

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-399 - DA 717/2023/JP
PROPOSAL	Residential Flat Building Development Containing 364 Units and Basement Parking
ADDRESS	Lots 301-313 DP 252593, Lots 202-207 DP 249973, Lot 505 DP 258587 Nos. 20-36 Middleton Ave, 1-19 Hughes Avenue and 34 Dawes Avenue Castle Hill
APPLICANT	UPG 345 Pty Ltd
OWNER	Hughes 888 Pty Ltd, Mr J Gatt, Mrs N Gatt, Mr R M Scott, Mr G D Powell, Mrs M M Powell, Spintaro Pty Ltd, Mr D J Quinn, Mrs R J Quinn, Mr A Oon, Mrs A J Oon, Mr M J Butcher, Mrs M Ramsden, Mr D H Simpson, Mrs J A Simpson, Mrs B Kay, Est Late Dr L K, Ho, Mr T D Cody, Mrs J M Cody, Mr G A Nugent, Mrs N E Nugent Mr R E Buxton, Mrs S J Buxton, Mrs A C Emanuel, Mr J J Vella Mrs P H Vella, J & W Xie Holdings Pty Ltd, Mr A B Cicco, Mrs L Cicco, Mrs Z Matic
DA LODGEMENT DATE	19 October 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the SEPP (Planning Systems) 2021
CIV	\$82,727,516 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development The Hills Local Environmental Plan 2019 The Hills Development Control Plan 2012
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Two (First notification period only)

DOCUMENTS SUBMITTED FOR CONSIDERATION	Town Planner: Universal Property Group Pty Limited Architect: Plus Architects Landscape Architect: Greenplan Arboricultural: Monaco Designs P/L & Naturally Trees Civil Engineering: Enspire Solutions Pty Ltd Stormwater Engineering: Wehbe Consulting Flood Engineering: Northrop Surveyor: The Bathla Group Acoustic: Norrebro Design Traffic: Varga Traffic Planning Pty Ltd Quantity Surveyor: Thomas Lander Contamination: Geotesta Pty Ltd Geotechnical: Geotesta Pty Ltd. Access: Morris Goding Access Consulting BCA: McKenzie Group Consulting Waste Management: BRP Consulting Infrastructure Report: Enspire Solutions Pty Ltd
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	No
RECOMMENDATION	Deferral
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	Electronic
PLAN VERSION	N/A
PREPARED BY	Sanda Watts – Development Assessment Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	23 November 2023

EXECUTIVE SUMMARY

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

- During the final preparations of this report, amended plans, and documentation were provided by the applicant in response to the outstanding matters raised by Council staff. The additional information was uploaded to the NSW Planning Portal on 16 November 2023. The amended information is currently under assessment by relevant Council staff.

- The proposal includes the demolition of existing structures and the construction of 364 residential units within five residential flat buildings (Buildings A-E) with basement parking. The development is generally 6 storeys with a small portion being 7 storeys. The development complies with the 21 metre height limit.
- When the development application was initially lodged in October 2022, the proposal excluded 36 Middleton Avenue from the development. Council staff raised significant concerns with the isolation of this lot, and orderly development. Subsequently, the applicant had further negotiations with the owner, and included this lot in the development site. Owner's consent was provided by No. 36 Middleton Avenue, and amended plans were provided to Council to include this lot, and with this amendment, the unit total increased from 350 units to 364. The inclusion of this lot provided for a better planning outcome.
- The northern portion of the development (No. 1 Hughes Avenue) is identified as a flood control lot. Clause 5.21 of the Hills LEP 2019 stipulates that development consent must not be granted to development within a flood planning area unless the consent authority is satisfied that the development is compatible with the flood function and behaviour on the land, will not adversely affect flood behaviour in a way that results in detrimental impacts of other properties, affect the safe occupation and efficient evacuation of people and appropriate measures are provided to manage risk to life in the event of a flood and adverse environmental impacts. On 16 November 2023 the applicant provided additional information with respect to flooding matters which is currently under assessment.
- Council staff previously raised concerns with respect to compliance with the housing diversity unit mix and size provisions required to apply an incentive floor space ratio (FSR) of 2.3:1 under Clause 9.7 of LEP 2019. This will be further reviewed and assessed with the amended plans provided on 16 November 2023 to ensure that this Clause is satisfied.
- In accordance with Clause 9.5 of the Hills LEP 2019, development consent must not be granted unless the consent authority considers that the development exhibits design excellence and subclause (6) requires the development to be reviewed by a design review panel (DRP) and the consent authority is to take into account the findings of the DRP. The application was referred to Council's DRP on two occasions. The DRP raised concerns with the proposal including articulation and diversity of architectural expression, solar shading to exposed windows, landscape design, including mature tree retention, deep soil provisions, tree canopy, and species selection. The Applicant in their submitted information on 16 November 2023 has advised that they have amended the application to consider and address the findings of the DRP. Council staff will review the amended documentation in consideration of Clause 9.5.
- Council staff raised previous concerns with respect to compliance with the Apartment Design Guide. The amended plans will be assessed under SEPP 65 and the ADG.
- The development was notified for 21 days to affected properties on 24 October 2022 and the amended application was notified on 19 May 2023. Submissions from two properties were received during the first notification period. The first submission was from No. 36 Middleton Avenue, which raised concerns with the isolation of this property and the owner advised Council that they wished to be part of the subject development, and the second submission raised concerns with the overshadowing of No. 36 Middleton Avenue. When the amended application was notified to include No. 36 Middleton Avenue into the development site, nil submissions were received.

Given the complexities of the application in relation to flooding matters, design excellence, and the amendment of the application during the assessment process to include the isolated lot to provide for a better planning outcome, it is considered that deferral of the application until the end of the first quarter of 2024 is appropriate. This will provide an opportunity for Council staff to review and assess the additional information submitted by the applicant on 16 November 2023. It is anticipated a report will be submitted to the Panel by April 2024.

1. THE SITE AND LOCALITY

The subject site is located within the Showground Station Precinct and is located approximately 300 metres from the Showground Metro Station. The subject site comprises 20 existing lots containing single dwellings, and is known as 1-19 Hughes Avenue, 20-36 Middleton Avenue and 34 Dawes Avenue, Castle Hill. The subject site has a total area of 18,703m².

The site is bounded by Dawes Avenue to the north, Hughes Avenue to the east and Middleton Avenue to the west. Pursuant to The Hills LEP 2019, the site is zoned R4 High Density Residential.

The site has a maximum building height of 21 metres. Under Clause 4.4 of The Hills LEP 2019, the site is subject to a maximum base FSR standard of 1.6:1 and an incentive FSR of 2.3:1 (maximum).

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development (as amended on 16 November 2023) seeks consent for the following works:

- Demolition of existing site structures
- Removal of vegetation and trees
- Earthworks and excavation to accommodate basements
- Construction of 364 unit residential flat building development consisting of the following:
 - 91 x 1 bedroom units
 - 199 x 2 bedroom units
 - 74 x 3 bedroom units
- Car parking for a total of 478 vehicles (392 residents and 86 visitors)
- 11 Motorcycle spaces and 149 bicycle parking spaces.
- A pedestrian link is to be provided between Middleton Avenue and Hughes Avenue.
- Associated stormwater drainage works
- 2 metre land dedication along the eastern side of Hughes Avenue

Table 1: Development Data

Control	Proposal
Site area	18,703m ²

GFA	39,182m ²
FSR	2.09:1
Clause 4.6 Requests	No
No of apartments	364
Max Height	20.96m
Landscaped area	9,600m ² (ground level)
Car Parking spaces	478

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 20 May 2022 where various issues were discussed.

The development application was lodged on **19 October 2022**. A chronology of the development application since lodgement is outlined below:

Table 2: Chronology of the DA

Date	Event
19 October 2022	DA lodged for a residential flat building development with 350 units
24 October 2022	Notification of the application
11 November 2022	Request for information from Council staff to applicant regarding sight distances and tree matters.
29 November 2022	Correspondence sent to the Applicant relating to dwelling cap and site isolation of No. 36 Middleton Avenue as a result of the proposed development.
2 March 2023	Panel briefing
18 April 2023	Amended application submitted which included No. 36 Middleton Avenue and increased unit yield to 354 units.
3 May 2023	Design Review Panel meeting.
19 May 2023	Amended development application notified.
7 August 2023	Request for additional information in relation to engineering, tree and landscape matters.

6 September 2023	Additional flood information requested from the applicant.
12 September 2023	Additional information provided, including increased unit yield to 364 units.
27 September 2023	Design Review Panel meeting.
13 October 2023	Further request for additional information.
25 October 2023	Additional landscape and tree details provided by applicant.
16 November 2023	Amended plans and documentation provided by applicant.

3. 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.

