

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-311 – DA 866/2022/JP
PROPOSAL	Demolition of Existing Structures and Construction of Four Residential Flat Buildings and Terrace Dwellings comprising a total of 118 units and basement car parking.
ADDRESS	2 – 22 Larool Crescent and 44 – 50 Carramarr Road Castle Hill, Lots 5 – 14 DP 232658 and Lots 17 – 19 DP 237030
APPLICANT	Castle Larool Dm Pty Ltd
OWNER	Mr KD Y Cao, Mr Z Elkass, Mrs E Elkass, Mr W Liu, Mr J Banicevic, Mrs E L Banicevic, Mrs H J Griffiths, Mr W Z Ye, Ms F Jiang, Mr Z Liu, C & W Pty Ltd, Mr R B Potter, Mrs T M Potter, Mrs S N Flanders, Mrs D M Flanders, Mr N Siafakas, Ms R A Schirripa, Mr A E Farlow, Mrs T M Farlow, Mr G Xiao and Mr N B Kong.
DA LODGEMENT DATE	30 November 2021
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021
CIV	\$51,865,000 (excluding GST)
CLAUSE 4.6 REQUESTS	<ul style="list-style-type: none"> • The Hills Local Environmental Plan 2019 (LEP) • Clause 7.11A Development on certain land within the Castle Hill North Precinct • R4 High Density Residential
KEY SEPP/LEP	SEPP No 65 – Design Quality of Residential Apartment Development SEPP (Resilience and Hazards) 2021 SEPP (Biodiversity and Conservation) 2021 The Hills LEP 2019
TOTAL & SUBMISSIONS ISSUES SUBMISSIONS UNIQUE KEY IN	Five Unique Submissions. Key Issues: <ul style="list-style-type: none"> • Traffic congestion, • Insufficient street parking, • Setbacks,

	<ul style="list-style-type: none"> • Height, • Decrease in land values, • Privacy and noise impacts.
CONSULTANT/S	Mecone – Planner PTW – Architects Site Image – Landscape Architects Newton Fisher Group – Cost Summary Varga Traffic Planning – Traffic and Parking Assessment Australis Tree Management – Arborist PKA Acoustic Consulting – Acoustic Report AED Group – BCA Compliance Report EI Australia – Preliminary Site Investigation and Geotechnical Report ACOR Consultants – Flood Impact Assessment LTS – Survey Plans
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Not Applicable
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic
PREPARED BY	Cynthia Dugan – Principal Coordinator
DATE OF REPORT	29 August 2023
CONFLICT OF INTEREST DECLARATION	None declared

EXECUTIVE SUMMARY

The proposed development is for a mixed-use residential development comprising 118 dwellings including 3 x 5 storey residential flat buildings and 6 x 3 storey buildings comprising multi dwelling housing.

The Sydney Central City Planning Panel considered the Development Application on 9 December 2022 and 4 May 2023 and resolved to defer the determination of the matter until August 2023, given the complexities of the site, including the extent of flood modelling required to assess flood risk and behaviour in the emerging Castle Hill North Precinct to meet Clause 5.21 Flood Planning provision of The Hills LEP 2019 (the LEP).

Since the deferral of the Development Application on 4 May 2023, the Applicant has provided post-developed ultimate and interim post-developed DRAINS flood models and an interim post-developed TUFLOW model. Council's Waterways staff have found all flood models to be satisfactory, subject to conditions of development consent. A Flood Impact Assessment,

Flood Emergency Response Plan and revised architectural and engineering drawings have also been provided. It is considered that the information submitted satisfies Clause 5.21 Flood Planning of The Hills LEP 2019 and subject to conditions, development consent can be provided to development on land as the development is compatible with the flood function and behaviour on the land, will not adversely affect flood behaviour in a way that results in detrimental increase in the potential flood affection of other properties or incorporated appropriate measures to manage risk to life in the event of a flood.

This application is accompanied by a request to vary a development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan. The proposal seeks to vary Clause 7.11A of the LEP which specifies a maximum height of three storeys along frontages should the development seek to utilise the addition 20% bonus to the incentive Floor Space Ratio (FSR). The proposal results in five storey residential flat buildings with three storey terrace edges along the frontages which does not technically comply with this Clause. The Applicant has submitted a Clause 4.6 written submission to vary this standard. The written submission is considered well founded, compliance with the standard is unreasonable and unnecessary and there are sufficient environmental planning grounds to justify the variation.

The proposal has been assessed under the provisions of SEPP No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide. The proposal results in variations to the design criteria with respect to building separation, solar access, natural cross ventilation, communal open space and ground level private open space depth. These variations can be supported as sufficient privacy mitigation measures have been implemented and appropriate residential amenity is provided.

The proposal has been assessed under the provisions of The Hills DCP 2012. Variations have been identified with respect to the Precinct Specific Castle Hill North controls including site coverage, landscaping, building length and ground level unit design. It is considered that these variations can be supported as the proposal would still be consistent with the built form and character outcomes envisaged for the emerging Precinct and appropriate amenity can be provided for future residents.

The application was notified for 14 days and five submissions were received during the notification period. The concerns raised primarily relate to traffic congestion, insufficient street parking, setbacks, height, decrease in land values, privacy and noise impacts. The above concerns do not warrant refusal of the application.

The Development Application is recommended for approval subject to conditions.

1. THE SITE AND LOCALITY

The irregularly shaped site has an area of 10,125m² and comprises 14 lots bounded by Larool Crescent to the north, east and south and Carramarr Road to the west. The subject site has a frontage of approximately 105 metres to Carramarr Road, 111 metres to Larool Crescent (north), 75 metres to Larool Crescent (east) and 110 metres to Larool Crescent (south).

The topography of the subject site generally falls from the northern boundary, to the southern boundary. The subject site accommodates a level change of approximately 10 metres. The subject site is currently occupied by low density dwelling houses. Adjoining development includes low density dwelling houses to the north, south, east and west.

Under The Hills Local Environmental Plan 2019 (LEP), the subject site is located within a R4 High Density zone. The site has a FSR (base) of 1:1 under Clause 4.4 of the LEP, an FSR (incentive) of 1.2:1 under Clause 7.11 of the LEP and an additional 20% bonus to the incentive

FSR under Clause 7.11A of the LEP. There is no maximum building height development standard for the site.

Surrounding properties to the north, east and south are zoned R4 High Density Residential, R3 Medium Density Residential to the west and northeast and R2 Low Density to the northwest.

The desired future character for the site in the context of the Castle Hill North Precinct is for high density residential development ranging in height from 3 to 5 storeys with a “terrace edge”.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development seeks consent for the following works:

- Construction of a mixed use residential development comprising 3 x 5 storey terrace edge residential flat buildings and 6 x 3 storey townhouses.
- The total number of dwellings proposed is 118. The dwelling mix proposed is 3 x 1 bedroom units, 47 x 2 bedroom units, 62 x 3 bedroom units and 6 x 4 bedroom units.
- A total Gross Floor Area of 14,579.3m² is proposed.
- 150 residential car parking spaces are proposed within a basement level.
- A central communal open space area and pedestrian through site link is proposed.
- Combined driveway access is proposed off Larool Crescent in the south western corner of the site.

2.2 Background

Castle Hill North Precinct

The subject site falls within the Castle Hill North Precinct which was identified for higher density residential development in the 2013 Sydney Metro Northwest (formerly North West Rail) Urban Renewal Corridor strategy which was prepared by the Department of Planning and Environment (DPE).

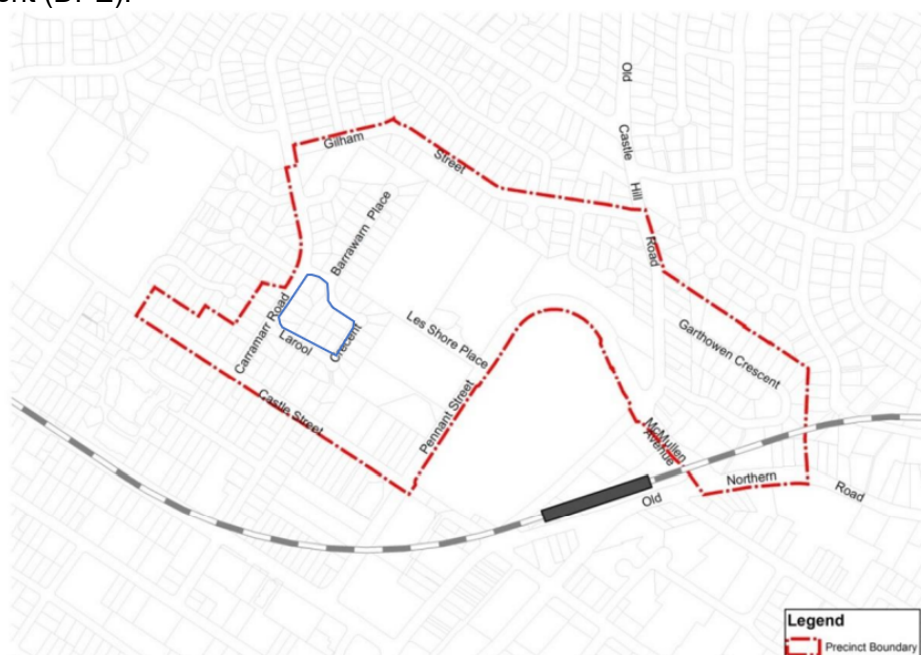


Figure 1 – Castle Hill North Precinct (Location of Subject Site Shaded in Blue)

Council originally submitted a planning proposal for the Castle Hill North Precinct to the Department of Planning and Environment (DPE) for finalisation in November 2018 and at this time, also adopted an associated Development Control Plan (DCP) for the Precinct and amendments to the existing Parking DCP, both of which took effect in line with the gazettal of the planning proposal. Council was unable to exercise its delegation to finalise the planning proposal, due to outstanding State Government agency objections from Transport for NSW and Land and Housing Corporation. Accordingly, the Minister was ultimately responsible for the final determination.

It is noted that the proponent had previously lodged a planning proposal (12/2018/PLP) for this site on 23 February 2018 seeking amendments to planning controls to facilitate higher density development (more than the standards exhibited as part of the Castle Hill North Planning Proposal). However, in response to concerns raised by Council, the planning proposal was amended to generally align with the proposed standards within the Castle Hill North Planning Proposal (with a slight alteration to the required unit mix requirements).

The Castle Hill North planning proposal envisaged the site to be developed as five storey residential flat buildings with three storey “terrace edges” and applied the following Floor Space Ratio/ development potential for the site:

- Base FSR (FSR 1:1) – 10,051m² Gross Floor Area – 100 dwellings;
- Incentive FSR (FSR 1.2:1) – 12,061m² Gross Floor Area – 120 dwellings;
- 20% GFA Bonus for inclusion of a through site pedestrian link and concentration of development within the centre of the site (FSR 1.44:1) – 14,473m² Gross Floor Area – 144 dwellings

The Development Application seeks consent for 118 dwellings which is below the residential yield envisaged on the site under the planning proposal.

On 17 July 2020, the DPE gazetted amendments to the Hills LEP for Council's planning proposal for the Castle Hill North Precinct Planning Proposal (16/2016/PLP) as part of ‘tranche three’ of the Government's Planning System Acceleration Program.

To ensure consistency with the amendments to the planning proposal made by the DPE, at its meeting of 24 November 2020, Council resolved to adopt draft amendments to Part D Section 20 – Castle Hill North of The Hills DCP. The amendments to the precinct specific DCP controls came into force on 18 December 2020.

When the Castle Hill North Precinct was rezoned, it was acknowledged that a number of overland flow paths were present within the Precinct which would be a considerable constraint to future development between Les Shore Place and Larool Crescent, and from Carramarr Road to Castle Street and that upgrades and enlargement to the stormwater drainage system would be required to ease the impacts of overland flow paths on affected land. It was also acknowledged that sensitive management of the remnant flows through innovative design would be required to reduce identified hazards. It was envisaged that the delivery of these upgrades and management of the remnant flows would be realised by the developer, should they develop the land prior to Council undertaking a precinct wide investigation on the actual upgrades required for the Precinct. Whilst Council's Waterways Team are currently undertaking investigations on the catchment-wide drainage asset upgrading works required for the Precinct as part of the Contributions Plan for Castle Hill North (CP 17) project, the subject application was lodged and will be determined prior to the completion of this project.

Pre-lodgement Meetings

Two pre-lodgement meetings (34/2022/PRE and 46/2022/PRE) were held on 10 September 2021 and 1 October 2021 for the development proposal. Pre-lodgement notes were issued to the Applicant for both meetings identifying that the development is subject to flooding and the flood risk precincts and extents will need to be accurately delineated based on site specific flood level information to be obtained from Council's Waterways section and detailed ground survey of the site. This, together with a pre and post development flood model and a flood compliance/impact report demonstrating how the proposal will meet the relevant requirements of Part C - Section 6 – Flooding Controlled Land of Council's DCP 2012 was requested to be submitted with the Development Application.

Briefings and Reports to the Panel

A kick-off briefing to the SCCPP was held on 21 December 2021.

A further briefing to the SCCPP was held on 17 March 2022. The Panel noted the following:

The Panel has no concluded position on the disputed issue of the compliance of the proposed development with Clause 7.11A(3)(g)(i). However, if the applicant proceeds with the currently proposed building heights, the Panel considers that it would be prudent for the applicant to submit a 'without prejudice' Clause 4.6 variation request. Without offering any opinion at this stage on the merits of the proposed building form and FSR, if such a request is properly formulated, this would alleviate any procedural concerns if the Panel is ultimately minded to grant consent to the application.

In relation to the DCP variations identified by Council, the Panel would require considerable justification to be provided before it would be willing to support any such variations.

The Applicant has provided a Clause 4.6 written submission to vary Clause 7.11A of the LEP and provided further justification for variations to the DCP.

A Council Assessment Report was referred to the SCCPP on 1 December 2022. On 9 December 2022, the Panel determined to defer the application for the following reasons:

The panel decided to defer the determination of the application until 30 April 2023 at the latest, noting that this will require a report from Council by mid-April 2023. The panel has requested an update on progress in February 2023, as part of the monthly panel update reporting.

The panel noted the lengthy time already in the system, but has agreed to a deferral given the complexities of the site including the extent of flood modelling required by the applicant to identify the actual drainage system upgrades to mitigate flooding not realised when the precinct was rezoned, the effort made by the applicant to work with Council's Waterways Team to resolve these issues and that other elements will follow the resolution of the flooding issues.

If revised information from the applicant is not provided within a deadline to be agreed with Council, the panel may move to determine the DA based on the information currently at hand. The panel expects an addendum assessment report from Council responding to the material and the matters raised above.

A Council Assessment Report was referred to the SCCPP on 13 April 2023. On 4 May 2023, the Panel determined to defer the application for the following reasons:

The panel agreed to a further deferral of the determination of the matter until August 2023 to allow the Applicant to respond to the issues raised by Council in relation to satisfying Clause 5.21 Flood Planning of The Hills LEP and to subsequently enable Council staff to finalise the assessment of the application.

The panel notes that whilst the assessment period for this application has been prolonged beyond what it would ordinarily accept, there are extenuating circumstances, based on the original planning and rezoning of this precinct and the fact that the applicant and Council have continued to work cooperatively to resolve what are complex issues requiring robust analysis.

Given the proposal is generally satisfactory except for the matters raised in relation to flood planning and that other engineering and landscaping matters are capable of being satisfied following the resolution of those issues, it is considered fair and reasonable to again defer determination of the development application.

When Council's assessment report is completed, the panel will determine the matter electronically.

Waste and Landscaping Concerns

On 17 December 2021, a request for additional information letter was sent to the Applicant regarding waste management concerns. On 25 January 2022, amended plans were received addressing previous waste management concerns. On 8 March 2022, further information was requested regarding landscaping matters.

Amended landscape plans were submitted on 5 May 2022. However, not all matters had been satisfactorily addressed. A further request regarding landscaping concerns was sent to the Applicant on 2 June 2022. Amended landscaping plans were provided by the Applicant on 27 June 2022.

On 24 June 2022, further information was requested from Council's Resource Recovery Team regarding outstanding waste management concerns. A response to the outstanding waste management concerns was provided on 30 June 2022. No further objections were raised by Council's Resource Recovery Team and conditions have been recommended.

Further landscape plans were submitted by the Applicant on 1 August 2023. No objections were raised by Council's Landscape Assessment Team and conditions have been recommended.

Waterways and Engineering Concerns

A request for additional information letter was sent to the Applicant on 25 March 2022 regarding planning and engineering matters. The engineering matters included flooding, civil works, stormwater management, vehicular access and carparking and circulation concerns. With regards to flooding matters, it was considered that the submitted flood investigation report was incomplete. It had been identified that the proposal did not include any flood mitigation measures associated with the development and that the proposed design would cause a significant impact on the existing flood behaviour (depth, velocity, and risk) in the locality and the upstream and downstream. In this regard, it was requested that the application be redesigned and address the relevant provisions under Section 5.21 Flood Planning of the LEP and THDCP Part C - Section 6 – Flooding Controlled Land. This was to include amended flood documentation incorporating an amended flood study, architectural plans, flood models (DRAINS and TUFLOW) including pre and post development scenarios and revised flood report.

A letter sent to the Applicant on 19 May 2022 requested all outstanding information regarding planning and engineering matters be submitted within 14 days. A response to this letter was provided on 1 June 2022. Additional engineering and flood documentation was submitted on 9 June 2022 and 20 July 2022.

On 11 August 2022, further information was requested regarding engineering concerns that had not been previously addressed. Civil Engineering drawings detailing the upgrade works including road reformation, cycle path etc. required on existing Carramarr Road and Larool Crescent fronting the development in accordance with the section 4.1 of THSC DCP Part D Section 20 – Castle Hill North had not been provided. It was also identified that the building footprint was still proposed within the flood flow path and the amended architectural drawings and other documentation had still not considered the flood hazard relating to the site. Further, an amended flood study and impact assessment report addressing the LEP and DCP requirements had still not been provided. In addition, the latest stormwater plans had not been updated to reflect the flooding aspects of the site and the locality as the OSD design is constrained by the existing flood hazard and the risks in the locality as the drainage outlets from the OSDs are controlled by the flood behaviour on Larool Crescent. Council's engineer concluded as follows: *As previously advised the current design form of the development is not considerate to the existing local flood behaviour in the vicinity of the development and over the downstream behaviours, hence a redesign compliant to the LEP and DCP is recommended.*

On 16 August 2022, a meeting was held between Council staff and the Applicant to discuss the outstanding Engineering issues. The Applicant was again advised to submit amended Architectural, Landscape and Civil engineering drawings detailing the flood flow path, OSD locations, cross-sections and RLs on the sections etc. and require adequate details (RLs and inlet capacity) to ensure the consistency. An addendum to the flood report reflecting the amended design and associated soft copies of models was also requested.

On 24 August 2022, Council's Waterways comments were provided to the Applicant. Further flood modelling was requested including TUFLOW and DRAINS hydraulic files and Stormwater Quality Modelling including a MUSIC model. A flood study report consistent with revised architectural drawings/stormwater plans was also requested.

A meeting was held between Council staff and the Applicant on 9 September 2022 to discuss the outstanding Waterways information.

TUFLOW and DRAINS modelling files were received by Council staff on 4 and 7 November 2022. However, a flood impact assessment, revised civil, architectural and stormwater plans had not been provided.

A further email regarding the outstanding information required to assess the flooding impacts of the proposal was sent to the Applicant on 10 and 15 November 2022. On 21 November 2022, Council's Waterways comments were sent to the Applicant requesting further amendments to the DRAINS and TUFLOW flood models and again requested the submission of updated stormwater plans, architectural drawings, flood impact assessment and a site-specific flood emergency response plan.

On 15 December 2022, an email was received from the Applicant indicating that the request to complete their own modelling was unreasonable.

Council staff provided a response to the Applicant's email on 16 December 2022 noting that the key outstanding issue for the development application was that the consent authority must not grant development consent to the development unless the proposal satisfies the provisions under Clause 5.21 Flood Planning of the LEP. It was noted that as with any development

proposal lodged prior to Council's drainage asset upgrade strategy being developed by Council for the Contributions Plan for Castle Hill North (CP 17), it is reasonable to expect the Applicant to model and design a pit and pipe network that is acceptable in support of their application. The submitted modelling at the time was insufficient as it showed the proposed 1650mm pipe will not convey the design minor storm (10% AEP). It was requested the Applicant revise the modelling and in doing so provide a larger pipe to ensure it is designed for a minor storm (10% AEP).

A meeting was held between Council staff and the Applicant on 20 December 2022 to discuss the above concerns raised. The outcome of that meeting was that Council's Waterways Team would provide the Applicant with the post-developed catchment DRAINS model developed as part of the Contributions Plan 17 Project. This model was provided to the Applicant on 21 December 2022.

On 30 January 2023, the Applicant provided Council staff with the revised pre-developed DRAINS model and associated modelling file. On 6 February 2023, Council's Waterways Team provided comments on the pre-developed DRAINS model to the Applicant. On 17 February 2023, the Applicant provided Council staff with the amended pre-developed DRAINS model. On 24 February 2023, Council's Waterways Team conditionally approved the pre-developed DRAINS model.

On 16 March 2023, the Applicant provided the post-developed Ultimate Design DRAINS model based on Council's original post-developed DRAINS model that considered catchment-wide drainage asset upgrading works. On this submission, the Applicant recommended a revised modelling approach to demonstrate a design that is compliant with the long-term precinct plan whilst also presenting a realistic Interim Post-developed DRAINS Model for use in developing the Interim Post-developed TUFLOW model. Whilst this modelling approach was acknowledged by Council's Waterways Team on 15 March 2023, the Team requested an updated Ultimate Design DRAINS model and revised stormwater management plans. The requested modelling information was provided; however, the log file for the Ultimate Design DRAINS model was missing from the submission. On 16 March 2023, Council's Waterways Team requested for the missing log file as this was necessary for their review of the DRAINS model. The Applicant submitted the Ultimate Design DRAINS model and modelling log file on 28 March 2023, however on 11 April 2023, Council's Waterways Team indicated this model still did not address previous concerns raised.

The Applicant provided additional information on 19 and 27 April 2023 which addressed Council staff's comments on the Post-developed ULTIMATE DRAINS model, and this model was conditionally approved.

On 15 June 2023, the Applicant submitted the TUFLOW flood models for the three scenarios (i.e., pre-developed, Interim Post-developed and Ultimate post-developed). On 30 June 2023, Council's Waterways Team confirmed that the pre-development catchment model is conditionally approved and the post-developed interim and post-developed ultimate models are conditionally acceptable to Council, pending further review of the stormwater plans, latest architectural drawings, Flood Impact Assessment (FIA) report, and Site Flood Emergency Response Plan (SFERP) that was yet to be provided by the Applicant.

On 1 August 2023, the Applicant submitted the Flood Impact Assessment report, revised architectural and engineering drawings.

The Applicant submitted the Flood Emergency Response Plan on 16 August 2023.

No further objections were raised by Council's Waterways and Engineering sections and conditions have been recommended.

3. STRATEGIC PLANNING FRAMEWORK

3.1 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. 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). To achieve this, the Plan seeks to develop a network of 34 strategic centres, one of which is Castle Hill, and incorporates the subject site. The Plan aims to ensure economic corridors are better connected and more competitive.

The subject site is located within walking distance of the Castle Hill Station. A key objective within the Greater Sydney Region Plan which is relevant to the subject Development Application is 'Objective 10 Greater housing supply'. The Greater Sydney Region Plan highlights that providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population. The Plan also notes that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. To achieve this objective, planning authorities will need to ensure that a consistent supply of housing is delivered to meet the forecast demand created by the growing population. The proposed development is consistent with this objective as it will assist in maximising housing supply within a Precinct which will have direct access to high frequency public transport services.

The Plan also seeks to reduce exposure to natural and urban hazards such as flooding (Objective 37). To achieve this, the Plan includes strategies to avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards. The Plan also notes that District Plans will set out more detailed planning principles for addressing flood risk. Information has been provided to address flood risk and appropriate mitigation measures and can be implemented by conditions of development consent.

The development proposal is consistent with the Sydney Region Plan.

3.2. 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.

Planning Priority C5 seeks to provide housing supply, choice and affordability and ensure access to jobs, services and public transport. The proposed development will assist in increasing housing supply within the strategic centre of Castle Hill that benefits from nearby employment, services and public transport. The delivery of high-density residential development within walking distance of the Castle Hill Metro Station and major bus interchange will facilitate an increase in the choice of housing and support employment growth in Castle Hill as a strategic centre.

Planning Priority C20 seeks to adapt the impacts of urban and natural hazards and climate change with the objectives for people and places to adapt to future stresses and reduce their exposure to natural and urban hazards. The Plan notes that flood constraints exist in the areas in the district which are undergoing significant growth and redevelopment and

recommends that planning for growth in flood-prone areas, must recognise the exceptional risk to public safety and consider appropriate design measures to strengthen the resilience of buildings and the public domain in a flood event. Planning principles including avoiding intensification and new urban development on land below the current one in 100 year flood event, applying flood related development controls on land between the one in 100 year flood level and the probable maximum flood (PMF) level, provide less intensive development in areas of higher risk, avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation and applying more flood-compatible building techniques for greater resilience to flooding.

Subject to conditions requiring appropriate mitigation measures to address flood risk, the development proposal would be consistent with the Central City District Plan.

3.3. 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.

