

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-417 – DA 1117/2023/JP
PROPOSAL	Demolition of Existing Structures and Construction of Residential Flat Building and Multi Dwelling Development comprising 177 dwellings under the Provisions of SEPP (Housing) 2021
ADDRESS	Lots 4, 5, 6, 7, 8, 9, 10, 11 DP 227212, Lots 30, 31, 32 DP 259208 1-6 Vivien Place, 1-7 Gay Street and 12 Gilham Street, Castle Hill
APPLICANT	Minto Planning Services
OWNER	P Song, K Song, Castle 7 Pty Ltd, J E Steffel, Castle 18 Pty Ltd, D M McLennan, G M McLennan, J W Maxwell, J J Maxwell, S S Lee, H Choi, J E C Nelis, S Nelis-Rocque, A Bhattacharya, S Bhattacharya, W S Yeung
DA LODGEMENT DATE	12 January 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clauses 2 and 5, Schedule 6 of the SEPP (Planning Systems) 2021
CIV	\$72,370,137 (excluding GST)
CLAUSE 4.6 REQUESTS	No Clause 4.6 variation provided.
KEY SEPP/LEP	- State Environmental Planning Policy (Housing) 2021 - 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 ISSUES SUBMISSIONS	Overall, ten (10) submissions received, however 7 unique submissions were submitted mainly raising concerns with: - Increase density in the area and impacts on infrastructure and services - Increase traffic in the area - Parking impacts
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans prepared by DKO Architecture Pty Ltd Revision A dated 04/11/2022

	SEPP 65 Report prepared by DKO Architecture Issue A dated 04/11/2022 Statement of Environmental Effects prepared by Minto Planning Services dated 5 December 2022 Survey Plans (Sheets 1 to 8) prepared by Usher & Company dated 19/03/2021 Preliminary Survey prepared by Dunlop Thorpe & Co dated 25/03/2015 Civil Engineering Plans prepared by SCG Revision A dated 02/12/2022 Stormwater Management Plan prepared by NB Consulting Engineers Issue A dated 08/11/2022 Landscape Design Concepts prepared by Turf dated 25 November 2022 Low Rise Density Design Verification prepared by DKO Architecture Issue A dated 18/11/2022 Transport Impact Assessment prepared by Stantec Revision 4A dated 18/11/2022 Infrastructure Report prepared by ADP Consulting: Engineering Revision 1 dated 8 August 2022 Geotechnical Investigation prepared by JK Geotechnics dated 18 August 2022 Crime Prevention Through Environmental Design (CPTED) Assessment prepared by The Planning Studio dated 26 September 2022 BCA Compliance Statement for DA Submission prepared by Blackett Maguire + Goldsmith dated 23 November 2022 BASIX Assessment Reports (1 to 3), prepared by ADP Consulting: Engineering Revision 1 dated 30 November 2022. Noise Impact Assessment Report prepared by Stantec Revision 1 dated 05/10/2022 Access Review prepared by Morris Goding Access Consulting dated 11 November 2022 Arboricultural Impact Assessment Report prepared by Urban Arbor Pty Ltd dated 14 July 2022 Preliminary (Stage 1) Site Investigation prepared by JK Environments dated 24 August 2022 Operational Waste Management Plan prepared by Elephants Foot Revision C dated 18/11/2022 CIV Cost Report prepared by Mitchell Brandtman Issue 1.0 dated 9 August 2022 Owners Consent Letters
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	The proposal is not subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION	Refusal
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	27 July 2023 (electronic determination)
PLAN VERSION	Architectural Plans prepared by DKO Architecture Pty Ltd Revision A dated 04/11/2022
PREPARED BY	Sanda Watts – Development Assessment Coordinator
CONFLICT OF INTEREST DECLARATION	None declared
DATE OF REPORT	28 June 2023

EXECUTIVE SUMMARY

The Development Application seeks consent for the demolition of existing structures and construction of residential flat building and multi dwelling development under the provisions of SEPP (Housing) 2021.

The proposal does not meet several development standards under The Hills Local Environmental Plan 2019 including, Clause 4.4 Floor Space Ratio, Clause 7.11 Residential development on certain land within the Sydney Metro Norwest Urban Renewal Corridor and Clause 7.7 Design Excellence.

The development application exceeds the maximum Floor Space Ratio (FSR) development standards under Clause 4.4 and 7.11 of THLEP 2019 and section 17 of the SEPP Housing 2021, being, 1:1 under Clause 4.4 of THLEP2019 plus 0.5:1 as an incentive FSR .

Pursuant to clause 7.11 of THLEP 2019, an incentive FSR of 0.54:1 above the base FSR (of 1:1) could be applied if the proposed development satisfied the relevant criteria as set out in clause 7.11(3) of THLEP 2019. The proposed development does not satisfy the relevant criteria in clause 7.11(3) and is not compatible with desired future character of the locality given its excessive bulk and scale. The proposal does not satisfy Clause 7.11(3)(b) and (c), and therefore the FSR (incentive) cannot be applied to the development.

The bonus FSR under Section 17 of the Housing SEPP applies only to Building C being the building in which the affordable housing units are located. Clause 17(1)(a)(i) of the SEPP (Housing) 2021 requires that at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing. The development proposes 100% of Building C to be used for affordable housing as part of the development. None of the floor space within Buildings A or B is proposed to be used for the purposes of affordable housing. The remainder of the development (Buildings A and B) is therefore subject to a FSR control of 1:1.

Even if the maximum FSR of 2.04:1 (i.e. Maximum base permissible FSR of 1:1 + Incentive FSR under clause 7.11 of 0.54:1 and Bonus FSR under the Housing SEPP) was applied to the whole of the development, the FSR of the proposed development exceeds 2.04:1. The development site has a total area of 8,582.7m² and the gross floor area of the proposed development is 17,552m² which results in an FSR of 2.045:1.

No Clause 4.6 written submission has been provided to vary the FSR development standards.

The proposal does not satisfy Clause 7.7 of The Hills LEP 2019 regarding design excellence. The proposal has not satisfied the matters for consideration under the Clause. In this regard, development consent must not be granted to the development.

The proposal has been assessed against the requirements of SEPP 65 Design Quality of Residential Apartments. The proposal does not satisfy the design quality principles about context and neighbourhood, built form and scale, landscape, amenity and aesthetics. It cannot be concluded the proposal will provide for built forms that would be appropriate in bulk and scale or provide for an appropriate landscaping, amenity and aesthetics or a consistent streetscape presentation. An appropriate transition between the high density and medium density zones has not been demonstrated.

The proposal has been assessed against the design criteria of the Apartment Design Guide (ADG). Insufficient information has been provided to demonstrate that satisfactory residential amenity will be provided to the future occupants of the development with respect to solar access to the principal communal open space, building separation and visual privacy and amenity.

The proposal has been assessed against the precinct specific controls for the Castle Hill North Precinct under Part D Section 20 of The Hills DCP. The proposal does not satisfy the numerous controls in the DCP including, number of storeys, apartment mix, residential uses on ground level, building setbacks, open space and landscaping, integrated water management and wind impacts which ensure consistency with the built form and character envisaged within the Castle Hill North Precinct.

The proposal was notified for 21 days, and 7 unique submissions were received from 10 individuals. The concerns raised in the submissions relation to traffic impacts, density impacts and impacts on services and infrastructure, building height and construction impacts.

The application is not considered to be in the public interest as the proposal has not demonstrated a satisfactory design and planning outcome suitable for the site.

The application is subject to a Class 1 Appeal in the Land and Environment Court.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the *EP&A Act*, DA 1117/2023/JP is recommended for refusal subject to the reasons contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site comprises 11 lots bounded by Gilham Street to the north, Gay Street to the east residential lots zoned R3 Medium density to the west and Castle Hill Public School and a residential flat building development to the south. The site comprises and area of 8,582.7m².

Under The Hills Local Environmental Plan 2019 (THLEP 2019), the subject site is located within the R4 High Density zone. The site has a FSR (base) of 1:1 and FSR (incentive) of 1.54:1 under Clause 7.11 of THLEP 2019. There is no maximum building height development standard for the site.

The desired future character for the site in the context of the Castle Hill North Precinct is for high density residential development ranging in height from 4 storeys to 8 storeys.

The subject site has a frontage of approximately 115 metres to Gilham Street (which includes the Vivien Place cul-du-sac) and a frontage of 70 metres to Gay Street. Vivien Place does not form part of the subject proposal.

An aerial photograph of the subject site is outlined in red below (refer Figure 1):



Figure 1: Aerial Photograph with subject site outlined in red.

The topography of the subject site generally rises from the western side boundary, across the site to the eastern boundary. The subject site accommodates a level change of approximately 8 metres.

The subject site is currently occupied by low density dwelling houses.

1.2 The Locality

The site is located within the Castle Hill North Precinct which is envisaged to provide for around 3,300 new dwellings by 2036 with a vision to provide for attractive and well connected neighbourhood that achieves housing targets, creates vibrant, safe and desirable places, reinforces the garden Shire character and lifestyle and is supported by necessary infrastructure.

The site is located approximately 500m north from the Castle Hill Metro Station.

The site directly interfaces land zoned R3 Medium Density Residential to the west which is subject to a maximum height of building standard of 10m. To the north of the site, across Gilham Street is R2 Low Density Residential which has a maximum height of building standard of 9 metres.

The existing character of the surrounding development to the north, east and west is predominately low density residential dwellings within established garden settings. To the south of the site is an overflow parking/staff parking area for Castle Towers, and the residential flat building development known as 'Skyview' which is approximately 18 to 23 storeys. Further to the south-west is Castle Hill Primary School.

The desired future character of the surrounding development is for 3 storey terrace development to the west, 4-12 storey high density residential with active ground floor uses to the south, and across Gay Street to the east is for 4-12 storey high density residential.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application seeks consent for the demolition of existing structures and construction of residential flat building and multi dwelling development under the provisions of SEPP (Housing) 2021.

The proposal as described by the Applicant's Statement of Environmental Effects is for the demolition of the site's existing structures followed by the construction of a residential development comprising of a residential flat building containing 60 units, multi-dwelling housing providing for 13 terrace dwellings and a residential flat building containing 104 affordable housing units and basement parking. The following is proposed:

- Building A – 13 x 3 storey terrace dwellings;
- Building B – 11 storey residential flat building containing sixty (60) residential units erected over two (2) levels of basement parking. Unit mix is 7 x 1 bedroom units, 36 x 2 bedroom units and 17 x 3 bedroom units. The two levels of basement parking providing for 66 car parking spaces.
- Building C - 16 storey residential flat building containing 104 affordable residential units (pursuant to SEPP Housing 2021) erected over 2 (two) levels of basement parking. Unit mix is 32 x 1 bedroom and 72 x 2 bedroom units. Two levels of parking providing for 112 car parking spaces.

The key development data is provided in Table 1.

Table 1: Development Data

Control	Proposal
Site area	8,582.7m ²
GFA	17,552m ²
FSR	Potential Maximum FSR 2.04:1 (1:1 base FSR, and incentive FSR of 1.54:1, plus and Clause 17 of SEPP Housing 2021 bonus FSR of 0.5:1)

	Proposed: 2.045:1
Clause 4.6 Requests	None submitted.
No of apartments	60 units and 104 affordable units, total 164 units.
No. of terraces	13 x 3 storey terrace dwellings
Max Height	No height standard for the site. The maximum height of the development is approximately 55 metres (Building C)
Landscaped area	4,304m ²
Car Parking spaces	178 spaces

2.2 Background

The applicant elected not to have a pre-lodgement meeting for the subject development.

The development application was lodged on **12 January 2023**. A chronology of the development application since lodgement is outlined in Table 2 below including the Panel's involvement with the application:

Table 2: Chronology of the DA

Date	Event
12 January 2023	DA lodged
16 January 2023	Notification of the application
16 January 2023	DA referred to internal departments and external agencies
16 January 2023	Correspondence was sent to the Applicant advising the development application was required to be reviewed by Council's Design Excellence Panel (DEP).
3 February 2023	Request for Information from Council staff sent to applicant.
7 February 2023	Correspondence received from the Applicant advising that the requested information would not be provided and requested that the assessment clock be immediately restarted.
8 March 2023	The Applicant presented the development application to the Design Excellence Panel (DEP).
8 March 2023	The Applicant commenced Class 1 proceedings in the Land and Environment Court appealing against the deemed refusal of the Development Application.

30 March 2023	Applicant provided a copy of the DEP Report.
6 April 2023	Kick-off Panel briefing (noting that the Applicant declined to attend the briefing).
20 April 2023	Council staff's Statement of Facts and Contentions filed with the Land and Environment Court.
5 June 2023	Without prejudice meeting held with Council staff representatives.
1 August 2023	Section 34 Conciliation Conference scheduled.

2.3 Site History

The development site has been subject to two previous Planning Proposals, which have not been supported by Council.