3.1 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 (Transport and Infrastructure) 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 State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies

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
Transport and Infrastructure SEPP	<ul style="list-style-type: none"> Clause 2.122 – Traffic-generating development. 	Y
LEP	<ul style="list-style-type: none"> Clause 4.1 – Lot size Clause 4.3 – Height of Buildings Clause 5.21 - Flood Clause 6.3 - Servicing Clause 7.2 – Earthworks Clause 9.1 – Minimum Lot Size Clause 9.3 Minimum Building Setback Clause 9.5 Design Excellence Clause 9.7 - Residential development yield on certain land 	Y Y TBC Y Y Y Y Y TBC TBC

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 6 of the SEPP as the proposal is development for *general development* with a CIV of more than \$30 million (\$82,727,516). Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of RH SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or

will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation (PSI) Report has been prepared by Geotesta Pty Ltd. The investigation concluded that *“the limited soil sampling and analysis program conducted indicated a low risk of soil and groundwater contamination. It is the opinion of Geotesta Pty Ltd that the site is suitable for the proposed residential development”*.

The report also recommended that due to the existence of a significant data-gap the investigation, a further Data Gap Contamination Assessment post demolition of the existing structures/dwellings would be required to address further potential areas of concern (main emphasis on the footprint of the structures/dwellings) identified in the areas of environmental concern and to determine if any contamination hotspots exist around the existing sheds and dwellings.

If the development application is supported, a condition of consent would be recommended to ensure the recommendations of the PSI are implemented.

In this regard, it is considered that the site is suitable for the proposed development.

SEPP (Biodiversity and Conservation) 2021

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

Through stormwater mitigation and erosion and sediment measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River Catchment.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

In accordance with Clause 2.122 of the SEPP, developments listed in Schedule 3 must be referred Transport for NSW prior to the determining of a development application and consider any matters raised, the accessibility of the site concerned, traffic safety, road congestion or parking implications of the development. An assessment of the traffic, access, parking and road network is provided in the Traffic and Parking Report.

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to Transport for NSW where residential accommodation exceeds 300 dwellings. The proposal results in 364 dwellings.

The Development Application was referred to Transport for NSW for review. Transport for NSW raised no objection to the proposal, however provided the following comment:

“TfNSW is concerned with the prospect of cumulative traffic impacts on the surrounding road network due to developments exceeding the minimum car parking rates outlined by The Hills Development Control Plan (DCP). TfNSW notes the proximity of the development to the Hills Showground Metro Station and recommends the reduction of the number of car parking spaces to be consistent with the minimum parking rates as outlined by The Hills DCP.”

The amended plans with the proposal reduced the parking rates provided in comparison with the original scheme. The proposal complies with the parking rates stipulated in Part D Section 19 – Showground Precinct and as required under Clause 9.7 of the LEP.

The potential for traffic safety and road congestion of the development have been satisfactorily addressed and satisfies Clause 2.122 of SEPP (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development. An amended BASIX certificate has been provided to accompany the amended proposal.

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

The required Design Verification Statement was prepared by Amit Julka (NSW Reg. 10002) of Plus Architecture.

Design Quality Principles

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

Principle 1: Context and neighbourhood character

The proposal is compatible with the existing and future context and neighbourhood character of the precinct. The proposal seeks to respond to and contribute to the context of the Showground Road Precinct both in its present state as well as the desired future character.

The locality is comprised of a mixture of existing buildings, low to medium and high density, multi-residential and single dwellings, with the future vision of the area zoned to encourage an increased scale of high density residential development in close proximity to Showground Metro Station.

Principle 2: Built form and scale

The proposal provides for a suitable built form and scale for the desired future character of the Showground Precinct. The development has been designed to cater for the topography of the site, and is generally in the form of 6 storeys with the upper levels being recessed and of varied material.

Principle 3: Density

The subject proposal comprises 364 dwellings across the development site. The density complies (if amended as identified above) and is appropriate for the site and precinct.

Principle 4: Sustainability

The design foreshadows that the proposal will achieve natural ventilation and solar access as required by the Apartment Design Guidelines.

Principle 5: Landscape

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

Principle 6: Amenity

Future building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy.

Principle 7: Safety

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 location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development has the potential to comply with the mix requirements of the LEP. This will be confirmed with amended plans.

Principle 9 – Aesthetics

The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall building works and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

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.

NOTE – the assessment below is based on previous plans. An assessment of the amended plans provided on 16 November 2023 is still to occur.

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes, 33.7% of the development site area (6,301m ²) which includes ground level and roof top COS. 51.9% of the communal open space area will receive at least 51.9% direct sunlight for 2 hours at during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes, 15.08% (or 2,821m ²) of the development site area is true deep soil zones as defined within the ADG.
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	No – minor encroachments to be addressed by the applicant.

Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes – to be confirmed with amended plans.
Carparking	<p>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).</p>	<p>Yes.</p> <p>The site is located within 800m of the Showground Metro Station. 337 plus 73 visitor spaces (410 total) would be required utilising the RMS rate, 512 spaces are provided</p>
Designing the Building		
Solar and daylight access	<p>1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Yes. The proposed development will achieve two hours solar access for 83% (302 of 364) of apartments between 9am and 3.00pm.</p> <p>Yes. 4% (15 of 364) of apartments receive less than 2 hours direct sunlight, and 12.9% (47 of 364) of apartments receive no direct sunlight.</p>
Natural ventilation	<p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes.</p> <p>A total of 63.2% (230 of 364) of units will meet the cross ventilation requirements or can be naturally ventilated.</p> <p>Yes.</p> <p>The maximum overall depth is 18 metres for a cross through apartment.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area.</p>	<p>Yes.</p> <p>Floor to ceiling height approx. 2.7 metres for all apartments.</p>

	<p>For attic spaces – 1/8m at the edge of the room with a 300 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>	NA
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. 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>Yes</p> <p>1 bedroom – 54-73m² 2 bedroom – 76-146m² 3 bedroom – 94-156m²</p> <p>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>N/A</p> <p>All habitable rooms 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>
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 balcony sizes and depths comply.</p> <p>Provided.</p>
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight</p>	<p>No – 9 apartments off a circulation core.</p>

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Refer below for applicant justification. 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 Each unit contains the minimum storage area.
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 is satisfactory.

The applicant has provided the following justification in relation to the non-compliance with respect to common circulation and spaces:

The proposal does not strictly comply with the design criteria as it has between 8 and 12 apartments per level and a single core. It does comply with the design guidance providing 12 or less apartments per core. The circulation walkways have provided multiple points of solar access and natural ventilation via operable windows.

The Hills Local Environmental Plan 2019

The land is zoned R4 High Density Residential under Local Environmental Plan 2019. The proposal remains a residential flat building which is permissible in the zone.

The site is zoned R4 High Density Residential under The Hills LEP 2019. The objectives of the 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.*

The proposal is considered to remain consistent with the stated objectives of the zone, in that the proposal will provide for a land use to meet the needs of the surrounding residents and is also considered to provide an alternative housing option for future residents.

As such the proposal is considered satisfactory in respect to the LEP 2019 objectives.

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum Allotment size (CI 4.1A)	4,000m ²	18,703m ²	Yes
Height of buildings (CI 4.3(2))	21 metres	20.96 metres	Yes
FSR (CI 4.4(2))	Base FSR 1.6:1	N/A – incentivised FSR applied under Clause 9.7	N/A
Flood planning (CI 5.21)	As per clause	Additional information provided and under assessment.	TBC
Part 9 Showground Precinct			
Minimum Lot size – RFB (CI 9.1)	Residential flat building with a height of 11 metres or more – R4 High Density Residential – 3,600m ²	18,703m ²	Yes
Minimum building setback (CI 9.3)	Front Building Setbacks to be equal to, or greater than, the distances shown for the land on the Building Setbacks Map – Middleton Avenue requires a 10m setback.	Middleton Avenue – 10m	Yes
Design excellence (CI 9.5)	Refer below	Refer below	No
Residential development yield on certain land (CI 9.7)	If the development is on a lot that has an area of 10,000m ² within the Showground Precinct and provides a specific mix, family friendly unit sizes and parking, the following incentivised Floor Space Ratio can be applied as identified on the FSR Mapping instrument: Incentivised FSR of 2.3:1 – Refer below	2.09:1	TBC – see below

i) Clause 5.21 Flood Planning

Clause 5.21 Flood Planning of the LEP prescribes the following:

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

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

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

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

The objectives of this clause are as follows:

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

Comment:

The Development Application has not demonstrated that the flood planning provisions under this Clause have been satisfied. The Applicant is currently working with Council's Waterways Team to finalise this issue. Should the flood impact assessment demonstrate that the above is satisfied, and all other outstanding issues identified in this report are resolved, the application can ultimately be recommended for approval.

ii) Clause 9.5 Design Excellence

Clause 9.5 Design excellence of the LEP prescribes the following:

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
- (2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct.*

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

As a portion of the proposed residential flat building exceeds 6 storeys in part (but is not higher than 66 metres or 20 storeys), the proposal is required to be reviewed by a design review
 Assessment Report: PPSSCC-399 - DA 717/2023/JP 23 November 2023

panel, and the consent authority is required to take into account the findings of the design review panel.