Planning Priority 8 seeks to plan for a diversity of housing with access to jobs and services. It is envisaged that the Castle Hill North Precinct would provide approximately 3,300 additional dwellings by 2036. The Castle Hill North Precinct provides for a housing diversity clause under The Hills LEP which promotes family friendly dwellings within the Precinct. The proposal meets this housing diversity clause by providing larger apartment sizes and mix and would provide for an additional 118 dwellings to the emerging precinct.

Planning Priority 20 seeks to prepare residents for environmental and urban risks and hazards. Risks associated with flooding include property inundation and health impacts associated with flood waters. The Hills contains approximately 6,450 lots with the potential to be affected by flood. Councils are required to undertake floodplain risk management studies for all flood-prone land within their local government area and adopt and implement floodplain risk management plans to address existing, future, and continuing flood risk. As the community grows in precincts such as Castle Hill North, the demand on the stormwater network increases. As the subject site is already identified as a food-controlled lot, flood planning and effective functioning of drainage systems for water capture and storage is a critical consideration in the assessment of the Development Application.

Subject to conditions requiring appropriate mitigation measures to address flood risk, the proposal would be consistent with the outcomes planned under the Hills Local Strategic Planning Statement.

4. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

These matters are further considered below.

4.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*
- *The Hills Local Environmental Plan 2019*

A summary of the key matters for consideration arising from these Environmental Planning Policies are outlined in the following table and considered in more detail below.

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	<ul style="list-style-type: none">• Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
Resilience and Hazards SEPP	<ul style="list-style-type: none">• Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Biodiversity and Conservation SEPP	<ul style="list-style-type: none">• Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
LEP	<ul style="list-style-type: none">• Clause 2.7 – Demolition• Clause 4.1 – Lot size• Clause 4.4 – Floor Space Ratio• Clause 6.3 – Servicing• Clause 7.2 – Earthworks• Clause 7.11 – Development on land within the Sydney Metro Northwest urban Renewal Corridor• Clause 7.11A – Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	Y Y N Y Y N N

State Environmental Planning Policy (Planning Systems) 2021

Part 2.4 Section 2.19(1) and Schedule 6 of SEPP (Planning Systems) 2021 declares the following development to be regionally significant requiring referral to a Regional Planning Panel: -

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

The proposed development has a capital investment value of \$51,865,000 (excluding GST) thereby requiring referral to, and determination by, a Regional Planning Panel.

In accordance with this requirement the application was referred to, and listed with, the Sydney Central City Planning Panel for determination.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment. Clause 4.6 of the SEPP states:

- 1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site Investigation has been undertaken by EI Australia. The investigation found that the site has been continuously used for low density residential purposes since 1968 and prior to this the land was used for farming (grazing) purposes. The site was free of statutory notices and licensing agreements issued under the Contaminated Land Management Act 1997 and Protection of the Environment Operations Act 1997. Visual and olfactory evidence of contamination was not encountered on any part of the site. The Conceptual Site Model to appraise the potential for contamination on the site, concluded the potential for soil and groundwater contamination was low and that the site was deemed suitable for the proposed residential development.

Council's Environmental Health Section reviewed the proposal and recommended the following be provided prior to the commencement of any works:

1. Hazardous Materials Survey is to be undertaken prior to the commencement of any demolition works;
2. Following demolition and removal of associated wastes, an inspection of the exposed surface is to be undertaken by a suitably qualified environmental consultant;
3. Compliance with the NSW EPA's Waste Classification Guidelines for all soil material designated for off-site disposal.

In this regard, if consent was granted to the development application, a condition could be imposed in the development consent to ensure that the site is suitable for the proposed development relating to land contamination and the provisions of SEPP (Resilience and Hazards) 2021.

Compliance with State Environmental Planning Policy (BASIX) 2004

State Environmental Planning Policy (BASIX) 2004 applies to the proposed development and aims to reduce the consumption of mains-supplied water, reduce emissions of greenhouse gases and improve the thermal performance of the building.

A BASIX assessment has been undertaken and indicates that the development will achieve the required targets for water reduction, energy reduction and measures for thermal performance. If development consent was granted to the application, the commitments as detailed in the amended BASIX Certificates could be imposed as a condition of consent.

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

Design Quality Principles

In accordance with Clause 30(2) of the SEPP, a consent authority in determining a Development Application for a residential flat building is to take into consideration the design quality principles. The required Design Verification Statement was prepared by Simon Parsons, registration number 6098 and Lewis Pang, registration number 10170 of PTW Architects. The Development Application has been assessed against the relevant design quality principles contained within the SEPP as follows:

Principle 1: Context and neighbourhood character

The proposal is compatible with the existing and future context and neighbourhood character of the transforming Castle Hill Strategic Centre and Castle Hill North Precinct. The character of the existing locality is comprised of existing low to medium density residential buildings, with the future desired character of the precinct zoned to encourage an increased scale of residential development adjacent to the site and higher density residential and mixed use development closer to Castle Hill Metro station.

Principle 2: Built form and scale

The proposal responds to the existing lower scale surrounds and at the same time seeks to provide a transition to the future higher and denser developments towards the south-east. Three five storey residential flat buildings with three storey terrace edge forms and six townhouses are grouped around a large central open space providing outlook and amenity for the residents. Landscaped pedestrian links connect the centre of the site with the surrounding streets. The townhouses are located to the north to maximise solar access into the site and central open space. They also achieve a variation to the generally 5-storey building edge which adds architectural diversity to the streetscape. The development provides appropriate built form and design for the site.

Principle 3: Density

The subject proposal provides 118 dwellings across the development site which will contribute to the 3,300 dwellings envisaged within the new Castle Hill North Precinct. The proposal complies with the FSR development standards under Clause 4.4, 7.11 and 7.11A of the LEP including housing diversity, unit size and mix provisions and is appropriate for the site and precinct.

Principle 4: Sustainability

The submitted information for the application has demonstrated that the proposal will achieve natural ventilation and solar access as required by the Apartment Design Guide. An BASIX certificate has been provided with the development application. The achievement of these commitment contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

Principle 5: Landscape

The plans indicate that all open spaces will be appropriately landscaped with native trees and shrubs to provide a high quality outcome. The proposed landscaping integrates with the overall appearance of the development. The centrally located communal open space includes social interaction spaces and reflective spaces. The existing tree canopy

combined with new proposed trees will provide shade and contribute to the leafy character of the area.

Principle 6: Amenity

The building and landscape design has been developed to provide for the amenity of the occupants as well as the public domain. 40% of the two bedroom and three bedroom units provide larger apartment sizes as required by Clause 7.11 of the LEP which would maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy.

Principle 7: Safety

All buildings address the street and the location of communal open space areas and pedestrian paths and through site links would assist with passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

Principle 8: Housing diversity and social interaction

The proposal complies with Council's local housing diversity provision under Clause 7.11 of the LEP and provides for 10% of adaptable units. The location of this development is within the Castle Hill strategic centre which provides a range of support services.

Principle 9 – Aesthetics

The facade articulation is balanced by a simple colour selection and repetitive elements. The buildings along the western and eastern street frontages are geometric and articulated with blades/ portals and expressed corners at either end. In contrast the building to the south and the townhouses to the north use a softer facade modulation with curved corners and finer horizontal lines. The two different architectural languages are integrated by the use a similar material palette to create an integrated development.

Apartment Design Guide

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

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	No. Approximately 2,187m ² communal open space is provided. This equates to 21.6% of the site area. Refer discussion below. The submitted solar access diagrams indicate that the centrally located principal usable part of the communal open space area of approximately 1,425m ² will receive at least 50% direct sunlight for 2 hours during midwinter.
Deep Soil Zone	7% of site area.	Yes.

	Design Guidance: On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	13% or 1,318m ² of the development area is provided with deep soil zones as defined within the ADG. Given the provision of a pedestrian link of approximately 836m ² through the site, the design guidance cannot be met.
Separation	For habitable rooms and balconies, 12m for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	No. Predominantly complies except for variations below: Building West 2 – Building South: 9m (4 storeys) Building West 1 – Town house: 7m (up to 3 storeys) Refer below for further discussion.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been duly considered with the placement of windows and balconies. Privacy screens/louvres have been incorporated to minimise direct overlooking of units facing balconies. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Car parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. (1.8) 0.9 spaces per 2 bedroom unit. (42.3) 1.40 spaces per 3 bedroom unit. (86.8) 1 space per 5 units (visitor parking). (22.4)	N/A. The site is located within 800m walking distance of the future Norwest Station. 153.3 spaces would be required utilising the RMS rate. However, 150 spaces are provided which complies with the maximum rate permitted under Clause 7.11 of the LEP.
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of	No.

	<p>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>The proposed development will achieve two hours solar access for 69.6% (78 of 112) of apartments between 9am and 3pm mid-winter. Refer discussion below.</p> <p>Yes. 5.9% or 7 units will receive no direct solar access between 9am and 3pm midwinter.</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>No. 59.8% (67 of 112) of apartments achieve compliance. Refer discussion below.</p> <p>Overall depth of all cross-through apartments are less than 18m when 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. 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 approx. 3 metres for all apartments.</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 include only one bathroom.</p>	<p>Yes.</p> <p>1 bedroom 53.94m² – 60.73m² 2 bedroom 75.68m² -112.35m² 3 bedroom 96.61m² – 148.79m²</p>

	<p>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>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>No four bedroom units in residential flat buildings proposed.</p> <p>All habitable rooms would have windows greater than 10% of the floor area of the dwelling.</p>
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p>	<p>Yes.</p> <p>All rooms comply.</p> <p>All cross-through apartments comply.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	<p>Yes.</p> <p>All primary balconies in proposed 1 bedroom, 2 bedroom and 3 bedroom units achieve compliance with the minimum area criteria.</p> <p>No.</p> <p>Whilst ground level units achieve the required area criteria, all units fronting Carramarr Road and Larool Avenue do not achieve the minimum depth of 3m.</p>
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight. However, design guidance permits no more than 12 units provided off a circulation core on a single level.</p>	<p>Yes. Complies with design guidance as a maximum 10 units provided off a circulation core on a single level.</p>

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N/A
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. The proposal is capable of achieving compliance. Refer to amendment in red under condition 1. Yes. The apartment layouts could provide for this.
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. The apartment mix accords with Clause 7.11 of The Hills LEP 2019 and is considered satisfactory.

Communal Open Space

The Apartment Design Guide requires that at least 25% of the site is to be provided with communal open space, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter. The site only provides for approximately 2,187m² communal open space which equates to 21.6% of the site area and does not comply with this control. However, the submitted solar access diagrams indicate that the principal usable part of the centrally located communal open space area of 1,425m² will receive at least 50% direct sunlight for 2 hours during midwinter.

The Applicant has provided the following justification for the variation:

Council's DCP requires a minimum of 10m² of communal open space per dwelling, resulting in a minimum requirement of 1,180m²...Whilst the proposal doesn't comply with the ADG requirement of 25%, the proposal does comply with the minimum required by the Castle Hill North DCP which has been prepared based on site specific requirements and is therefore considered suitable in this instance.

The relevant objective of the design criteria is as follows:

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

The residential development proposal comprises residential flat buildings as well as six attached terraces to the north of the site. The Apartment Design Guide (ADG) provides design guidance for apartments rather than for terraces. Council's precinct specific DCP provides controls for terraces and does not require communal open space for this land use. Instead, to cater for recreational needs of building occupants and to provide a high level of amenity for residents, the DCP requires a minimum of 16m² ground level private open space (POS) for each dwelling with a minimum dimension of 3m. Further, the proposal complies with the minimum area control of 1,120m² in the precinct specific DCP for communal open space area for the residential flat buildings. In this regard, if the land area for the terraces (approximately

1,159m²) was excluded from the “site area”, 24.4% of the “site area” would be provided as communal open space for the 112 apartments within the residential flat building component of the development.

The ADG also provides guidance that facilities within the communal open space areas are to cater for a range of age groups and suggests the incorporation of seating for individuals or groups, barbeque areas, play areas, and swimming pools and indicates that “*some communal open space is accessible and usable by the general public*”. The site is constrained by the provision of a pedestrian through site link to provide accessibility for the new precinct. This link has an area of approximately 836m². The landscape design of the communal open space and through-site link is considered to provide high quality landscaped usable space for future occupants and the general public and achieves the outcomes envisaged under the ADG. In this regard, the variation to the communal open space control can be supported.

Building Separation

The Apartment Design Guide requires that for habitable rooms and balconies, a 12m separation is required for 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys. The proposal does not comply with internal building separation as identified in the above table.

The Applicant has not identified any variations and instead indicates that “*all buildings are separated by at least 9 metres*”.

The relevant objective of the design criteria is as follows:

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

The development generally complies with the building separation criteria with the exception of the below circumstances:



Figure 3: Level 3 Floor Plan – Building West 2 and Building South

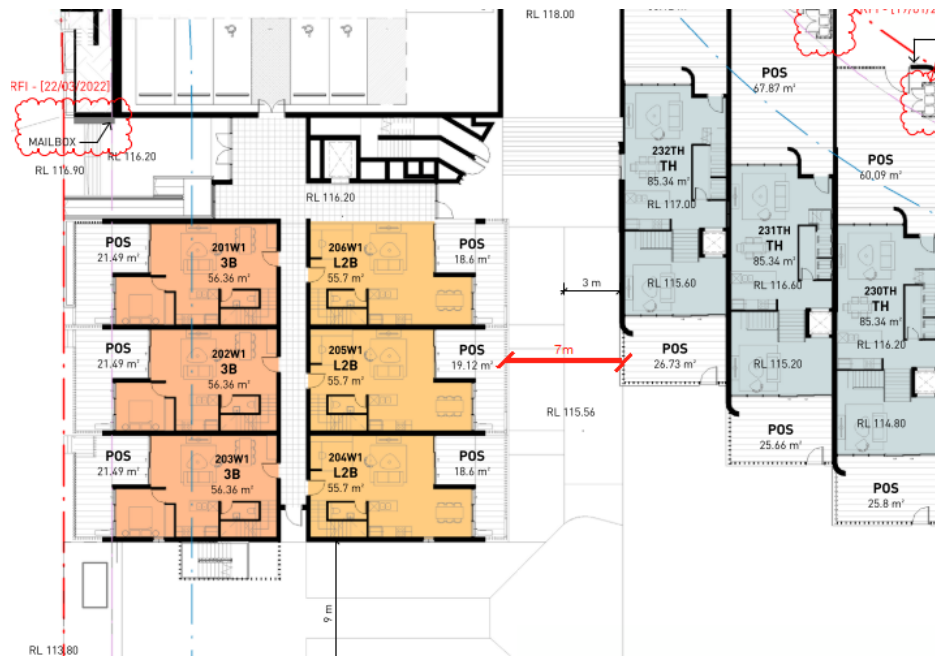


Figure 4: Level 2 Floor Plan – Building West 1 and Townhouses

To ensure reasonable levels of visual privacy is maintained in these instances, full height solid or louvred privacy screens are recommended along the western edge of the balcony of Unit 232 TH and Unit 314S. Refer amendment in red under condition 1. In this regard, the objective of the design criteria can be achieved.

Solar Access

The Apartment Design Guide requires that the living rooms and private open spaces of at least 70% of apartments in a building are to receive at minimum of 2 hours direct sunlight between 9am and 3pm at midwinter. The proposal results in 69.6% (78 of 112) of apartments between 9am and 3pm mid-winter.

The Applicant has provided the following justification for the variation:

The decision to locate townhouses along the northern site boundary increases the amenity of the central open spaces but at the same time worsens the solar access percentage as these for solar access perfectly located residences have to be excluded from the count. The development would be capable of achieving a minimum of 70% if the townhouse product would be added to the solar access count or if the townhouses would be replaced with a residential flat building.

The relevant objective of the design criteria is as follows:

- *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*

Whilst a shortfall of 0.4% of units (5 units) do not meet the solar access design criteria, it is considered that in contrast to a residential flat building to the north of the site, the three storey townhouse typologies is an appropriate design response to the site as this would optimise solar access to the central communal open space area and provide sufficient solar access to north facing apartments within the southern residential flat building. If the townhouses were included in the solar access calculation, the residential development would achieve 71.2% (84 of 118) units. The overall design optimises the number of apartments receiving sunlight to

habitable rooms, primary windows and private open space. It is considered that despite the minor numerical non-compliance, the design could achieve sufficient solar access for most residents. In this regard, the objective of the design criteria can be achieved.

Natural Ventilation

The Apartment Design Guide requires that at least 60% of apartments are naturally cross ventilated in the building. The development results in 59.8% of apartments being naturally cross ventilated.

The Applicant has provided the following justification for the variation:

The development would be capable of achieving a minimum of 61.9% if the townhouse product would be added to the cross ventilation count or if the townhouses would be replaced with a residential flat building.

The relevant objective of the design criteria is as follows:

- *The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.*

Whilst a shortfall of 0.2% of units (4 units) do not meet the cross-ventilation design criteria for the building has been designed to provide a comfortable indoor environment for future occupants through the unique design of the building. Air flow to single aspect units are maximised with appropriate apartment depths. It is noted that over 60% of the total dwellings in the residential development would be naturally cross ventilated. It is considered that despite the minor numerical non-compliance, a comfortable indoor environment is provided for most residents. In this regard, the objective of the design criteria can be achieved.

Minimum Depth of Ground Level Private Open Space

The Apartment Design Guide requires that the ground level private open space areas are to be provided with a minimum of 15m² with a minimum depth of 3m. Despite all ground level units achieving the required private open space area, all units fronting Carramarr Road and Larool Avenue do not achieve the minimum depth of 3m.

The Applicant has not identified this as a variation.

The relevant objective of the design criteria is as follows:

- *Apartments provide appropriately sized private open space and balconies to enhance residential amenity*

Units fronting Carramarr Road

The original proposal provided compliant areas and minimum depths for private open space areas within units fronting Carramarr Road. However, the design did not achieve a high level of visual amenity as retaining walls up to 1.5m in height were required to achieve the level front courtyards. See comparison below:



Figure 5: Comparison of Units fronting Carramarr Road Left: Original plans Right: Amended plans



Figure 6: Perspective indicating retaining walls on the Carramarr Road frontage with original proposal.

To provide a more suitable visual amenity outcome and respond to the human scale of the streetscape, the proposal has been amended to provide more landscaping at street level to screen the retaining walls. Refer typical section below. This has resulted in a reduced depth to portions of private open space areas. It is also noted that a condition is recommended requiring more landscaping to be provided within the front courtyards. Refer condition 1 amendment in red.

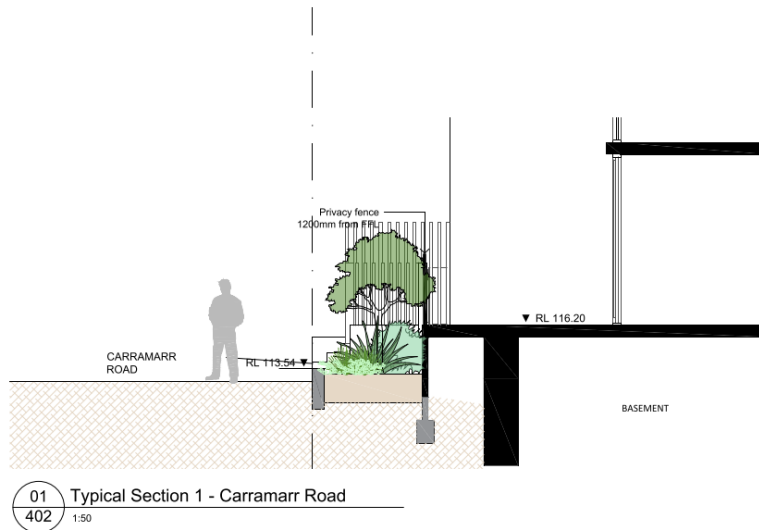


Figure 7: Section of private courtyard within Carramarr Road frontage

It is considered that despite the variation, residents of the ground level units would still have reasonable levels of amenity within the front courtyards fronting Carramarr Road, as well as utilise the communal open space are located within the development site.

The Hills Local Environmental Plan 2019

Permissibility and Zone Objectives

The land is zoned R4 High Density Residential under Local Environmental Plan 2019. The proposal comprises uses defined as follows:

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

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The proposed uses are permitted within the R4 High Density Residential zone under the provisions of LEP 2019.

The objectives of the R4 High Density Residential zone are:

R4 High Density Residential Objectives

- 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.

Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum Lot Size	4,000m ² - residential flat buildings in R4 High Density Residential 1,800m ² - Multi dwelling housing in R4 High Density Residential Therefore 5,800m ² for both residential land uses.	The site comprises an area of 10,125m ² which is more than the combined minimum lot size required for both residential land uses.	Yes
4.3 Height	The site is not subject to a maximum height standard	20.2m (maximum)	N/A
4.4 Floor Space Ratio	1:1 (base FSR)	N/A	N/A – The proposal seeks to utilise the incentive floor space ratio provision under Clause 7.11 and the bonus floor space ratio provision under Clause 7.11A. Refer to discussion below.
Clause 4.6 – Exceptions to Development Standards	Exceptions will be considered subject to appropriate assessment.	A variation to Clause 7.11A is proposed and is addressed below.	Yes, refer to discussion below.
7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	An incentive Floor Space Ratio (FSR) of 1.2:1 can be applied if the development provides a specific mix, family friendly unit sizes and parking.	The proposal provides the required unit mix and sizes and parking in accordance with the Clause.	Yes, refer below for further discussion.
7.11A Development on certain land within the Castle Hill North Precinct	A 20% bonus Floor Space Ratio (resulting in a maximum FSR of 1.44:1 for the site) can be applied if (g) in relation to land identified as “Area K” on the Key Sites Map — buildings on the land will not exceed three storeys along the Larool	The proposal results in five storey residential flat buildings with three storey terrace edges along the frontages which does not technically comply with this Clause. The Applicant has submitted a Clause 4.6	Yes, refer below to further discussion.

	Crescent and Carramarr Road frontages, and pedestrian links will be provided through the land to facilitate access between Barrawarn Place and Larool Crescent Reserve.	written submission to vary this standard.	
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Floor Space Ratio

Clause 7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor

Despite Clause 4.4, an incentive Floor Space Ratio can be applied to the development as the site is located in “Area B” of the Floor Space Ratio Mapping instrument and if the development provides a specific mix, family friendly unit sizes and parking.

The following table demonstrates compliance with this development standard.

Apartment Mix	LEP Development Standard	Proposal	Compliance
One bedroom dwellings	25% to the nearest whole number of dwellings (Maximum)	2.5% (3 of 118 units)	Yes
Three or more bedroom dwellings	20% to the nearest whole number of dwellings (Minimum)	57.6% (68 of 118 units)	Yes
Apartment Diversity	LEP Development Standard	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40%	40.4% (19 of 47 units)	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40%	45.6% (31 of 68 units)	Yes

Parking Type	LEP Development Standard	Proposal	Compliance
1, 2, 3 & 4 Bedroom	<p>The following maximum number of car parking spaces are to be provided for the development:</p> <p>0.5 car spaces for each 1 bedroom unit (1.5 spaces required)</p> <p>0.8 car spaces for each 2 bedroom unit (37.6 spaces required)</p> <p>1.3 car spaces for each 3 or more bedroom unit (88.4 spaces required)</p> <p>1 space per 5 units for visitors (23.6 spaces required)</p> <p>Maximum permissible parking: 151.1 spaces</p>	150 car parking spaces provided	Yes

The proposal complies with Council's local housing mix and diversity provision under Clause 7.11. Therefore, the incentive Floor Space Ratio of 1.2:1 or maximum Gross Floor Area (GFA) of 12,150m² can be applied to the proposed development.

Clause 7.11A Development on certain land within the Castle Hill North Precinct

As the site is also identified as "Area K" in the mapping instrument, an additional 20% bonus FSR is permitted above the incentive FSR of 1.2:1, subject to the relevant subclause provisions under Clause 7.11A(3)(g)(i) being met.

Clause 7.11A(3)(g)(i) of the LEP states the following:

"buildings on the land will not exceed three storeys along the Larool Crescent and Carramarr Road frontages, and pedestrian links will be provided through the land to facilitate access between Barrawarn Place and Larool Crescent Reserve".

The proposal comprises five storey buildings with three storey terrace edge elements along the Larool Crescent and Carramarr Road frontages which does not technically comply with the standard. Legal advice was lodged with the development application indicating that the proposal complies with this standard. Refer Attachment Q.

Council staff do not agree with the above advice and requested the Applicant to provide a Clause 4.6 written submission to vary the development standard. In the Council staff Briefing minutes dated 17 March 2022, the Panel noted the following:

The Panel has no concluded position on the disputed issue of the compliance of the proposed development with Clause 7.11A(3)(g)(i). However, if the applicant proceeds with the currently

proposed building heights, the Panel considers that it would be prudent for the applicant to submit a “without prejudice” Clause 4.6 variation request.

In response, the Applicant has provided a Clause 4.6 written submission to vary Clause 7.11A which is provided at Attachment P.