On 26 August 2016 Planning Proposal (2/2017/PLP) was lodged with Council, which sought to permit a high-density residential development comprising of 220 dwellings within two towers, of 13 and 17 storeys. The Planning Proposal sought a maximum achievable FSR of 2.28:1 (including a base and incentivised FSR). The proposal also included a new road, terrace edge and through-site link. In July 2017, Council resolved to forward the planning proposal to the Department for a Gateway Determination. A Gateway Determination was issued for the proposal to proceed subject to conditions in September 2017. On 27 November 2018, Council considered a post exhibition report and resolved that the proposal should not proceed to finalisation. At the same meeting, Council resolved to proceed with the finalisation of the Castle Hill North Precinct planning proposal (16/2016/PLP).

A Planning Proposal for a rezoning review (6/2020/PLP) was lodged in October 2019 and was substantially the same as the 2016 proposal in respect of increase in floor space ratio to 2.28:1 and maximum building height of 62 metres.

The Rezoning Review was lodged on the basis that Council had not indicated its support for the proposal within 90 days of lodgement. Council subsequently considered the proposal at its meeting of 9 June 2020 and resolved that the proposal should not proceed to a Gateway Determination. The report and resolution formed part of Council's submission on the rezoning review. On 30 September 2020, the Sydney Central City Planning Panel (SCCPP) considered the Rezoning Review application and presentations from Council officers and the Proponent. On 12 October 2020, the SCCPP determined that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate strategic merit.

At the point of lodgement to Council of 6/2020/PLP, the Castle Hill North Precinct remained in draft pending finalisation by the Department.

Castle Hill North Precinct was rezoned on 17 July 2020 via The Hills Local Environmental Plan Amendment no.3.

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 (SEPP) No. 65 – Design Quality of Residential Apartment Building;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *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	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 and Clause 5(b) of Schedule 6.	Y
SEPP 65	Clause 30(2) - Design Quality Principles - The proposal is contrary to the design quality principles and the proposal is contrary to the ADG requirements	N
Resilience and Hazards SEPP	Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Housing SEPP	Division 1 – In-fill affordable housing, Cause 17- Floor space ratio.	N
LEP	- Clause 4.1 – Lot Sizes - Clause 4.3 – Height of Buildings – N/A - Clause 4.4 – Floor Space Ratio – No - Clause 4.6 – Exception to development standards - No - Clause 7.2 – Earthworks	N

	• Clause 7.7 - Design Excellence - No • Clause 7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor - No	
--	--	--

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 and Clause 5(b) of Schedule 6 of the SEPP as the proposal is development for *general development* with a CIV of more than \$30 million, and is *affordable development* with a CIV over \$5 million. 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 (Stage 1) Site Investigation (PSI) was prepared for the site to consider the provisions of the SEPP.

Council's Environmental Health Team have reviewed the PSI and have raised no objections to the recommendations of the report, subject to conditions. Following satisfactory remediation of the site (and subject to any future conditions of consent) the site can be made suitable for its intended residential use and is consistent with RH SEPP.

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

The required Design Verification Statement was prepared by Nicholas Byrne, Architect and Director of DKO Architecture (NSW) Pty Ltd (registration number 7806).

Design Quality Principles

Clause 30 of SEPP 65 prescribes that development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to the design quality principles. The development has not demonstrated that adequate regard has been given to the following design quality principles:

Design Quality Principle 1: Context and neighbourhood character

The development application is inconsistent with Design Quality Principle 1: Context and neighbourhood character because the resultant built form would not be appropriate in scale or provide a suitable streetscape presentation and landscaped setting as envisaged at the interface of the Castle Hill North Precinct with the low density residential area to the north.

The proposal has failed to demonstrate that the site is capable of sustainably absorbing the additional GFA afforded to the proposal by the bonus provisions. The resultant built-form is incongruous to the expected massing in a transition zone and presents a lack of transition in scale within the development and with the surrounding existing and future development.

The proposal has failed to demonstrate a harmonious relationship between the overall bulk and scale of Buildings B and C and the existing character and that of the future or evolving character of the streetscape.

The proposed segments of Building A ground floor interface do not contribute to the activation and natural surveillance of the street. The north facing segments (North Elevation) fronting Gilham Street have the basement protruding above the natural ground. The segments facing Vivien Place – Terraces A6 to A13 have bedrooms facing the footpath, which reduces the level of natural surveillance to the street.

The proposal has failed to adequately consider the existing developments to the southeast of the subject site in the shadow and sun view diagrams and therefore it underestimates its overshadowing impacts.

Design Quality Principle 2: Built form and scale

The development application is inconsistent with Design Quality Principle 2: Built form and scale because the development proposes a bulk and scale which will result in an inappropriate transition between the high density and medium/low density zones and development which is inconsistent with the desired future character for the precinct.

The visual bulk of the building is exacerbated above that which is expected in a transition zone because of the additional GFA obtained from the affordable housing bonus provisions.

The width and height of Building C is excessive when measured in terms of overall proportions.

The elevations above Building A have static and monolithic proportions that contribute to the appearance of bulk and scale and therefore it has failed to achieve a satisfactory manipulation of building elements.

The flat and unrelieved roof forms on both Building B and C contribute to the overall appearance of bulk and scale lacking an attractive roof feature; therefore, they have failed to achieve appropriate architectural interest.

The configuration of the ground floor interface facing Gilham St is problematic. Segments of the basement protrude above the ground plane between the vehicular entries, and a general lack of residential lobbies. There is limited activation due to the elevated nature of the dwellings varying from 1.4 to 4m.

Design Quality Principle 3: Density

The proposal's overall built form is contrary to Principle 3 - Density. The proposed massing is substantially increased by the additional GFA. This leads to an incongruous built form and a lack of transition of scale between the proposed buildings and the surrounding developments. The additional bulk and scale leads to privacy, solar access and visual impacts for future and existing surrounding residents. Therefore, the proposed density is not appropriate to the site and context.

Design Quality Principle 4: Sustainability

No screening or shading devices are proposed for west-facing glazing on either Building B and C for all levels. This will lead to untenable levels of heat gain during the summer thereby reducing energy efficiency.

Most bathrooms and laundries have no external windows for natural ventilation and rely on mechanical ventilation strategies.

No provision for rainwater harvesting or reuse has been indicated.

There are no other sustainability measures proposed, which, for a project of this scale is inappropriate.

Design Quality Principle 5: Landscape

No proposed improvements to the public domain on Gilham Street, Vivien Place and Gay St frontage have been clearly specified.

The communal open space between Building A and C is fully above structure and devoid of any deep soil provision. The proposed trees above the plinth or podium are segregated from the area of deep soil and the lack of real deep soil will inhibit their ability to reach full mature height or create a connecting tree canopy across the open space.

No details are available on how the proposed planting, garden beds and communal open spaces will be illuminated.

The feasibility of the proposed retention of trees No 3 and 4 is doubtful given the proposed construction works occurring within such close proximity of the trees and generated by a poorly sited building.

Design Quality Principle 6: Amenity

The proposed development is inconsistent with Design Quality Principle 6: Amenity because the proposed development does not demonstrate that the design achieves appropriate amenity for future residents or neighbours. In particular, the amenity requirements under the Apartment Design Guide for solar access, principal communal open space, visual and acoustic privacy and apartment mix have not been satisfied.

The proposal has failed to consider the future potential developments on the land to the south of the subject site which is currently used as staff car parking for Castle Towers (Lot 51 DP 1022542). This land is zoned R1 General Residential and has a FSR control of 1:1. According to the Structure Plan in Section 20 – Castle Hill North Precinct of Part D of The Hills DCP, building heights between 4 – 12 storeys are envisaged on this land. Based on the shadow and sun view diagrams, this land will be significantly impacted by overshadowing from Buildings B and C and the overshadowing impacts have therefore been underestimated.

No screening or shading devices are proposed for west-facing glazing on Buildings B and C. It remains unclear how westerly sun and heat gain in the summer are proposed to be managed.

Solar impacts on multiple west-facing windows will contribute to heat gain and affect internal thermal comfort, resulting in a reliance on mechanical cooling.

The proposed layout of units located at the pivot point of Building B i.e., Unit B.01.01 leads to poor outlook, south facing oddly shaped and constrained living space layouts.

The proximity of private open spaces of units located at the pivot point of Building B leads to visual and acoustic privacy issues.

Balconies facing north on Building B on level 3 and above all look directly onto each other without any privacy measures.

Entries to apartments in Building B (e.g., C.03.05 and c.03.06, C.03.04 and C.03.07) and Building C (e.g., B.03.01 and B.03.03) occur directly opposite one another. This can compromise internal visual and acoustic amenity.

Bulky good disposal for Building C is unacceptable as the proposed path for residents to reach the small bulky goods storage area is convoluted (Refer to Dwg DA203).

The area specified of 13 sqm in Building C (Refer to Dwg DA203) is deemed to be insufficient to serve the bulky good disposal needs of 103 apartments.

Design Quality Principle 7: Safety

Communal open spaces are hard to enforce territorially. This does not comply with CPTED principles. The CPTED assessment submitted with the application does not adequately address the potential for the communal open space areas of the development to be accessed by the general public.

Design Quality Principle 9: Aesthetics

The proposed development is inconsistent with Design Quality Principle 9: Aesthetics because the design of the proposal will present as a group of large, bulky and monolithic buildings. The development site has an interface with areas which have and will have lower density development. The resultant development does not provide an appropriate transition to these areas.

The proposal relies on a limited palette of materials per building.

The east and west façades of Building C are overly bulky with a monotonous colour palette, which results in a monolithic and static built form.

Both Building B and C lack an identifiable roof feature.

Treatment and finishes beyond the entry point to the garage have not been specified and this has the potential to expose the unfinished garage walls to the public domain. This is contrary to the design guidance under objective 3H-1- Vehicle Access.

The location of the fire hydrant boosters and unspecified method of screening will compromise the pedestrian experience walking on the footpath.

Overall, the development application does not satisfy the design quality principles and therefore the application cannot be approved pursuant to clause 30(2) of SEPP 65.

Apartment Design Guide (ADG)

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 development has not demonstrated adequate regard has been given to of the following matters:

Site Analysis

The proposal has failed to provide an analysis including streetscape elevations and sections of the potential future developments and amalgamated patterns within the adjacent blocks. The development does not address ADG Objective 3A-1 nor complies with the site analysis requirements as detailed in ADG Appendix 1: Site Analysis Checklist.

Building Depths

The bulk of the towers is excessive when measured in terms of overall footprint depth:

- Buildings B and C surpass the ADG recommended 18m glass line to glass line in numerous locations (Part 2E and 4B).
- The unit depths on both Building B and C in many instances surpass the ADG recommended depth of 8m.

Building Separation

Proposed Building B is adjacent to an R3 – Medium Density residential zone to the east and it places a large portion of the building within 6 metres of the common boundary and it fails to provide an additional 3m “at the boundary between a change in zone from apartment buildings to a lower density area” as per the ADG design guidance in 2F.

The proposal does not satisfy the relevant design criteria Separation Distances (Part 3F):

- Building C’s Levels 3 to 6 do not comply with the minimum setback of 9m from the southern boundary.
- Building C’s Levels 7 to 15 do not comply with the minimum setback of 12m from the southern boundary.
- Building B’s Levels 3 to 6 do not comply with the minimum setback of 9m from the southern boundary.
- Building B’s Levels 7 to 9 do not comply with the minimum setback of 12m from the southern boundary.

Vehicle Access

The aperture for the vehicle entrances on Buildings B and C have not been provided with a ‘security grille’ or any other means to mitigate its expansive opening. This has the potential to appear as a ‘black hole’ on the elevation and it is contrary to the design guidance under Objective 3H-1 – Vehicle Access.

Apartment Size and Layout

The proposed depth of units on both Buildings B and C are deeper than the ADG recommended depth of 8m in Part 4D, which increases the dependency on mechanical ventilation and lighting systems.

Two-bedroom units on the south elevation of Building B have the master bedroom window located in a way that do not meet the design guidance under Objective 4D-1 that requires “a window to be visible from any point in a habitable room.

The proposed depth to the back of kitchen cabinets i.e., C. 03.02 – C.15.02 is greater than the ADG recommended 8 m from a window as per Design Criteria 2 under Objective 4D-2.

Study areas (e.g., B.02.01 and B.02.04) have the ability to be enclosable and are not openly integrated with the rest of the unit layout. They can be used as bedrooms in the future and do

not have the minimum width of 3.6m as per Part 4D-3 design criteria 3 of the Apartment Design Guide.

Storage

Numerous units do not meet the internal storage provision (e.g., B.02.01) do not comply with ADG Objective 4G-1 – Storage.

Private Open Spaces and Balconies

The configuration of the balcony areas for most units is directly in front of bedrooms and are not a direct extension of the living spaces, which is contrary to the Design Guidance under Objective 4E-2.

Common Circulation and Spaces

The distance to the elevator doors on Buildings B and C are internalised and not visible from entry lobbies. This hinders way-finding and reduces visibility from the street. This does not comply with the ADG design guidance under Objective 4F-2, which recommends direct and legible access to vertical circulation minimizing corridor or gallery length.

State Environmental Planning Policy (Housing) 2021)

The proposal seeks to rely upon the provisions of Chapter 2 - Part 2 - Division 1 of the SEPP and which relates to In-fill affordable housing.