Comment: The amended application was reviewed by the for a second time by the Design Review Panel (DRP) on 27 September 2023. The DRP recommended and concluded the following:

SUMMARY OF PANEL RECOMMENDATIONS

- Avoid subterranean units and sunken terraces. *Provide details to DA Officer satisfaction.*
- Provide a more direct and usable cross-site public access connection, with clear visual access to the streets at each end. *Addressed*
- Ensure communal facilities and related spaces are appropriate to the size of the development and possess a high quality and usability. *Addressed*
- Provide more articulation and diversity of architectural expression between development blocks. *Addressed, subject to comments in this report being incorporated into the scheme.*
- Provide effective solar shading to exposed windows. *Not adequately addressed for east and west façades.*
- Ensure NCC fire separation requirements between fire compartments are satisfied. *Applicant stated fire sprinkler system employed.*
- Provide a comprehensive landscape design that addresses existing mature tree retention, deep soil provision, high canopy tree planting, and substantial landscape understorey planting. *Further work required as described in this report.*
- Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas. *Note.*
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council. *Provide details to DA Officer satisfaction., noting how important this is for aesthetics and marketability.*
- Location of parking exhaust shafts are to be identified and suitably screened from within in the public domain. *Applicant confirmed exhaust ducts do not impact on public domain, are exhausted through the roof and do not exhaust onto roof top common open space.*
- OSD provision should not compromise effectiveness of frontage setback as green buffer
- Further development of the program and amenity of the COS spaces is required to effectively realise the intended themes for each

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.

New Comment: The Panel's advice remains consistent with the previous meeting advice. The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.

The applicant has been provided the opportunity to review and address the issues raised by the DRP. Amended details have been provided on 16 November 2023 which will be reviewed in accordance with the Clause, and it will be determined whether the application will be required to be forwarded back to the DRP for further consideration. Noting the above, it is considered that the previous development did not satisfy Clause 9.5 of the LEP.

iii) Clause 9.7 Residential development yield on certain land

Clause 9.7 of LEP 2019 enables the application of an increased FSR that does not exceed the FSR identified on the Floor Space Ratio Incentive Map to development that contain dwellings on a lot that is within the Showground Station Precinct and has an area of 10,000m², if the development meets a certain unit mix, diversity and car parking requirements.

The proposal exceeds the minimum site area requirements within the Showground Station Precinct (being 18,703m²) and has the capability to meet the unit mix and diversity (subject to minor amendments) and complies car parking requirements as demonstrated in the below table:

NOTE – the assessment below is based on previous plans. An assessment of the amended plans provided on 16 November 2023 is still to occur.

APARTMENT MIX	REQUIRED	PROPOSED	COMPLIANCE
Maximum of 25% of dwellings (to the nearest whole number of dwellings) to be studio or 1 bedroom dwellings	Maximum 91 dwellings to be studio or 1 bedroom dwellings	Satisfactory – 91 x 1 bedroom dwellings are proposed which equates to 25% of the dwellings in the development.	Yes
Minimum 20% of dwellings (to the nearest whole number of dwellings) to be 3 or more bedroom dwellings	Minimum 73 dwellings to be 3 or more bedroom dwellings	Satisfactory – 73 x 3 bedroom dwellings are proposed which equates to 20% of the dwellings in the development.	Yes
Minimum 40% of 2 bedroom dwellings will have a minimum internal floor area of 110m ²	Minimum 80 of 200 2 bedroom dwellings to have a minimum internal floor area of 110m ²	Satisfactory – 82 x 2 bedroom dwellings will have a minimum internal floor area of 110m ²	Yes, subject to minor amendments from the applicant to ensure studies provided in the 2 bedroom units are not converted to bedrooms.
Minimum 40% of 3 bedroom dwellings will have a minimum internal floor area of 135m ²	Minimum 30 of the 73 3 bedroom dwellings to have a minimum internal floor area of 135m ²	Satisfactory – 32 x 3 bedroom dwellings will have a minimum internal floor area of 135m ²	Yes
Minimum 1 parking space per dwelling, minimum 1 visitor	364 dwellings proposed, minimum 437 spaces required	Satisfactory – 426 residential car parking spaces and 86 visitor car	Yes

car parking space for every 5 dwellings	(364 resident, plus 73 visitor spaces).	parking spaces proposed (total of 512).	
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Subject to minor amendments to some 2 bedroom units, it is considered that the proposal has the capability to meet the required provisions under Clause 9.7 and the FSR incentive of 2.3:1 can be applied to the site. The proposal provides for an FSR of 2.1:1 (Gross Floor Area of 39,222m²) which complies with the planning instrument.

3.2 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.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following section of The Hills Development Control Plan 2012 are relevant to this application:

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

Some standards such as density, number of storeys, unit mix, sizes and parking are superseded by the site-specific provisions in the LEP under Section 9 Showground Precinct. In the event of any inconsistency between The Showground Precinct DCP and any other Section of the DCP, the provisions of the site-specific Section shall prevail to the extent of the inconsistency.

An assessment against the plans and documentation submitted during the assessment period for the development application revealed that the proposal generally achieves compliance (or had the capability to comply) with the relevant requirements of the development controls. A review of the amended plans and documentation provided on 16 November will be undertaken. Any variations to development controls will be highlighted in the future determination report.

3.4 Section 4.15(1)(a)(iiia) – 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.

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

Clause 92(1) 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 any future draft conditions (where necessary).

3.6 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.

Accordingly, it is considered that, subject to the resolution of all the previous matters identified, the proposal will not result in any significant adverse impacts in the locality as outlined above.

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

The Site has been zoned for a high density residential development. The proposed development is consistent with the desired future character of the Showground Precinct and, subject to all outstanding matters being resolved, 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.

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

These submissions are considered in Section 4 of this report.

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

The development provides a suitable density of housing products within an area that has access to public recreation facilities, a town centre and public transport. The development is consistent with the desired future character of the Showground Precinct and is considered to be in the public interest.

4. Community Consultation

The proposal was notified in accordance with the DCP on two occasions. A total of two unique submissions, were received during the first notification period. No submissions were received during the second notification period. The issues raised in these submissions are considered in the Table below.

Table 5: Community Submissions

Issue/Objection	Comments
Isolation of Lot	<p>The application (as originally proposed) excluded No. 36 Middleton Avenue. The owner requested to be included in the development site.</p> <p>Outcome: The subject Development Application was amended to include the isolated lot.</p>
Overshadowing	<p>There is considerable overshadowing to No. 36 Middletown Avenue.</p>

	Outcome: The subject Development Application was amended to include the isolated lot (no. 36 Middletown Avenue).
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5. INTERNAL REFERRALS

The Development Application was referred to the following sections of Council:

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

The following objections were raised:

LAND INFORMATION MANAGEMENT

Council's Land Information Management section have reviewed the unit numbering for the development, and have raised concerns with the numbering system proposed by the applicant. Advice has been provided to the applicant for Council's systematic numbering system which is to be employed for the development to ensure a consistent and concise building and unit numbering approach. Councils staff will review the amended documentation to see if this matter has been satisfied.

ENGINEERING AND WATERWAYS COMMENTS

Council's Engineering and Waterways Sections are yet to undertake an assessment of the information provided on 16 November 2023. The following comments were based on the previous information provided with the application:

Council's Engineering and Waterways sections raise objections to the proposal as insufficient information has been provided to make a complete assessment of the application regarding flooding, stormwater drainage and carparking arrangement as detailed below:

- **Flooding:** The submitted pre-developed catchment model (the base case scenario) has fulfilled the minimum requirements, and Council staff can confirm acceptance of the base case flood model. The review of the post-developed flood model, however, revealed a couple of issues that need to be addressed, particularly regarding the representation of the proposed development in the Digital Elevation Model (DEM), representation of stormwater network, hazards, the off-site flooding impact of the proposed development, and flood emergency response plan. Further information is required to ensure compliance with The Hills Shire Council (THSC) Development Control Plan (DCP) 2012 Part C Section 6 – Flood Controlled Land Requirements; and THSC Drainage Design Requirements.
- **Stormwater Management:** A revised stormwater plan was not submitted with the last set of amended plans. At a minimum, confirmation from the stormwater engineer shall

be provided to Council stating that the revised ground floor plan has been reviewed and that the surface runoff from the ground floor can be collected and drain to the OSD via gravity. Council staff are able to then impose a condition for the stormwater plan to be updated at CC stage. Alternatively, a revised stormwater plan and calculation shall be submitted to Council staff for further assessment.