Clause 4.6 written submission

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

Clause 4.6 – Exceptions to Development Standards states:

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*
 - (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry,*

Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
- (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4,*
 - (ca) clause 6.2 or 6.3,*
 - (cb) clause 7.11,*
 - (cc) clause 7.15.*

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

- The proposed departure to the standard still meets the objective of the control under Clause 7.11A. As such, strict application of the standard is unreasonable and unnecessary in the circumstances.
- The wording of Clause 7.11A(3)(g)(i) was drafted in a way that did not reflect Council's desired outcome for the site. This is evidenced in a review of Council's assessment reports in relation to the rezoning of the Castle Hill North Precinct which articulates the intention for "Area K" to incorporate three storey terrace address along the frontages, but not limit the height of buildings to three storeys.
- The proposed building form is consistent with the Castle Hill North Precinct DCP Structure Plan, noting the site as 3 – 5 storey high density residential with a terrace edge.
- The proposed development is compliant with the floor space ratio controls for the site.
- If the intent was to limit the buildings to three storeys, it would undermine the ability to utilise the incentive FSR established under Clause 7.11A, thereby undermining the intention of the control.
- Upper-level apartments are setback an additional 5m, minimising the visual impact and scale of development across the frontages.
- The terrace edge component is three storeys and has been designed to respect the character and scale of surrounding development, with terraces having direct street address and highly articulated frontages.
- The proposal does not give rise to any unreasonable or unacceptable overshadowing impacts, with shadows cast between 9am and 3pm generally limited to the front setbacks of adjoining residential dwellings.
- The proposed form is in keeping with the desired future character of the area.

Pursuant to Clause 4.6(2) of LEP 2019, consent may be granted for development even though the development would contravene a development standard prescribed by an environmental

planning instrument. Clause 7.11A is not expressly excluded and thus the clause can be applied in this instance.

Pursuant to Clause 4.6(4)(a) of LEP 2019, consent can only be granted if the consent authority is satisfied that the applicant's written request to vary the development standard has addressed the criteria of Clause 4.6(3). The application is supported by a detailed submission addressing the provisions of Clause 4.6 of LEP 2019 (refer to Attachment P). The submission is considered regarding the criteria of Clause 4.6(3) of the LEP, as follows:

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

In accordance with the NSW LEC findings in the matter of *Wehbe v Pittwater Council*, one way in which strict compliance with a development standard may be found to be unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The objectives of Clause 7.11A Development on certain land within the Castle Hill North Precinct are:

- (a) *to promote development that prevents the fragmentation or isolation of land,*
- (b) *to ensure the provision of quality public domain and improved pedestrian and cycle connections within local or strategic centres,*
- (c) *to facilitate development that is sympathetic to the character of heritage items.*

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

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

The proposal includes the amalgamation of the entire block bound by Larool Crescent and Carramarr Road and prevents fragmentation or isolation of land. The proposal includes a pedestrian link and a continuous built form and design which would result in a consistent street edge.

The proposal provides for 118 dwellings including a combination of apartments and townhouse units within a new high density Precinct which is within the Castle Hill strategic centre and within walking distance to Castle Hill Metro and the Castle Hill Bus Interchange.

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

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

The applicant's submission indicates that the wording of Clause 7.11A(3)(g)(i) was drafted in a way that did not reflect Council's desired outcome for the site. This is evidenced by an inconsistency with the Structure Plan in the site specific DCP that envisages the site as being developed as a 3 – 5 storey high density residential development with a terrace edge. Further, the proposal complies with the maximum floor space ratio standards for the site and the upper

level elements above the three storey terrace edge have been setback an additional 5m, minimising the visual impact when viewed from the street and does not result in detrimental overshadowing impacts to adjoining properties.

It is considered that the applicant's justification for non-compliance satisfactorily demonstrates that there are sufficient environmental planning grounds to justify contravention of the maximum building height development standard. It is considered that the applicant's written request has satisfactorily addressed the requirements under Clause 4.6(3) of LEP 2019.

Under the provisions of Clause 4.6(4) of LEP 2019, consent must not be granted to a proposal that contravenes a development standard unless that proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is to be carried out. The Clause 4.6 written submission has demonstrated that the objectives of the standard are achieved as addressed above.

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

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 7.11A Development on certain land within the Castle Hill North Precinct and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Pursuant to Clause 4.6(4)(b) of LEP 2019, development consent must not be granted to a development that contravenes a development standard unless the concurrence of the Secretary has been obtained. In accordance with Planning Circular PS18-003 (dated 21 February 2018) issued by the NSW Department of Planning, the Secretary's concurrence may be assumed in this instance as the application relates to a development standard within an EPI that adopts Clause 4.6 of the Standard Instrument. In this regard, if development consent was granted to the application, it is taken that the concurrence of the Secretary has been obtained.

Subject to the support of the Clause 4.6 written submission, the incentive and bonus FSR provisions can be applied under Clause 7.11 and 7.11A of the LEP. This permits a maximum FSR of 1.44:1 or maximum GFA of 14,580m² for the site. In accordance with the LEP definition, the proposed development provides a total Gross Floor Area of 14,580m² which results in a Floor Space Ratio of 1.44:1 for the subject site.

Flood Planning

Clause 5.21 Flood Planning of the LEP prescribes the following:

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

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

- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—*
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
 - (b) the intended design and scale of buildings resulting from the development,*
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.*

The objectives of Clause 5.21 are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The Development Application has demonstrated that the following flood planning provisions under this Clause have been satisfied:

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

The site is identified as flood prone land as an overland flow path exists along the southern-most corner of the site. An area of approximately 41 ha forms the upstream catchment resulting in overland flow conveyed generally within the Larool Crescent formation. 100 Year ARI flows within the southern Larool Crescent formation generally create High Hazard conditions.

The plans for the development include this overland flow path through a portion of the eastern building in the southern-most corner of the site. The Applicant has provided hydrologic and hydraulic modelling of overland flows within the catchment based on Council's original post-developed DRAINS model that considered catchment-wide drainage asset upgrading works. The Applicant submitted the Interim Post-developed DRAINS and TUFLOW flood models for the three scenarios (i.e., pre-developed, interim post-developed and ultimate post-developed), Flood Impact Assessment report, Flood Emergency Response Plan, and revised architectural and engineering drawings. The information submitted indicates that the development does not result in a net loss in flood storage and flood level impacts are minimal. It is considered that the development is compatible with the flood function and behaviour on the land.

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

As above, the information submitted indicates that the development does not result in detrimental increases in the potential flood affectation of other downstream development or properties as the net loss in flood storage and floor level impacts are minimal.

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

As above, the submitted information indicates that during the 100 Year ARI flood event, reliable pedestrian access via the pedestrian link access to the northern part of Larool Crescent, and from Carramarr Road is available to and from the site and reliable access and egress for emergency services will be available to the site and its occupants.

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

A flood emergency response plan has been submitted with the development application which incorporates appropriate measures to manage risk to life in the event of a flood including preparing for a flood, responding when a flood is likely, responding during a flood and recovery after a flood.

The basement car park entry ramp will provide a minimum crest level of FPL3 level and during the 1% AEP design flood event, occupants of the site will not have vehicular access to the proposed driveway entrance for 30 minutes. All habitable residential levels have been design at or above the FPL3 level.

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

Subject to recommended condition 46 requiring sediment erosion controls, it is envisaged that the development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or reduce the stability of riverbanks or watercourses.

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

Impacts on flood behaviour arising from climate change were considered in the pre and post flood model. It was concluded that the development would not result in detrimental impact on projected changes to flood behaviour because of climate change.

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

The flood modelling has determined the building extents and levels. The basement car park entry ramp will provide a minimum crest level of FPL3 level and Flood Planning Levels for residential dwellings will be at or above FPL3 as follows:

- Building E – FFL 110.7m AHD
- Building S – FFL 110.0m AHD
- Building W2 – FFL 109.0m AHD
- Building W1 – outside the Flood Planning Area

- Building TH – outside the Flood Planning Area

Subject to recommended conditions 10, 11 and 37 the design and scale of buildings are consistent with the findings of the flood modelling and ensure minimal flooding impacts will occur to the site and surrounding properties.

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

A flood impact assessment and site flood emergency response plan has been provided which has assessed the risk of development and incorporates sufficient measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood.

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

The potential to modify the buildings resulting from development if the surrounding area is impacted by flooding could occur however due to the proposed flood mitigating measures to be incorporated in the design of the building, this is likely to be unnecessary.

Overall, the proposal has demonstrated that appropriate and sufficient flood and stormwater measures have been considered and conditions have been recommended to ensure no adverse flooding impacts result from the proposal. Accordingly, the subject proposal is satisfactory in relation to the provisions of Clause 5.21 of the LEP.

4.2 Section 4.15(1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

4.3 Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2012:

- Part B Section 2 Residential
- Part B Section 5 Residential Flat Building
- Part B Section 10 Medium Density Residential (Terraces)
- Part C Section 1 Parking
- Part C Section 3 Landscaping
- Part D Section 20 Castle Hill North

Some standards such as density, number of storeys, unit mix, sizes and parking are superseded by the site-specific provisions in the LEP under Clause 7.11 and 7.11A. In the event of any inconsistency between Part D Section 20 Castle Hill North and any other Section of the DCP, the provisions of the site-specific Section shall prevail to the extent of the inconsistency.

The proposed development achieves compliance with the relevant requirements of the development controls except for the following:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part D Section 20 Castle Hill North Precinct – Residential Flat Buildings			

Site Coverage	<p>The site coverage of future development shall not exceed 50% of the site area (excluding land to be dedicated or acquired or a public purpose).</p> <p>Note: Determination of site cover includes driveways, footpaths and other impervious surfaces.</p>	<p>Maximum Permitted: 5,062.5m² (50%)</p> <p>Proposed: 5,575m² (55%)</p>	No. Refer to discussion below.
Landscaping	<p>A minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) shall be landscaped. Terraces and patios within 1m of natural ground level shall be included in the calculation of landscaped open space.</p>	<p>Minimum Required: 5,062.5m² (50%)</p> <p>Proposed: 2,316m² (22.9%)</p>	No. Refer to discussion below.
Built Form Design	<p>Buildings are to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection.</p>	<p>The building length of Building E is maintained to 68m.</p>	No, however façade is separated by a significant recess. Refer discussion below.
Residential Uses on Ground and First Floors	<p>Ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm.</p>	<p>The proposed ground floor units of Buildings W1, W2, S and E elevated < 300mm or >600mm as measured from the adjacent street level.</p>	No, however could be supported. Refer discussion below.
	<p>Soft landscaping to the front of the terrace is to be a minimum of 40% of the setback area, contiguous, and a minimum of 2m in any direction</p>	<p>The units fronting Larool Crescent (east) do not comply with this control.</p>	No, however could be supported subject to additional landscaping condition. Refer discussion below.
Part D Section 20 Castle Hill North Precinct – Terrace Housing			
Building Setbacks	<p>Buildings are required to comply with Figure 31 Street setbacks Map and Table 6 Setbacks – Terrace Housing</p> <p>4m to front building line for the third storey</p>	<p><4m setback to front building line for third storey</p>	No, however terraces form part of a mixed use residential development and the 1 st and 2 nd storey are setback 9m from front

			property boundary which exceeds the 3m setback provision. Refer discussion below.
Storage	For strata developments, a minimum of 10m ³ storage space is to be provided for each dwelling in either a lockable garage or a basement. Storage areas shall have a minimum base of 5m ² and minimum width of 2m	No storage indicated on plans or schedule provided.	No, however capable of achieving compliance with ADG requirements. Refer amendment in red under condition 1.

Part D Section 20 Castle Hill North Precinct

Residential Flat Buildings in the Castle Hill North Precinct

Site Coverage and Landscaping

The DCP requires site coverage of future development not to exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose) and that a minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) is be landscaped.

In accordance with the DCP definitions, the proposal results in a site coverage of 55% or 5,575m² or 22.9% (2,315.79m²) landscaped open space.

The Applicant has provided the following justification for the variation:

Site Coverage

The proposed development seeks consent for a development with a site coverage of 5,575m², or 55% of the total site area. This represents a minor variation of 5%. Whilst the proposal slightly exceeds the maximum site coverage, the development provides a suitable outcome through balancing compliance with the objectives of the R4 zone, a high-quality landscaped outcome and provision of a through site public pedestrian link which is excluded from a site coverage calculation. It is worth noting if the through site pedestrian link was not provided, the development would be compliant with the maximum site coverage permitted. Further to the above, the calculation includes all elevated pathways and the area above the basement entry which will be landscaped. On this basis, the proposed development achieves the overall intent of the control through minimising the visible footprint of the development and maximising the opportunities for open space and landscaping on the site.

Landscaping

The proposed development provides a total of 2,939m² of the site as landscaped area, equating to 29.03% of the total site area. Whilst the proposal does not comply with the minimum of 50%, the proposal provides a suitable landscaped outcome through the provision of a high quality landscaped central courtyard for residents, as well as a

landscaped streetscape with street trees, shrubs and low-level planting to minimise the built form appearance at street level. Further to the above, compliance with the minimum landscaped area would likely be achieved in the event the pedestrian link would not be required. Provision of the pedestrian link accounts for a large area of land within the site that cannot be included as landscaped area. It is considered the development achieves the overall intent of the landscaped area through provision of a high-quality landscaped development from the A total of 2,245.23m² of the site is provided as communal open space, which equates to 19m² per dwelling. All communal open space is located at ground level. The proposal complies with the minimum communal open space area.

The relevant objectives of the controls are as follows:

Site Coverage

- To provide sufficient space for landscaping that will complement the building form and enhance the landscape character of the street.

Landscaping

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

The DCP requires the provision of a through site pedestrian links within the site to enhance connectivity and walkability for the new precinct. The proposed pedestrian link comprises an approximate area of 836m² which is 8.3% of the site area. Refer to figure below. This has been included in the site coverage and excluded from the landscape open space calculation.

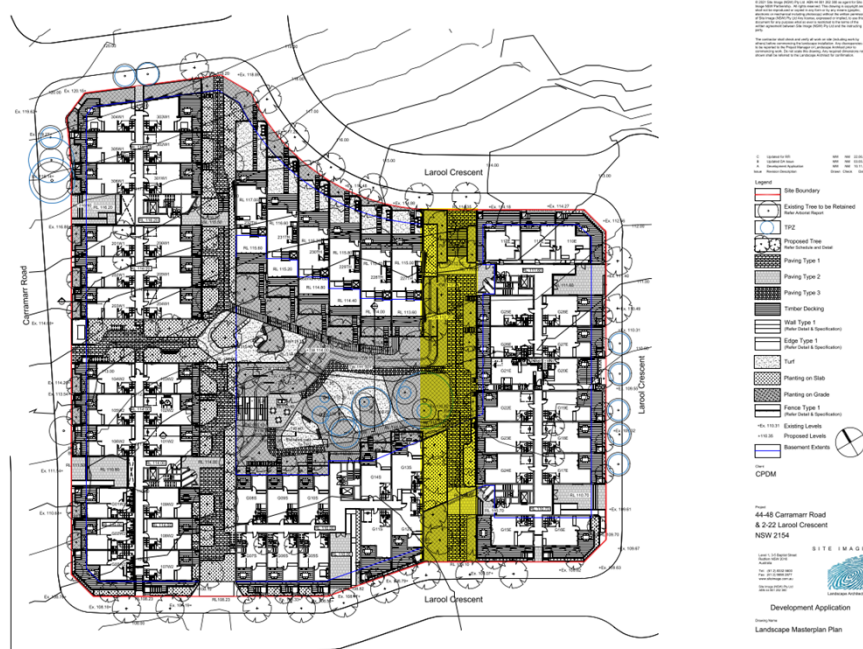


Figure 9: Pedestrian through site link shaded in yellow.

As discussed in Section 4.2 of the report, the ADG indicates that *some communal open space is accessible and usable by the general public*. The landscape design of the communal open space and through-site link is considered to provide high quality landscaped usable space including social interaction spaces and singular, reflective or reading spaces. These spaces would provide future occupants and the general public a high level of amenity. The landscape plans have also been updated to be consistent with the stormwater plans.

In this regard, the landscape design of the communal open space provides sufficient landscaping to meet the objectives of the site coverage control.

Built Form Design

The DCP requires buildings to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection. The eastern building comprises a maximum length of 68m and does not comply with this control.

The Applicant has provided the following justification for the variation:

The DCP states that a maximum length of a building is 40m or where a building exceeds 40m it is to have an appearance of 2 distinct building elements with individual architectural expression and features. In response to Council's comments, the Architectural Plans have been updated to reduce the appearance of the length of Building E by creating a break in the façade of the building and use of an open void style feature. The amended design gives the appearance of two separate buildings when viewed from various points along Larool Crescent, as illustrated below.



The built form has been split into two distinct elements with a break in the building to meet the objectives of the control. Architectural plans have been updated to include details of the northern elevation of BW1 – refer to extract below.



The relevant objectives of the control are:

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

Despite the variation of 3m to the maximum building length, the eastern building has been amended to provide a more defined indentation to distinguish the two facades as highlighted in the below plans, elevation, and above perspective. It is considered that the amended design is well articulated, breaks up the mass of the building into two forms and the use three storey framing elements on the bottom levels juxtaposed with contrasting external finishes and colours provides a positive streetscape outcome and achieves a high-quality architectural design. In this regard, the variation can be supported in this instance.

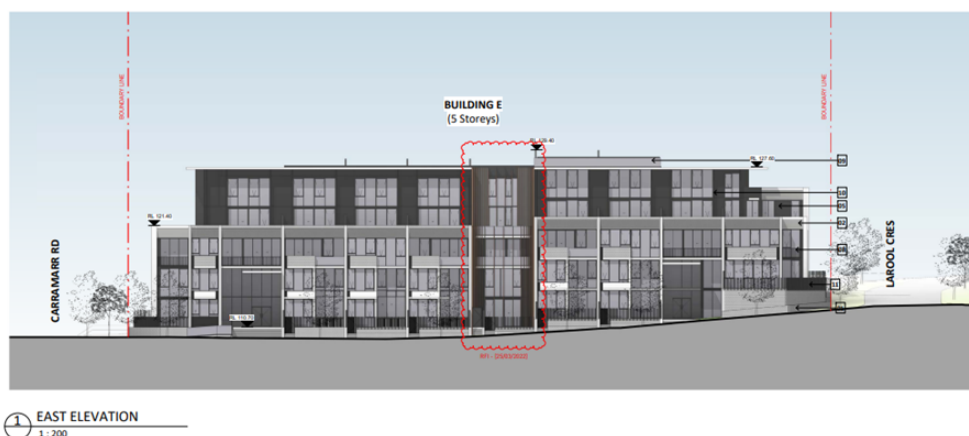


Figure 10: Elevation indicating revised indent to eastern building.



Figure 11: Plan indicating revised indent to eastern building.

Residential Uses on Ground Level

The DCP requires ground floor residential apartments be elevated from the street level by a minimum of 300mm and a maximum of 600mm. The proposal results in the ground floor units of the western buildings (W1, W2), southern and eastern buildings elevated 600mm above the adjacent street level.

The DCP also requires soft landscaping to the front of the terrace is to be a minimum of 40% of the setback area, contiguous, and a minimum of 2m in any direction. This has not been provided for ground level apartments within the southern and eastern buildings and to the Unit G03 in the western 2 building.

The relevant objectives of the control are:

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

Given the site fronts four streets, a key consideration of the development is the architectural treatment of the buildings at its interface to the streets. The desired future character of the area under the DCP envisages *terrace edge streetscapes characterised by 'tree lined streets with soft landscape treatments within the front setback areas of terraces to soften the interface of the built form with the public realm'*.

The original proposal as lodged included brick retaining walls up to 3m in height abutting the front property boundaries which is inconsistent with this character statement. To respond to concerns raised by Council staff, the application has been amended to include a tiered planter box arrangement and more landscaping at street level to screen the retaining walls. Whilst this provides some improvement to soften the interface of the built form, further landscaping is required to achieve the objectives of the control and meet the desired future character statement.

Council's Landscape Assessment Officer recommends additional trees be planted in the garden beds along the Carramarr Road frontage and further hedges and groundcovers be provided within the front courtyards facing Larool Crescent south and east and in Unit G03 located in the western building. The additional landscaping is marked in red in the below plans.



Figure 12: Plan indicating additional landscaping along Carramarr Road frontage

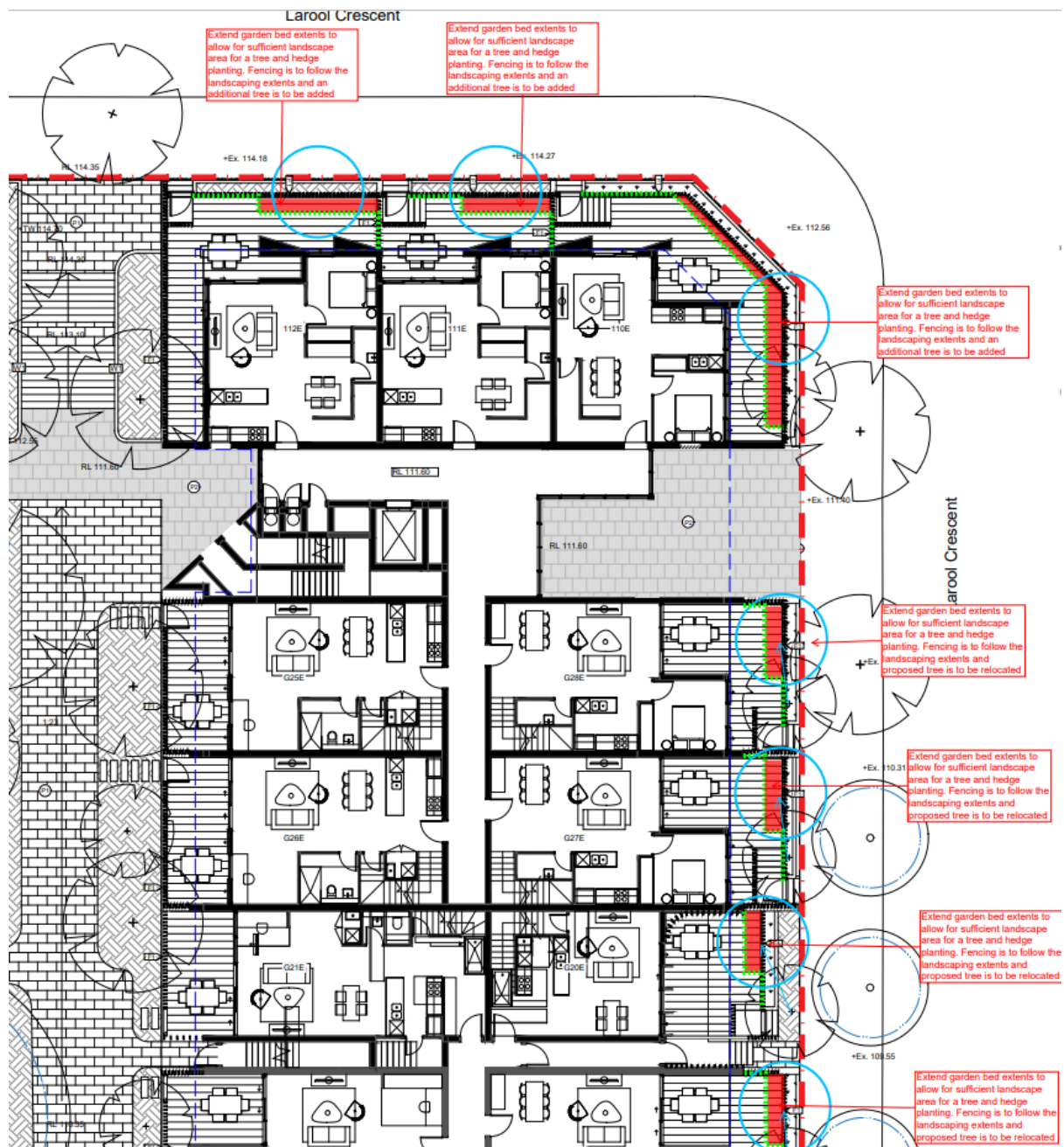


Figure 13: Plan indicating additional landscaping along Larool Crescent

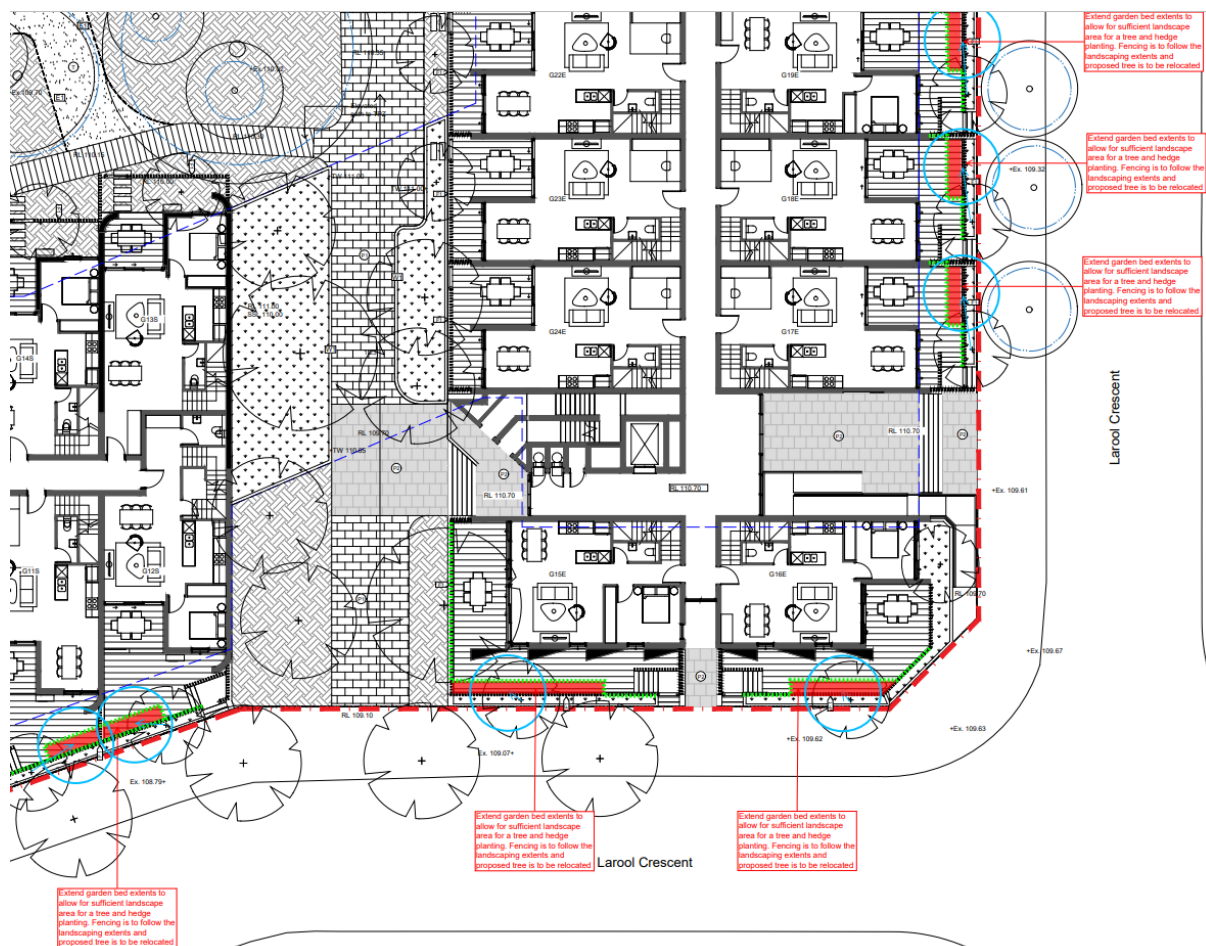


Figure 14: Plan indicating additional landscaping along Larool Crescent

The additional landscaping to the front courtyards is recommended as a condition of consent. Refer to amendment in red under condition 1. Subject to this condition, the proposal would provide high quality landscaping for residential ground floor units fronting the street and would meet the objectives of the control.