The bonus FSR under Clause 17 of the Housing SEPP applies only to Building C being the building in which the affordable housing units are located. Clause 17(1)(a)(i) of the SEPP (Housing) 2021 requires that at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing. The development proposes 100% of Building C to be used for affordable housing as part of the development. None of the floor space within Buildings A or B is proposed to be used for the purposes of affordable housing. The remainder of the development (Buildings A and B) is therefore subject to a FSR control of 1:1;

The development has not satisfied Clause 19(3)(b) of SEPP (Housing) 2021, in that, *“development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with - for precincts undergoing transition—the desired future character of the precinct”*.

The following provisions are applicable in relation to the proposed development:

Chapter 2, Part 2, Division 1 In-fill affordable housing

The proposal is a permissible form of development in the R4 zone.

The R4 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

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

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

The proposal is considered to be consistent with these zone objectives.

The Hills Local Environmental Plan 2019

The proposed development is pursuant to the provisions outlined within the LEP.

The aims of the LEP include the following:

- *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- *to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- *to provide strategic direction and urban and rural land use management for the benefit of the community,*
- *to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,*
- *to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- *to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,*
- *to contribute to the development of a prosperous local economy through the identification and management of land to promote employment opportunities, rural productivity and tourism.*

The proposal is inconsistent with these aims as the proposal seeks to develop the site in an unordered manner that is not compatible with the surrounding development.

Zoning and Permissibility

The site is located within the R4 High Density Residential Zone pursuant to Clause 2.2 of the LEP.

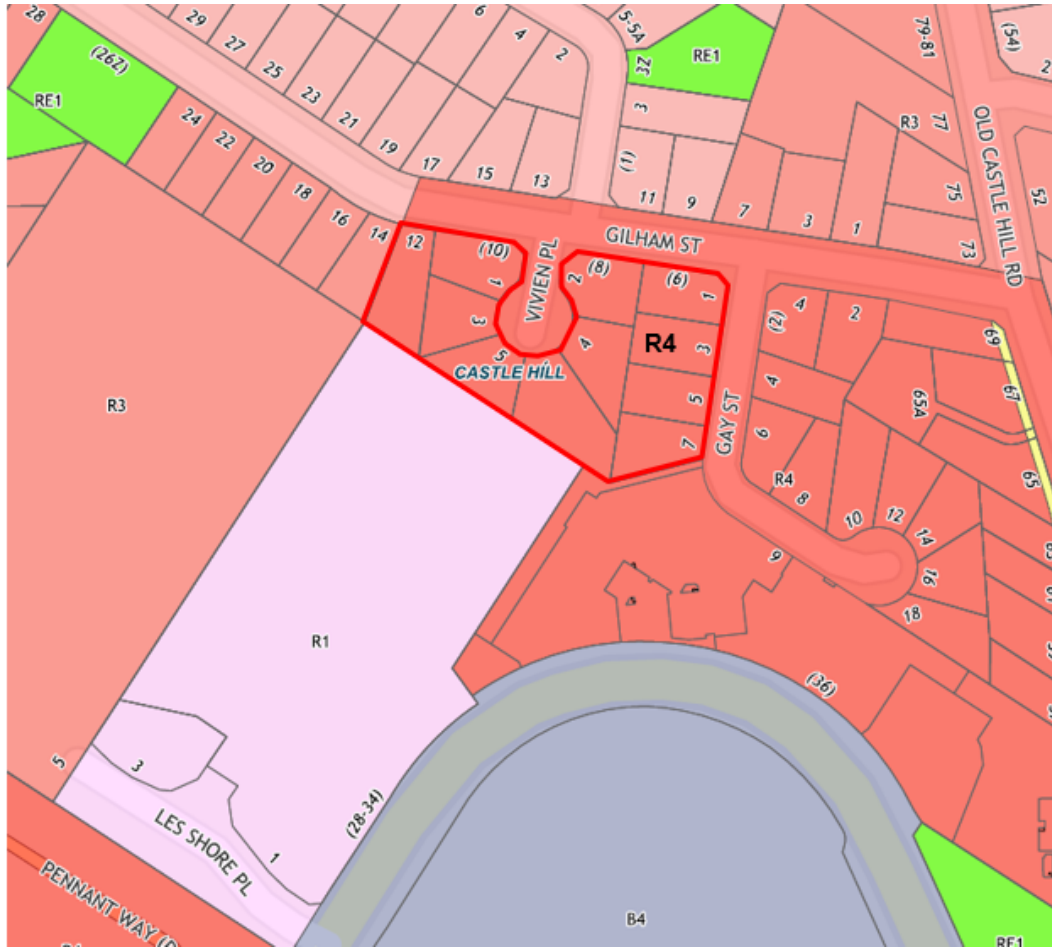


Figure 2. Extract of Zoning. Site outlined in red.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of residential flat building and multi dwelling housing which is a permissible use with consent in the Land Use Table in Clause 2.3.

General Controls and Development Standards

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.

The proposal does not comply with the Floor Space Ratio (FSR) development standards under Clause 4.4 and 7.11 of THLEP 2019 and section 17 of the SEPP Housing 2021. A Clause 4.6 request has not been provided with the application for the exceedance of the maximum FSR.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum Lot size (Cl 4.1)	1,800m ² and 4,000m ²	8,582.7m ²	Yes
FSR (Cl 4.4(2) and 7.11)	1.5:1 (1:1 under cl 4.4 of THLEP2019 plus 0.5);	The development site has a total area of 8,582.7m ² and the gross floor area of the proposed development is	No

S17 of Housing SEPP	See further notes below in relation to FSR.	17,552m ² which results in an FSR of 2.045:1.	
Design Excellence (Cl 7.7)	Clause 3 states that “ <i>development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</i> ”	The proposal fails to exhibit design excellence.	No

The proposal is considered to be generally inconsistent with the LEP.

i) Compliance with Floor Space Ratio

The development application does not comply with the Floor Space Ratio (FSR) development standards under Clause 4.4 and 7.11 of THLEP 2019 and section 17 of the Housing SEPP.

The proposed development exceeds maximum FSR applicable to the site under section 17 of the Housing SEPP which is 1.5:1 (1:1 under cl 4.4 of THLEP 2019 plus 0.5).

The bonus FSR under section 17 of the Housing SEPP applies only to Building C being the building in which the affordable housing units are located. Clause 17(1)(a)(i) of the SEPP (Housing) 2021 requires that at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing. The development proposes 100% of Building C to be used for affordable housing as part of the development. None of the floor space within Buildings A or B is proposed to be used for the purposes of affordable housing. The remainder of the development (Buildings A and B) is therefore subject to a FSR control of 1:1.

Pursuant to clause 7.11 of THLEP 2019, an incentive FSR of 0.54:1 above the base FSR (of 1:1) could be applied if the proposed development satisfied the relevant criteria as set out in clause 7.11(3) of THLEP 2019. The proposed development does not satisfy the relevant criteria in clause 7.11(3) and is not compatible with desired future character of the locality given its excessive bulk and scale.

The provisions of clause 7.11(3) are as follows:

Despite clause 4.4, the consent authority may consent to development on land to which this clause applies with a floor space ratio that does not exceed the increased floor space ratio identified on the [Floor Space Ratio Incentive Map](#), if the consent authority is satisfied that—

- (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be studio or 1 bedroom dwellings, or both, and*
- (b) at least 20% of the total number of dwellings (to the nearest whole number of dwellings) contained in the development are to be 3 or more bedroom dwellings, and*
- (c) at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110 square metres, and*

- (d) at least 40% of all 3 bedroom dwellings contained in the development will have a minimum internal floor area of 135 square metres, and
- (e) N/A
- (f) if the development is on land identified as “Area B” on the [Floor Space Ratio Map](#), the maximum number of car parking spaces that are to be provided for the development is the sum of the following—
 - i. for each studio or 1 bedroom dwelling—0.5 car parking spaces,
 - ii. for each 2 bedroom dwelling—0.8 car parking spaces,
 - iii. for each 3 or more bedroom dwelling—1.3 car parking spaces,
 - iv. for every 5 dwellings—1 car parking spaces, in addition to the car parking spaces required for each individual dwelling.

Note: The subject site is identified as being in “Area” B on the Floor Space Ratio Map.

The plans submitted with the development application indicate that less than 20% of dwellings in the development are three or more bedrooms and less than 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110m². Refer to the below table:

Dwelling Mix	LEP Development Standard	Proposal	Compliance
One bedroom dwellings	25% to the nearest whole number of dwellings (Maximum)	23% (40 of 177 dwellings)	Yes
Three or more bedroom dwellings	20% to the nearest whole number of dwellings (Minimum)	17% (30 of 177 dwellings)	No

Dwelling Diversity	LEP Development Standard	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40%	22.4% (27 of 107 2 bedroom dwellings)	No
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40%	43.3% (13 of 30 3 bedroom dwellings)	Yes, however it is noted that the development does not meet the minimum dwelling mix with respect to three bedroom dwellings.

Parking Type	LEP Development Standard	Proposal	Compliance
1, 2, 3 & 4 Bedroom	The following maximum number of car parking spaces are to be provided for the development: 0.5 car spaces for each 1 bedroom unit (20 spaces required). 0.8 car spaces for each 2 bedroom unit (85.6 spaces required). 1.3 car spaces for each 3 or more bedroom unit (39 spaces required). 1 space per 5 units for visitors (35.4 spaces required) Maximum permissible parking: 180 spaces	178 car parking spaces provided.	Yes

The proposal does not satisfy Clause 7.11(3)(b) and (c), and therefore the FSR (incentive) cannot be applied to the development.

Even if the maximum FSR of 2.04:1 (i.e. Maximum base permissible FSR of 1:1 + Incentive FSR under clause 7.11 of 0.54:1 and Bonus FSR under the Housing SEPP) was applied to the whole of the development, the FSR of the proposed development exceeds 2.04:1. The development site has a total area of 8,582.7m² and the gross floor area of the proposed development is 17,552m² which results in an FSR of 2.045:1.

No Clause 4.6 written submission has been provided to vary the FSR development standards.

ii) Design Excellence

The development does not exhibit design excellence in accordance with Clause 7.7 of THLEP 2019. Pursuant to Clause 7.7, development consent must not be granted unless the consent authority considers that the development exhibits design excellence. The proposed development does not satisfy the objective of clause 7.7 which is:

To deliver the highest standard of architectural and urban design.

The Hills Design Excellence Panel (DEP) has reviewed the proposed development and notes that although the development has the potential to demonstrate design excellence, there are matters that need further investigation and refinement. These matters include the following:

- (i) *The proposed height of Building C and consideration of the limit of density which can practically be accommodated on the site in an appropriate built form (regardless of the conclusion of any discussions on the higher maximum technical density control that may be available) that achieves the character and transition outcomes identified for the site in the Castle Hill North DCP;*
- (ii) *Setbacks to the Vivien Place cul-de-sac being revised to comply with the DCP;*
- (iii) *Improved amenity and enhanced landscape integration between Vivien Place cul-de-sac and the central common open space;*
- (iv) *A stronger presence and integration of green elements into the taller buildings;*

- (v) *Common open space being compliant; and*
- (vi) *Removal of services from the front setback.*

Buildings B and C fail to deliver the highest standard of architectural and urban design as required under 7.7(a) (b) and (c) as follows:

- The overall massing contributes to the perception of bulk and scale.
- The homogeneous colour palette and materials board for each individual tower lack variety and interest further exacerbating the monolithic appearance of the towers.
- The inappropriate interface with the ground plane presents multiple areas of inactive uses and blank walls, which erodes the proposal's activation of the public domain.
- The built form and sitting of Building B in relation to the cul-de-sac at the southern end of Vivien Place has irregular setbacks and places the bulk of the building tangentially right on the footpath.
- The proposed Building C presents an overreliance on Bowral Brown Brick (EF-01) and Tower B on painted concrete in Mid Grey (EF-12) over vast areas of the elevations lacking sufficient variety and modulation.
- The ground floor of proposed Building B presents vast inactive areas (North Elevation) fronting Gilham St, where the basement protrudes above the natural ground varying from 1.4m – 4m as measured from DA300 – Elevations North. The proposal relies heavily on terraforming, mounding and landscape to mitigate this impact, which precludes units facing the street from having ground level private courtyards to activate the public domain.
- The hydrant boosters visible on the North Elevation in front of Building A and B (DA 300) are not well integrated into the landscape scheme and are placed parallel to the footpath without and adequate enclosure.
- The substations in front of Building B (DA 300 - Elevation North) and Building C (DA 301 Elevation – East) are not well integrated into the landscape scheme.
- The vehicle entrance between Buildings A and C as seen on Elevation North (DA300) is not well integrated into the elevation and displaces areas where naturally landscape and planting would be expected to improve the interface between the two buildings and the public domain.
- The vehicle entrance of Building B as seen on Elevation North (DA300) is not well integrated into the ground floor elevation and leads to the appearance of a 'black hole' on the elevation.
- The proposal locates the bulk of Building C in front of the existing 20-23 storey towers at 9 Gay Street, which have view corridors and district views to the north and north-east over the existing lower scale residential developments across Gilham Street. This fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4), (c), which requires the consent authority to consider "whether the development detrimentally impacts on view corridors".