- Vehicular Access, Carpark and Circulation: Proposed car park space No. C/D/E137 on proposed basement 02 floor plan shall be relocated / deleted away from the blind aisle/circulation roadway.

TREE MANAGEMENT/LANDSCAPING COMMENTS

Concerns regarding insufficient landscaping and tree retention for the proposal were raised by Council's Landscape Assessment Officer with the previous documentation. Council's Landscape Officer is yet to undertake a review of the information provided on 16 November 2023

The comments below are based on previous documentation:

Trees

The Arborist Report does not appear to assess all trees on the site, on the Council nature strip and the vicinity of the boundaries, and a tree location plan has not been provided. Accurate Tree Protection Zones (TPZ) have not been coordinated on all plans, including civil plans, and TPZ encroachments in accordance with AS4970-2009 Protection of Trees of Development Sites have not been provided. This must be provided to allow an assessment of any proposed tree retention and removal on the site, on neighbouring properties, and Council nature strip. Insufficient levels information is provided outside of the building footprint on all plans to demonstrate that natural ground levels are being maintained with the TPZ of trees and the proposed stormwater infrastructure locations do not avoid the TPZs of trees as recommended in the Arborist Report.

Trees proposed for retention and removal between plans are inconsistent, and insufficient investigations as to which significant trees in deep soil areas could be successfully retained under the development appears to have been undertaken. Architectural sectional drawings appear to indicate walls/level changes on almost all boundaries, which are not located on other plans. These walls and levels changes would impact on tree on the site, neighbouring sites, and on the Council nature strip.

Landscaping

The landscape plan does not provide sufficient information in accordance with the Apartment Design Guide, THDCP Part B Section 5 – Residential Flat Building, THDCP Part D Section 19 – Showground Station Precinct and THDCP Part C Section 3 – Landscaping such as the following:

- Clearly located basement under and basement slab levels to allow an assessment of achieved soil depth over.
- Retaining wall levels for all retaining walls in the landscape and proposed materials and finishes.
- Details landscape planting plans which locate individual planting and associated plant quantities.
- Street trees in accordance with Showground Precinct Public Domain Plan

Concern is also raised with the extensive On-Site Detention basins in the western street setback adjacent Middleton Avenue which is proposed with 400mm soil depth over. This depth

is insufficient for substantial planting in the street setback which is in scale with the development.

6. CONCLUSION

The site is identified as flood prone land and the application has not provided sufficient information to demonstrate compliance with the flood planning provisions under Clause 5.21 of The Hills LEP 2019. In this regard, the Clause prohibits development consent to be granted to development on the land. Additional information has been provided by the applicant with respect to flooding which is currently under assessment by Council staff.

Council staff will review the amended documentation to ensure that development achieves compliance with the housing diversity unit mix and size provisions required to apply an incentive floor space ratio (FSR) of 2.3:1 under Clause 9.7 of LEP 2019.

In accordance with Clause 9.5 of the Hills LEP 2019, which requires that development consent must not be granted unless the consent authority considers that the development exhibits design excellence and subclause (6) requires the development to be reviewed by a design review panel (DRP) and the consent authority is to take into account the findings of the DRP. The DRP have concluded the design does not meet the requirements of the design excellence. In this regard, Clause 9.5 has not yet been satisfied.

Council staff have raised concerns with various matters with respect to landscaping and tree retention which the applicant was requested to resolved.

Amended details have been provided on 16 November 2023 which will be reviewed in accordance with the Clause, and it will be determined whether the application will be required to be forwarded back to the DRP for further consideration.

Notwithstanding, the Applicant has been willing to address and resolve the outstanding matters that Council staff have raised. Council staff will review the amended plans and documentation that was submitted on 16 November 2023. Should the flood impact assessment demonstrate that the above is satisfied and all design excellence, engineering and landscaping matters are resolved, the application can ultimately be recommended for approval.

7. RECOMMENDATION

Given the proposal is generally satisfactory except for the matters raised in relation to flood planning, design excellence, engineering and landscaping, it is considered appropriate to defer determination of the development application until the end of the first quarter in 2024. This will allow Council staff to review and assess the additional information provided by the applicant on 16 November 2023. A report for determination of the application will be prepared for a meeting of the Panel in the first quarter of 2024.

The following attachments are provided:

- Attachment 1: Locality Plan
- Attachment 2: Aerial Map
- Attachment 3: Zoning Map

- Attachment 4: Site Plan
- Attachment 5: Elevations
- Attachment 6: Landscape Plan
- Attachment 7: Perspectives
- Attachment 8: Design Review Panel Report

Noting the site plan, elevations, perspectives and landscape plan attached are the updated versions provided on 16 November.

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED
- ★ ADDITIONAL PROPERTY NOTIFIED
2ND NOTIFICATION PERIOD

ONE SUBMISSION RECEIVED OFF
THE SCOPE OF THIS MAP


THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

ATTACHMENT 2 – AERIAL MAP



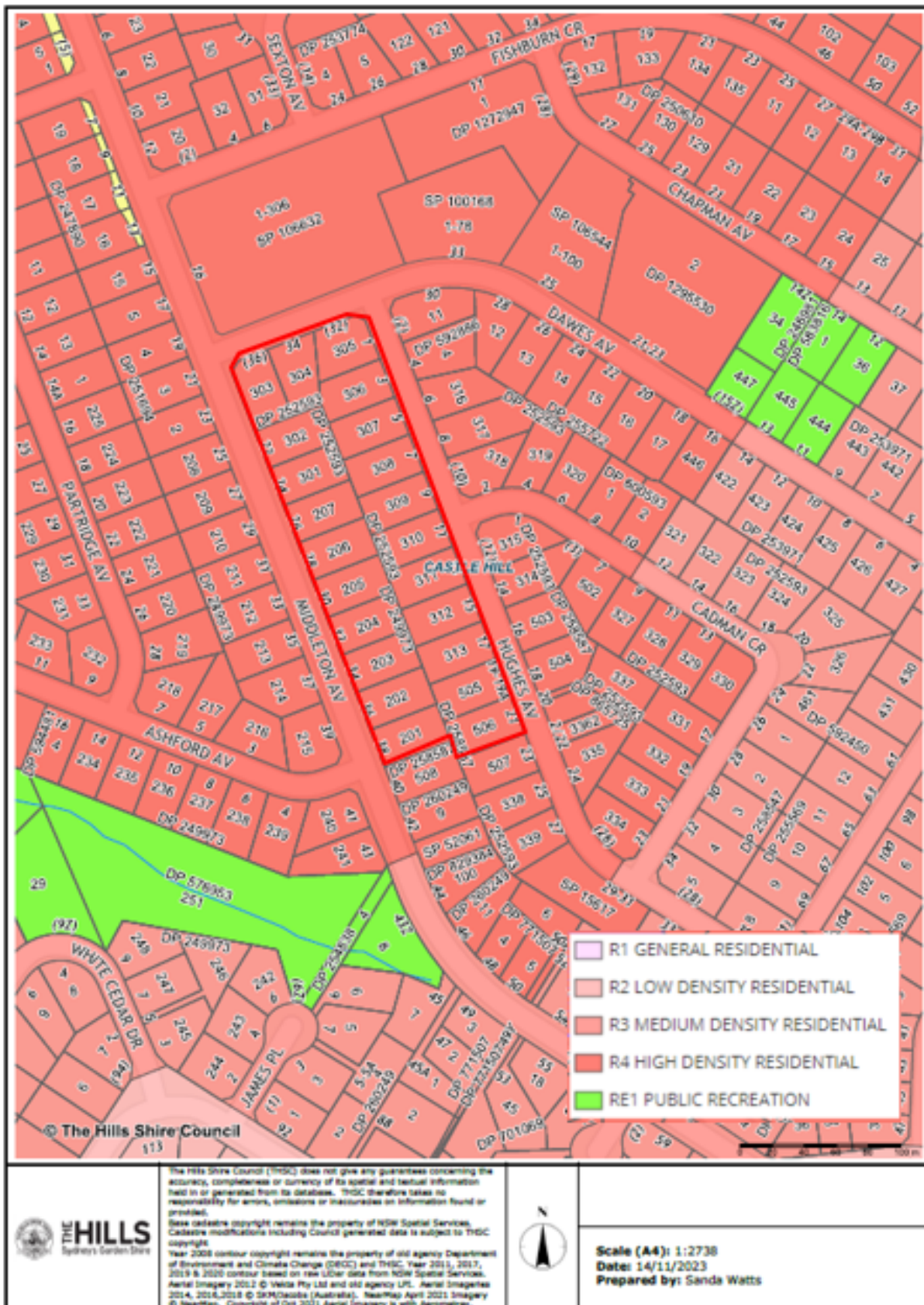
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