Terraces in the Castle Hill North Precinct

Building Setbacks

The DCP requires buildings to comply with Figure 31 Street setbacks Map and Table 6 Setbacks – Terrace Housing which requires a 3m front setback and a 4m setback to the front building line for the third storey. Due to the irregular shape of the northern boundary, the proposal provides an 8m to 18m front setback and further 2m setback to the front building line for the third storey.

The relevant objectives of the control are:

- *Developments contribute to an attractive and diverse neighbourhood that is characterised by tree-lined streets, high quality landscaping and innovative building design.*
- *To provide strong definition to the public domain and create a consistent streetscape.*
- *To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation within the development and adjoining neighbours.*

It is considered that strict compliance with the setback for terraces is not suitable for the mixed-use residential development which is on a separate consolidated “island” site. Whilst the structure plan in the DCP envisages all buildings on the site to be developed as 3 to 5 storey residential flat building, the three storey terrace typology along the northern frontage is an appropriate design response to the site, providing a well-articulated façade and a large quantum of high-quality landscaping. In contrast to a five-storey residential flat building, the three storey terraces would optimise solar access to the central communal open space area and provide improved amenity outcomes for north facing apartments in the southern residential flat buildings. The variation to this control is supported in this instance.

4.4 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

4.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions have been considered and addressed in the draft conditions (where necessary).

4.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

4.7 Section 4.15(1)(c) - Suitability of the site

The Site has been zoned for a high density urban development. The proposed development is consistent with the Masterplan approval and Council's previous approvals and is suitable development of the site consistent with the zone objectives.

The proposal will provide for essential housing consistent with the intended outcomes for the area, responds to the site characteristics and is considered to be a suitable development for the proposed lot.

4.8 Section 4.15(1)(d) - Public Submissions

The submissions are considered in Section 5.3 of this report.

4.9 Section 4.15(1)(e) - Public interest

The development provides a suitable density of housing within an area that has been rezoned for higher density residential development and is located within a strategic centre with access public transport and recreational facilities. The proposal has been designed to be in generally in accordance with the controls for the emerging Castle Hill North Precinct and is in the public interest.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals

The development application has been referred to Sydney Water and Endeavour Energy for comment/referral as required by the EP&A Act. There are no outstanding issues arising from these referral requirements subject to the imposition of recommended conditions if development consent was granted for the application.

5.2 Council Referrals (Internal)

The development application has been referred to the following sections of Council:

- Waterways
- Engineering
- Traffic
- Tree Management/Landscaping
- Resource Recovery
- Environmental Health
- Land and Spatial Information
- Developer Contributions

All previous concerns raised have been resolved and conditions of development consent have been recommended. This is detailed under the Background heading of this report under Section 2.2.

5.3 Community Consultation

The proposal was notified in accordance with the DCP. A total of five unique submissions, were received. The issues raised in these submissions are considered in the Table below.

ISSUE/OBJECTION	COMMENT
Traffic and Parking	
If the development is approved, existing traffic congestion will worsen on Carramarr Road and Castle Street.	<p>A Traffic Report was submitted with the application and reviewed by Council's Senior Traffic Engineer who noted the following:</p> <p><i>The Roads and Traffic Authority Guide to Traffic Generating Developments 2002 indicates that the proposed development may generate 22 AM peak hour movements. Because of its location within walking distance of the Castle Hill Metro, even if there is a significant number of additional</i></p>

ISSUE/OBJECTION	COMMENT
	<i>trips generated by this project, the change from 14 existing houses to 118 units should be accommodated within the existing road network. In this regard, no objections are raised.</i>
The road widening on Castle Street should occur before this development is approved.	Whilst this would be ideal, fragmented land ownership within the Castle Hill North Precinct does not permit any control of the timing and delivery of developments.
Council and the roads authorities have not done enough to supply the infrastructure to cope with this increase in traffic. They let developments build right up to the boundaries with no thought to widen any of the roads.	<p>The site is located within a strategic centre as identified under the NSW Government's Sydney Region Plan. The traffic and infrastructure impacts for the Castle Hill North Precinct was considered at the planning proposal stage.</p> <p>It is noted that Section 4.1 Movement Network and Design of Part D Section 20 Castle Hill North Precinct and Contributions Plan No. 17 Castle Hill North details the infrastructure works required and funding mechanism to facilitate road network upgrades to cater for the anticipated growth in the Castle Hill North Precinct.</p>
Insufficient street parking will be available if the development is approved.	The proposal complies with the maximum parking provisions permitted under Clause 7.11 of The Hills LEP and Council's DCP. The proposal is consistent with the aims of the Sydney Region Plan and Central City Plan which is underpinned by the principles of transit-oriented development.
Street access may be blocked for long periods of time during the building process.	A standard condition of development consent is recommended requiring the submission of a Traffic Control Plan to ensure that the traffic of construction vehicles are effectively managed. Refer condition 55.
Height and Setbacks	
The proposed height limit for most of the buildings in the development exceeds the height designated in the current zoning for Larool Crescent. Does this set a precedent for future development applications for land zoned R4 in this area?	The site does not contain a maximum height standard under Clause 4.3 of the LEP. The Castle Hill North Precinct was rezoned by the Department of Planning and Environment without a maximum height standard. The DCP provides a guide on the maximum number of storeys envisaged under the structure plan. The subject site is envisaged to be 3-5 storeys. The proposal is consistent with the structure plan.
The 3m front setback for the residential buildings is too close to the neighbours opposite and would result in noise impacts and overshadowing concerns.	The proposal complies with the site specific DCP front setback control of 3m. The proposal also complies with the solar access controls under the DCP. Noise concerns are address in the below section.

ISSUE/OBJECTION	COMMENT
Terraces	
<p>Permissibility within the zone streetscape impacts and setback for terraces which should be 10 meters to street frontage, and 3m to front building line.</p>	<p>The site is located within an R4 High Density zone under The Hills LEP 2019. Multi dwelling housing is permitted in the zone with development consent. The proposal is a unique mixed use residential development that comprises multi dwelling housing in the form of terraces and residential flat buildings. The setbacks provided for the terraces are more than the requirements under the DCP.</p>
Privacy	
<p>The DA proposes, a 5-storey flat building to be constructed in the north corner of the development site, which is only metres away from 35 Larool Crescent and will without any doubt overlook our yard and dwelling house. If the DA is to proceed, we will be deprived of the adequate level of privacy we are entitled to living at our family home. This is utterly unacceptable.</p>	<p>3-5 storey residential flat buildings are envisaged on the site under the Castle Hill North structure plan in the DCP. The structure plan also envisages that the developments to the north of Larool Crescent (north) and east of Barrawarn Road would be redeveloped as three storey terraces.</p> <p>The built form directly facing 35 Larool Crescent comprises 3 storey terrace housing that is set back approximately 12m - 18m from the front property boundary. This setback is further than the existing dwellings on the site. The residential flat building on the north western corner of the site has been designed with angled blade elements that frame views and redirects views away from adjoining properties.</p>
Noise and Air Pollution	
<p>With an increase in density and traffic, concern is raised regarding noise impacts from significantly more cars passing through Larool Crescent. The situation will be made even worse if a pedestrian link is to be established directly facing 35 Larool Crescent.</p>	<p>An acoustic report was submitted with the application and reviewed by Council's Environmental Health Officer. Council's Environmental Health Team raised no objection to the proposal, and has recommended conditions of development consent requiring ventilation systems / basement carpark exhaust be treated to minimise noise so that the noise is not more than 5dB above the background noise level when measured at the boundary of any neighbouring premises or at the window or balcony of any unit within the site. Refer conditions 19 and 101.</p> <p>It is noted that the location of the pedestrian link is consistent with the indicative network and hierarchy map under the site specific DCP for the Castle Hill North Precinct. Recommended condition 101 requires an acoustic assessment be provided should any offensive noise complaint be received and verified by Council staff.</p>

ISSUE/OBJECTION	COMMENT
Will the noise levels be over the maximum levels before and after construction?	Council's Environmental Health section have raised no objection to the proposal, subject to recommended conditions to mitigate noise impacts. Refer conditions 76, 77 and 101.
During the demolition and construction stage, there is likely to be construction noise, vibration, and potential damage to dwelling structures suffered by neighbouring properties.	<p>Conditions 76 and 77 would ensure construction noise is mitigated.</p> <p>The development is located within an 'island site' and is bounded by Larool Crescent and Carramarr Roads. There would be no adjoining neighbours directly impacted within the likely zone of influence from any excavation, dewatering or construction induced vibration.</p>
<p>While the development application says any hazardous material will be removed according to appropriate guidelines, lot of the houses to be removed are older and will most likely have hazardous material such as asbestos. As neighbours will we be notified as to when date/time that hazardous material will be removed will be happening during the demolition process?</p> <p>What reassurances will we have that is been done properly, does someone from the council have to oversee it etc or do we just have to trust this is been done properly?</p>	<p>The following conditions have been recommended in the development consent:</p> <p>Condition 60 - Prior to the commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of works.</p> <p>Condition 65 - 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.</p> <p>Condition 73 - 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</p>

ISSUE/OBJECTION	COMMENT
	<p>the Principal 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.</p> <p>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 Principal Certifying Authority.</p> <p>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.</p>
Decrease in land value of adjoining properties.	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and there is no evidence to substantiate this view.
Why does this development have to be grey? I realise this is beyond your remit but I am tired of all the grey buildings being erected in The Hills. The area is coming to have a "Soviet sameness".	The proposal incorporates a range of colours and finishes which is considered consistent with the desired future character of the area.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a detailed assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the applicant's Clause 4.6 written request to vary Clause 7.11A development standard of The Hills LEP 2019 can be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable and unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

Approval is recommended subject to conditions, refer Attachment A.

7. RECOMMENDATION

That the Development Application DA No 866/2022/JP for a Residential Flat Building Development containing 118 dwellings 2 - 22 Larool Crescent and 44 - 50 Carramarr Road, Castle Hill be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A.

It is recommended that the applicant's Clause 4.6 written request to vary Clause 7.11A development standard of The Hills LEP 2019 is supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as technical compliance with the standard is unreasonable or unnecessary in this instance and the proposal results in a better environmental planning outcome as outlined in this report. Further, having regard to Clause 4.6(4), the development is consistent with the objectives of the standard and the objectives for development within the zone and is therefore in the public interest.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: Zoning Map
- Attachment E: Clause 4.4 FSR (Base) Map
- Attachment F: Clause 7.11 FSR (Incentive) Map
- Attachment G: Clause 7.11A FSR (Bonus) Map
- Attachment H: THDCP Part D Section 20 Castle Hill North Structure Plan
- Attachment I: Site Plan
- Attachment J: Floor Plans
- Attachment K: Elevations
- Attachment L: Landscape Plans
- Attachment M: Shadow Diagrams
- Attachment N: Finishes Schedule
- Attachment O: Perspectives
- Attachment P: Clause 4.6 Written Submission
- Attachment Q: Applicant's Legal Submission regarding Clause 7.11A of the LEP

ATTACHMENT A – DRAFT CONDITIONS OF CONSENT

GENERAL MATTERS

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

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

The amendments in red include: -

- Additional landscaping to be provided for all front courtyards.
- To ensure adequate storage is provided, storage volumes are to be provided as required:
 - 1 bedroom units are to be provided with 6m³,
 - 2 bedroom units are to be provided with 8m³,
 - 3 bedroom units are to be provided with 10m³,

Where at least 50% of the required storage space must be allocated within the apartment. The remaining storage volumes are to be located within the basement.

- To ensure reasonable levels of visual privacy is maintained in these instances, 1.8m high privacy screens are recommended along the western edge of the balcony of Unit 232 TH and Unit 314S.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	REVISION	DATE
DA-00-0200	Demolition Plan	C	30/03/2022
DA-00-0500	Site Plan	C	24/01/2022
DA-10-0100	Basement Plan	E	18/07/2023
DA-10-0101	Ground Floor Plan	D	05/07/2022
DA-10-0102	Level 01 Plan	C	05/07/2022
DA-10-0103	Level 02 Plan	D	05/07/2022
DA-10-0104	Level 03 Plan	C	05/07/2022
DA-10-0105	Level 04 Plan	C	05/07/2022
DA-10-0106	Level 05 Plan	C	05/07/2022
DA-10-0107	Level 06 Plan	C	05/07/2022
DA-10-0108	Level 07 Plan	C	05/07/2022
DA-10-0109	Roof Plan	C	05/07/2022
DA-20-0100	East & South Elevations	E	18/07/2023
DA-20-0200	North & West Elevation	C	05/07/2022
DA-20-0300	Internal Courtyard	C	05/07/2022
DA-20-0400	Internal Courtyard	C	05/07/2022
DA-30-0100	Section 01 & 02	C	05/07/2022
DA-30-0200	Section 03 & 04	C	05/07/2022

DA-40-0100	Perspective 01	C	05/07/2022
DA-40-0101	Perspective 02	C	05/07/2022
DA-40-0102	Perspective 03	C	05/07/2022
DA-40-0103	Perspective 04	C	05/07/2022
DA-40-0104	Perspective 05	C	05/07/2022
DA-40-0200	Material Palette	C	05/07/2022
DA-50-0100	Driveway Profile Ramps 01	D	05/07/2022
DA-50-0101	Driveway Profile Ramps 02	D	05/07/2022
DA-50-0102	Loading Dock Section 3-3	C	05/07/2022
DA-50-0200	Ground Floor Planter Box	B	05/07/2022
DA-50-0201	Planter Box Details	B	05/07/2022
DA-50-0400	Carpark Ramp & Landscape Details	B	05/07/2022
DA-50-0401	Townhouse's Landscape Details	B	05/07/2022
DA-50-0402	Skyhouse's Landscape Details	C	05/07/2022
DA-50-0403	Western Planter Boxes	A	25/10/2022
SS21-4785 100	Tree Removal Plan	D	28/07/2023
SS21-4785 200	Landscape Masterplan	D	28/07/2023
SS21-4785 231	Typical Plan Level 3	D	28/07/2023
SS21-4785 251	Typical Plan Roof	D	28/07/2023
SS21-4785 301	Landscape Softworks Plan 1	D	28/07/2023
SS21-4785 302	Landscape Softworks Plan 2	D	28/07/2023
SS21-4785 303	Landscape Softworks Plan 3	D	28/07/2023
SS21-4785 304	Landscape Softworks Plan 4	D	28/07/2023
SS21-4785 305	Landscape Softworks Plan 5	D	28/07/2023
SS21-4785 401	Landscape Sections	C	22/06/2022
SS21-4785 402	Landscape Sections	C	22/06/2022
SS21-4785 500	Landscape Specification Notes & Plant Schedule	D	22/06/2022
SS21-4785 501	Landscape Details	C	22/06/2022
SS21-4785 502	Landscape Details	C	22/06/2022
DA00-0500 & DA10-0101 & DA10-0107	Street/Unit Numbering Plans 8 Pages – for numbering purposes only)	A	5/11/2021

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

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or a Registered Certifier.

Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

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 as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

4. External Finishes

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

5. Tree Removal

Approval is granted for the removal of seventy-nine (79) trees numbered 1-21, 23-34, 36-44, 50-75, 77, 83-87 and 95-99 as detailed in the Arboricultural Impact Assessment prepared by Australis Tree Management dated 5/11/21.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

6. Planting Requirements

All trees planted as part of the approved landscape plan pursuant to Condition 1 of this consent are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes. Any species that need substituting requires confirmation from Council.

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

- 1.2m for large trees, 1m for medium trees and 800mm for small trees.
- 500-600mm for shrubs
- 300-450mm for groundcovers; and
- 200mm for turf.

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

7. Separate Application for Strata Subdivision

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

8. 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.

9. 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
- Flood Investigation Report for 2 - 22 Larool Crescent and 44 - 48 Carramarr Road, Castle Hill, prepared by ACOR Consulting (CC) Pty Ltd, July 2023.

Where conflict exists the Australian Standard must be used.

The following must be provided:

- The driveway profile must be consistent with the approved set of architectural drawings that is designed to the flood protection design standards.
- 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.

10. Finished Floor Level – Flooding – Flood Protection

The finished floor level of the structures adjacent to the floodway (southern Larool Crescent) are to be no lower than Flood Planning Levels (FPL).

The Flood Planning Levels (FPL) must be 500mm above the flood contours on the Post-Development (Ultimate) 100year ARI Flood Depth and Level Plan Job No. GO1570722 Sheet F41 Revision 5 dated 27/07/2023, attached to the approved Flood Investigation Report dated 28/07/2023 prepared by ACOR Consultants.

11. Flood Risk Assessment and Site Flood Emergency Response Plan

A Flood Risk Assessment for the development activities including internal and external to the site based on the flood hazard identified in the Flood Investigation Report must be provided with the construction certificate documentation to the Principal Certifying Authority and to Council.

The Flood Emergency Response Plan (FERP), a detailed report prepared in accordance with Part C Section 6 – Flood Controlled Land of Council's DCP consistent with the relevant NSW SES "FloodSafe" Guide must be implemented during all stages of the development including during construction and occupation.

The Flood Risk Assessment Plan must be kept on site and implemented during construction.

12. 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.

13. Compliance with Endeavour Energy requirements

Compliance with the requirements of Endeavour Energy as outlined in their letter dated 8 December 2021 uploaded on the NSW Planning Portal and attached to this consent.

14. Public Domain Plan

All elements of the Public Domain Plan – Castle Hill North Precinct must be complied with for all four site frontages including the section of Carramar Road, and northern, eastern and southern sides of Larool Crescent fronting the development.

Landscape and Street Trees:

With respect Street trees, they are to be spaced between 7m and 10m apart unless the public domain plan requires else. 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 a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

Streetlights

Streetlights must be consistent to the Public Domain Plan across all four street frontages of the development.

Footpath Paving

Footpath Treatments must comply with the type of Paving Treatment 2 illustrated on the Public Domain Plan.

15. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

16. 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.

17. Engineering Works Approval

Before any works are carried out a Engineering Works Certificate must be obtained and a Principal Certifier appointed. The plans and accompanying information submitted with the Engineering 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.

18. Air Conditioner Location

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

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

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

19. Acoustic Requirements

The recommendations of the DA Acoustic Report for 2-22 Larool Cres & 44-50 Carramarr Road, Castle Hill prepared by PKA Acoustic Consulting referenced as 12166 R01v1, dated 2 November 2021 and submitted as part of the Development Application are to be implemented as part of this consent. In particular the recommendations made within section 5.0 of the subject report.

20. Contamination Requirements

The recommendations of the Preliminary Site Investigation for 2-22 Larool Cres and 44-48 Carramarr Rd, Castle Hill prepared by EI Australia referenced as E25301.E01_Rev0 dated 24 September 2021, and submitted as part of the Development Application are to be implemented as part of this consent. In particular:

1. Hazardous Materials Survey is to be undertaken prior to the commencement of any demolition works;
2. Following demolition and removal of associated wastes, an inspection of the exposed surface is to be undertaken by a suitably qualified environmental consultant;
3. Compliance with the NSW EPA's Waste Classification Guidelines for all soil material designated for off-site disposal.

21. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment prepared by Australis Tree Management dated 5/11/21 and RFI Response Letter prepared by Australis Tree Management dated 28/4/22.

22. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable and food organic material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 3 removable indoor bins with a minimum capacity of 15 litres each or similar. 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.

23. Tree Removal on Public Land

Approval is granted for the removal of four (4) street trees numbered 50, 52, 85-86 shown on landscape plans prepared by Site Image Rev C dated 22/06/22 located on the Council nature strip that will be impacted by works associated with the development.

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

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

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

24. 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.

25. 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 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as "waste collection loading zone", "keep clear at all times" and "no parking at any time".

- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium OR heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

26. 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.

27. 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.

28. Provision of Waste Chute System

The development must incorporate a dual chute system for the disposal of garbage and recycling in each building. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the chute garbage rooms. Garbage must discharge into an 1100 litre bin housed on and recyclables must discharge into an 1100 litre bin. The waste chute system must be maintained in accordance with manufactory standards.

29. 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.

30. 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.

31. 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.

32. Construction of Waste Storage Areas

The waste storage areas must be designed and constructed in accordance with the following requirements. The bin holding areas must provide minimum storage facility for 13 x 1100 litre garbage and 13 x 1100 litre recycle bins. Each chute garbage room must provide minimum storage facility for waste to discharge into 1 x 1100 litre garbage and 1 x 1100 litre recycle bin. A separate garbage room must also be provided with minimum storage facility for 1 x 1100 litre garbage and 1 x 1100 litre recycle bin allocated for use by the townhouse units.

- 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 waste storage areas must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred). The waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- The waste storage areas must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door.
- 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 can be found on the NSW EPA website) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

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

33. 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: 44 Carramarr Road Castle Hill

Building B: 46 Carramarr Road Castle Hill

Building C: 4 Larool Crescent Castle Hill

Building D: 6 and 8 Larool Crescent Castle Hill (2 mailboxes & enteries)

Townhouses 227-232: 10 – 20 Larool Crescent Castle Hill

Approved unit numbering is as per plans submitted marked as DWG No: DA-00-0500 & DA-10-0101 - DA-10-0107; Rev: A, Dated: 5/11/2021 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

LEVEL	BUILDING A	BUILDING B	BUILDING C	BUILDING D
GROUND	N/A	G01 – G04	G05 – G14	G15 – G28
ONE	N/A	101 – 109	N/A	110 – 112
TWO	201 – 206	207 – 209	210 – 216	217 – 226
THREE	301 – 306	307 – 313	314 – 319	320 – 328
FOUR	401 – 405	406 – 408	N/A	N/A
FIVE	501 – 507	N/A	N/A	N/A
SIX	601 – 603	N/A	N/A	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

Units: Australia Post requires cluster mail boxes within a foyer to be as close to the footpath or road as possible.

Locations as provided on plans DWG No: DA10-0101 & DA10-0103, Rev: A; Dated: 5/11/2021 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

Townhouses: Australia Post requires mail boxes to be close to the footpath or road and within easy reach for the postal delivery officer. For resident's useability and convenience, they are to be located close to relevant entry points.

The number of mail boxes to be provided is to be equal to the number of units/townhouses 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: 44 Carramarr Road Castle Hill.**

Strata Developments

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

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

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au 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.

34. Provision of Parking Spaces

The development is required to be provided with 150 off street car parking spaces. These car parking spaces must be available for off street parking at all times.

35. 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.

36. Irrigation

An automatic watering system to be installed as a minimum to all common areas, planter boxes and rooftop planters. 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.

37. Flood Control Measures

The development is required to ensure the protection of the subject site, and downstream and adjoining properties in the locality from flood risks during all storm events, and throughout the construction and occupation of the subject development.

Given this sensitive nature of the locality due to flooding, the construction activities including internal and external earth works, and road and stormwater improvement works are to ensure no additional runoff is directed towards adjoining and downstream properties.

It must be confirmed that prior to commencement of construction or earth works of each stage / each phase of the development flood control structures appropriate measures have been in place onsite and be maintained throughout, all phases of the development.

38. Provision of an In-shaft Goods Personnel Hoist

An In-shaft goods personnel hoist must be incorporated into the design of the development to facilitate the transportation of bins across basement levels. It is required that the in-shaft goods hoist has:

- a minimum platform of 3m x 2.4m (approx. 3m x 3m shaft),
- a capacity of at least 2000kg,
- electrically operated roller doors with full width door opening interlocked to the safe operation of the hoist,
- programmed automatically to lift or lower on a single button control,
- design registered to carry personnel with SafeWork NSW and
- An operation speed of at least 9m per minute.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

39. 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.