The applicant has proposed that 100% of Building C be used for affordable housing as part of the development. Building C has a direct interface with the three segments of Building A, which are not proposed to be affordable housing. The lack of dwelling integration and the sharing of communal areas could lead to conflicts between the two ownership groups. This fails to respond to provision 7.7 *Design Excellence* (4)(e) and 4(f)(ii) which requires the consent authority to consider how the development addresses "existing and proposed uses and use mix".

The proposal fails to respond to provision THLEP 2019 7.7 *Design Excellence* (4)(e) and 4(f)(iii) which requires the consent authority to consider how the development addresses "heritage issues and streetscape constraints". There are no heritage items in the vicinity of the site; however, the placement and siting of buildings does not consider the streetscape constraints:

- Proposed Building B is adjacent and across the street from lower density areas and it fails to provide adequate transition in scale.
- The presentation of Building C places a street wall height of 16 storeys (approximately 51.9 m) directly on a secondary frontage without any setbacks or transition of scale to the pedestrian which fails to address the constraints of a reduced 7m setback.
- The built form and siting of Building B fails to respond to the constrained geometry of the cul-de-sac at the southern end of Vivien Place resulting on the bulk of the building being directly on the boundary. This creates an awkward relationship and pinch point on the footpath between the edge of the kerb and the façade of the building. A zero setback for Building B to Vivien Place is an unacceptable streetscape outcome.

The proposal fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(iv) which requires the consent authority to consider how the development addresses “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”.

- The scale and massing of Building B will be seen against the backdrop of the sky from existing and future lower density dwellings without any transitional element facing Gilham Street to provide scale transition.
- The overall height and scale of Building A is insufficient to mitigate the visual impacts of Building C when seen across Gilham Street from existing and future lower density development.
- Building C lacks adequate transition in scale within the site from the three proposed segments of Building A. The disparity in height will adversely impact the communal open space between these two built forms and increase ‘its sense of enclosure’ when looking south.
- Proposed Building B is adjacent to an R3 – Medium Density residential zone to the west and it fails to provide adequate transition in scale to the existing and future development by placing a large portion of the building within 6 metres of the common boundary.

The proportions of the east elevation of Building C lack sufficient modulation and articulation to mitigate the perception of bulk and the overall width of the building does not contribute to an elegant or slender tower proportion. The presentation of the south elevation lacks sufficient articulation and modulation to create architectural interest. The monotonous colour palette of both Buildings B and C further exacerbates the appearance of massing and contribute to a monolithic appearance. This fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(v) which requires the consent authority to consider how the development addresses “bulk, massing and modulation of buildings”.

Building C presents a street frontage height of 16 storeys (approximately 51.9 m) directly on a secondary frontage (Gay Street) without any form of a setback behind the street wall height right behind a reduced 7m setback. Building B presents a street frontage height of 10 storeys with portion of its elevation right on the site boundary. This fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(vi) which requires the consent authority to consider how the development addresses “street frontage heights”.

The proposal will have overshadowing impacts to various parts of the existing buildings on No. 9 Gay Street, specifically, to the two northern most towers on that property between 9:00 – 3:00 pm. Proposed Building B will overshadow the communal open space to the south of the cul-de-sac between 1:00 – 3:00 pm. This fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(vii) which requires the consent authority to consider how the development addresses “environmental impacts such as sustainable design, overshadowing, wind and reflectivity”.

The proposed basement parking under Building B extends beyond the footprint of the building and the occupying spaces between Building A and C, which reduces areas of deep soil that can contribute to water filtration and greening. The proposal fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(viii) which requires the consent authority to consider how the development addresses “the achievement of the principles of ecologically sustainable development”.

The main building entrances for Buildings B and C are from Vivien Place which is a dead end cul-de-sac and Gay Street rather than from Gilham Street, which is a thoroughfare with larger volumes of pedestrian and vehicular traffic. This reduces legibility and way-finding and it is counter intuitive as only vehicular entrances face directly to the main roads. This fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(ix) which requires the consent authority to consider how the development addresses “*pedestrian, cycle, vehicular and service access, circulation and requirements*”.

The proposal fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(x) which requires the consent authority to consider how the development addresses “*the impact on, and any proposed improvements to, the public domain*”:

- The proposal fails to address future cycle path and paving treatment improvements along Gilham Street specified in page 13 and 21 of the Castle Hill North Precinct Public Domain Plan.
- The proposal does not nominate any trees to be located within the planting street on the public domain to contribute to the garden character of the precinct as per the strategy specified under the landscaping section (page 29) of the Castle Hill North Precinct Public Domain Plan.
- The canopy of existing trees 3 and 4 located in the public domain are encroached by the poorly sited footprint of Building B. The basement levels also encroached into the rootzone of these trees. Despite the assessment of the in the Applicant’s Arboricultural Impact Assessment by Urban Arbor, any encroachment on street trees by a poorly sited built form is not considered to be reasonable.
- The arborist report has failed to consider the impacts on street trees to be retained of any augmentation of in street infrastructure that might be required as a result of the development.

The proposed design of the communal open space between Building C and A is entirely above structure. Most of the communal open space to the southwest of Building B is also above structure and it is poorly linked to the natural ground. This fails to respond to THLEP 2019 provision 7.7 *Design Excellence* (4)(e) and 4(f)(xi) which requires the consent authority to consider how the development addresses “the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments”. The proposed landscape strategy presents other deficiencies:

- The communal garden between Buildings A and B appears to be publicly accessible without any clear means of territorial enforcement.
- The path linking the open space to the south-west of Building B to Gilham Street is long and circuitous and not universally accessible.
- The open space to the south-west of Building B will be overshadowed throughout the day.
- Communal Garden to the south of the cul-de-sac will be overshadow by Building B during afternoon hours (1:00 – 3:00 pm).

As the proposal fails to adequately and appropriately address the provisions of clause 7.7 of THLEP 2019, the application must be refused (pursuant to clause 7.7(3) which states: *Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*

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 Development Control Plan is relevant to this application:

The following Development Control Plan is relevant to this application:

- *The Hills Development Control Plan 2012*
 - *Part B Section 2 – Residential*
 - *Part B Section 4 – Multi Dwelling Housing*
 - *Part B Section 5 – Residential Flat Buildings*
 - *Part B Section 10 - Medium Density Residential (Terraces)*
 - *Part C Section 1 – Parking*
 - *Part C Section 3 – Landscaping*
 - *Part D Section 20 – Castle Hill North*

A summary of key non-compliances is provided below.

Part D Section 20 – Castle Hill North

Structure Plan and Key Elements

Buildings B and C do not comply with Section 3.2 Structure Plan and Key Elements of Part D Section 20 Castle Hill North Precinct of The Hills DCP which envisages development on this site to be between 4-8 storeys in height (refer figure 5 below). Building B is 11 storeys and Building C is 16 storeys which significantly exceeds the desired further character envisaged for this part of the precinct. Variations to this control can be contemplated, if a development demonstrates how the vision, development principles, key elements for the Precinct and relevant specific objectives are to be achieved. This has not been done by the Applicant.

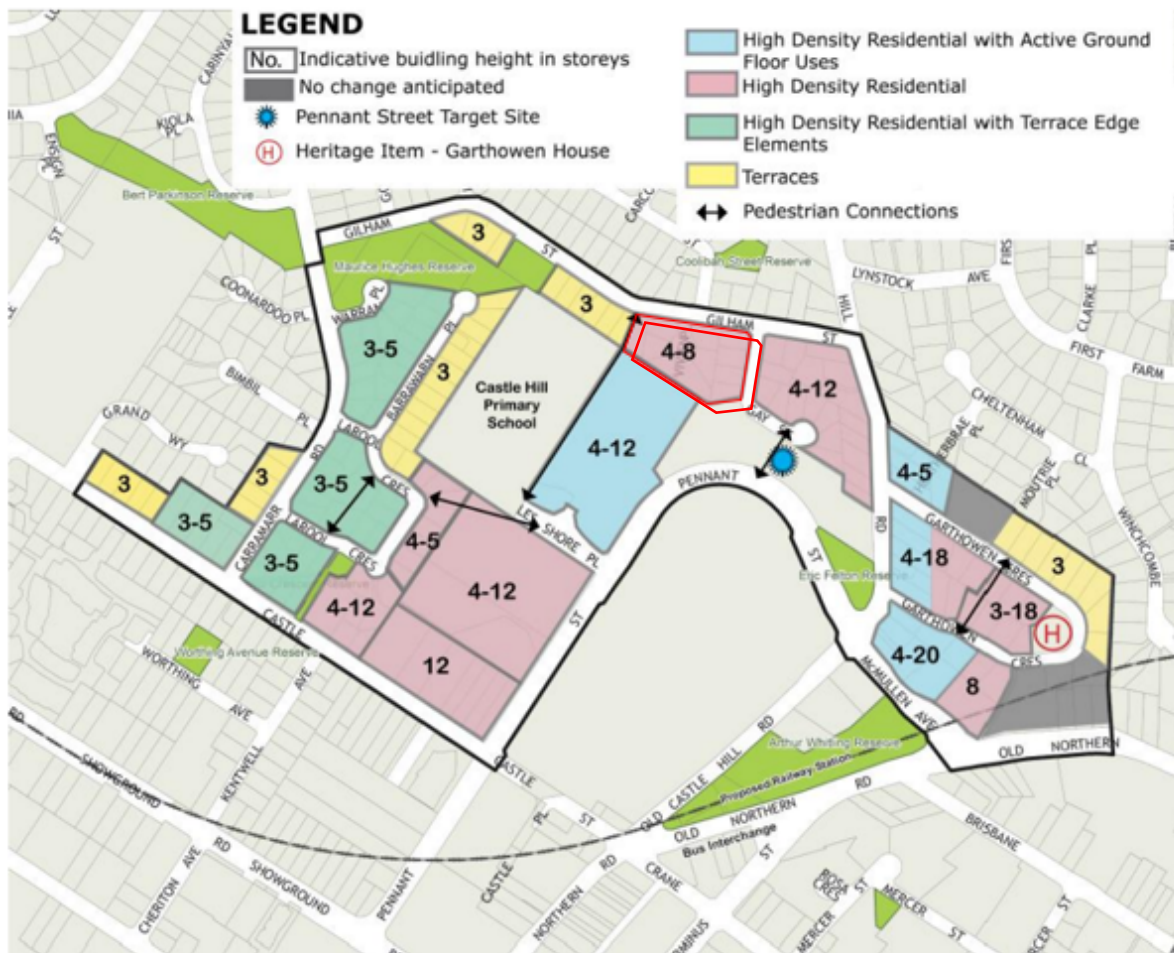


Figure 14 Castle Hill North Structure Plan

Figure 3: Castle Hill North Structure Plan

Furthermore, a variation to the built form character controls cannot be supported as the development fails to achieve design excellence as required by Clause 7.7 of THLEP 2019 and it cannot be concluded that the development creates a positive streetscape or achieves a high quality architectural design.

Movement Network and Design

The development has not provided the through site pedestrian link identified along the western boundary of the site on the Castle Hill North Structure Plan – Figure 14 and 15 in Section 20 of Part D of The Hills DCP (refer Figure 6 below). No reason for the non-provision of this link has been provided.



Figure 15 Indicative Street Network and Hierarchy

Figure 4: Indicative Street Network

Building Setbacks

The development does not comply with the building setback controls identified in Table 2 of the DCP with respect to the rear setback controls and balconies encroaching into the front setback. Buildings B and C encroach into the rear setbacks (8 metre requirement, and the proposal has a minimum setback of approximately 5.7m). The entrances/balconies of the Building A encroach into the front setback of Gilham Street. The DCP has a requirement of 10m is required to Gilham Street, and the proposal provides for a minimum setback of approximately 6.6m).

Although there are no DCP controls in relation to front setbacks to Vivien Place, a nil setback for Building B is not appropriate and results in an unacceptable streetscape outcome.

Open Space and Landscaping

The proposal has not provided roof gardens and planting on structures as required by part 5.3 of The Hills DCP Part C Section 20 – Castle Hill North Precinct.

With respect to the terrace housing, insufficient information has been provided to determine if any deep soil landscaping within the private open space as required by Part 6.3 of The Hills DCP Part C Section 20 – Castle Hill North Precinct which requires that 60% of the private open space area shall comprise deep soil planting and be located such that a canopy tree can be

planted. Further, the DCP requires that 30% of front setback area shall comprise soft landscaping. No calculations have been provided by the Applicant.

The development has not provided for an internal open space area as required by Section 5.3 (12) of The Hills DCP Part C Section 20 Castle Hill North Precinct which requires the development to provide opportunities for larger communal gathering and/or active recreation (i.e. kitchen facilities, tables and chairs, small-scale gymnasium, health studio or swimming pools).

Built Form and Apartment Mix

The development has failed to provide the appropriate apartment mix with respect to three bedroom units in accordance with The Hills DCP Part C Section 20 Castle Hill North Precinct A minimum of 20% is required, whereas the development has provided for 17 of the 164, or 10.4% as 3 bedroom apartments.

The proposal does not comply with the built form character controls of Part D Section 20 Castle Hill North Precinct of The Hills Development Control Plan 2012. The development has not satisfied Clause 19(3)(b) of SEPP (Housing) 2021, in that, *“development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with - for precincts undergoing transition—the desired future character of the precinct”*.