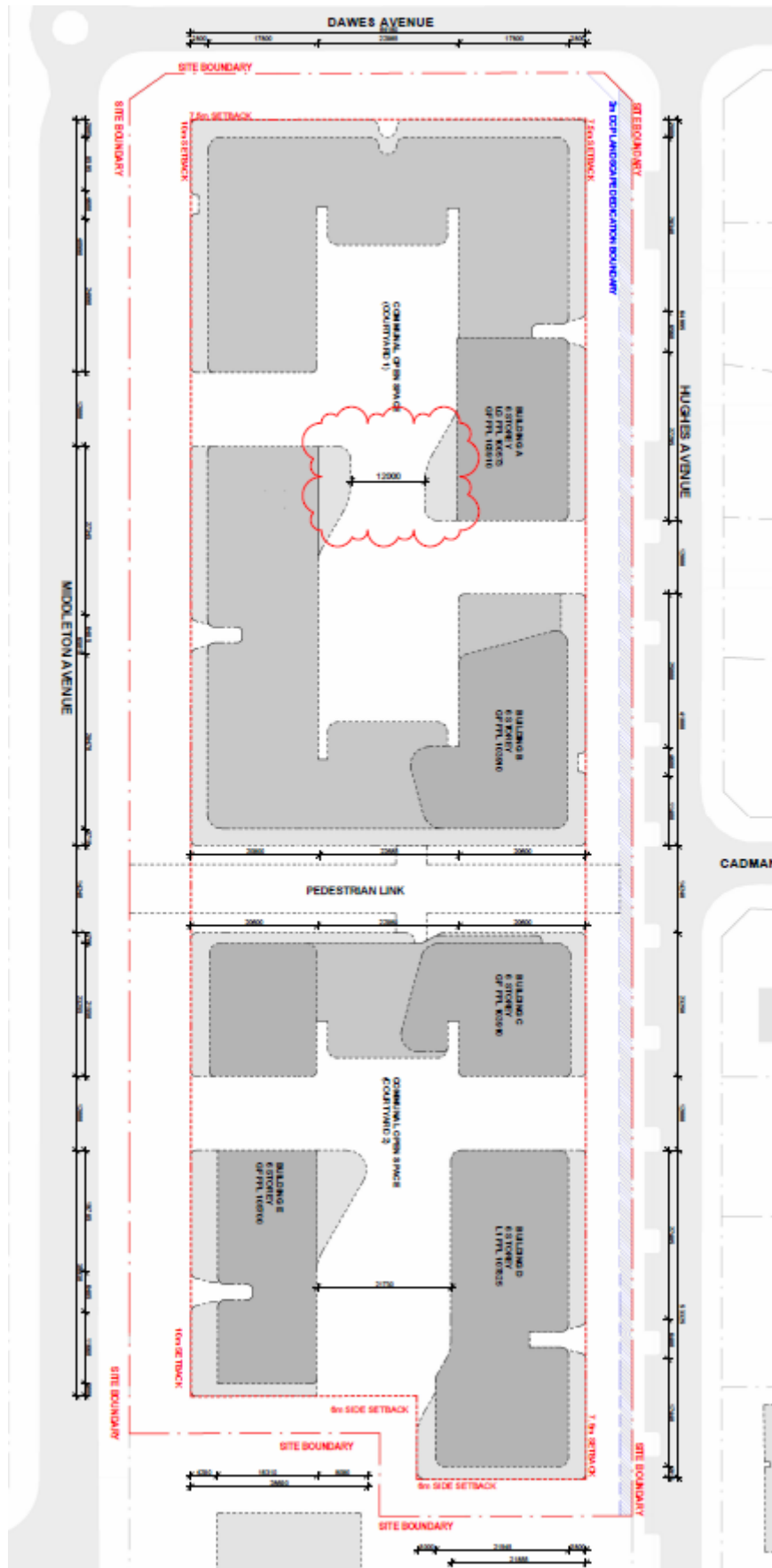
THE HILLS SHIRE COUNCIL

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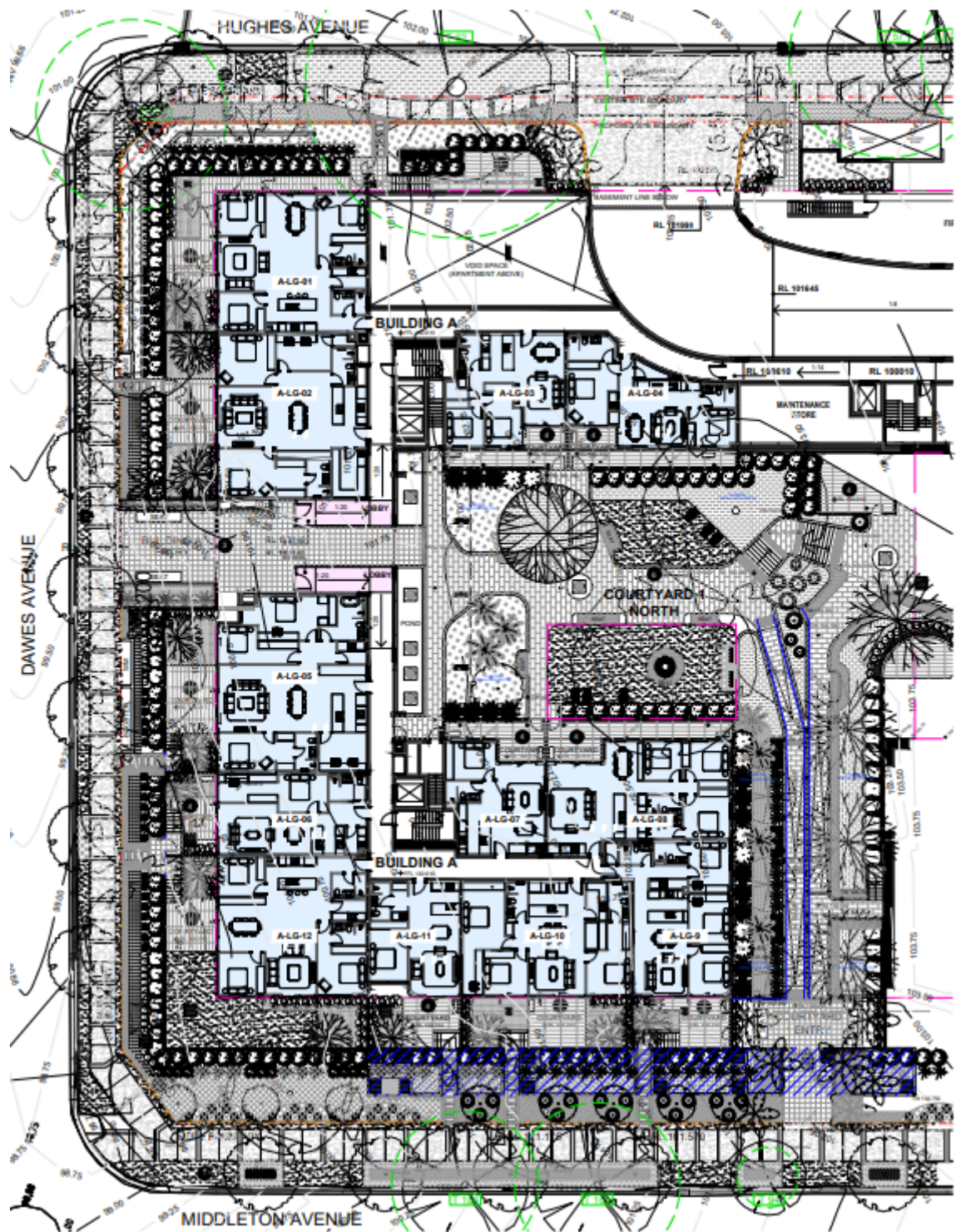
ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – SITE PLAN



ATTACHMENT 6 – LANDSCAPE PLAN





ATTACHMENT 7 – PERSPECTIVES





MIDDLETON AVE LOOKING SOUTH



MIDDLETON AVE LOOKING NORTH



HUGHES AVE LOOKING NORTH



MIDDLETON AVE LOOKING NORTH

ATTACHMENT 8 – DESIGN REVIEW PANEL REPORT

DESIGN REVIEW PANEL DESIGN ADVISORY MEETING REPORT – 27th September 2023

Item 4.2	12.00pm – 1pm
DA Number	DA 717/2023/JP
DA officer	Sanda Watts
Applicant	Bathla Group
Planner	Universal Property Group Pty Ltd
Property Address	1-19 Hughes Avenue, 20-36 Middleton Avenue and 34 Dawes Avenue, Castle Hill
Proposal	 <p>Residential flat development comprising five residential blocks and 364 dwelling units over basement car parking.</p>
Design review	Second review DA
Background	All Panels members are familiar with the surrounding development sites and have visited the site and/or adjacent sites.
Applicant representative address to the design review panel	Amit Julka – Director Registration number: 10002
Key Issues	<p>Summary of key issues discussed:</p> <ul style="list-style-type: none"> • Lack of retention of significant trees within site boundary • Number and effectiveness of trees in communal open space • Overall landscape strategy • Function and amenity of communal spaces • Lack of shading to facades subject to significant solar exposure • Prevention of fire spread between fire compartments (facades) • Lack of dimensions in documentation
Panel Location	Online meeting hosted by THSC
Panel Members	<p>Chairperson – Tony Caro</p> <p>Panel Member - Stephen Pearse</p> <p>Panel Member – Adam Hunter</p>
Declaration of Interest	None
Councillors	None present
Council Staff	Sanda Watts, Megan Munari, Marika Hahn