40. Integrated Stormwater System

(a) 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 concept set of Stormwater Management Plans prepared by ACOR Consultants Revision G dated 28/07/2023 is for development application purposes only and is not to be used for construction. The detailed design must reflect the following necessary changes:

- i. Detailed plans must clearly illustrate the roof drainage collection and the network directing from the designated sub-catchments shown on the drawing C14 of the set of concept plans. This includes lower part of the sub-catchment of OSD tank 1.
- ii. Structural components of both OSD tanks 1 and 2 must be designed to the section 4.2.8 of the OSD Handbook. This includes provision of adequate number of ventilation and maintenance accesses designed to the confined spaces act. requirements.
- iii. The proposed 4m deep OSD tank 1 must be revised to a shallower tank to facilitate a regular maintenance and compliance to the confined spaces act. requirements.
- iv. The discharge from the OSD tank 1 must be directed to the Carramarr Road street drainage required to be constructed as part of reconstruction of Carramarr along the eastern side.

(b) Water Quality Treatment Elements

Water Quality Treatment Elements sensitive urban design elements are to be provided with the Integrated Stormwater Management system.

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.
- Soft copy of MUSIC model reflective to the detailed design.
- A maintenance schedule.

41. Stormwater Pump/ Basement Car Park Requirements

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

42. 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 \$318,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the 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 (577m) multiplied by the half width of the road (5m).

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.

43. 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.

44. Engineering Works

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

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

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

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

The set of Concept Civil Engineering Plans G0150722 prepared by ACOR Consultants Revision A dated 28/07/2023 and associated documents listed below are for development application purposes only. The detailed design and construction documentation must be revised to reflect the scope/ extent of engineering works required in the following documentation:

- The Hills Shire Council Development Control Plan Part D Section 20 – Castle Hill North Precinct Development Control Plan.
- The Public Domain Plan – Castle Hill North Precinct.
- Pre- and Post-development (Interim & Ultimate) Hydraulic TUFLOW models, ACOR Consulting (CC) Pty Ltd, July 2023.

The Civil design and Construction package must include the following amendments:

- The reference of road widening must be amended to carriageway widening as there is no physical land dedication required to widen the existing road reserve.
- The extent of partial width Larool Crescent must be wider than the standard requirement to accommodate the flood mitigation works along the streets.
- The detailed civil design and construction drawings must include the full width of the road, and identify the scope of works required under this development.
- The design must also clearly delineate the existing site boundaries and the existing kerb alignments on the opposite sides.
- Carriageways and verge widths are to be consistent with the identified street hierarchy and profiles to allow streets to perform their designated functions within the street network, enhance functionality and amenity for users and accommodate public utilities and drainage systems.

a) Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Landscape/ Carriageway/ Parking/ Landscape/ Footpath) (m)
Carramarr Road	Road Type: Collector Road DCP THDCP Part D Section 20 – Castle Hill North Precinct 3m/ 2m/ 2m/ 3m/ 3m/ 2m/ 2m/ 3m (20m) Pavement Design: 1 x 10 ⁶ (Design Guidelines Section 3.12)
Larool Crescent (Northern, Eastern and Southern sides)	Road Type: Local Road DCP THDCP Part D Section 20 – Castle Hill North Precinct 2.5m/1-1.5m/ 6m/ 2m/ 1-1.5m/ 2.5m (15-16m) Pavement Design: Access Road

	1 x 10 ⁵ (Design Guidelines Section 3.12)
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Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. This road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with.

Where the existing Carramarr Road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the footpath verge.

Where the existing Larool Crescent road reserve width is limited to that required to be provided, the shortage of width is to be evenly distributed on either side of the landscape strip as it shall vary between 1-1.5m.

All roads are to have a two-way cross fall with a crown in the middle of the carriageway.

The road design levels and formation of southern part of Larool Crescent must be considerate to the trunk drainage (culvert) proposed as part of flood mitigation works.

A bicycle path must be provided along the Carramarr Road frontage as per DCP.

The street drainage along eastern side of Carramarr Road must be provided between the northern Larool Crescent and southern Larool Crescent to allow streets to perform their designated functions within the street network by enhancing the drainage system.

b) Trunk drainage Upgrade

The development relies on upgrading Trunk drainage along eastern and southern Larool Crescent to provide flood protection to the proposed development whilst ensuring no adverse impact on existing developments in the locality due to the subject development.

The set of Concept Civil Engineering Plans G0150722 prepared by ACOR Consultants Revision A dated 28/07/2023 and associated documents listed below are for development application purposes only. The detailed design and construction drawings are to include the following amendments:

- The existing pipe network between pits 11S0250 to 11S0219 must be removed as they are redundant for reuse with the replacement culvert.
- The construction of new culvert sized to be 3.3m x 1.2m RCBC according to the Post-dev DRAINS model approved by Waterway Team.
- Installation of Cast Insitu pits at the upstream and downstream connections of the culvert to integrate the culvert and the existing pipes (upside of eastern Larool Crescent and downside of Carramarr Road).
- The pit dimensions shown on the pit schedules on Civil Plans Drawings N4 and N5 [Project Ref: G0150722, Revision A & dated 28.07.23] and the long-sections provided on the drawings N7 and N8 are not consistent with approved DRAINS model. They are to be revised to be reflective to the schedule below:

Pit Name	Type	Size
11S0250	Sag	Large Pit 5.5m Lintel with grate of 0.45m width
11S0248	Sag	Hornsby 4.2 m lintel
SP1	OnGrade	Hornsby 1.8 m lintel
SP2	OnGrade	Hornsby 1.8 m lintel
11S0222	OnGrade	Hornsby 3.0 m lintel
SP3	OnGrade	Hornsby 3.0 m lintel

11S0220	Sag	5.5kip 4.5*.45grates
11S0219	OnGrade	Hornsby 3.6 m lintel
11S1989	OnGrade	Junction Pit or Manhole
11S0253	OnGrade	5.5kip 4.5*.45grates
11S0252	OnGrade	Hornsby 3.0 m lintel
11S0251	OnGrade	Hornsby 3.0 m lintel
11S0249	Sag	Hornsby 2.4 m lintel

- Installation of Cast Insitu Culverts at the bends forming part of the new culvert design and construction shown on the Civil Concept Plans [Project Ref: GO150722, Revision A & dated 28.07.23].

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) Footpath Verge Formation

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

e) Concrete Footpath

A 2.5m wide concrete footpath, including access ramps at all intersections, must be provided on southern, western and northern sides of Larool Crescent frontage in accordance with the DCP and the above documents.

f) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the eastern side of Carramarr Road in accordance with the DCP and the above documents.

g) 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.

h) Service Conduits

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

45. Protection of Internal Noise Levels (Residential Unit and Townhouse 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.

An AAAC 5 Star Certificate must be submitted by a suitably qualified acoustical engineer demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifier before the issue of any Occupation Certificate.

46. Erosion & Sediment Control Plan

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

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

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

47. Section 7.11 Contribution

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

Payments comprise of the following:-

	<i>Purpose: Dwellings</i>	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>	<i>Purpose: 4 bedroom unit</i>	<i>Purpose: Credit</i>
Open Space - Capital	\$ 5,527.05	\$ 2,936.25	\$ 3,108.97	\$ 4,318.01	\$ 5,354.33	\$ 5,527.05
Transport Facilities - Land	\$ 7,339.81	\$ 3,899.27	\$ 4,128.64	\$ 5,734.22	\$ 7,110.44	\$ 7,339.81
Transport Facilities - Capital	\$ 26,285.86	\$ 13,964.36	\$ 14,785.79	\$ 20,535.83	\$ 25,464.42	\$ 26,285.86
Water Management - Capital	\$ 3,655.73	\$ 1,942.11	\$ 2,056.35	\$ 2,856.04	\$ 3,541.49	\$ 3,655.73
Administration	\$ 513.17	\$ 272.62	\$ 288.66	\$ 400.91	\$ 497.13	\$ 513.17
Total	\$ 43,321.62	\$ 23,014.61	\$ 24,368.41	\$ 33,845.01	\$ 41,967.82	\$ 43,321.62

	No. of 1 Bedroom 3 Units:	No of 2 Bedroom 47 Units:	No of 3 Bedroom 62 Units:	No of 4 Bedroom 6 Units:	Sum of units: 118	No of Credits: 14	Total \$7.11
Open Space - Capital	\$ 8,808.74	\$ 146,121.50	\$ 267,716.69	\$ 32,126.00	\$ 454,772.94	\$ 77,378.76	\$ 377,394.18
Transport Facilities - Land	\$ 11,697.82	\$ 194,046.17	\$ 355,521.94	\$ 42,662.63	\$ 603,928.56	\$ 102,757.31	\$ 501,171.25
Transport Facilities - Capital	\$ 41,893.09	\$ 694,932.36	\$ 1,273,221.23	\$ 152,786.55	\$ 2,162,833.22	\$ 368,002.01	\$ 1,794,831.21
Water Management - Capital	\$ 5,826.32	\$ 96,648.35	\$ 177,074.40	\$ 21,248.93	\$ 300,798.00	\$ 51,180.21	\$ 249,617.78
Administration	\$ 817.86	\$ 13,566.84	\$ 24,856.50	\$ 2,982.78	\$ 42,223.98	\$ 7,184.33	\$ 35,039.65
Total	\$ 69,043.82	\$ 1,145,315.21	\$ 2,098,390.76	\$ 251,806.89	\$ 3,564,556.69	\$ 606,502.62	\$ 2,958,054.07

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are periodically indexed and will be updated at the time of payment, in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555.

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

This condition has been imposed in accordance with Contributions Plan No 17.

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.

48. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 8.8m long medium rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

49. Services and Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans indicating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

PRIOR TO WORK COMMENCING ON THE SITE

50. 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. The location of fencing shall be as per the Tree Protection Plan prepared by Australis Tree Management dated 5/11/21.

For trees 50 and 52, fencing is not required for the trees. The fencing around Tree 49 is to extend 3m south-west of the 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.

The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.

51. 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.

52. 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.

53. Trenching within Tree Protection Zone

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

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

54. 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.

55. 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.

56. 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.

Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

57. 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.

58. 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).

59. Details and Signage - Principal Contractor and Principal Certifier

Details

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

Before work commences, details of the Principal Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

- a) the name, address and telephone number of the Principal Certifier,
- b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

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

60. Notification of Asbestos Removal

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

61. Engagement of a Project Arborist

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

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

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

62. Erosion and Sedimentation Controls

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

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

63. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction"* (Blue Book) produced by the NSW

Department of Housing. The plan is to be kept on site at all times and made available upon request.

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

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. 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.

66. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council Customer Service on (02) 9843 0555 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.

DURING CONSTRUCTION

67. Location of Works

The total extent of the development shall be contained wholly within the confines of the allotment boundaries including the footings and any associated drainage lines. A survey report from a registered land surveyor may be required for confirmation of the same.

68. 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.

69. Critical Stage Inspections – Civil Engineering Works

The civil engineering works required with the development must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hours' notice is required for inspections. No works are to commence until the first inspection has been carried out.

70. 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.

71. Survey Report and Site Sketch

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

72. Privacy Screen

A 1.8m high privacy screen is to be provided along the western edge of the balcony of Unit 232 (townhouse) and Unit 314S. The screen is to be provided prior to the occupation or use of the structure.

73. 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 Principal 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.

74. Dust Control

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

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

75. 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.

76. 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.

77. 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)*.

78. 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 the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

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

79. Documentation – Civil works

A copy of the following certified documents must be kept on site and made available upon request:

- a) Design and Construction Plans (Construction Certificate Documentation)
- b) Construction Management Plans
- c) Construction Verification Plan
- d) Construction Risk Management Plan
- e) Sediment and Erosion Control Plan.
- g) Stormwater Management Documentation & Certifications

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

80. Landscaping Prior to Issue of any Occupation Certificate

The landscaping of the site shall be carried out in accordance with the relevant "Planting Requirements" Condition of the subject Development Consent prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plans 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.

81. 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.

82. 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.

83. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

84. 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.

85. 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.

86. 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;
- Detailed information about Water Quality Treatment Elements and Hydraulic Compliance Certificate.
- 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.

87. 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 – Rainwater Tanks

All residential lots must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

b) Restriction – Bedroom Numbers

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

c) 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.

d) 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.

e) Positive Covenant – Stormwater Pump

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

f) Positive Covenant – Onsite Waste Collection

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

88. Civil Engineering Works – Submission Requirements

Once the Civil works covered under this plan development, are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's

Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Flood Control System/s
- Pavement Density Results
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

A template public asset creation summary is available on Council's website Subdivision.

89. Performance/ Maintenance Security Bond

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

90. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the works as executed plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

91. Internal Pavement Construction

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 8.8m long medium rigid vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

92. Final Inspection of Waste Storage Areas

Prior to any Occupation Certificate being issued, a final inspection of the waste storage areas 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.

93. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a

visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; www.thehills.nsw.gov.au.

- 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.

94. 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.

95. 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.

96. Installation of Master Key System to Waste Collection Room

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

97. In-shaft Goods Personnel Hoist Compliance Certificate

Before the issue of an Occupation Certificate, 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 in-shaft goods personnel hoist installed complies with AS1418.8 and required specifications as outline in condition "Provision of an In-shaft Goods Personnel Hoist" under General Matters.

98. Insect and Odour Control

Before the issue of an occupation certificate, Council's Resource Recovery Assessment Officer must be satisfied with the installation of an insect control system provided in the waste holding or collection room(s). The equipment installed must be an ultra violet fly trap with a UV lamp of at least 20W or higher or similar. The fly trap should be an electric-grid style and mounted to an internal wall or attached to the ceiling. In addition, an adequate air deodoriser must be installed to help prevent offensive odours.

99. Removal of Existing Easements

The existing public drainage easement must be removed. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

THE USE OF THE SITE

100. 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*.

101. Offensive Noise - Acoustic Report

Ventilation systems / basement carpark exhaust shall be treated to minimise noise so that the noise is not more than 5dB above the background noise level when measured at the boundary of any neighbouring premises or at the window or balcony of any unit within the site.

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.

102. 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 areas, 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 areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

ATTACHMENT B – LOCALITY PLAN



□ SUBJECT SITE

✓ PROPERTIES NOTIFIED

● SUBMISSIONS RECEIVED

NOTE: ONE SUBMISSION RECEIVED OFF THE SCOPE OF THIS MAP

THE HILLS
Sydney's Garden Shire


THE HILLS SHIRE COUNCIL

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

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

ATTACHMENT C – AERIAL MAP



 SUBJECT SITE

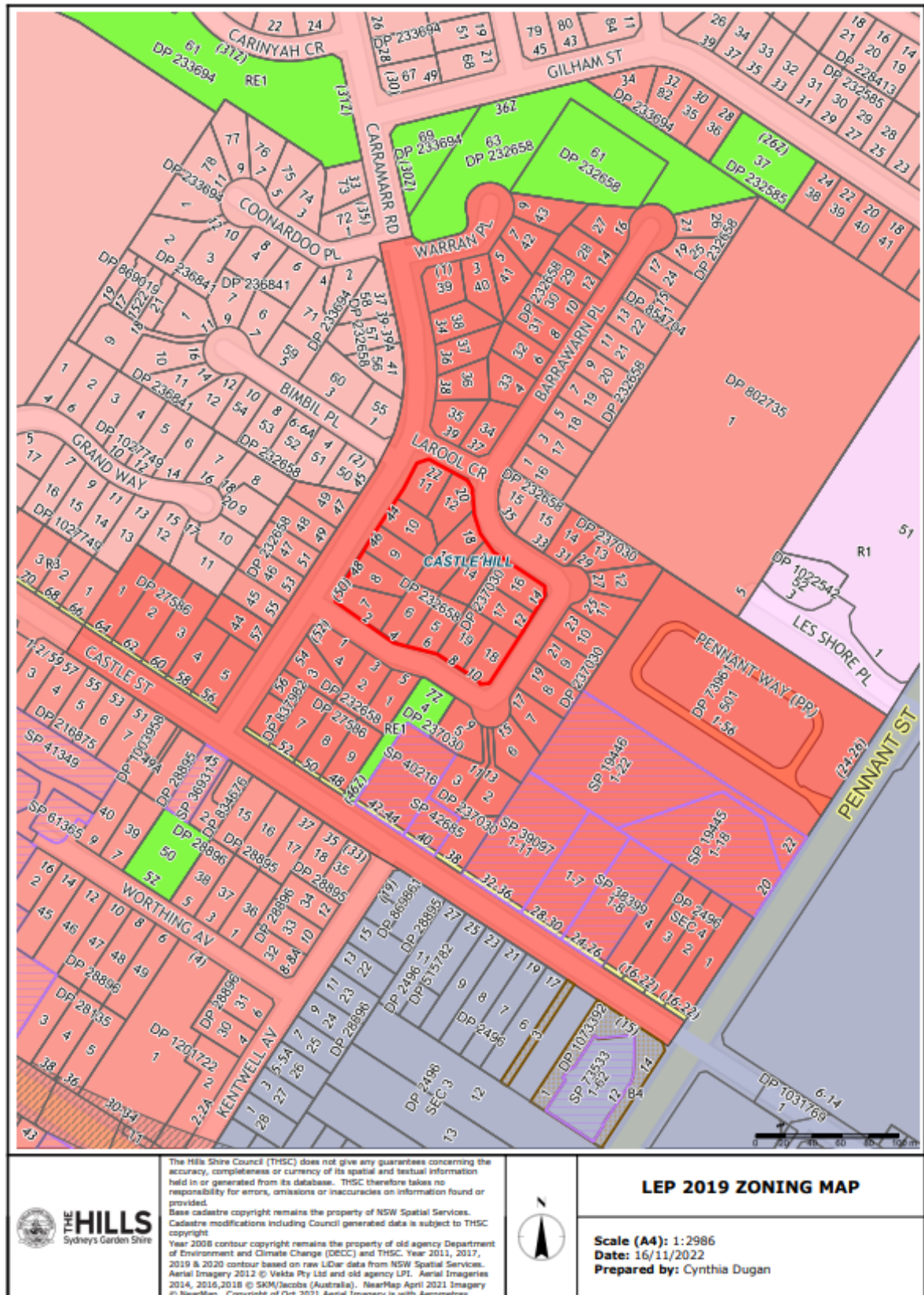
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

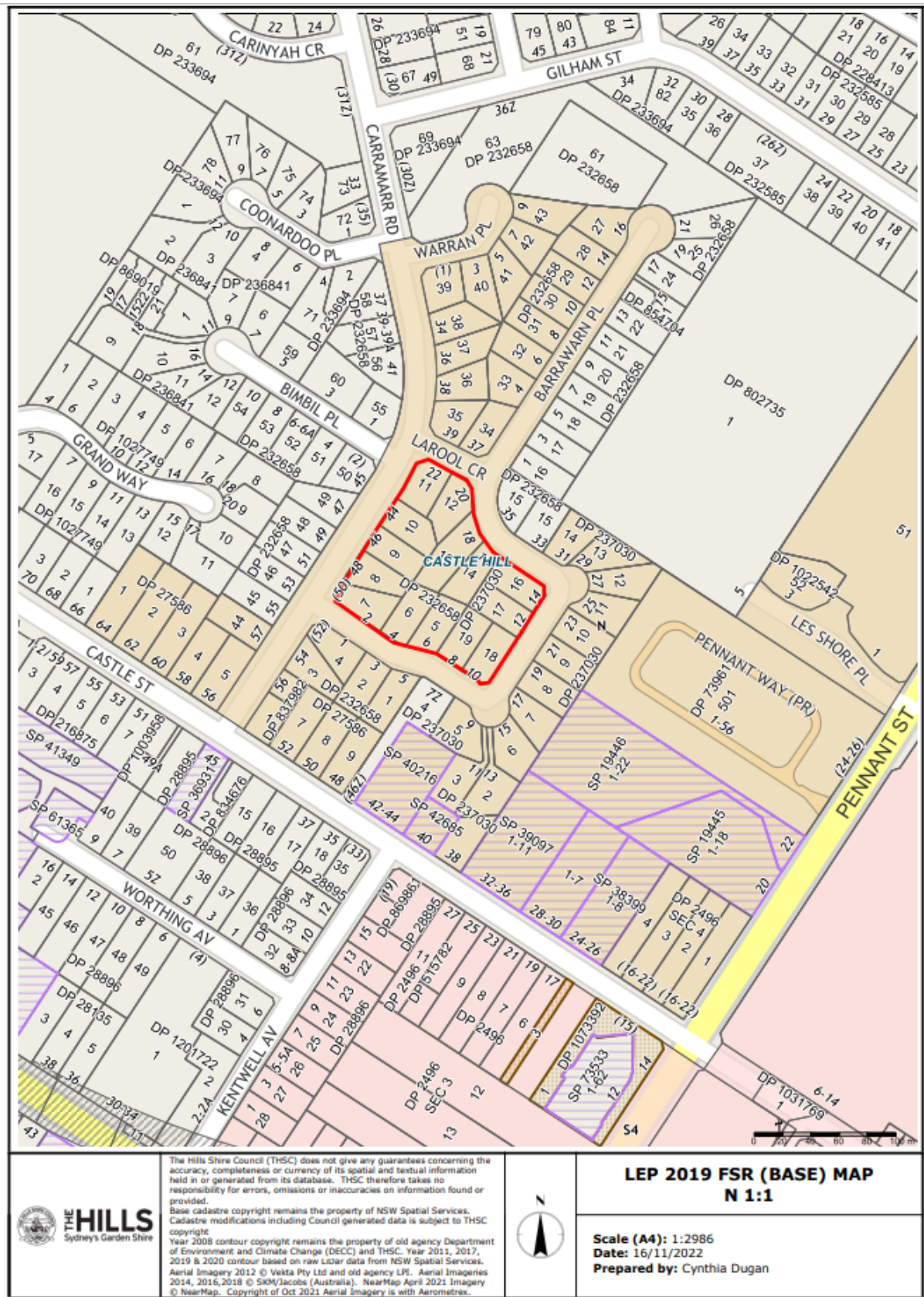
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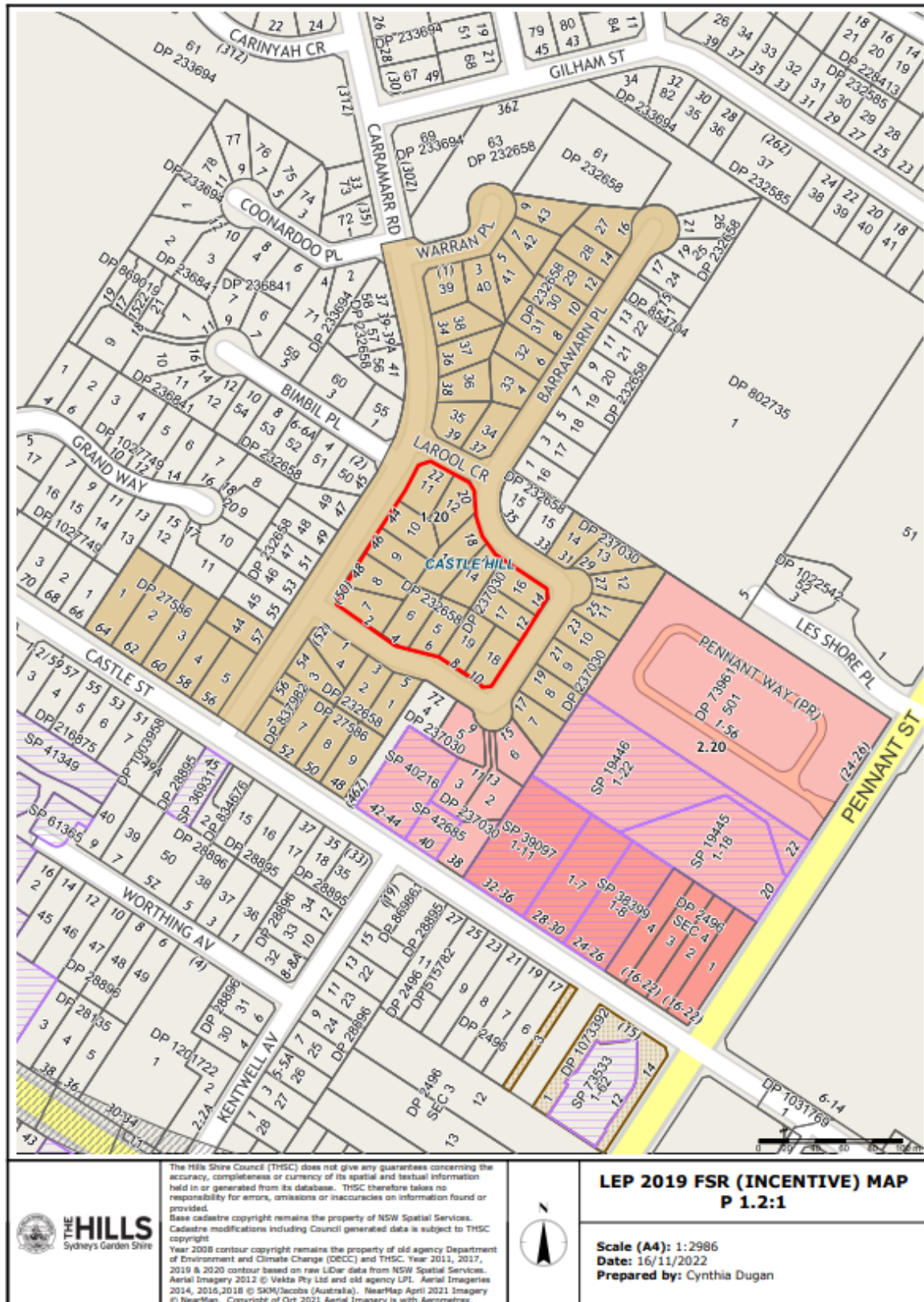
ATTACHMENT D – LEP 2019 ZONING MAP