Residential Uses on Ground and First Floors

The proposal fails to address Control 5.7 Residential Uses on Ground and First Floors of Part D Section 20 Castle Hill North Precinct DCP. The residential flat buildings in the development which front a public road do not adopt a two storey terrace house appearance nor do they include individual gates and entrances accessed directly from the street for ground floor units.

Units BLG.03, BLG.04, BLG.05 and BLG.06 facing Gilham Street, and BLG.07 and BLG.06 facing Vivien Place, and Units C.01.01 and C01.01 facing Gay Street do not have individual gates and entrances accessed directly from street.

The DCP requires ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm. No RLs are indicated on the submitted floor plans however the elevations for Gilham Street indicate some units are above street level, and units along Gay Street are below ground level.

The DCP provides the following objectives relating to the control:

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

The built form proposed for ground level residential units do not provide for fine grain articulation to the street frontages. The development results in a design that is excessive in bulk and scale which lacks fine grain built form and architectural diversity within the streetscape.

Solar Access and Overshadowing

The Applicant has failed to demonstrate that at least 50% of the landscaped open space of adjoining properties receives a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June as required by Part 5.8 of the DCP Part D Section 20 – Castle Hill North.

Wind

The development has not sufficiently addressed wind impacts on the development. The Hills DCP Part C Section 20 Castle Hill North Precinct requires that building 8 storeys or more provide wind tunnel testing. No Wind Study/Report was provided with the development application.

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

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

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, comprising the following:

- If demolition of a building proposed - provisions of AS 2601;

These provisions have been considered and if subject to a recommendation for approval, would have been and addressed in the 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 above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be an overdevelopment of the site, and well exceeds the building height envisaged as part of the Castle Hill North precinct for the site, and the development's excessive bulk and scale does not provide for an appropriate interface to the low density residential development to the north of the site.
- Access and traffic – The proposal has no provided sufficient information to ensure safe manoeuvring within the site, and leaving/entering the site.
- Public Domain – The development has not provided the through site pedestrian link identified along the western boundary of the site on the Castle Hill North Structure Plan – Figure 14 in Section 20 of Part D of The Hills DCP.
- Utilities – If the application was supported, conditions of consent can be imposed requiring adequate servicing arrangements to be available to proposed development.

- Heritage – The proposed development is not considered to impact on any known items of Aboriginal or European significance. The site is not identified to contain any items or places of heritage significance
- Other land resources – The proposal will not have any significant adverse impacts on other land resources (such as water catchment, mining, agricultural land).
- Water/air/soils impacts – The proposal has not provided a wind report, to assess the wind impacts of the development. With respect to contamination, if the application was supported, relevant conditions of consent can be imposed with respect to remediation of the land.
- Flora and fauna impacts – the proposal has not suitably addressed impacts on tree within the site, and adjoining the site.
- Natural environment – the proposal has not provided cut and fill plans to fully assess the impacts of development.
- Noise and vibration – If supported, suitable conditions of consent can be imposed in relation to construction and operational.
- Natural hazards – The site is not affected by any natural hazards such as flooding, bushfire.
- Safety, security and crime prevention – The CPTED assessment submitted with the application does not adequately address the potential for the communal open space areas of the development to be accessed by the general public.
- Social impact – A social impact assessment has not been prepared as part of the application.
- Economic impact – the development would result in positive economic development.
- Site design and internal design – Concern is raised regarding the site design and internal set-out. Non-compliances with the ADG have been identified.
- Construction – If the application was supported, relevant conditions of consent can be imposed to mitigate any impacts of the construction of the development on neighbouring residents.
- Cumulative impacts – Given the significant non-compliances with planning controls, the proposal may result in cumulative impacts. The proposal exceeds the maximum density and building height for the site.

Accordingly, it is considered that the proposal will result in significant adverse impacts in the locality as outlined above.

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

The proposed development is not consistent with the Castle Hill North DCP, and is not consistent with the intended future character of the site.

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

Submissions are considered in Section 5 of this report.

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

The proposed development is not in the public interest as it represents an overdevelopment of the site and poor amenity and design outcomes due to its departure from the requirements under THLEP 2019, SEPP (Housing) 2021, SEPP 65, Apartment Design Guideline and The Hills DCP 2012.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of recommended conditions if development consent was granted for the application.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) – N/A			
Referral/Consultation Agencies			
Endeavour Energy - Electricity supply authority	CI 2.48 – Transport and Infrastructure and SEPP 2021 Determination of development applications – other development	Endeavour Energy have reviewed the proposal and provided advice in relation to a number of matters, and has recommended conditions of consent.	Y
Transport for NSW	Notification	TfNSW have provided comments for Council's consideration.	Y
Design Excellence Panel	CI 7.7 – THLEP 2019 Advice of the Design Review Panel ('DRP')	The DEP have concluded that the development does not exhibit design excellence.	N
Sydney Water	Notification	No objection raised and recommended conditions of consent provided.	Y
NSW Police	Notification	No objection raised, subject to recommended security measures in place relating to letterboxes and parcel space.	Y
Integrated Development (S 4.46 of the EP&A Act) – N/A			

4.2 Council Referrals (Internal)

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the submitted civil plan and stormwater concept plan and concerns have been raised.	Refer to Section 5.2
Traffic	The Traffic Engineering has reviewed the proposal and raised concerns.	Refer to Section 5.3
Landscaping / Trees	Council's Landscape Officer and Senior Biodiversity Officer has reviewed the landscape plans and arborist report and have raised concerns with the proposal.	Refer to Section 5.5
Health	No objections, subject to recommended conditions	Yes.
Waste	Council's Resource Recovery Project Officer has reviewed the proposal and has raised concerns.	Refer to Section 5.4
Contributions	No objections, subject to recommended conditions	Yes.

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was notified in accordance with The Hills DCP 2012 Part A Introduction, Section 3 from 16 January 2023 until 6 February 2023. The notification included the following:

- Notification letters sent to adjoining and adjacent properties (approximately 54 letters sent);
- Notification on the Council's website.

The Council received a total of 7 unique submissions, comprising 11 objections from 10 properties. No submissions in favour of the proposal were received. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Increased Density	9	The development exceeds the maximum floor space ratio for the site. The proposal exceeds the envisaged floor space and building height which

Submissions raised concern the development will adversely impact on the local community including demand for schools, parks, child care centres, public transport.		will cater for additional residents that have not been considered as part of the rezoning of the Castle Hill North Precinct. Outcome: The proposal is not supported, and is recommended for refusal.
Building Height The DCP stipulates a building height of 4-8 storeys. The development significantly exceeds this.	1	The development exceeds the maximum number of storeys identified in The Hills DCP Part D Section 20 Castle Hill North. Outcome: The proposal is not supported, and is recommended for refusal.
Increase in Traffic More residents in the area will increase traffic congestion on the area. Safety concerns for children in the area with more traffic	9	The proposal has not satisfactory addressed traffic impacts of the development. Refer Section 5.3 above. Outcome: The proposal is not supported, and is recommended for refusal.
Privacy Impacts Intrude on resident's privacy and impact quality of life. The development will overlook Castle Hill Primary School	7	If the application is supported, privacy measures can be imposed to ensure no privacy impacts to nearby properties. Outcome: In its current form, the proposal is not supported, and is recommended for refusal.
Construction Impacts Littering and parking of construction vehicles.	4	If the application was supported, appropriate conditions of consent could be imposed to ensure construction impacts are mitigated. Outcome: In its current form, the proposal is not supported, and is recommended for refusal.
On-street Parking There is a shortage of on-street parking	5	On-street parking is available for public purposes.
Off-street parking The development does not provide for	4	The proposal complies with the required parking rates for the development. Outcome: In its current form, the proposal is not supported, and is recommended for refusal.

enough on-site parking.		
Increase in Noise Impact on quality of life	1	Council's Environmental Health Officer has reviewed the proposal, and has not raised concerns in relation to noise impacts with the proposal. Outcome: In its current form, the proposal is not supported, and is recommended for refusal
Crime Increase in crime in the area with more residents.	7	Concern is raised with the CPTED report prepared as part of the application. Refer to Section 5.7 above. Outcome: In its current form, the proposal is not supported, and is recommended for refusal
Impact property value	1	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. No evidence has been provided to substantiate this claim.
Affordable Housing Development is close to the school. Concerns raised with the safety of the children with increase drug use in social housing.	1	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. No evidence has been provided to substantiate this claim

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Urban Design and Compliance Statutory Requirements and Planning Controls

Refer to Section 3 above for comments.

Resolution: The issue has not been resolved and accordingly, warrants refusal of the application.

5.2 Engineering Matters

Stormwater Matters

Filling the rear of Lot 11 DP 227212 to drain the development to Gilham Street will not be supported. The natural surface levels cannot be filled for the purpose of drainage. Similarly,

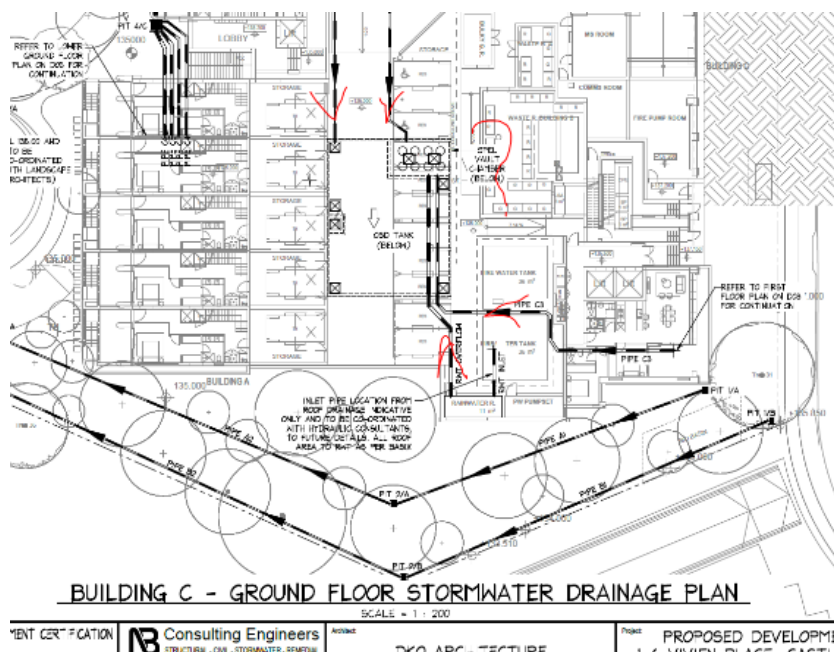
the lots facing Gay Street are sloping to the rear but the applicant's engineer is proposing to cross-catchment and drain the site to Gilham street, which is not supported.

The capacity of the stormwater system into which stormwater from the development discharges into, has not been checked/analysed. The check/analysis is to be carried out to the legal point of discharge to ensure that the street pits will not be surcharged during minor events up to the 10 years ARI storm event and up to the 20 years ARI storm event for sag pit.

With respect to the points above, the Stormwater Plan does not demonstrate how the stormwater is managed from the site and drain to the lawful/legal point of discharge as per Section 4.4 of Council's design guidelines subdivision/developments dated September 2011.

OSD shall be located on common area only and overflow from the pit is to be directed away from the building. This requirement has not been shown on the stormwater, landscape and architectural plans (including the architectural section/elevation plan).

The proposed OSD tank from "Building C" is not clear as no outlet is proposed. Refer to the snapshot below:



The Applicant has not provided OSD calculation. Given there are two separate OSDs and two separate catchments, two separate OSD calculations are required.

Landscape design is inconsistent with the crossing details of the OSD.

A MUSIC model has not been provided as required under Section 4.3 of Part D Section 20 – Castle Hill North Precinct in the DCP. Note that the proposed swale as a treatment node is not usually supported for this type of application. The type of swale including cross-section, material and area is draining to the swale is to be consistent with the MUSIC model. Architectural and landscaping plan are to be consistent with the MUSIC model (which has not been provided).

Proposed Pit 1/J has not been designed as per Council's standard Kerb Inlet Pit in Design Guides for Subdivision and Developments, which provides sealed lit /pit on a public road is not supported. The proposed pit does not comply with the standard drawing for KIP specified

in the Design Guides for Subdivision and Development. Also, the invert of the inlet and outlet pipes has not been provided.

An additional page (stormwater plan on plan view) has not been provided to show the location of the two OSD from the two separate catchments in 1 plan view along with the relevant design surface and invert levels for the OSD and pits to the proposed Bio-Basin.

Civil Matters

The cycleway of 2.5m wide has not been provided fronting the development site as per Figure 16 Existing and Proposed Cycleway Network of Part D Section 20 – Castle Hill North Precinct.

A cross-section for the road's verge for Gilham and Gay Streets has not been provided in the civil plans as per Figure 19 Collector Road (Gilham Street and Carramarr Road), and Figure 20 Local Road 1 (Larool Crescent, Barrawarn Place and Gay Street), respectively, of Part D Section 20 – Castle Hill North Precinct.

The proposed vehicular crossing must be shown on the civil plans and must be consistent with the architectural plans, and the landscape plans.

