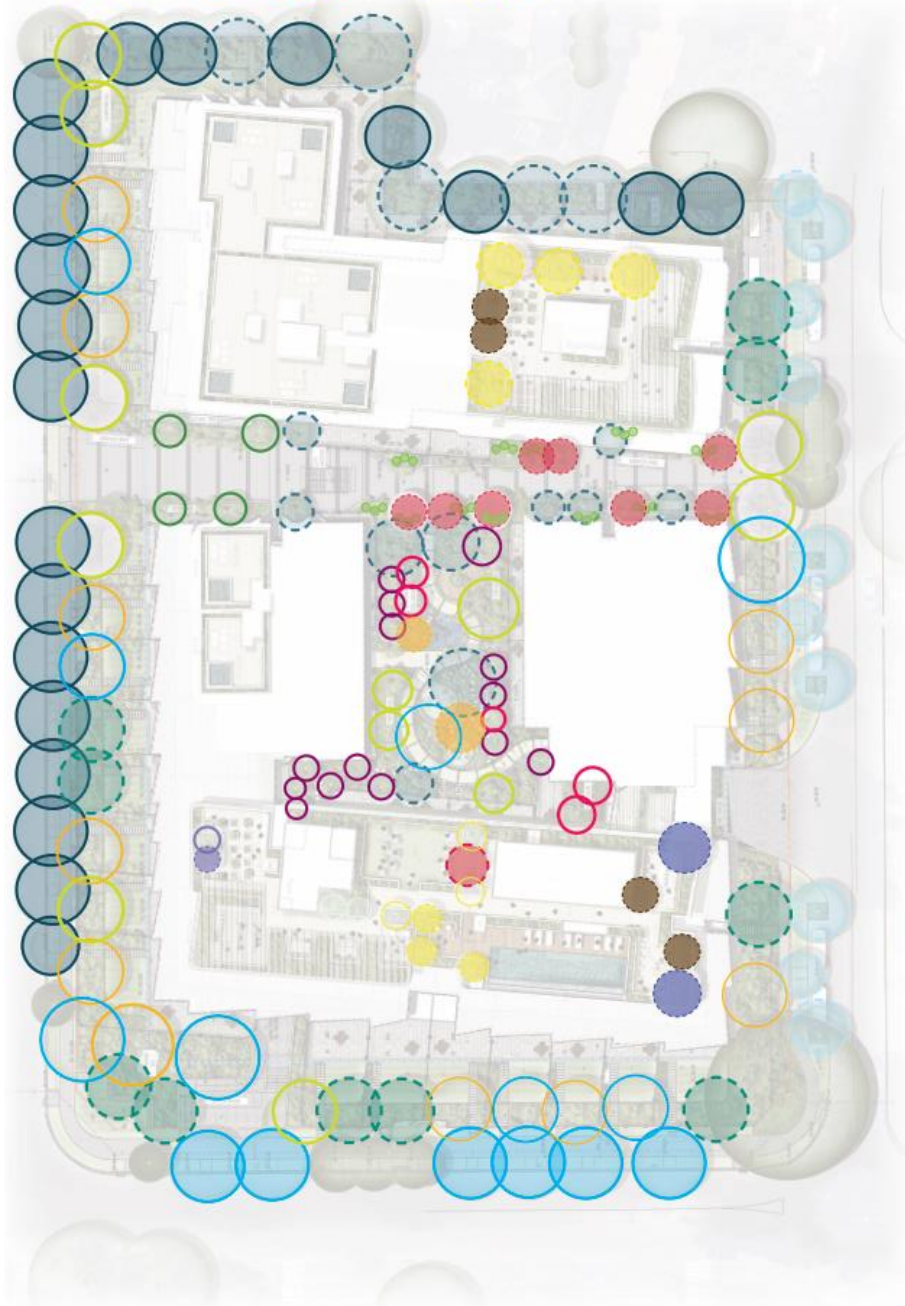
Plan 1:250@A3 or 1:125@A1



Section C 1:150@A1 / 1:100@A3



Section D 1:150@A1 / 1:100@A3



Botanical Name	Common Name	Minimum Height (m)	QTY
ACACIA JARROVIANA	Jarrovian White	15m x 10m	13
ACACIA JARROVIANA	Jarrovian White	20m x 20m	8
ACACIA JARROVIANA	Jarrovian White	10m x 5m	14
ACACIA JARROVIANA	Jarrovian White	10m x 5m	36
ACACIA JARROVIANA	Jarrovian White	7m x 2m	3
ACACIA JARROVIANA	Jarrovian White	20m x 10m	8
ACACIA JARROVIANA	Jarrovian White	15m x 5m	13
ACACIA JARROVIANA	Jarrovian White	50m x 15m	14
ACACIA JARROVIANA	Jarrovian White	20m x 10m	14
ACACIA JARROVIANA	Jarrovian White	15m x 10m	3
ACACIA JARROVIANA	Jarrovian White	10m x 5m	2
ACACIA JARROVIANA	Jarrovian White	20m x 10m	3
ACACIA JARROVIANA	Jarrovian White	8m x 4m	7

Botanical Name	Common Name	Minimum Height (m)	QTY
ACACIA JARROVIANA	Jarrovian White	15m x 10m	1
ACACIA JARROVIANA	Jarrovian White	20m x 20m	1
ACACIA JARROVIANA	Jarrovian White	10m x 5m	3
ACACIA JARROVIANA	Jarrovian White	10m x 5m	4
ACACIA JARROVIANA	Jarrovian White	10m x 5m	3
ACACIA JARROVIANA	Jarrovian White	10m x 5m	9
ACACIA JARROVIANA	Jarrovian White	15m x 10m	3