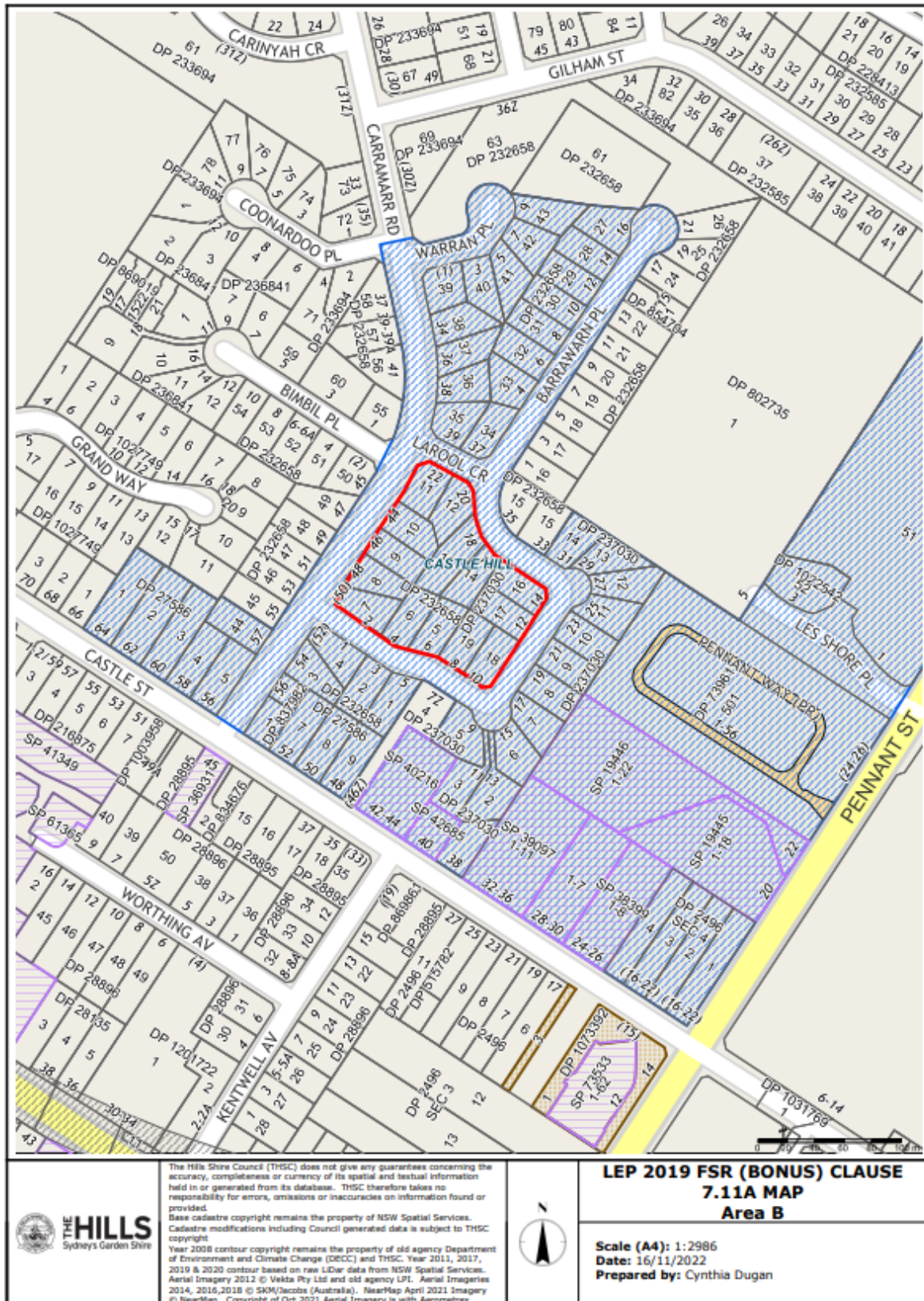
ATTACHMENT E – LEP 2019 CLAUSE 4.4 FSR (BASE) MAP



ATTACHMENT F – LEP 2019 CLAUSE 7.11 FSR (INCENTIVE) MAP



ATTACHMENT G – LEP 2019 CLAUSE 7.11A FSR (BONUS) MAP



ATTACHMENT H – THDCP 2012 PART D SECTION 20 CASTLE HILL NORTH STRUCTURE PLAN

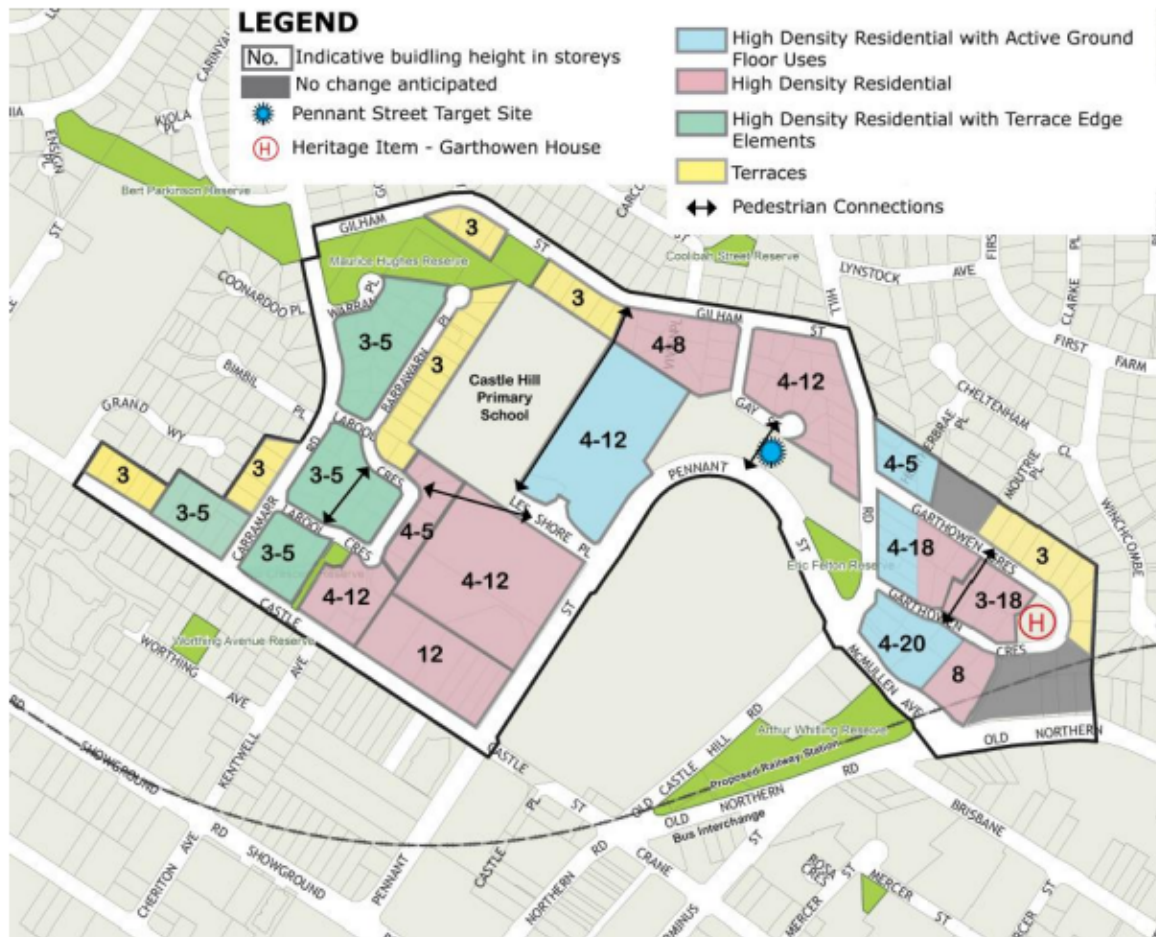
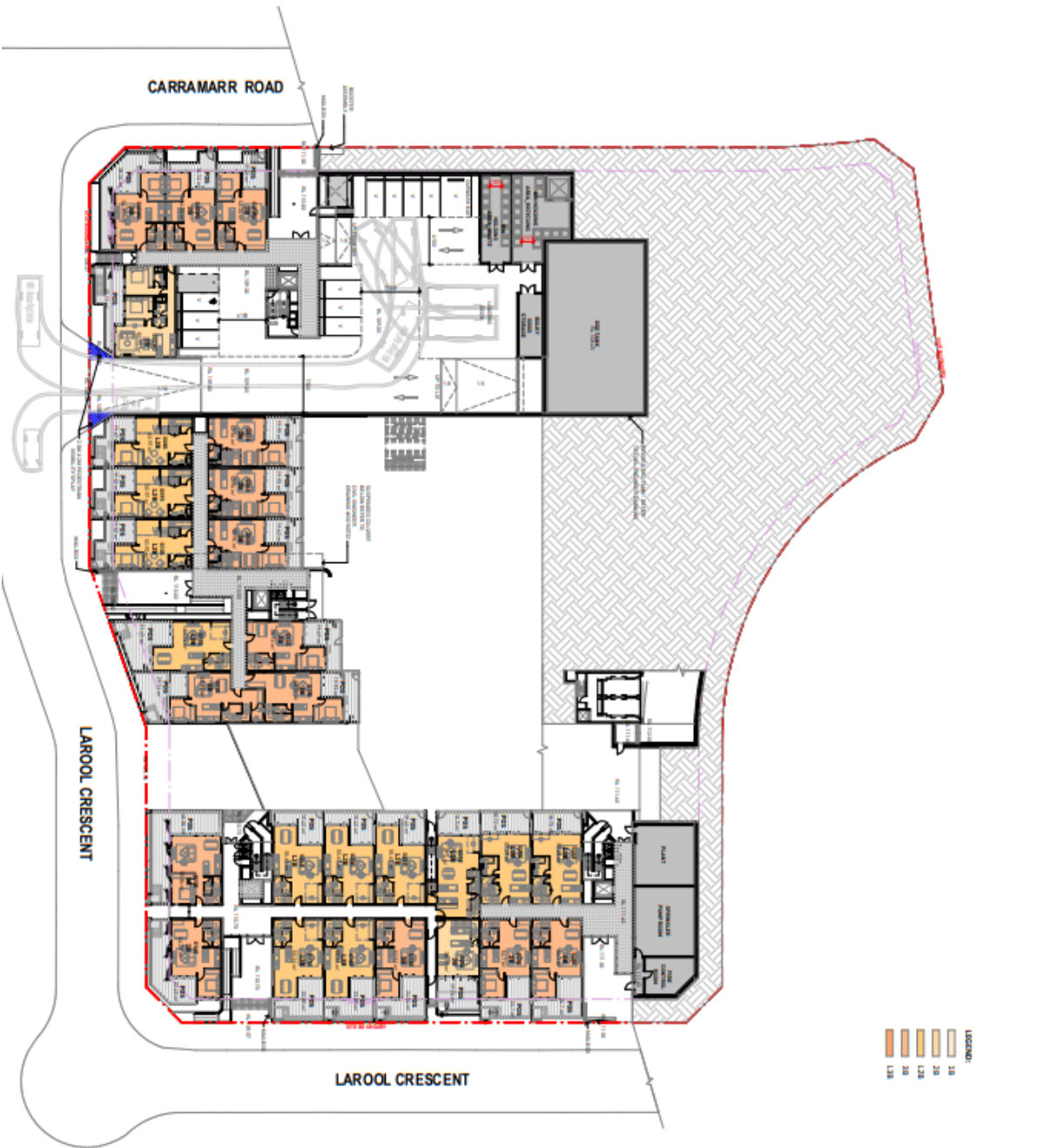


Figure 14 Castle Hill North Structure Plan





LEGEND:

1.0 1.1 1.2 1.3 1.4 1.5 1.6 1.7 1.8 1.9 2.0 2.1 2.2 2.3 2.4 2.5 2.6 2.7 2.8 2.9 3.0 3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8 3.9 4.0 4.1 4.2 4.3 4.4 4.5 4.6 4.7 4.8 4.9 5.0 5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8 5.9 6.0 6.1 6.2 6.3 6.4 6.5 6.6 6.7 6.8 6.9 7.0 7.1 7.2 7.3 7.4 7.5 7.6 7.7 7.8 7.9 8.0 8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 9.0 9.1 9.2 9.3 9.4 9.5 9.6 9.7 9.8 9.9 10.0

PTW

LAROO CASTLE HILL

44-48 Carramarr Road and 2-27 Larool Crescent, Castle Hill, NSW 2154

2D GENERAL ARRANGEMENT PLANS

GROUND FLOOR PLAN

SCALE: 1:250 (SIGNAL)

DATE: 23/08/2023

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

PROJECT NO: [Number]

CLIENT: [Name]

LOCATION: [Address]

DATE: [Date]

SCALE: 1:250 (SIGNAL)

DATE: 23/08/2023

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

PROJECT NO: [Number]

CLIENT: [Name]

LOCATION: [Address]

DATE: [Date]

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	23/08/2023
2	ISSUED FOR PERMIT	23/08/2023
3	ISSUED FOR PERMIT	23/08/2023
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91	ISSUED FOR PERMIT	23/08/2023
92	ISSUED FOR PERMIT	23/08/2023
93	ISSUED FOR PERMIT	23/08/2023
94	ISSUED FOR PERMIT	23/08/2023
95	ISSUED FOR PERMIT	23/08/2023
96	ISSUED FOR PERMIT	23/08/2023
97	ISSUED FOR PERMIT	23/08/2023
98	ISSUED FOR PERMIT	23/08/2023
99	ISSUED FOR PERMIT	23/08/2023
100	ISSUED FOR PERMIT	23/08/2023





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[illegible]

DATE		TIME		LOCATION		REMARKS	
1	10/10/2018	10:00	11:00	10/10/2018	10:00	11:00	10/10/2018
2	10/10/2018	11:00	12:00	10/10/2018	11:00	12:00	10/10/2018
3	10/10/2018	12:00	13:00	10/10/2018	12:00	13:00	10/10/2018
4	10/10/2018	13:00	14:00	10/10/2018	13:00	14:00	10/10/2018
5	10/10/2018	14:00	15:00	10/10/2018	14:00	15:00	10/10/2018
6	10/10/2018	15:00	16:00	10/10/2018	15:00	16:00	10/10/2018
7	10/10/2018	16:00	17:00	10/10/2018	16:00	17:00	10/10/2018
8	10/10/2018	17:00	18:00	10/10/2018	17:00	18:00	10/10/2018
9	10/10/2018	18:00	19:00	10/10/2018	18:00	19:00	10/10/2018
10	10/10/2018	19:00	20:00	10/10/2018	19:00	20:00	10/10/2018
11	10/10/2018	20:00	21:00	10/10/2018	20:00	21:00	10/10/2018
12	10/10/2018	21:00	22:00	10/10/2018	21:00	22:00	10/10/2018
13	10/10/2018	22:00	23:00	10/10/2018	22:00	23:00	10/10/2018
14	10/10/2018	23:00	24:00	10/10/2018	23:00	24:00	10/10/2018
15	10/10/2018	24:00	25:00	10/10/2018	24:00	25:00	10/10/2018
16	10/10/2018	25:00	26:00	10/10/2018	25:00	26:00	10/10/2018
17	10/10/2018	26:00	27:00	10/10/2018	26:00	27:00	10/10/2018
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19	10/10/2018	28:00	29:00	10/10/2018	28:00	29:00	10/10/2018
20	10/10/2018	29:00	30:00	10/10/2018	29:00	30:00	10/10/2018
21	10/10/2018	30:00	31:00	10/10/2018	30:00	31:00	10/10/2018
22	10/10/2018	31:00	32:00	10/10/2018	31:00	32:00	10/10/2018
23	10/10/2018	32:00	33:00	10/10/2018	32:00	33:00	10/10/2018
24	10/10/2018	33:00	34:00	10/10/2018	33:00	34:00	10/10/2018
25	10/10/2018	34:00	35:00	10/10/2018	34:00	35:00	10/10/2018
26	10/10/2018	35:00	36:00	10/10/2018	35:00	36:00	10/10/2018
27	10/10/2018	36:00	37:00	10/10/2018	36:00	37:00	10/10/2018
28	10/10/2018	37:00	38:00	10/10/2018	37:00	38:00	10/10/2018
29	10/10/2018	38:00	39:00	10/10/2018	38:00	39:00	10/10/2018
30	10/10/2018	39:00	40:00	10/10/2018	39:00	40:00	10/10/2018
31	10/10/2018	40:00	41:00	10/10/2018	40:00	41:00	10/10/2018
32	10/10/2018	41:00	42:00	10/10/2018	41:00	42:00	10/10/2018
33	10/10/2018	42:00	43:00	10/10/2018	42:00	43:00	10/10/2018
34	10/10/2018	43:00	44:00	10/10/2018	43:00	44:00	10/10/2018
35	10/10/2018	44:00	45:00	10/10/2018	44:00	45:00	10/10/2018
36	10/10/2018	45:00	46:00	10/10/2018	45:00	46:00	10/10/2018
37	10/10/2018	46:00	47:00	10/10/2018	46:00	47:00	10/10/2018
38	10/10/2018	47:00	48:00	10/10/2018	47:00	48:	

Component	Material
Plaster	USG
Table	TABLETATIC PLANNING
Landscape fabric	OT 6602
Adhesive	ADHESIVE TIE
Clad (various)	ADHESIVE TIE
BCA and license	ADH

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PTW

LAKHOL CASTLE HILL
44-48 Carrington Road and 2-32 Lakhol
Crescent, Castle Hill, NSW 2154

Scales: 1-300 GAL

Drawing Number:

Revision:



- LEGEND:**
- 1.0
 - 1.1
 - 1.2
 - 1.3
 - 1.4
 - 1.5

GENERAL INFORMATION

Project Name: LARROOL CASTLE HILL

Client: LARROOL CASTLE HILL PTY LTD

Address: 44-46 Carrington Road and 2-12 Larrool Street, Carrington NSW 2203

Project No: 2020-001

Project Manager: PTW

Project Engineer: PTW

Project Architect: PTW

Project Designer: PTW

Project Draftsman: PTW

Project Checker: PTW

Project Approver: PTW

Project Date: 23/08/2023

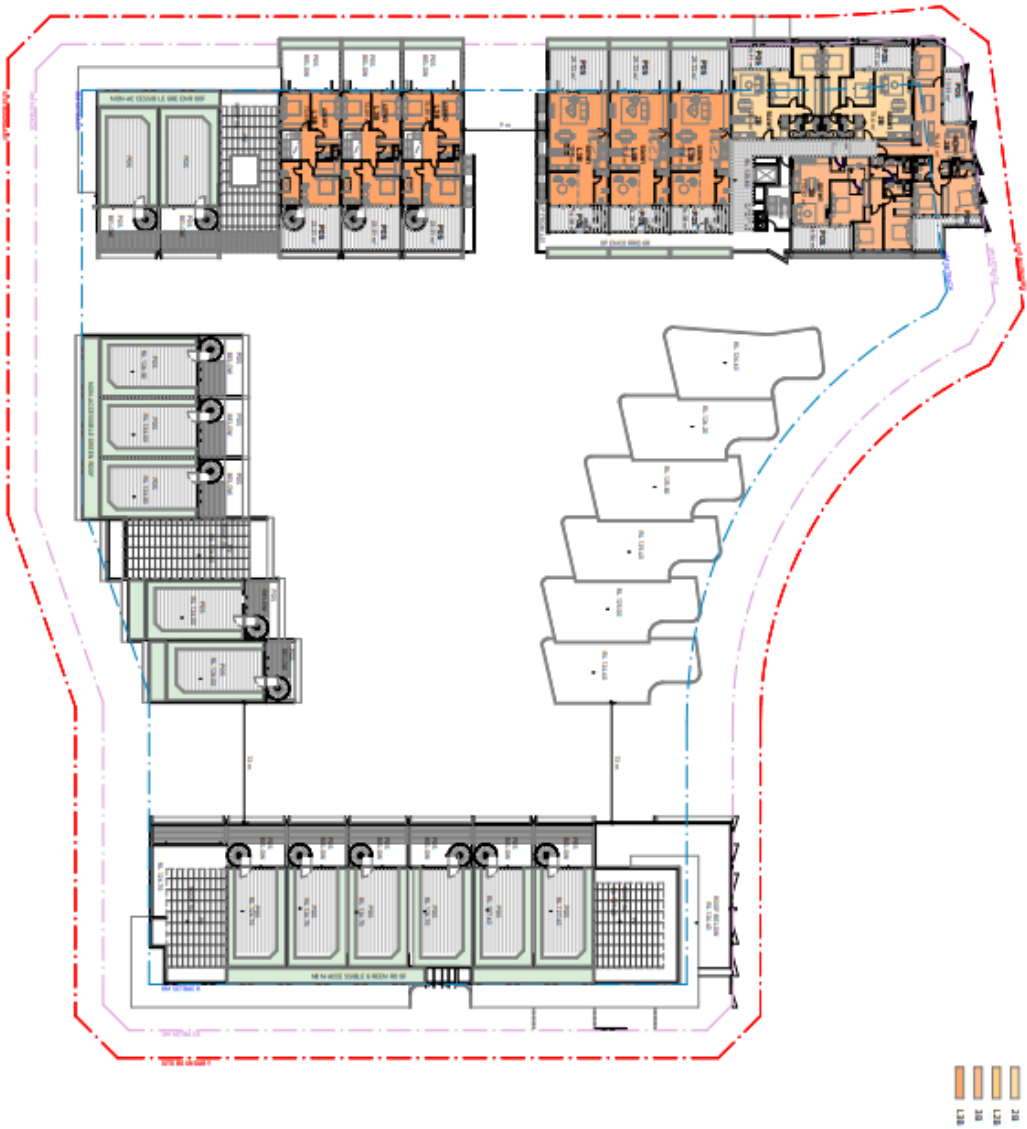
Project Version: 6

Project Status: Final

Project Notes: This is a final drawing for the Level 04 Plan. It includes all units, corridors, and service areas. The plan is color-coded by unit type. The plan is enclosed in a red dashed line.

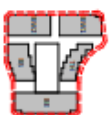
REVISIONS

Rev	Description	Date
1	Initial Design	23/08/2023
2	Revised Design	23/08/2023
3	Final Design	23/08/2023



LEGEND:

- 1.0
- 2.0
- 3.0
- 4.0
- 5.0



Notes:

1. All dimensions are in millimeters unless otherwise stated.
2. All dimensions are to the centerline of the wall or column unless otherwise stated.
3. All dimensions are to the finished floor level unless otherwise stated.
4. All dimensions are to the centerline of the wall or column unless otherwise stated.
5. All dimensions are to the finished floor level unless otherwise stated.
6. All dimensions are to the centerline of the wall or column unless otherwise stated.
7. All dimensions are to the finished floor level unless otherwise stated.
8. All dimensions are to the centerline of the wall or column unless otherwise stated.
9. All dimensions are to the finished floor level unless otherwise stated.
10. All dimensions are to the centerline of the wall or column unless otherwise stated.