Geotechnical Matters

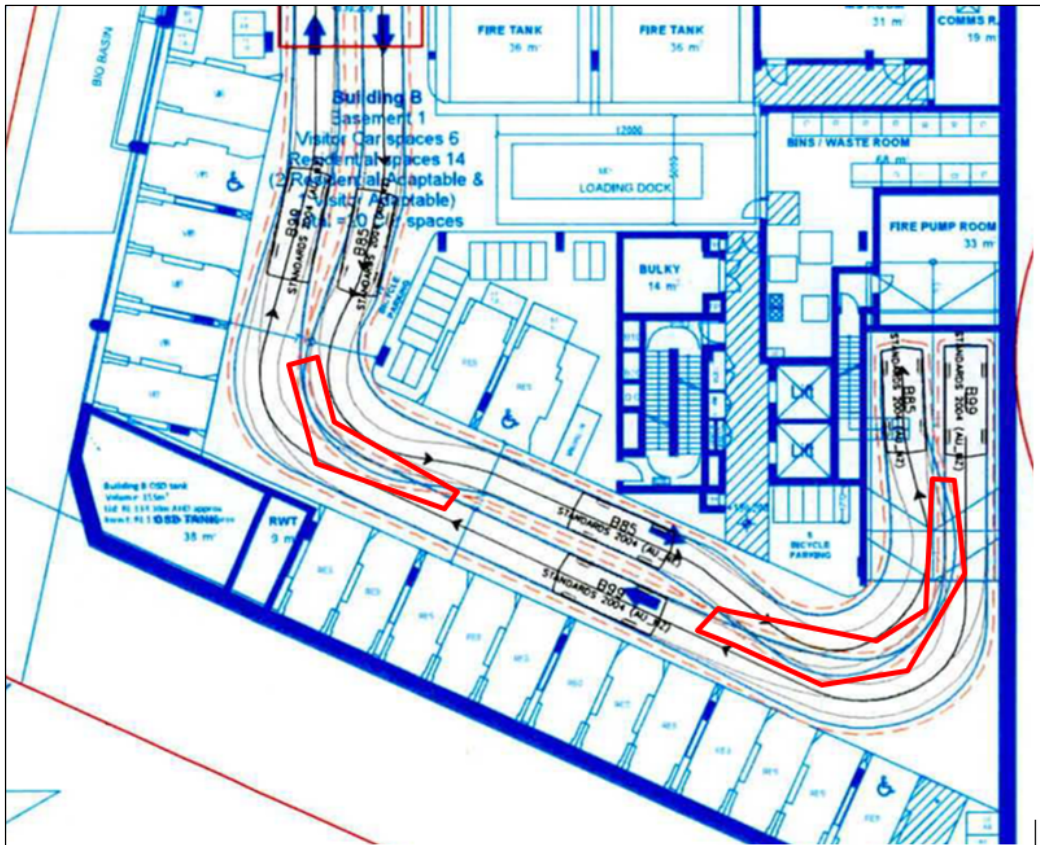
Reference is made to the sections 4.1, 4.4, and 4.8 of the Geotechnical investigation report, prepared by *JKGeotechnics* (ref 35217Brpt, dated 18/08/2022). The Groundwater investigation has not been completed and submitted. This assessment must cover the groundwater take during construction and the ongoing groundwater take post construction. Should the groundwater be determined to be more than 3ML/year then either the basement must be designed and constructed as tanked basement or concurrence from NSW Water must be provided.

Resolution: These issues have not been resolved and accordingly, warrants refusal of the application

5.3 Traffic Matters

The provided swept path analysis has not demonstrated how the vehicles would access and leave parking space(s) in a safe and convenient manner. In particular, there are no plans showing swept paths of a design vehicle moving in and out of a parking space, thus proving that the vehicle can park in a parking space in a single manoeuvre, and pull out from the parking space in no more than a 3-point turn, or reverse in a parking space in no more than a 3-point turn, and to pull out from the parking space in a single manoeuvre.

According to the AS2890.1:2004, Clause 2.5.2, Paragraph (c), "Areas in which it is necessary for two vehicles to pass one another shall be designed for a B85 vehicle to pass a B99 vehicle." The swept path analysis, however, shows that two vehicles, B85 and B99, cannot pass each other without colliding (refer to the Figure below).

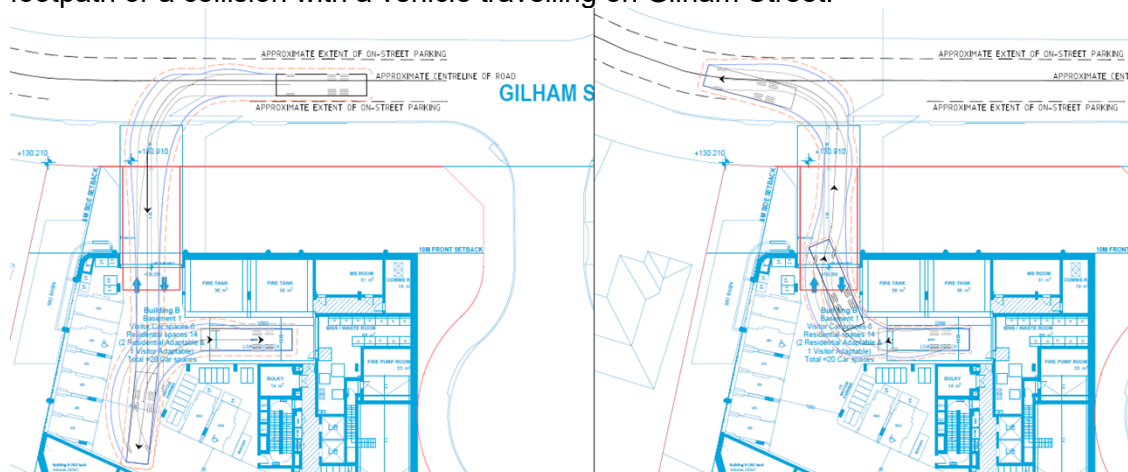


The Architectural Plans do not clearly identify visitor carpark spaces, driveway and ramp widths. All dimensions are to be detailed on the plan including the parking spaces relevant to the user classification.

It appears that the access driveway design is not consistent with the Standard requirements as per AS2890.2:2018, Clause 3.4.3, Figure 3.1.

There is no information to show that the gradient and the rate of grade change for the ramp of the basement does comply with AS2890.2 for the MRV that accesses the basement.

The MRV is occupying the full width of the internal driveway/circulation roadway which is not supported. Refer to the snapshot below. Should an ingress vehicle meet an ingress MRV on the driveway, the ingress vehicle will be forced to reverse uphill, and onto the adjacent footpath and Gilham Street, thus significantly increasing the chance of striking a pedestrian on the footpath or a collision with a vehicle travelling on Gilham Street.

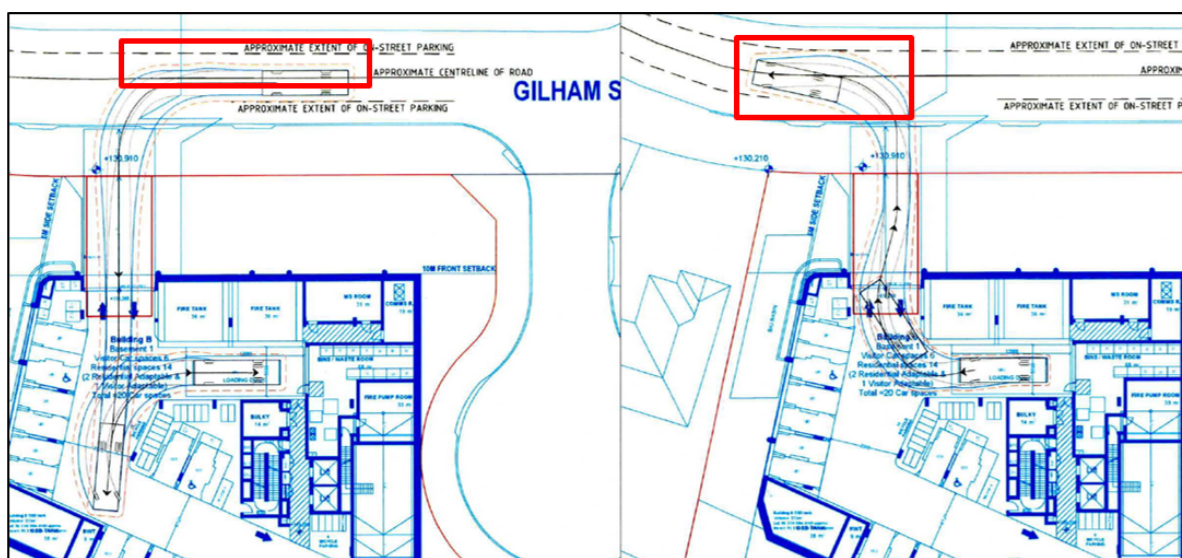


If the MRV is to occupy the whole width of the driveway, the Applicant must demonstrate how the proposed development will manage the conflict between the MRV and B99. Passing bays must be provided within the site's boundary not the vehicular crossing. Queuing on the street will not be supported.

According to AS2890.2:2018, Clause 3.4.1, "A key objective of the design of driveways is to minimize the interference between vehicles manoeuvring into or out of the site and vehicles travelling through on the public roadway."

According to the same Clause, "To meet this objective the following design requirements shall apply: On a minor public road, vehicles shall be able to enter and leave the access driveway without infringing the boundaries of the roadway. Relevant authorities [e.g. The Hills Shire Council] may place further limits and controls on the extent to which movement across the centre-line of the roadway is allowed. On a major public road, the design shall not force turning vehicles to cross the centre-line or median of the public roadway to the extent that there is any interaction with the opposing direction of travel."

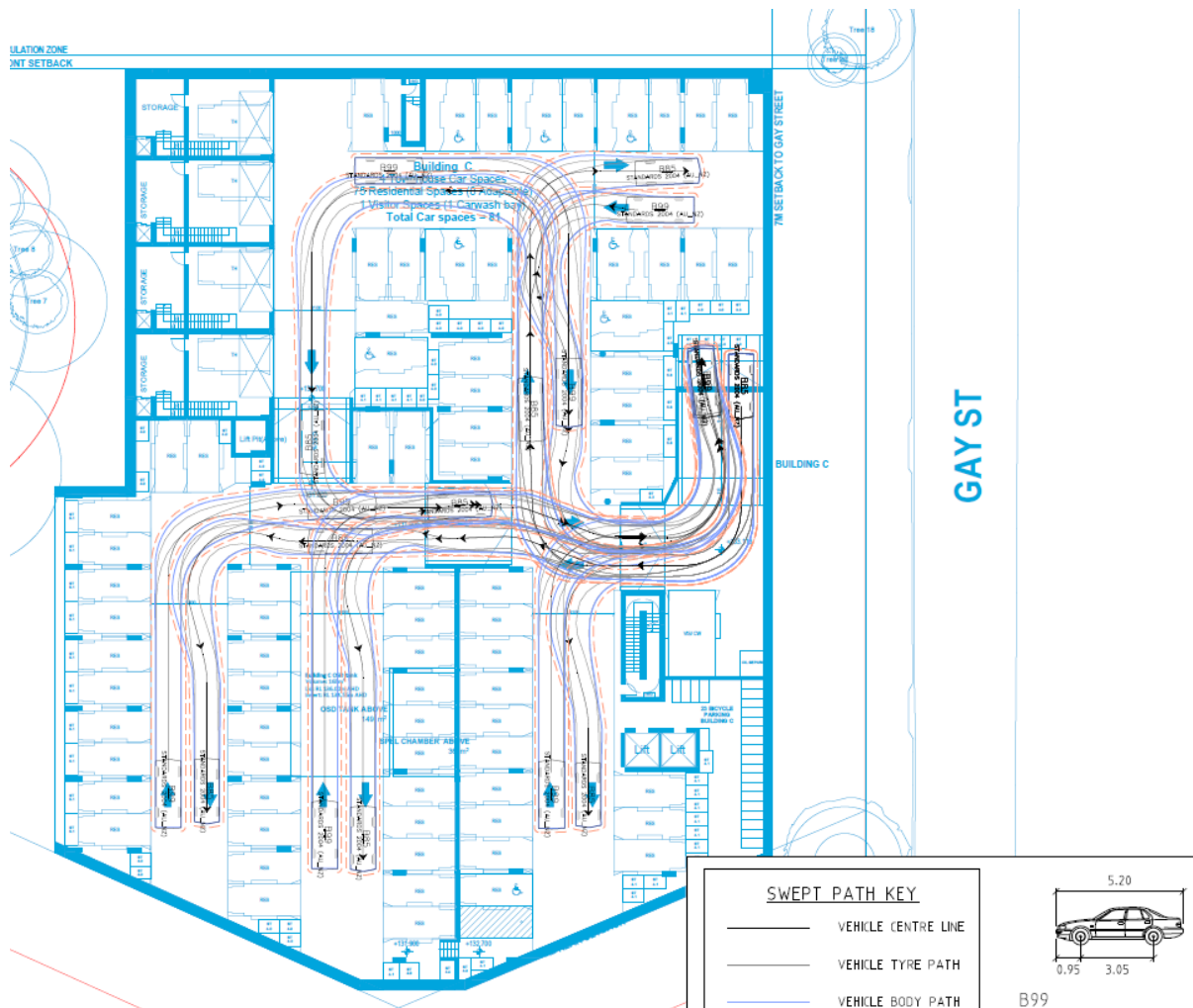
The swept path analysis shows that service vehicles would not be able to enter and leave the access driveway without being forced to cross the centre-line to the extent that there is interaction with the opposing direction of travel, thus increasing the chance for crossing turning or head-on collisions to occur on Gilham Street (refer to Figure below).