Other attendees	Vandana – Executive Director, Bathla Group Angelica Wu – Project Design Manager, Bathla Group Amit Julka – Director, Plus Architecture Nicholas Putrasia – Associate, Plus Architecture Hayden Green – Director, Greenplan
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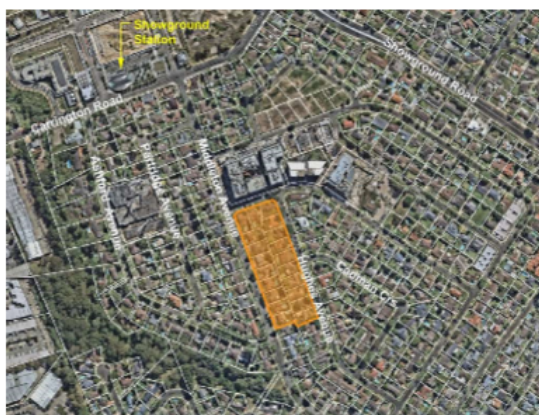
GENERAL

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

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

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct.



Location plan (THSC)

DOCUMENTATION

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

Amended Architectural Plans, Rev B, dated 11/09/23, by Plus Architecture

Survey, dated 28/06/22, by Bathla Group

Amended Landscape Plans, dated 12/09/23 by Greenplan

Amended Arborist Report , dated 12/09/23, by Naturally Trees

Amended Statement of Environmental Effects, dated September 2023, by Bathla Group

Amended Architectural Design Report, dated September 2023, by Plus Architecture

Design Review Panel 01, Design Response, dated September 2023, by Plus Architecture

PANEL COMMENT

DA 717/2023/JP

1-19 Hughes Avenue, 20-36 Middleton Avenue and 34 Dawes Avenue, Castle Hill

The Panel commenced at 12.00pm with a 30min presentation provided by the applicant followed by Panel questions and discussion.

For clarity, the following minutes are based on the Panel's previous meeting report from May 2023 (*repeated below in italics*). New comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DEP report/minutes. New comments from the meeting on 27th September 2023 are indicated in [blue](#).

1. Precinct planning, appreciation and response to context

- *The Applicant presented a well-considered overview of how the proposal has been designed to integrate into the broader regional context and the strong garden/landscape identity of the Hills Shire, whilst also recognising the many challenges of moving from a low density to a high density urban environment.*

No further Comment.

- *The Panel advises that it would be beneficial to retain more of the existing site character with particular reference to the retention of some of the significant trees that are identified in the arborist report. It is noted that none of the existing 24 medium to high value, native or cultural, mature trees are proposed to be retained. This valuable site resource, if retained, would provide a distinctive character unique to the development.*

New Comment: This comment remains relevant.

- *Based on a thorough site analysis and understanding of context, the future design development must demonstrate a sensitive approach to the existing conditions found. This is an area whose existing character, largely emitted by the presence of numerous large trees, must be seriously considered, respected, and integrated as work continues on this project's design.*

New Comment: This comment remains relevant. No significant existing trees are being retained, particularly within the proposed central courtyard areas where some of these trees are well established and would add significant value to the development if retained. The applicant stated that it was not possible to keep these trees as the new proposed site levels require their removal. The Panel does not support the removal of the majority of existing trees within the site boundary. A better design approach would be to undertake analysis of block planning concept options which test tree retention in the overall design process. The Panel is of the opinion that good specimens of well-established trees can be of high amenity value on these large sites.

The development application is to include drawings that illustrate the locations of all existing trees, co-ordinated with the arborists report, and that this document forms part of the analysis for the development of a considered response to address the specific character and environmental needs of the Garden Shire.

New Comment: This comment remains relevant. The information provided notes additional existing trees are now being retained – it is unclear from the figures if this is 20 extra retained trees or 20 retained trees in total. However, it is noted that the majority of trees being retained are within the streetscape, and should be being retained as they are not part of the development site. In the Panel's opinion, the ecological and amenity benefits of retaining existing mature trees within the development is not being optimised. Courtyard 1 south is noted as deep soil zone, but is being excavated by over a metre to meet other site planning objectives, eliminating any possibility of planning the internal communal space around selected existing tree canopy, and removing existing site soils. Existing tree 84 "*Eucalyptus sclerophylla*" is located in the vicinity and is rated in the Arborist report dated 14/04/23 as "very high" retention value, however, this tree and other trees could have provided a focus for an internal communal space if planning had prioritised their retention and addressed the related technical challenges.

2. Site planning and built form strategy

- *Site planning and built form strategy are well considered. Retention of a significant number of existing mature trees would improve the proposal, provide better connection with the existing character, and enhance the sense of place.*

New Comment: This comment remains relevant. If existing well-established trees are unable to be retained they should be replaced by super advanced trees within generously sized and properly designed deep soil zones. The southern courtyard in *particular* was highlighted as a location where deciduous trees could provide summer shade and privacy screening for residents. Provision of trees should not be in raised planting elements, it should be at grade and soil provision provided by removal of car parking spaces below.

- *The through site link provides an opportunity for dwellings along its edges to engage with this new public thoroughfare. The DCP provides guidance on how this could be achieved.*

New Comment: This comment remains relevant. While the address to the public domain has been improved, the Panel notes the development sites under construction immediately to the north and north-west both have cross-site links with individual dwellings accessed directly from the link.

- *The Panel does not support the proposed switchback ramp system at the eastern end and suggests that the 3.5m fall between street frontages may be better managed in the direction of travel over the length of the through site connection. This would allow the integration of spaces along the way a less utilitarian outcome. Alternatively, the ramps could be pushed to 1:14 allowing more usable spaces between them, or at the mid-level where lobbies are proposed.*

New Comment: This comment remains relevant. The Panel notes that the walkway has been amended and flows in a more rational and direct manner. It is unclear what other strategies are being employed to encourage through pedestrian access such as the visual cues of continuous pavement treatments, enhanced lighting and wayfinding. These aspects should be demonstrated.

Bulk, Scale and Massing

- *In principle the Panel supports the restrained linear character of the building facades, however the site has long street frontages, and the repetitive design of the facades results in a relentless character and scale that could be avoided with a more substantial design approach to creating design diversity and finer grain.*

New Comment: This comment remains relevant. The Panel notes that the design has substantially addressed this, though the refined linear character of the previous scheme has been diminished in doing so. The architects have made an alternative proposition whereby each building is assigned an arbitrarily diverse compositional tactic – in this case a vertical, horizontal and grid-like expression for the three buildings. Whilst this may be acceptable in principle, it is important to ensure each system responds efficiently to the demands engendered from their shared orientation. This is a question of architectural aesthetics that needs to be answered.

The architects advised that the floors achieve fire separation compliance as all internal areas are fully sprinklered. If this is the case, then the previous façade could be reconsidered as the proposed horizontal slab edges do not provide efficient solar shading to long orientations and probably ideal conditions for avian inhabitation. The excessive extent of glazing to the long facades seems to be a fundamental ESD problem however and requires a more considered response.

Solar shading of large window/glazed areas is important for energy use, comfort conditions, glare and can add to privacy controls when viewed from the street. The use of horizontal and vertical systems ideally responds to site specific orientation and adds scale and depth to the façade.

- *The Panel does not consider the proposed change in colour of façade materials is adequate to achieve this, a more substantive approach is necessary.*

New Comment: The revised approach has substantially addressed this concern. There is a consequent question however in relation to the extensive use of light coloured/white paint proposed for the facades, and whether this is appropriate for the types of visually recessive buildings set within in the strong landscape public domain character that Council and the Panel envisages for the precinct, and is trying to get design teams to promote to their clients. The use of the brown on beige colours for the gridded building is questioned as the colour combination does not appear ideal as presented on the perspectives. These colour combinations together

with some of the lighter colours could be considered again as part of an overall rebalance towards more naturally sympathetic and recessive combination of colours.

- More diversity between the buildings, so that each block has its own identity, would break up the bulk and scale of the development. This could be accentuated by a more considered response to the retention of trees and where pedestrian linkages occur.

New Comment: This comment has been addressed above.