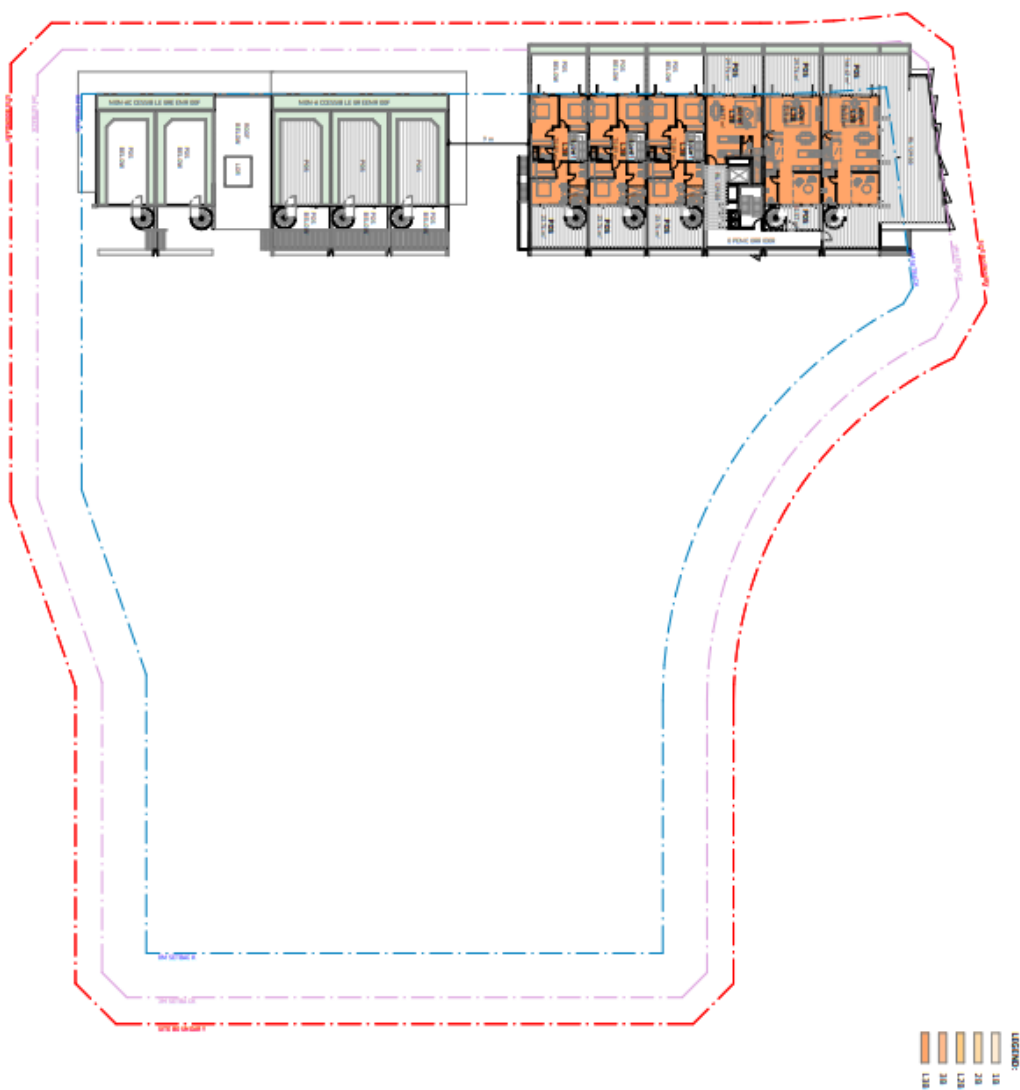
Room No.	Room Name	Area (sqm)	Volume (cu m)
05-01	RECEPTION	12.5	12.5
05-02	OFFICE	15.0	15.0
05-03	CONFERENCE	20.0	20.0
05-04	MEETING	10.0	10.0
05-05	RESTROOM	5.0	5.0
05-06	TOILET	3.0	3.0
05-07	STORAGE	8.0	8.0
05-08	LOBBY	18.0	18.0
05-09	STAIRWELL	10.0	10.0
05-10	ELEVATOR	5.0	5.0
05-11	RECEPTION	12.5	12.5
05-12	OFFICE	15.0	15.0
05-13	CONFERENCE	20.0	20.0
05-14	MEETING	10.0	10.0
05-15	RESTROOM	5.0	5.0
05-16	TOILET	3.0	3.0
05-17	STORAGE	8.0	8.0
05-18	LOBBY	18.0	18.0
05-19	STAIRWELL	10.0	10.0
05-20	ELEVATOR	5.0	5.0

Project: LARROL CASTLE HILL
 Location: LARROL CASTLE HILL
 Client: LARROL CASTLE HILL
 Date: 2023/08/23

Level 05 Plan
 Scale: 1:100
 Date: 2023/08/23

PTM

PTM
 06-01 CARPENTRY
 06-02 CARPENTRY
 06-03 CARPENTRY
 06-04 CARPENTRY
 06-05 CARPENTRY
 06-06 CARPENTRY
 06-07 CARPENTRY
 06-08 CARPENTRY
 06-09 CARPENTRY
 06-10 CARPENTRY
 06-11 CARPENTRY
 06-12 CARPENTRY
 06-13 CARPENTRY
 06-14 CARPENTRY
 06-15 CARPENTRY
 06-16 CARPENTRY
 06-17 CARPENTRY
 06-18 CARPENTRY
 06-19 CARPENTRY
 06-20 CARPENTRY



LEGEND:

10	
20	
120	
30	
130	



Intervening variables
The most widely known example of intervening variables is the failure to measure directly all determinants in the behavior measurement model.

procedures are less or similarly appropriate.

Argument Revisited Various types of legalism and conservatism may be present in any given country. Legitimacy problems in courts, legislatures, law enforcement, and in corporations may arise from violations of law, but also from perceived illegitimacy. Revisiting legitimacy requires re-examination of legalism and conservatism in various legal

DATE	TIME	LOCATION	ACTIVITY	REMARKS
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 1: Introduction to Algebra
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 2: Linear Equations
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 3: Quadratic Equations
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 4: Functions
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 5: Probability
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 6: Statistics
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 7: Geometry
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 8: Trigonometry
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 9: Calculus
11/11/2023	10:00 AM	Room 101	Mathematics	Lesson 10: Final Review

Contractors	
Plumbers	UNIBUS
Roofers	SHAW'S SHEDS & PLUMBING
Landscaper/Arbors	STY MANOR
Electrician	ALBERT & TRIBE
Cable/Telephone	ACORN
Boat and Marine	ABO

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LEVEL 06 PLAN



of the authors on responsibility for environmental problems, depicting consumers as very selfish, unethical individuals, more concerned in the acquisition of any (undesired) benefits or material benefits (desires must be satisfied) and less concerned the responsibility of others, including socially specified requests as they be required.

Department of Education		Fiscal Year 2010	
Line Item	Description	Amount	Amount
100	Salaries	1,000,000	1,000,000
200	Salaries	1,000,000	1,000,000
300	Salaries	1,000,000	1,000,000
400	Salaries	1,000,000	1,000,000
500	Salaries	1,000,000	1,000,000
600	Salaries	1,000,000	1,000,000
700	Salaries	1,000,000	1,000,000
800	Salaries	1,000,000	1,000,000
900	Salaries	1,000,000	1,000,000
1000	Salaries	1,000,000	1,000,000
1100	Salaries	1,000,000	1,000,000
1200	Salaries	1,000,000	1,000,000
1300	Salaries	1,000,000	1,000,000
1400	Salaries	1,000,000	1,000,000
1500	Salaries	1,000,000	1,000,000
1600	Salaries	1,000,000	1,000,000
1700	Salaries	1,000,000	1,000,000
1800	Salaries	1,000,000	1,000,000
1900	Salaries	1,000,000	1,000,000
2000	Salaries	1,000,000	1,000,000
2100	Salaries	1,000,000	1,000,000
2200	Salaries	1,000,000	1,000,000
2300	Salaries	1,000,000	1,000,000
2400	Salaries	1,000,000	1,000,000
2500	Salaries	1,000,000	1,000,000
2600	Salaries	1,000,000	1,000,000
2700	Salaries	1,000,000	1,000,000
2800	Salaries	1,000,000	1,000,000
2900	Salaries	1,000,000	1,000,000
3000	Salaries	1,000,000	1,000,000
3100	Salaries	1,000,000	1,000,000
3200	Salaries	1,000,000	1,000,000
3300	Salaries	1,000,000	1,000,000
3400	Salaries	1,000,000	1,000,000
3500	Salaries	1,000,000	1,000,000
3600	Salaries	1,000,000	1,000,000
3700	Salaries	1,000,000	1,000,000
3800	Salaries	1,000,000	1,000,000
3900	Salaries	1,000,000	1,000,000
4000	Salaries	1,000,000	1,000,000
4100	Salaries	1,000,000	1,000,000
4200	Salaries	1,000,000	1,000,000
4300	Salaries	1,000,000	1,000,000
4400	Salaries	1,000,000	1,000,000
4500	Salaries	1,000,000	1,000,000
4600	Salaries	1,000,000	1,000,000
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4800	Salaries	1,000,000	1,000,000
4900	Salaries	1,000,000	1,000,000
5000	Salaries	1,000,000	1,000,000
5100	Salaries	1,000,000	1,000,000
5200	Salaries	1,000,000	1,000,000
5300	Salaries	1,000,000	1,000,000
5400	Salaries	1,000,000	1,000,000
5500	Salaries	1,000,000	1,000,000
5600	Salaries	1,000,000	1,000,000
5700	Salaries	1,000,000	1,000,000
5800	Salaries	1,000,000	1,000,000
5900	Salaries	1,000,000	1,000,000
6000	Salaries	1,000,000	1,000,000
6100	Salaries	1,000,000	1,000,000
6200	Salaries	1,000,000	1,000,000
6300	Salaries	1,000,000	1,000,000
6400	Salaries	1,000,000	1,000,000
6500	Salaries	1,000,000	1,000,000
6600	Salaries	1,000,000	1,000,000
6700	Salaries	1,000,000	1,000,000
6800	Salaries	1,000,000	1,000,000
6900	Salaries	1,000,000	1,000,000
7000	Salaries	1,000,000	1,000,000
7100	Salaries	1,000,000	1,000,000
7200	Salaries	1,000,000	1,000,000
7300	Salaries	1,000,000	1,000,000

Component	Value
Processor	486DX
Memory	16MB
Harddisk	20MB
CD-ROM	1x
Mouse	1x
Keyboard	1x
Software	Lotus SmartSuite 4.0
Operating System	Windows 3.11
Printer	1x
Modem	1x
Monitor	1x
Case	1x
Power Supply	1x
Documentation	1x
Warranty	3 years

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O www.ptw.com.au Fax 21 000 411 0218

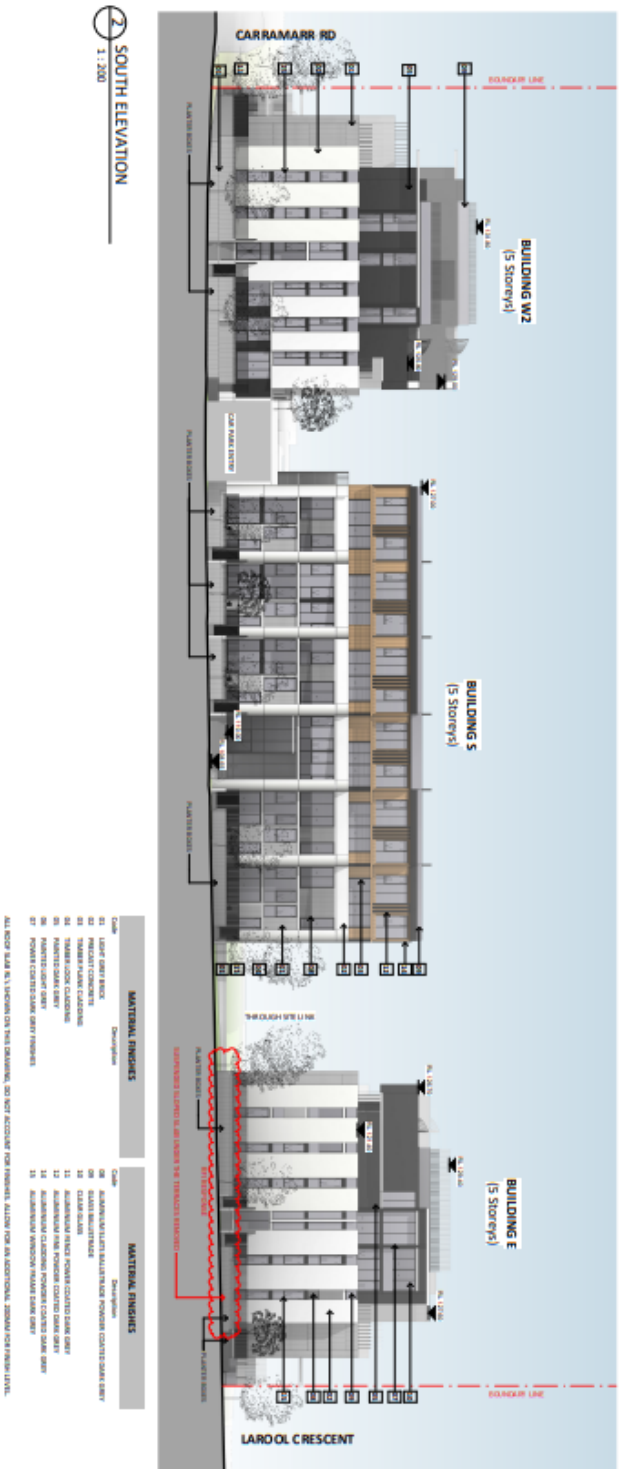
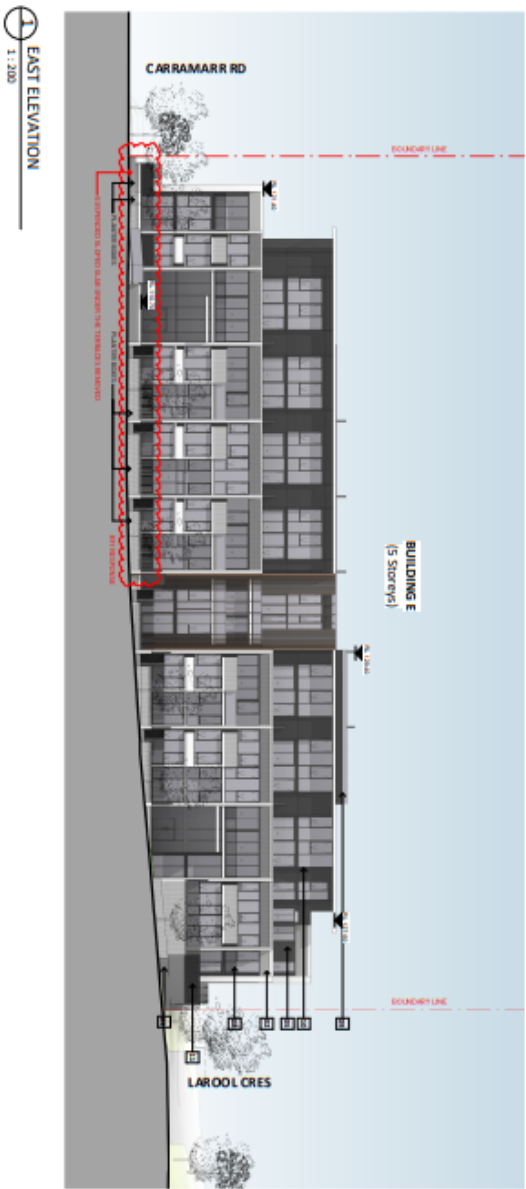
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10-GENERAL ARRANGEMENT PLANS
LEVEL 07 PLAN

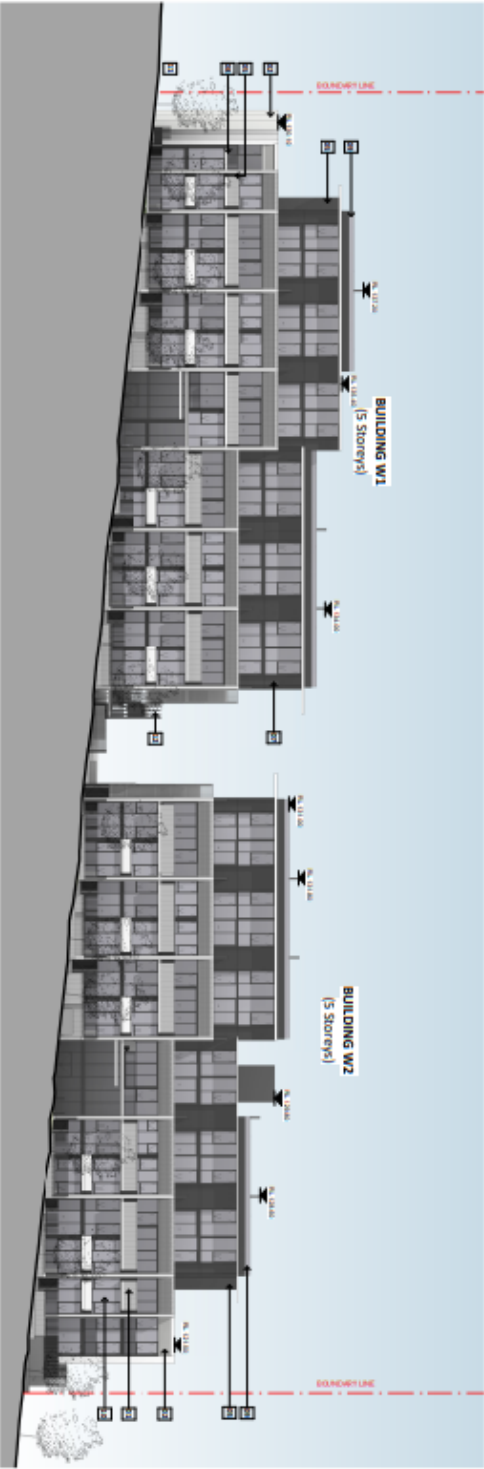
Year	Number of New Housing Units Authorized by Congress
1945	~100,000
1946	~800,000
1947	~600,000
1948	~800,000
1949	~600,000
1950	~400,000
1951	~500,000
1952	~400,000
1953	~300,000
1954	~200,000
1955	~100,000

ATTACHMENT K – ELEVATIONS





1 NORTH ELEVATION
1:100 @ A1



2 WEST ELEVATION
1:100 @ A1

MATERIAL FINISHES		MATERIAL FINISHES	
Code	Description	Code	Description
01	LIGHT GREY BRICK	09	ALUMINIUM CLAD GLAZING SYSTEM
02	PAVING STONE	10	ALUMINIUM CLAD GLAZING SYSTEM
03	PAVING STONE	11	ALUMINIUM CLAD GLAZING SYSTEM
04	PAVING STONE	12	ALUMINIUM CLAD GLAZING SYSTEM
05	PAVING STONE	13	ALUMINIUM CLAD GLAZING SYSTEM
06	PAVING STONE	14	ALUMINIUM CLAD GLAZING SYSTEM
07	PAVING STONE	15	ALUMINIUM CLAD GLAZING SYSTEM
08	PAVING STONE	16	ALUMINIUM CLAD GLAZING SYSTEM
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10	PAVING STONE	18	ALUMINIUM CLAD GLAZING SYSTEM
11	PAVING STONE	19	ALUMINIUM CLAD GLAZING SYSTEM
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15	PAVING STONE	23	ALUMINIUM CLAD GLAZING SYSTEM
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18	PAVING STONE	26	ALUMINIUM CLAD GLAZING SYSTEM
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25	PAVING STONE	33	ALUMINIUM CLAD GLAZING SYSTEM
26	PAVING STONE	34	ALUMINIUM CLAD GLAZING SYSTEM
27	PAVING STONE	35	ALUMINIUM CLAD GLAZING SYSTEM
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40	PAVING STONE	48	ALUMINIUM CLAD GLAZING SYSTEM
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50	PAVING STONE	58	ALUMINIUM CLAD GLAZING SYSTEM
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58	PAVING STONE	66	ALUMINIUM CLAD GLAZING SYSTEM
59	PAVING STONE	67	ALUMINIUM CLAD GLAZING SYSTEM
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61	PAVING STONE	69	ALUMINIUM CLAD GLAZING SYSTEM
62	PAVING STONE	70	ALUMINIUM CLAD GLAZING SYSTEM
63	PAVING STONE	71	ALUMINIUM CLAD GLAZING SYSTEM
64	PAVING STONE	72	ALUMINIUM CLAD GLAZING SYSTEM
65	PAVING STONE	73	ALUMINIUM CLAD GLAZING SYSTEM
66	PAVING STONE	74	ALUMINIUM CLAD GLAZING SYSTEM
67	PAVING STONE	75	ALUMINIUM CLAD GLAZING SYSTEM
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69	PAVING STONE	77	ALUMINIUM CLAD GLAZING SYSTEM
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76	PAVING STONE	84	ALUMINIUM CLAD GLAZING SYSTEM
77	PAVING STONE	85	ALUMINIUM CLAD GLAZING SYSTEM
78	PAVING STONE	86	ALUMINIUM CLAD GLAZING SYSTEM
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81	PAVING STONE	89	ALUMINIUM CLAD GLAZING SYSTEM
82	PAVING STONE	90	ALUMINIUM CLAD GLAZING SYSTEM
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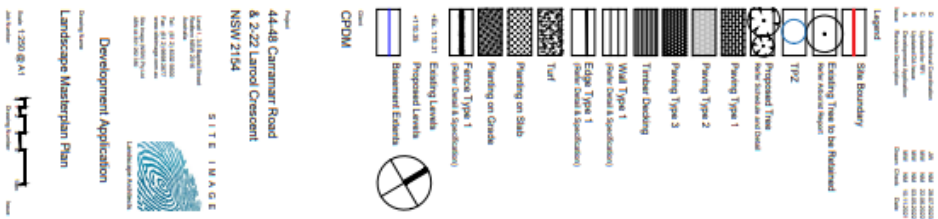


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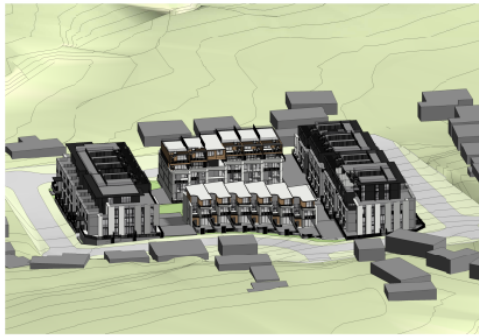
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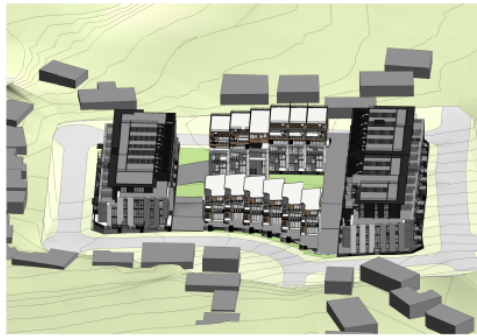
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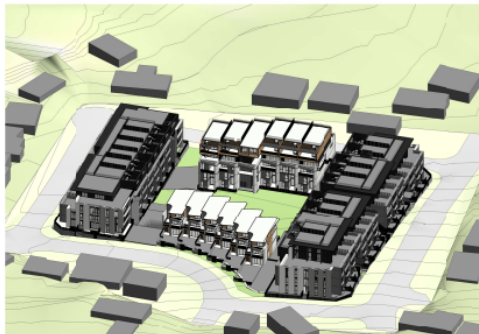
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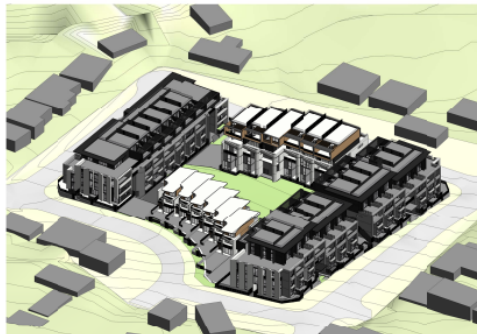
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Larool Crescent/Castle Hill

44-48 Carramar Road and 2-22 Larool

Crescent, Castle Hill, NSW 2124

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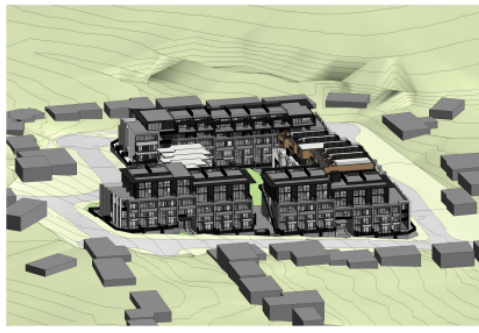
DEVELOPMENT APPLICATION



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Larool Crescent/Castle Hill

44-48 Carramar Road and 2-22 Larool

Crescent, Castle Hill, NSW 2124

60-SOLAR ACCESS

SOLAR SUN EYE VIEWS 02

DA-60-201

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DEVELOPMENT APPLICATION

ATTACHMENT O – PERSPECTIVES



VIEW OF EAST BUILDING FROM LAROOL CRESCENT (NORTH)



VIEW OF WESTERN BUILDING FROM LAROOL CRESCENT (EAST)



VIEW FROM LAROOL CRESCENT (SOUTH)



VIEW OF SOUTHERN BUILDING FROM LAROOL CRESCENT (SOUTH)

2-22 Larool Crescent & 44-50 Carramarr Road, Castle Hill

Without prejudice clause 4.6 variation request to clause 7.11A of The Hills Local Environmental Plan 2019

On behalf of
Castle Larool DM Pty Ltd
May 2022



Project Director

Adam Coburn

Contributors

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Gannon Cuneo

Revision	Revision Date	Status	Authorised
A	26/05/22	Final	Adam Coburn

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 Introduction

This without prejudice clause 4.6 variation request (clause 4.6) accompanies a Development Application (DA) submitted to The Hills Shire Council (Council) for the demolition of existing structures and construction of four residential flat buildings and terrace dwellings comprising a total of 118 apartments and basement parking at 2-22 Larool Crescent and 44-50 Carramarr Road, Castle Hill (the site).

In Council's letter dated 25 March 2022, it notes Council staff sought advice from the Panel with respect to the interpretation of clause 7.11A of The Hills Local Environmental Plan 2019 (LEP). The Panel's response to Council's request for advice is as follows:

The Panel has no concluded position on the disputed issue of the compliance of the proposed development with Clause 7.11A(3)(g)(i). However, if the applicant proceeds with the currently proposed building heights, the Panel considers that it would be prudent for the applicant to submit a 'without prejudice' Clause 4.6 variation request. Without offering any opinion at this stage on the merits of the proposed building form and FSR, if such a request is properly formulated, this would alleviate any procedural concerns if the Panel is ultimately minded to grant consent to the application.

In this regard, Council advised the applicant to submit a 'without prejudice' clause 4.6 variation request to alleviate any procedural concerns regarding compliance with clause 7.11A(3)(g)(i). It is noted legal advice was submitted as part of the DA, prepared by Dentons. This clause 4.6 should be read in conjunction with the advice from Dentons.

The clause 4.6 variation request seeks to vary development on certain land within the Castle Hill North Precinct, which applies to the site under clause 7.11A(3)(g)(i) of the THLEP 2019.

Clause 7.11A(3)(g)(i) of the LEP states the following:

*(g) in relation to land identified as "Area K" on the Key Sites Map—
(i) buildings on the land will not exceed three storeys along the Larool Crescent and Carramarr Road frontages, and*

In our view, the wording of the clause 7.11A(3)(g)(i) was drafted in a way that did not reflect Council's desired outcome for the site. This is evidenced in our review of Council's assessment reports in relation to the rezoning of Castle Hill North Precinct, which clearly articulates the intention for Area K was to incorporate a three storey terrace address along the frontages, but not to limit the height of buildings itself to three storeys.