Swept turning paths demonstrating the required manoeuvring in order for longest vehicle to enter and leave the site in a forward direction has not been provided. The width of internal driveway/circulation roadway must be designed to facilitate expected longest vehicle type and a B99 car pass each other simultaneously (i.e. maintaining two-way traffic flow).

Other vehicular crossings that will not be subject to the access of the MRV must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

The provided swept pathways are not legible. Refer to the snapshot below. A revised swept turning paths for Building C on separate pages must be provided.



Resolution: These issues have not been resolved and accordingly, warrants refusal of the application.

5.4 Waste Management Matters

The development application should be refused as it has not been demonstrated that the waste management on the site can be undertaken in a safe manner.

Swept turning paths in the Traffic Report show the standard 8.8m long Medium Rigid Vehicle utilising the entire width of the footpath crossover and driveway ramp when entering and exiting the site. Waste collection vehicles must not impede upon general access to, from or within the site. Amended plans must be submitted with swept paths overlaid demonstrating that two-way traffic flow can be achieved between the standard 8.8 Medium Rigid Vehicle (AS2890.2) and the standard B99 passenger vehicle (AS2890.1) at the footpath crossover and along the driveway ramp.

Further to the above point, swept paths show the 8.8m long MRV crossing the centreline of Gilham Street. Amended plans and swept paths must be submitted showing that waste collection vehicles do not crossover onto the oncoming traffic lane when entering and exiting the site.

Developments with 249 units or less are not required to provide waste compaction. It is recommended that amended plans show the deletion of the compaction units. The twin chute systems must be maintained.

5.5 Landscape, Ecology and Tree Matters

The development should be refused due to inconsistencies between plans and inadequate information demonstrating that landscaping appropriate for the type and scale of development proposed has been provided.

The proposal does not consistently show information between all plans and reports in accordance with THDCP Part C Section 3 – Landscaping Clause 3.1 (f). The OSD basin location has not been provided on Landscape Plans and there are discrepancies regarding trees for retention and removal between the Arborist Report and other plans.

To enable a complete assessment, the Arborist report is to be amended to assess the new proposed design and impacts to trees, and the OSD basin location is to be clearly located on all plans. The arborist report is to also ensure correct species identification of the Eucalypts on site, provide details on presence of hollow (if any), and provide a clear tree removal and retention plan.

The proposal does not comply with THDCP Part C Section 3 – Landscaping Clause 3.1 Submission Requirements where fencing and walling locations and detailed planting plans are required. Planting plans are to provide individual plant species location on plans and the respective quantities of each species. Fencing is to be setback 2m from any boundaries in accordance with THDCP Part B Section 5 – Residential Flat Building Clause 3.27 (b) to provide significant landscaping.

The proposal has not sufficiently detailed that minimum soil depth requirements have been provided in accordance with THDCP Part C Section 3 – Landscaping Clause 3.1 (h). Mounding to achieve soil depth provisions is not supported. The OSD basin is to also demonstrate the required soil depth provisions for the proposed planting.

The proposal has not provided roof gardens and planting on structures as required by part 5.3 of The Hills DCP Part C Section 20 – Castle Hill North Precinct.

With respect to the terrace housing, the development has failed to provide any deep soil landscaping within the private open space as required by Part 6.3 of The Hills DCP Part C Section 20 – Castle Hill North Precinct which requires that 60% of the private open space area shall comprise deep soil planting and be located such that a canopy tree can be planted. Further, the DCP requires that 30% of front setback area shall comprise soft landscaping. No calculations have been provided by the Applicant.

Insufficient information provided to determine the impact of the proposal on an endangered tree species – Tree 5 *Syzygium paniculatum* (Magenta lilly pilly) growing in the road reserve of Vivien Place.

Insufficient information in regard to the recommended root investigations for Trees 5 and 7 to confirm the proposed retention of trees is feasible, or whether design amendments are required to viably retain those trees.

Tree Protection Zone (TPZ) encroachment assessments and figures are not consistent with impact assessment advice under 3.3.3 and 3.3.4 of AS 4970-2009 Protection of trees on development sites. For example, compensatory, contiguous soil areas, and existing constraints within TPZ's, are not considered and reflected in the assessment and impact outcomes.

- a) The proposal is contrary to the landscaping aims and objectives of Part C Section 3 of the DCP, specifically:

Objectives:

1.2. (i) To ensure that landscaping preserves and contributes to the Shire's environmental and visual character and the existing and past cultural landscape.

3.2. (i) *To retain and protect as many mature trees as possible during development.*

Controls:

3.2. (a) *Where natural vegetation exists, all trees must be preserved in accordance with the Vegetation SEPP.*

- There are 28 prescribed trees and 7 exempt species on the site, and 15 adjoining or street trees. 21 of the prescribed site trees and 1 street tree are proposed to be removed.
- All of the high retention value trees on the site are proposed to be removed, one of which is an endangered species (Tree 30).
- All of the prescribed site trees to be retained are of low landscape significance and retention value and several are declining with poor long-term prospects as positive contributory landscape elements.
- It is not demonstrated in the proposal that retention of significant, high retention value trees has guided its design and layout.

5.6 CPTED Assessment

The CPTED assessment submitted with the application does not adequately address the potential for the communal open space areas of the development to be accessed by the general public.

5.7 Architectural Plans

The architectural drawings present various instances of missing or contradicting information that require clarification:

Elevations - South (DA 302) calls for EF-04 Mineral Silicate Paint in Concrete White to be applied over the lift overrun and plant rooms on the roof of Building C; however, the elevational drawing shows a dark coloured material.

Elevations - East (DA 301) calls for EF-04 Mineral Silicate Paint in Concrete White to be applied over the lift overrun and plant rooms on the roof of Building C; however, the elevational drawing shows a dark coloured material.

Elevations - East (DA 301) calls for EF-07 described as Power Coat Aluminium in Black to be applied over a vertical segment of the elevation of Building C; however, the elevational drawings don't show with clarity whether this is a full height screen, blades or solid panel.

Elevations - South (DA 302) shows large vertical areas as a dark coloured material on Building C, but no material tag is provided.

5.8 View Impact Assessment

An impact assessment has not been provided to assess the potential view impacts units located on the north eastern, northern and north western elevations of the buildings located on No. 9 Gay Street.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application cannot be supported.

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

The proposal does not meet comply with development standards under The Hills Local Environmental Plan 2019 including, Clause 4.4 Floor Space Ratio, Clause 7.11 Residential development on certain land within the Sydney Metro Norwest Urban Renewal Corridor and Clause 7.7 Design Excellence. The proposal does not meet Section 17 of SEPP (Housing) 2021.

The proposal has not been supported by the Design Excellence Panel and it is considered that the proposal does not exhibit design excellence in accordance with Clause 7.7 of the LEP and is inconsistent with the desired future character of the Castle Hill North Precinct.

7. RECOMMENDATION

That the Development Application 1117/2023/JP for the demolition of existing structures and construction of residential flat building and multi dwelling development under the provisions of SEPP Housing 2021 at Nos. 1-6 Vivien Place, 1-7 Gay Street and 12 Gilham Street Castle Hill be REFUSED pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the draft reasons for refusal attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft reasons for refusal
- Attachment B: Architectural Plans
- Attachment C: Design Excellence Panel Report
- Attachment D: Locality Plan
- Attachment E: Aerial Map

ATTACHMENT A – DRAFT REASONS OF REFUSAL

The Development Application has been refused on the following grounds:

1. The proposal does not comply with the Floor Space Ratio (FSR) development standards under Clause 4.4 or Clause 7.11 of the Hills LEP 2019. No Clause 4.6 written submission has been provided to vary the FSR development standards.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

2. The proposal does not satisfy Clause 7.11(3)(b)(c) and therefore the FSR (incentive) cannot be applied to the development.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

3. The proposal does not comply with the Floor Space Ratio (FSR) development standards under Clause 17 of the SEPP Housing 2021. No Clause 4.6 written submission has been provided to vary the FSR development standards.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

4. The application does not satisfy the provisions under Clause 7.7 Design Excellence of the Hills LEP 2019.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

5. The proposal does not satisfy the design quality principles contained within Clause 28 and 30 of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development with respect to context and neighbourhood character, built form and scale, density, sustainability, landscape amenity, safety and aesthetics.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

6. The proposal has not demonstrated that sufficient residential amenity will be provided to the future occupants of the development in accordance with the design criteria of the Apartment Design Guide under Clause 28 and 30 of SEPP 65 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).

7. The proposal does not comply with the streetscape, built form character and apartment mix, landscape and solar access and overshadowing controls of Part D Section 20 Castle Hill North of The Hills Development Control Plan 2012.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).

8. The applicant has not submitted adequate information to properly assess engineering, waste management, traffic, tree management and landscaping concerns raised by Council staff.

(Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

9. The applicant has not provided a Wind Report in accordance with Part D Section 20 Castle Hill North of The Hills Development Control Plan 2012.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979).

10. The applicant has not adequately demonstrated the site is suitable for the development with respect to CPTED assessment, social impact assessment and wind study.

(Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979).

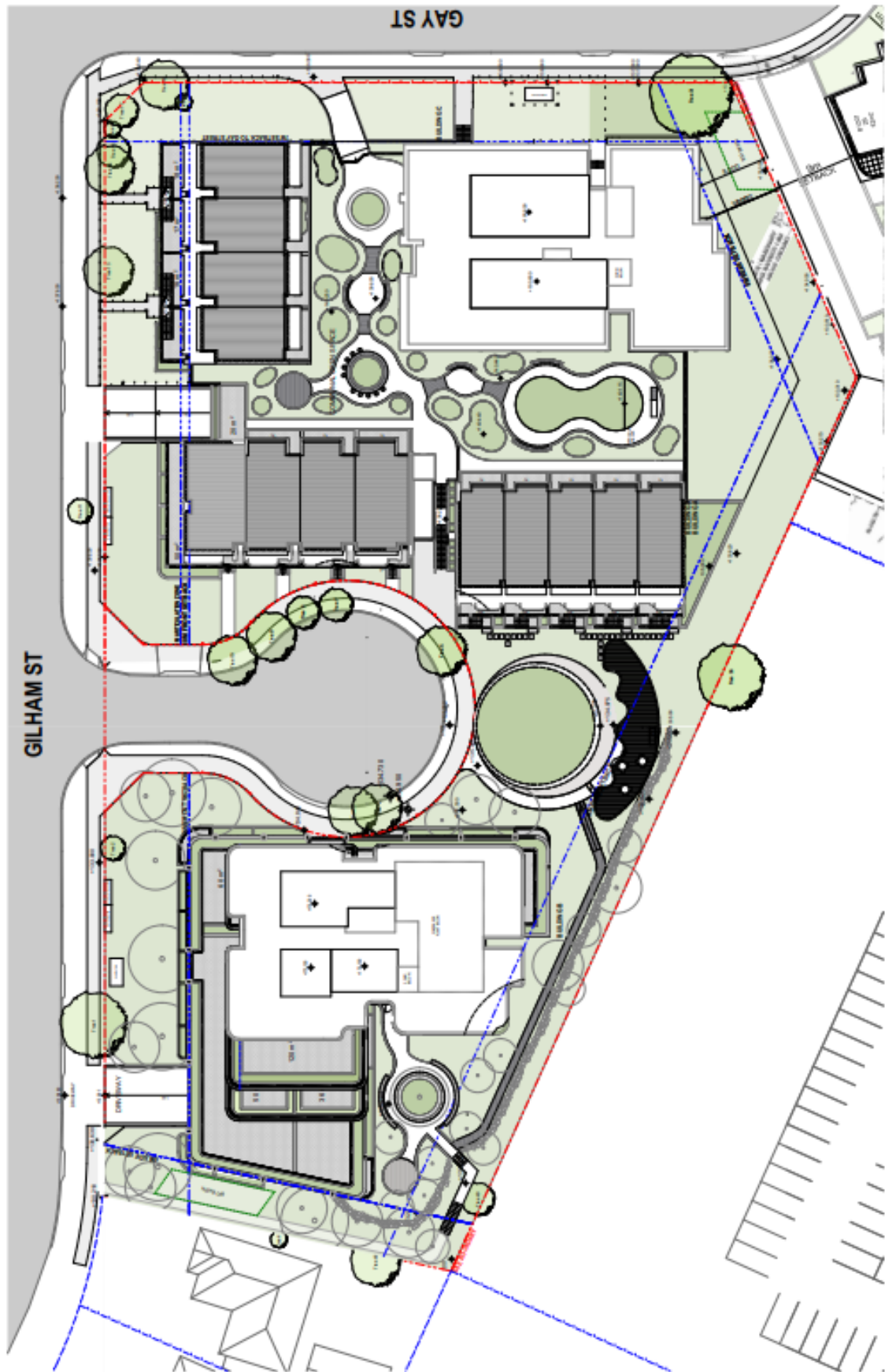
11. The site is not suitable for the development as the proposal is inconsistent with the built environment of the locality due to the bulk and scale of the buildings and impact on visual amenity when viewed from the street.