Site Coverage/ Landscaped Open Space

- The site coverage was stated by the applicant to be 48%
- Final site coverage and landscaped open space, Communal Open Space, and Deep Soil Zone (DSZ) provisions to be provided to the Council's Landscape and DA Officers. The minimum requirements in the ADG, including minimum 6m width and minimisation of hard surfaces and structures should be adhered to with regards to calculating the DSZ. Likewise, the minimum requirements in the ADG with regards to COS will mean that not all landscaped areas are able to be counted as COS.

New Comment: This comment remains relevant. See comments below regarding effectiveness of landscape in the frontage setback areas.

3. Compliance

Height

- The Panel does not generally support LEP height non-compliance. On sloping sites or in other specific circumstances consideration is given to minor exceedance for roof access elements and shading devices serving roof top communal open space, provided that such elements are not seen from the surrounding public domain and do not impact on amenity of adjacent development.

No further Comment: The application appears to satisfy the design objectives of height controls.

Density

- Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the applicant, density uplift and design requirements for larger units must be confirmed to Councils satisfaction.

New Comment: The Panel notes that the FSR sought has increased from 2.03:1 to 2.2:1.

Setbacks

- All ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies)

New Comment: The Panel understands that the setbacks are acceptable in terms of metric compliance, however the design of these spaces in relation to landscape provisions is discussed below.

Apartment Mix and Building Design

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

New Comment: This comment remains relevant. The Panel noted that some units are below the ground level. The objective of the control is to maintain privacy, safety and solar access for the residents of the dwelling unit. Refer to ADG 4L-1 and 4L-2 in addition to THSC DCP. The architects advised a maximum of 700mm, which may be acceptable if suitable detailed privacy measures are provided. This should be clearly demonstrated to satisfaction of the responsible council officer.

- For buildings of this height, the Panel recommends that lift access and distribution be reviewed to ensure that when a single lift is out of operation residents have access to an alternative lift.

New Comment: This comment remains relevant.

- Each residential development block must be able to be accessed directly from the immediately adjacent street frontage by the mobility impaired, such as a person in a wheelchair or on crutches.

New Comment: This comment remains relevant. Provide plans demonstrating how this is achieved.

- Documentation must provide relevant building setout / separation and internal room dimensions.
New Comment: This comment remains relevant. This information was not provided in the submission.

4. Landscape Design.

Public Domain and Existing Trees

- The Panel is concerned with the extent of established tree removal within the site and public domain. All established trees within the public domain should be retained and described by an arborist report.

New Comment: This comment remains relevant, as already noted above.

- More generally, of the 112 trees noted on or around the site, 37 are listed as having a mod-high, high, or very high retention value. Of these 37, 24 are native or trees worthy of retention due to their cultural value. However, only 8 trees are retained, and all of these are on neighbouring sites or within the public domain. The removal of any large tree will have an impact on the character and feel of the area. More effort must be taken to protect, retain, and integrate existing trees on the site into the planning of the development.

New Comment: This comment remains relevant.

- The Panel recommends that a significantly higher quantum of large, high canopy peripheral trees be provided around the edges of the site, to meet the requirements of a high-density residential environment in a strong, verdant landscape setting.

New Comment: This comment remains relevant.

- Along the through site link any apartments that face onto this space should be activated by individual access to their POS and passive surveillance over the space. Minimising wall heights, without compromising visual privacy for residents, should be prioritised.

New Comment: This comment remains relevant. the Panel notes the cross-site link has been improved and the provision of trees as visual markers is effective. Consideration of more tree planting within this area perhaps removing one or two car-spaces below will benefit residential cross privacy and visual appearance within the link. This area may become unnecessarily hot during summer months as a result of the extent of paving. Tree species and size to be specified and confirmed with council's landscape officer.

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

New Comment: This comment remains relevant.

- Landscape, architectural and engineering drawing sets are to be co-ordinated. Service locations and provision of services such as pipes and OSD tanks are to be clearly documented.

New Comment: This comment remains relevant. It appears that the location of the OSD within the western frontage setback may constrain the effectiveness of planting within the setback area. Setback zones are to maximise soft landscape and enable planting that can mitigate the facades from the street.

- The DSZ along the western street setback, also designated as POS, needs to be reviewed. Areas of deep soil cannot be obstructed by paths, retaining walls, and structures. These impact upon the deep soil function and its ability to support trees. Ideally, DSZ should be independent of POS. Likewise, there are minimum width requirements of 6m for a site of this size. It appears several areas do not technically comply as DSZ.

New Comment: This comment remains relevant. As noted above, the incursion of paved courtyards and pathways reduces the effectiveness of landscape within the setback and impacts its planning intent.

Communal Open Space

- It is commended that a large area of DSZ is provided centrally, however it is unclear what benefit this brings to the project. DSZ is predominantly for the retention or establishment of large trees. The area in questions appears to do neither. Furthermore, it is covered in part by paving thus negating its ability to act as a DSZ. Its collocation with COS brings great opportunity which should be taken advantage via the provision of a beautiful and usable central COS accompanied by large trees.

New Comment: This comment remains relevant. The revised presentation notes a theme identified for each of the major COS. It remains unclear how each of these themes is being successfully implemented.

The following specific observations are noted in relation to Courtyard 1 (theme contemplative):

- As the courtyard level is over 1m lower than existing it is not possible to format the space around selected existing trees which is a key missed opportunity
- The proposed Turpentine tree species may limit winter solar access to an area with already limited winter solar access – it is unclear how the positioning of proposed planting works with the available solar access.
- The available solar access (buildings and heavy canopied trees) may compromise the long-term viability of the extensive turf surface proposed in this area, notwithstanding use of shade tolerant species.
- While some seating has been added it does not appear for a development of this scale that there is an adequate amount or variety of seating opportunities provided. Variations including backed seating, benches and broader seating and lying platforms and lounges should be explored.
- The courtyard 1 north area appears does not link effectively to the southern area in form and function. It is dominated by rectangular gardens and access paths and provides limited usable amenity.

The following specific observations are noted in relation to Courtyard 2 (theme family):

- It is unclear how the “family” theme is reflected in this courtyard – this seems a good idea and is supported in principle, it is unclear how this is being realised - there does not appear to be any provision for defined or incidental play?
- The available space remains consumed by provisions for access and to enable trees, thus limiting usable space for residents.
- Seating is limited - variations including backed seating, benches and broader seating and lying platforms and lounges should be explored.

The following specific observations are noted in relation to roof-garden (theme activity and community):

- The general intent of the roof garden space to provide usable space is commended.
- An understanding of how the different sections of the roof space work together and interact spatially and functionally would be of benefit.
- Shade (pergolas / canopies) and wind protection need to be explored further to ensure that the space is usable across the seasons.
- In relation to the above – articulation of any strategies in relation to the use of the different communal spaces between seasons would be beneficial.
- Consider potential for play elements.
- Management strategies for communal garden should be identified (e.g. what happens with this section of the space if the garden plots are not supported by residents – alternative strategy required.)

The following specific issues are noted in relation to east west link (theme activated pedestrian link):

- Revised schematics not “platforms for various activities” – is this just intended as seating or are more diverse uses intended – going to be encouraged.
- Potential to expand range of seating – in particular calibrated to solar availability across the seasons.

- *The solar access to the ground floor COS does not achieve the minimum requirements and the built form will need to be adjusted to resolve this. A reliance on the rooftop spaces to comply with solar access requirements is not acceptable as this is not the principal usable part of the COS.*

New Comment: This comment remains relevant. The Panel noted improvements to rooftop communal spaces and recommended that the solar access be further assessed, and more seating placed in those areas so that winter sun can be more easily accessed (refer comments above).

- The program provided within the ground floor COS is largely given to circulation and planting, with minimal amenity and program integrated into it. It does not provide for communal open space requirements as intended by the ADG.

New Comment: This comment remains relevant.

- The ADG recommends several key outcomes that, if incorporated successfully, would lift this development, including:
 - Creating COS as a breathing space between built form,
 - Collocating the COS with DSZ and existing trees,
 - Providing direct and equitable access,
 - Making the COS a primary focus of recreational activity and social interaction, and,
 - Making it visible from habitable rooms and POS (noting that the rooftop does not achieve this).

New Comment: This comment remains relevant. the Panel notes the COS has more programming. Refer also comments above.

- There appears to be an uneven distribution of COS across the development. It is unclear whether residents can access all areas, and if so, how the circulation has been designed to allow this. The most likely outcome is that access will be limited per tower, and as such the COS provision for each tower should meet the ADG requirements separately. At this stage, the northern portion of the site seems to have a greater proportion of the COS.

New Comment: This COS accessibility has been improved in a general sense, however re previous comments - beyond noting the intended themes for the areas the success of the design to facilitate those themes through function and amenity of spaces is not clear.