It is important to note that if the intention was to limit the height of development to three storeys across the entire site, it would undermine the ability to utilise the incentive FSR established in clause 7.11A.

Furthermore, the site is zoned R4 High Density Residential, which provides planning objectives to provide housing needs and types within a high density residential environment. If the intent of clause 7.11A(3)(g)(i) was to limit development to three storeys, this would represent a clear inconsistency with the objectives of the zone, particularly as the site is eligible for additional floor space under clause 7.11A.

The proposed development aligns with the typology and storeys contained in the Castle Hill North Development Control Plan (DCP) and accompanying Structure Plan. It identifies the site as containing 'High Density Residential with Terrace Edge Elements'.

Specifically, page 8-9 of the DCP notes the following:



Note: Residential flat buildings with a 'terrace edge' are to address this section in terms of streetscape appearance. All units within the development are also to address the development controls for high density development within Section 5.

The above note suggests that terrace edge components are contemplated in high density typologies such as residential flat buildings. This is further reinforced by upper level setbacks contained on the site, allowing for additional storeys that are set back an additional 5m. This preserves the integrity of the terrace edge interface along the frontage, whilst allowing for additional height that is appropriately set back.

It is important to note the principles which underpin the Castle Hill North DCP are:

- Housing diversity;
- Transit oriented development;
- Infrastructure and open space; and
- Place making.

The proposal is entirely consistent with vision and supporting principles of the Castle Hill North DCP. It provides a form of high-density development that includes a range of housing choices and diversity to cater for different living needs, expectations and household budgets.

The above reasons suggest there has been a misalignment between Council's envisaged controls for the site and the subsequent drafting of the clause.

Nonetheless, the variation will enable the delivery of a medium to high-density residential development, that is consistent with the outcomes of the Castle Hill North Precinct, is compatible with the surrounding area and will not generate any unreasonable environmental effects.

The following sections of this report provide an assessment of the request to vary the height standard of clause 7.11A(3)(g)(i) of THLEP 2019. Consideration has been given to the following matters within this assessment:

- *Varying Development Standards: A Guide*, prepared by the Department of Planning and Infrastructure dated August 2011; and
- Relevant planning principles and judgements issued by the Land and Environment Court.

2 Exceptions to Development Standards

Clause 4.6 of the THLEP 2019 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 are as follows:

- (1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 enables a variation to any development standard to be approved on consideration of a written request from the applicant that justifies the contravention in accordance with clause 4.6.

Clause 4.6 provides flexibility in the application of planning provisions by allowing a Consent Authority to support a DA for approval, even where it does not comply with certain development standards where it can be shown that flexibility in the circumstances of the case would achieve better outcomes for the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) and (4) requires that the Consent Authority consider a written request from the applicant, which demonstrates that:

- Compliance with the development standard is **unreasonable or unnecessary in the circumstances** of the case, and
- There are **sufficient environmental planning grounds** to justify contravening the development standard.
- That the proposed development will be **in the public interest** because it is consistent with the objectives of the particular standard and the objectives for **development within the zone** in which the development is proposed to be carried out. (Emphasis added)

A further judgement by Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 clarified the correct approach to Clause 4.6 variation requests, including that:

"The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

Accordingly, this clause 4.6 variation request is set out using the relevant principles established by the Court. Clause 4.6 of the THLEP 2019 reads as follows:

4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows—
 - (a) to provide **an appropriate degree of flexibility in applying certain development standards** to particular development,
 - (b) to achieve better outcomes for and from development by **allowing flexibility** in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
 - (a) that **compliance with the development standard is unreasonable or unnecessary in the circumstances of the case**, and
 - (b) that there are **sufficient environmental planning grounds to justify contravening the development standard**.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
 - (a) the consent authority is satisfied that—
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,
 - (caa) clause 5.5,
 - (cab) (Repealed)
 - (ca) clause 6.2 or 6.3,
 - (cb) clause 7.11,
 - (cc) clause 7.15.

(Emphasis added)

Clause 7.11A is not excluded by the application of clause 4.6(8) and therefore can be varied under clause 4.6. The proposed variation has been assessed against the objectives of the zone and development standard in Section 6 and Section 7.

The assessment of the proposed variation has been undertaken in accordance with the requirements of the THLEP 2019 and clause 4.6(3) in the assessment in Section 5 and Section 6.

This clause 4.6 variation has been prepared as a written request seeking to justify contravention of the following provisions under the THLEP 2019:

7.11A Development on certain land within the Castle Hill North Precinct

- (1) The objectives of this clause are as follows—
- (a) to promote development that prevents the fragmentation or isolation of land,
 - (b) to ensure the provision of quality public domain and improved pedestrian and cycle connections within local or strategic centres,
 - (c) to facilitate development that is sympathetic to the character of heritage items.
- (2) This clause applies to land identified as "Area G", "Area H", "Area I", "Area J", "Area K" or "Area L" on the Key Sites Map.
- (3) Despite clause 4.4, the consent authority may consent to development on land to which this clause applies with a floor space ratio that exceeds the increased floor space ratio identified on the Floor Space Ratio Incentive Map by up to 20%, if the consent authority is satisfied of the following—
- (a) all lots comprising the land are amalgamated into a single lot,
 - (b) the requirements of clause 7.11(3) have been met,
 - (c) in relation to land identified as "Area G" on the Key Sites Map—publicly accessible common open space with a width of at least 5 metres will be provided along the eastern boundary of the land adjacent to Larool Crescent Reserve,
 - (d) in relation to land identified as "Area H" on the Key Sites Map—publicly accessible common open space with a width of at least 5 metres will be provided along the western boundary of the land adjacent to Larool Crescent Reserve,
 - (e) in relation to land identified as "Area I" on the Key Sites Map—the development will include active street frontages on Pennant Street,
 - (f) in relation to land identified as "Area J" on the Key Sites Map—pedestrian links will be provided through the land to connect Larool Crescent to Les Shore Place,
 - (g) in relation to land identified as "Area K" on the Key Sites Map—**
 - (i) buildings on the land will not exceed three storeys along the Larool Crescent and Carramarr Road frontages, and**
 - (ii) pedestrian links will be provided through the land to facilitate access between Barrowan Place and Larool Crescent Reserve,
 - (h) in relation to land identified as "Area L" on the Key Sites Map—**
 - (i) buildings on the land will be setback from Garthowen Crescent by at least 7.5 metres, and
 - (ii) pedestrian links will be provided through the land to connect the northern and southern frontages to Garthowen Crescent, and
 - (iii) one basement parking area will be provided on the land, including access roads through the land that will enable residents to enter into and exit from the northern and southern frontages to Garthowen Crescent, and
 - (iv) buildings on the land will not overshadow or detract from the heritage value of Garthowen and a ground level common open space will be provided between Garthowen and those buildings.

(Emphasis added)

3 Extent of Variation to the development standard

In accordance with clause 7.11A(3)(g)(i) of THLEP 2019, the development is to provide the following:

- Three storeys along the Larool Crescent and Carramarr Road frontages

The clause essentially establishes a storey limit to part of the buildings that front the Larool Crescent and Carramarr Road frontage.

The proposed development provides a three storey terrace edge along all street frontages, followed by an additional two storeys that are set back an additional 5m (8m total from the street). Refer to **Figures 1 and 2**.



Figure 1 – South Elevation (Source: PTW)



Figure 2 – Section D4 (Source: PTW)

It is noted the development is consistent with the Castle Hill North DCP and accompanying Structure Plan, which identifies the site as being 'high density residential with terrace edge elements'. In this regard, it clearly indicates that the desired future character of the site is to include a 3-5 storey building. Refer to **Figure 3**.



Figure 3 – Castle Hill North Structure Plan (Source: THDCP 2020)

4 Clause 4.6 (3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe V Pittwater [2007] NSW LEC 827 (Wehbe)* a five-part test was established in which a variation to a development standard is unreasonable or unnecessary as per clause 4.6(3A). The five tests established in *Wehbe* are (emphasis added):

1. ***The objectives of the standard are achieved notwithstanding non-compliance with the standard;***
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*
(Emphasis added)

Satisfaction of any one of these tests is sufficient to demonstrate the compliance with the standard is unreasonable or unnecessary.

This objection is based on the **first test**, which is addressed further below.

5 The objectives of the standard are achieved notwithstanding non-compliance with the standard

The **first test** of Wehbe requires demonstration that the objectives of a development standard can be achieved notwithstanding noncompliance with that particular standard.

Variation to clause 7.11A(3)(g)(i) of THLEP 2019 is proposed. Notwithstanding, the objective of the standards are achieved as outlined below.

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

(a) to promote development that prevents the fragmentation of land,

The proposed development represents the amalgamation of an entire block bound by Larool Crescent and Carramarr Road. There are no isolated or fragmented lots produced as a consequence of the development.

The consolidated nature of the development ensures the built form and design can be achieved in a manner that respects surrounding residential development and presents an appropriate streetscape presentation.

As such, objective (a) is satisfied.

(b) to ensure the provision of quality public domain and improved pedestrian and cycle connections within local or strategic centres,

The proposed development provides a publicly accessible through-site-link, consistent with the requirements of the DCP. The through-site-link is approximately 12-13m wide and promotes high quality public connections within strategic centres.

As such, objective (b) is satisfied.

(c) to facilitate development that is sympathetic to the character of heritage items.

The proposed development is not situated adjacent to or near any heritage item of local or State significance.

As such, objective (c) is satisfied.

In accordance with Wehbe Test 1, it is clearly demonstrated that the proposed development meets the objectives of the control under clause 7.11A. As such, strict application of the standard is unreasonable and unnecessary in the circumstances.

6 Clause 4.6 (3)(b) Sufficient environmental planning ground to justify contravening the development standard

Clause 4.6(3)(b) requires the applicant to demonstrate that there are sufficient environmental planning grounds to contravene the development standard. In Initial Action the Court found at [23]-[24] that:

23. *As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.*
24. *The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds.*

The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15].

Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].

In the case of the subject development, there are sufficient environmental planning grounds to justify contravening the development standard for the following reasons:

- The proposed building form is consistent with the DCP Structure Plan, noting the site as high density residential with a terrace edge;
- To the point above, upper-level apartments are setback an additional 5m, minimising the visual impact and scale of development across the frontages;
- The terrace edge component is three storeys and has been designed to respect the character and scale of surrounding development, with terraces having direct street address and highly articulated frontages;
- The proposal does not give rise to any unreasonable or unacceptable overshadowing impacts, with shadows cast between 9am and 3pm generally limited to the front setbacks of adjoining residential dwellings;
- The proposed form is in keeping with the desired future character of the area;
- If the intention of clause 7.11A(3)(g)(i) was to limit development across the site to three storeys, development would be unable to utilise the incentive floor space ratio controls set out in clause 7.11A, thereby undermining the intention of the control; and
- The proposed development is compliant with the maximum height (storeys) and floor space ratio controls for the site.

Furthermore, as demonstrated in **Section 5** of this report, the proposal demonstrates compliance with the objectives of the standard in that:

- It ensures land is developed in a consolidated and amalgamated manner, minimising land fragmentation and isolated sites;
- It promotes improved publicly accessible pedestrian connections in strategic centres; and
- It ensure appropriate transition of height and form to nearby existing residential areas.

The proposed development achieves the objects in Section 1.3 of the EP&A Act, specifically:

- The proposal promotes the orderly and economic use and development of land (1.3(c)).
- The development represents good design (1.3(g)).
- The building as designed facilitates its proper construction and will ensure the protection of the health and safety of its future occupants (1.3(h)).

Therefore, it is considered that there are sufficient environmental planning grounds to justify contravening the development standard in this instance, as, amongst other reasons listed above, the development will deliver one of the key objectives of the EP&A Act, will promote the delivery of a residential dwelling that will complement the desired future character of the area, while providing improved amenity in the locality.

In addition, it is noted that the proposed development will still produce a contextually appropriate development outcome consistent with the objectives of the development standards.

7 Clause 4.6 (4a)(ii) Public Interest

Clause 4.6(4a)(ii) requires that the consent authority consider whether the proposed development will be in the public interest because it is:

- Consistent with the objectives of the particular standard; and
- The objectives for development within the zone in which the development is proposed to be carried out.

Preston CJ in *Initial Action* (Para [27]) described the relevant test for this as follows:

The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest.

If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).

As detailed above the proposed development will be consistent with the objectives of the zone standards as discussed in detail below.

Consistency with R4 High Density Residential Zone

Further, it is considered that the proposal will remain consistent with the objectives of the R4 High Density Residential Zone as summarised below:

- **To provide for the housing needs of the community within a high density residential environment.**

The proposal provides a range of housing options for the community within a high density residential context. The development proposes terrace edge apartments and townhouses along all boundaries with apartments situated across the upper levels. The diverse forms of housing provided on site will meet a range of housing needs and accommodate more so for the needs of larger households.

As such, the proposal is consistent with this objective.

- **To provide a variety of housing types within a high density residential environment.**

The proposal provides a greater mix of townhouse and larger bedroom products to meet the housing needs of the community, with 53% of products being three-bedroom and 5% being townhouses. The varied housing types provide housing choice for different demographics, living needs and household budgets.

Furthermore, apartment have been designed in accordance with Council's mix and size requirements, which are larger than those set out in the Apartment Design Guide.

As such, the proposal is consistent with this objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

The proposal provides for a residential development in tandem with a range of residential facilities including communal open space for passive recreation, and publicly accessible through-site-links. These uses will comfortably meet the day to day needs of residents.

No alternative land uses have been proposed to retain the residential nature of the area and to avoid uses that could generate amenity concerns or compete with nearby local and strategic centres.

As such, the proposal is consistent with this objective.

- ***To encourage high density residential development in locations that are close to population centres and public transport routes.***

The proposal provides high density residential development is suitable locations to public transport and population centres. The proposal is located approximately 320m of Castle Hill Towers Shopping Centre and is 600m north west of Castle Hill Metro Station. In this regard, the site benefits from excellent proximity to a range of public transport options, shops, and services. Furthermore, the site is within the nucleus of Castle Hill North Strategic Centre, as nominated in the Greater Sydney Region Plan and Central City District Plan.

As such, the proposal is consistent with this objective.

As demonstrated in this request, the proposed development it is consistent with the objectives of the development standard and the objectives for development of the zone in which the proposed change of use is to be carried out.

Accordingly, the Council can be satisfied that the proposed development will be in the public interest if the standard is varied because it is consistent with the objectives of the standard and the objectives of the zone.

8 Clause 4.6(5) Grounds for Consideration

In deciding whether to grant concurrence, subclause 4.6(5) requires that the Secretary consider:

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

The proposal has been assessed against the relative criteria below:

Would non-compliance raise any matter of significance for State or regional planning?

The non-compliance is minor, specific to the circumstances of the site and proposed development and does not raise any matter of significance for State or regional environmental planning.

Is there a public benefit of maintaining the development standard?

There is no public benefit associated with maintaining strict compliance with the development standard in this instance. Doing so would undermine the objectives of the R4 zone, the vision and principles set out in the Castle Hill North DCP and accompanying Structure Plan.

Are there any other matters required to be taken into consideration by the Secretary before granting concurrence?

There are no additional matters that need to be considered in exercising the assumed concurrence of the Secretary.

9 Conclusion

The objectives of clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development in particular circumstances.

This clause 4.6 variation is necessary to provide the required flexibility in the height development standard to enable the development of the proposed residential tower. The request concludes that strict compliance with the numerical standard of the height control is unnecessary and unreasonable, and satisfies the tests under clause 4.6 for the following reasons:

- Strict compliance with the THLEP 2019 clause 7.11A standard would be unreasonable and unnecessary in the circumstances as the objectives of the standard are achieved notwithstanding non-compliance (clause 4.6(3)(a) and Wehbe test 1);
- There are sufficient environmental planning grounds to justify the minor contravention of the development standard. Specifically:
 - The proposed building form is consistent with the DCP Structure Plan, noting the site as high density residential with a terrace edge;
 - The terrace edge component is three storeys and has been designed to respect the character and scale of surrounding development, with terraces having direct street address and highly articulated frontages;
 - The proposal does not give rise to any unreasonable or unacceptable overshadowing impacts, with shadows cast between 9am and 3pm generally limited to the front setbacks of adjoining residential dwellings;
- The matters required to be demonstrated by sub-clause (3) are adequately addressed (clause 4.6(4)(a)(ii));
- The proposal is in the public interest (clause 4.6(4)(a)(iii)) because it will deliver a high-quality design that is compatible with the character of the area and:
 - the proposed development will be consistent with objectives relating to the development standard; and
 - the proposal is consistent with the objectives stated in the THLEP 2019 Land Use Table for the R4 High Density Residential Zone. There would be no public benefit in maintaining strict compliance with the development standard;
- The variation aligns with Council's DCP for Castle Hill North and accompanying Structure Plan; and
- The proposed development is appropriate for its context, with upper levels above three storeys sufficiently setback to respect the character of the streetscape.

Overall, the objectives of clause 4.6(1) are to provide an appropriate degree of flexibility to achieve a better outcome for and from development. Strict compliance with the maximum height standard would prevent the proposed development proceeding and delivering the benefits and enhancements described. The proposal will have minimal impacts of the community and is compatible with the local character of the area.

The relevant tests under clause 4.6 are satisfied and there are sufficient environmental planning grounds to justify the minor non-compliance with the height standard.

ATTACHMENT Q – APPLICANT’S LEGAL SUBMISSION REGARDING CLAUSE 7.11A

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30 September 2021

The Proper Officer
The Hills Shire Council
3 Columbia Court
Norwest NSW 2153

Our ref: S Leung/41049531

Dear Sir/Madam

2-20 Larool Crescent and 44-50 Carramarr Road, Castle Hill Clause 7.11A of the LEP

We act for Castle Larool DM Pty Ltd, the owner of 2-20 Larool Crescent and 44-50 Carramarr Road, Castle Hill (**Site**).

As you know, our client has prepared a concept design for the construction of a multi-dwelling development, which will include a part 3 and part 5 storey building on the Site. The part of the building that is 3 storeys will have a terrace interface to Larool Crescent and Carramarr Road and the part 5 storey part of the building is setback away from the street frontage.

We understand that Council has asked our client to provide confirmation with respect to the interpretation of clause 7.11A(3)(g)(i) The Hills Local Environmental Plan 2019 (**LEP**), and in particular the meaning of the requirement in that clause, that Council be satisfied that buildings will not exceed three storeys 'along the Larool Crescent and Carramarr Road frontages'.

In short, we advise that the clause operates to effectively require buildings on the road frontages only to be not more than 3 storeys, and that buildings which are stepped (with additional setbacks for additional storeys) would conform with the clause (such that Council could be relevantly satisfied).

Relevant Legislative Provisions

1. Under the LEP, the Site is zoned R4 High Density Residential. Multi-dwelling housing is permissible with consent in the zone.
2. The Site is identified as Area K on the Key Sites Map (CL2-024). The Site is also within the Castle Hill North Precinct, as such, clause 7.11A of the LEP applies. The Site/Area K is comprised of numerous lots, which are wholly bounded by Larool Crescent and Carramarr Road.
3. Clause 7.11A provides that:

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

- (a) to promote development that prevents the fragmentation or isolation of land,
- (b) to ensure the provision of quality public domain and improved pedestrian and cycle connections within local or strategic centres,
- (c) to facilitate development that is sympathetic to the character of heritage items.

(2) This clause applies to land identified as ... "Area K" ... on the Key Sites Map.

(3) Despite clause 4.4, the consent authority may consent to development on land to which this clause applies with a floor space ratio that exceeds the increased floor space ratio identified on the Floor Space Ratio Incentive Map by up to 20%, if the consent authority is satisfied of the following—

...

(g) in relation to land identified as "Area K" on the Key Sites Map—

- (i) buildings on the land will not exceed three storeys along the Larool Crescent and Carramarr Road frontages,...

Interpretation of clause 7.11A(3)(g)(i) of the LEP

4. The clause applies to 'buildings on the land'. This includes part of a building:
 - a. The LEP adopts the same definition for 'building' that is found under the *Environmental Planning and Assessment Act 1979*. Under the Act, 'building' includes "part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993."
 - b. Accordingly we advise that clause 7.11A(3)(g)(i) must be read to include the meaning that only the part of the building on the land that addresses Larool Crescent and Carramarr Road frontages will not exceed three storeys.
 - c. On that basis, in order to benefit from the additional 20% FSR under clause 7.11A(3)(g)(i), the proposal does not need to be limited to being no more than 3 storeys across the whole of the Site.
5. The clause effectively applies a storey limit to (parts of) buildings 'along the Larool Crescent and Carramarr Road frontages'. 'Frontage' is the part of the land that abuts the road:
 - a. Although 'frontage' has not been defined under the LEP, the Court has considered the meaning of that word.
 - b. In *Langford v Copmanhurst Shire Council* [1994] NSWLEC 38, there was a dispute about whether the subject site has a road frontage when the subject site abutted a right of way that connects the subject site to the road. Pearlman J determined that the ordinary meaning of frontage should be applied. That is, frontage refers to a "piece or parcel of land which has as its characteristic the fact that it abuts on a river or a stretch of water or a road. It is not the right-of-way itself that is the frontage of lot 30; it is that part of the land comprised in lot 30 which has the characteristic of abutting on a road."
 - c. Her Honour goes on to say that 'frontage' means a piece of land which has a common boundary with a road, or a piece of water, or a river.

6. In our opinion the same meaning of frontage should be applied when interpreting clause 7.11A(3)(g)(i). That is, the part of the Site which has the characteristic of being along or abutting Larool Crescent and Carramarr Road should have a building or part of a building that does not exceed three storeys.
7. Our client's concept design accommodates the three storey requirement under clause 7.11A(3)(g)(i) so that the parts of the building that address Larool Crescent and Carramarr Road will be 3 storeys.
8. Setback behind the part 3 storey building will be the part of the building that will be 5 storeys. That part of the Site, being further into the site, cannot be said to be the part of the Site with a 'frontage' to those roads and so the three storey limit under clause 7.11A(3)(g)(i) does not apply.
9. In our opinion Council can clearly be satisfied that the proposed concept design meets the requirement under clause 7.11A(3)(g)(i) and the concept design accordingly attracts the benefit of the additional 20% FSR.

Council's Development Control Plan (DCP)

10. Furthermore this interpretation of clause 7.11A(3)(g)(i) is consistent with and supported by the Council's DCP.
11. Part D Section 20 of the DCP, which deals with the Castle Hill North Precinct, includes a Structure Plan that demonstrates the desired character of that Precinct. The Structure Plan (see below) clearly indicates that the desired future character of the Site is to include a 3-5 storey building for High Density Residential with Terrace Edge Elements.



Figure 14 Castle Hill North Structure Plan

12. Figure 31 (see below) of the Part D Section 20 of the Council's DCP illustrates the desired street setbacks in the Precinct. That Figure shows that any terrace development on the Site is to be three storeys and setback 3m from the street. Any additional storeys above the third storey are to be setback 5m.

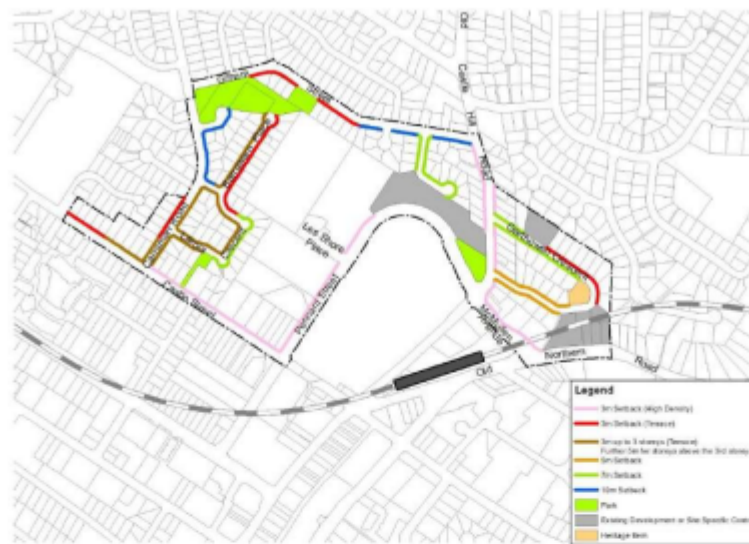


Figure 31 Street Setbacks

13. On that basis it is clear that the Council's desired character of this Site envisages development similar to what our client has proposed in their concept design, being development that addresses the road frontages as a 3 storey building but may include additional storeys setback away from the road frontage.
14. In addition, this interpretation of clause 7.11A is also consistent with the Council's assessment report titled "Post Exhibition – Planning Proposal – Castle Hill North Precinct (16/2016/PLP)" dated 27 November 2018, which included the Council's comments on the request to rezone the Site from Zone R2 Low Density Residential to Zone R4.
15. Initially the Council had proposed that the height of the development on the Site be concentrated to the central part of the Site. However, following exhibition of the planning proposal, the Council's planner instead recommended that the "proposed development incorporates a three storey terrace address along the Larool Crescent and Carramarr Road frontages".

In our opinion a design which includes a three storey building component on the street frontages with a five storey building component setback from the street frontage clearly complies with the requirements clause 7.11A(3). The fact that this is consistent with the DCP also lends weight to this interpretation being the intended and planned outcome. Council can clearly be satisfied that the concept design meets the requirements of the clause.

Please let contact us on the number above if you wish to discuss this further.

Yours sincerely

Jodie Wauchope
Partner
Dentons Australia