- The roof garden will likely only be accessible to residents of one building, making it an inequitable addition to the development. Its design also raises several questions as to the usability and general arrangement of the COS. It is unclear to the Panel what the three square spaces are for (other than seating). These spaces could be improved by varying the size of the spaces to cater for different sized groups, by being more integrated and not surrounded by walls. The seating in the lawn will make it difficult to use the space for active recreation. Some parts of the COS appear to be circulation space rather than open space for the use of residents.

New Comment: This comment remains relevant refer also comments above.

- For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP. As it is currently proposed, the COS is greatly lacking in most key requirements of the ADG (particularly solar access and variety of program and amenity). Its design resolution – focussed mostly on circulation and planting – is not providing a suitable outcome for a development of this size, or catering for the likely future demographics.

New Comment: This comment remains relevant - refer also comments above.

- The extent of paving impacts upon the overall site coverage and this is to be resolved with Council's Landscape officer.

New Comment: This comment remains relevant. There is an effective balance to be struck within sometimes competing factors:

- Access paths are necessary (e.g. in setbacks) but paths and courtyard paving should not negate the ability of the setback to provide a green buffer.
- Viability of alternatives to paving (e.g. turf) need to be considered where areas have limited solar access

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

ADG compliance is not adequately demonstrated in several key areas. Additional information should be provided to demonstrate that the development is meeting the objectives and design criteria in all relevant parts of the ADG. Specific items noted at the meeting were:

- Building separation, both within the site and to adjacent boundaries
- Cross privacy between units facing into the courtyard.
- Calculation of deep soil provision.
- Calculation of communal open space.

- Solar access to communal open space at ground level.
- Adequacy of communal facilities for this size development.
- Solar access compliance to ADG definition (to be confirmed with planner)
- South facing unit compliance (to be confirmed with planner)
- Natural Cross ventilation compliance to ADG definition (to be confirmed with planner). A number of units identified within the documents as cross ventilated do not appear to meet the requirements of Cross ventilation, specifically these are single aspect with inset balconies. It is not the panels view that these are naturally cross ventilated.
- Poor access to natural light and fresh air due to length of internal corridors. A number of the internal corridors are excessive in length. The ADG has specific guidelines for length and the number of units served. The corridors as illustrated do not provide the amenity outlined within the ADG.

New Comment: These comments remain relevant. The Panel recommends more substantial tree planting in the communal courts be provided to ensure cross privacy for residents and to improve marketability for the development. The Panel notes the distance separation between some of the building blocks does not meet the design criteria specified in the ADG and design acceptability of this must be demonstrated to Council's DA officer. If screening is utilised the daylight provision must consider NCC requirements. The Panel recommends consideration of the planting of trees as a screening device within the communal courtyards.

Additional Items

- Ensure exposed windows are adequately shaded.
New Comment: The panel strongly recommends a comprehensive review of performance by a qualified engineer, to be based on passive and active solar design principles. Refer to ADG 4A, 4U for guidance.
- 24/7 access provisions for all occupants in event of a lift being unavailable or out of service.
New Comment: This comment remains relevant.
- Planning of larger units to maximise opportunities for flexibility and amenity of occupants.
New Comment: This comment remains relevant.
- **New Comment:** Separation for privacy across courtyard at pinch-point between units, habitable rooms and POS A00-3 and B00-11 and floors over. The separation distance is less than ADG and it is not clear what methods are being included to meet guidelines. This could be additional screens and on POS additional planters.
- **New Comment:** As a result of adding through apartments in Blocks A and B, Levels 1, 2 and 3. a number of internal corridors have become isolated from external light and ventilation now not meeting ADG guidelines.
- **New Comment:** It was noted that many of the corner balconies are cantilevered providing a strong architectural outcome which is supported by the panel. The panel was encouraged to understand that these have been reviewed by the structural engineers and are an integral part of the design approach.
- **New Comment:** no dimensions on plans. The applicant is encouraged to clearly indicate critical dimensions for ADG review. this would include living areas, bedrooms, POS and balcony dimensions as a minimum.
- **New Comment:** AC on balconies (to be read in conjunction with comments below) where AC units are to be included ensure they are sized appropriately and covered/integrated within the design so as to deliver the required minimum m2 /balcony and meet NCC requirements.

6. Sustainability and Environmental amenity

Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground precinct. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC (Central City District Plan, Planning Priority C16).

New Comment: This comment remains relevant. As per previous comments, incursions within the setbacks by courtyard paving, pathways OSD provisions, walls and services are all limiting the effectiveness of the setback to support meaningful planting and a variety of scales of trees and shrubs.

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

New Comment: This comment remains relevant. As noted above, the Panel is yet to see evidence of how the overall ESD approach and how it will meet or exceed current sustainable design control requirements.

7. Architecture and Aesthetics,

- *As already noted, the Panel is supportive in principle of the overall design approach. The buildings feel well-scaled with a restrained character that is appropriate to the precinct and needs to be retained. As also noted however, there are issues related to solar protection and fire compartmentation that need to be resolved, which will precipitate change to the architectural expression as currently presented.*

New Comment: This comment remains relevant. Refer to new comments in Part 2 – Bulk, Scale and Massing above.

The deployment of a single architectural treatment proposed for all building facades is not supported.

New Comment: This comment remains relevant. The Panel notes the changes in articulation between building blocks, refer to new comments in Part 2 – Bulk, Scale and Massing above.

- *A more diverse design approach should be considered for some of the built form, to break down the overall perception of the development's size and to introduce variety, fine grain. And human scale into the precinct. Locating and retaining existing trees should form part of this consideration.*

New Comment: This comment remains relevant. Refer to new comments in Part 2 – Bulk, Scale and Massing above.

- *The use of FC panels requires more detail explanation and consideration within the facades. The perspectives appear to indicate more shadow and texture than is likely when viewing the actual products example in the materials list. The panel suggest that the texture on the perspectives considered a reasonable response but doubts that the actual profile indicated will achieve this outcome.*

New Comment: The architects have responded to this in the revised proposal.

- *The façade generally appears to be flush at all material junctions and it is suggested that these details be considered in light of overall façade development, so as to deliver a façade that resists staining and streaking.*

New Comment: The architects have responded to this in the revised proposal.

- *All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.*

New Comment: This comment remains relevant.

- *The Panel does not generally support location of A/C condenser units on balconies. If this is to be permitted, additional space to accommodate and integrated screening is required.*

New Comment: This comment remains relevant. Alternatives (floor by floor plant, rooftop condenser farms) allow residents to use the balcony without encumbrance of hot and noisy equipment.

- *Air conditioner units and clothes drying facilities are not to be visible from the street.*

New Comment: This comment remains relevant.

- *Large areas of perimeter glazing must be provided with suitable, effective shading devices and elements appropriate to the facade orientation.*

New Comment: This comment remains relevant. Refer to new comments in Part 2 – Bulk, Scale and Massing above.

- *Fire separation between fire compartments appears unlikely to be satisfied. This could be resolved through the provision of compliant solid spandrels or slab projections.*

New Comment: The applicant stated that a fire engineered solution was being employed, including a full internal sprinkler to address this. The deepened spandrels will in part provide some shade to the façade (refer to earlier comments).

- *The large areas of glazing to apartments will likely result in high visibility of any object placed against the glass and the high visibility impact of any blinds/internal window furnishings. It is requested that this be considered in any architectural response with the development of the detail for the façade.*

New Comment: This comment remains relevant. The Panel notes the provision of tall canopy trees in all setbacks would mitigate this issue. Notwithstanding, significant concerns remain in relation to the extensive upper level two storey high windows that will be subject to significant heat gain.

SUMMARY OF PANEL RECOMMENDATIONS

- *Avoid subterranean units and sunken terraces. Provide details to DA Officer satisfaction.*
- *Provide a more direct and usable cross-site public access connection, with clear visual access to the streets at each end. Addressed*
- *Ensure communal facilities and related spaces are appropriate to the size of the development and possess a high quality and usability. Addressed*
- *Provide more articulation and diversity of architectural expression between development blocks. Addressed, subject to comments in this report being incorporated into the scheme.*
- *Provide effective solar shading to exposed windows. Not adequately addressed for east and west façades.*
- *Ensure NCC fire separation requirements between fire compartments are satisfied. Applicant stated fire sprinkler system employed.*
- *Provide a comprehensive landscape design that addresses existing mature tree retention, deep soil provision, high canopy tree planting, and substantial landscape understorey planting. Further work required as described in this report.*
- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas. Note.*
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council. Provide details to DA Officer satisfaction., noting how important this is for aesthetics and marketability.*
- *Location of parking exhaust shafts are to be identified and suitably screened from within in the public domain. Applicant confirmed exhaust ducts do not impact on public domain, are exhausted through the roof and do not exhaust onto roof top common open space.*
- *OSD provision should not compromise effectiveness of frontage setback as green buffer*
- *Further development of the program and amenity of the COS spaces is required to effectively realise the intended themes for each*

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.

New Comment: The Panel's advice remains consistent with the previous meeting advice. The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.