(Section 4.15(1)(b) and (c) of the Environmental Planning and Assessment Act, 1979).

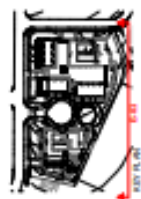
12. The proposal is not in the public interest due to its departure from the requirements of development standards under The Hills LEP 2019.

(Section 4.15(1)(d) and (e) of the Environmental Planning and Assessment Act, 1979).

ATTACHMENT B: ARCHITECTURAL PLANS



[illegible]

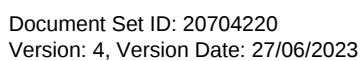


Legend

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424	1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444	1445	1446	1447	1448	1449	1450	1451	1452	1453	1454	1455	1456	1457	1458	1459	1460	1461	1462	1463	1464	1465	1466	1467	1468	1469	1470	1471	1472	1473	1474	1475	1476	1477	1478	1479	1480	1481	1482	1483	1484
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

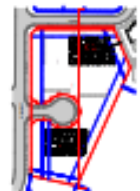
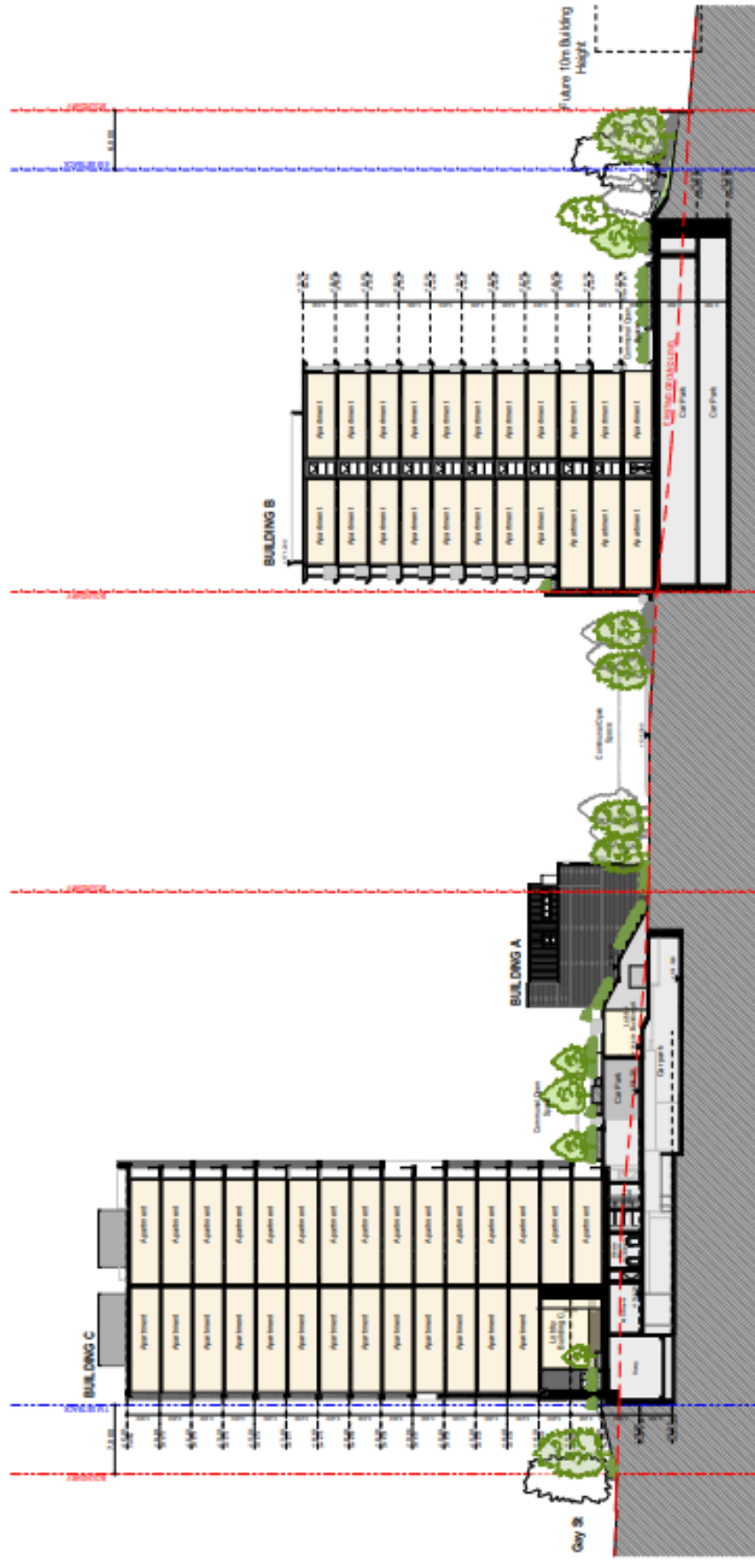


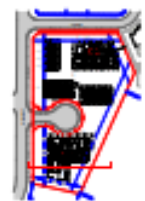
This architectural rendering illustrates the proposed 173-story building at 173 West 17th Street. The building features a modern design with a grid-like facade of windows and dark structural elements. It is situated in an urban environment, with a street-level view showing landscaping, including trees and shrubs, and a sidewalk. The rendering also shows the building's relationship to the surrounding context, including the existing building at 173 West 17th Street and the street layout. The street is labeled 'Giffen St' and '173 West 17th Street'. The building's height is indicated as 173 stories.

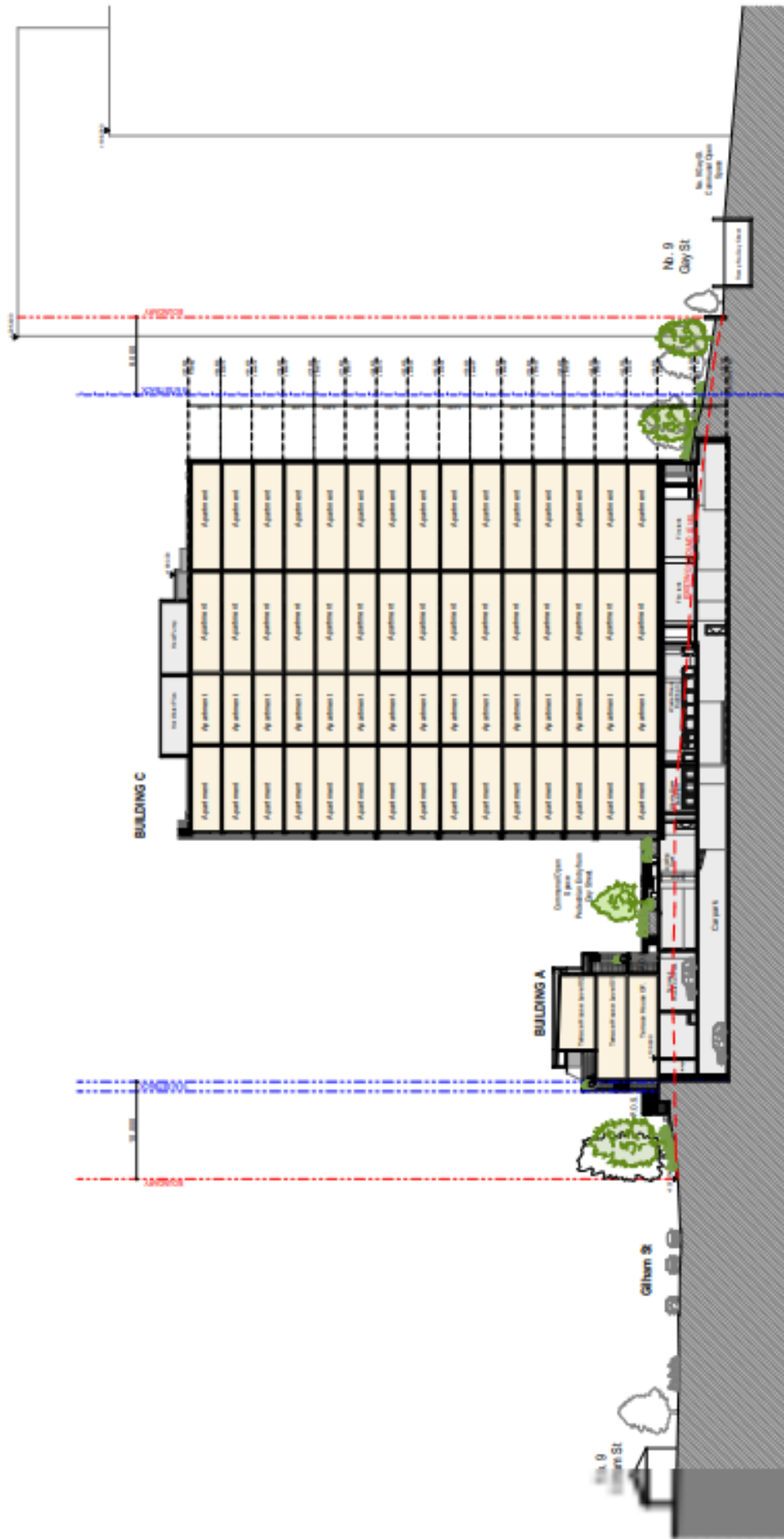


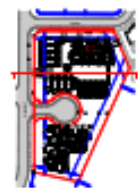
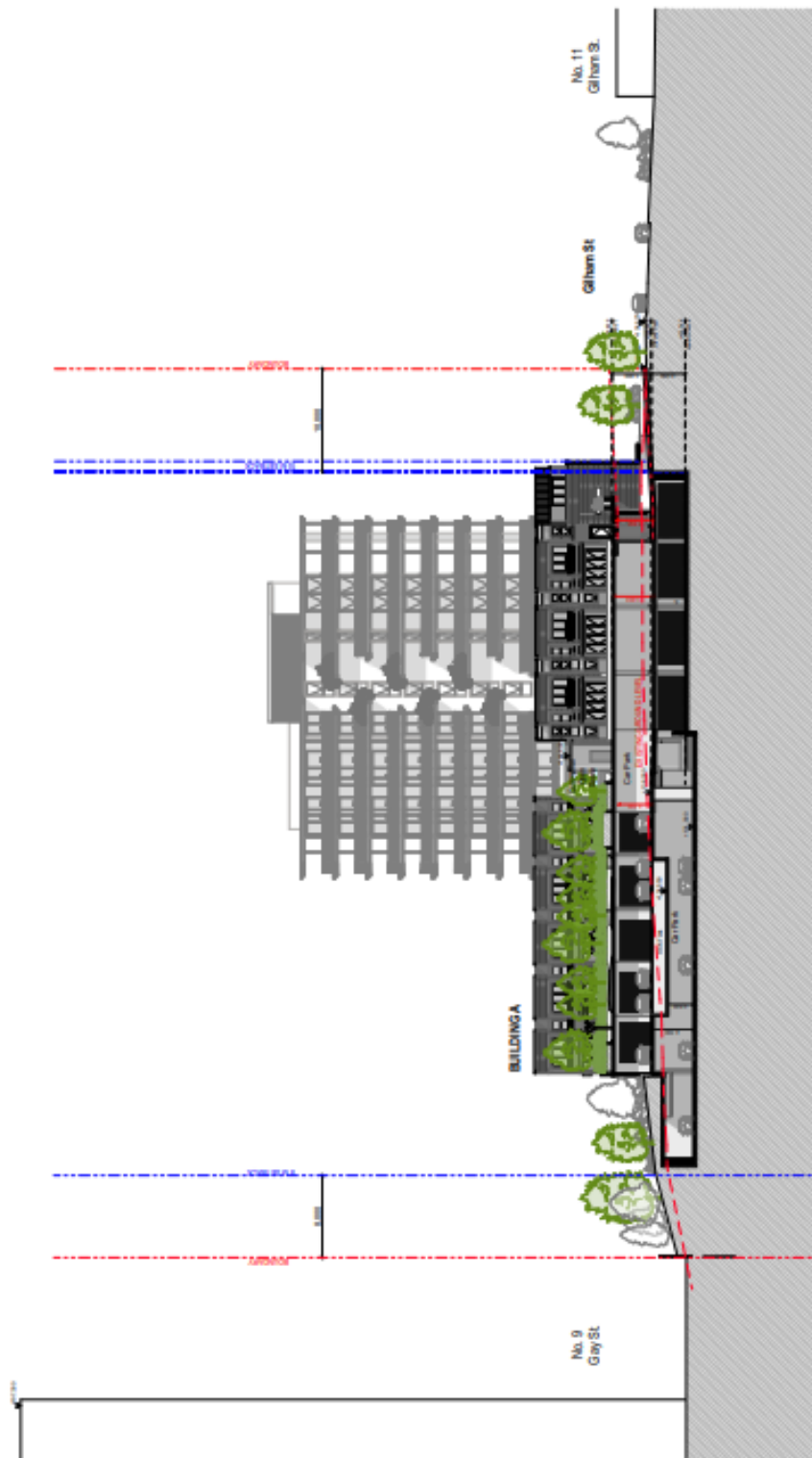


100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226	1227	1228	1229	1230	1231	1232	1233	1234	1235	1236	1237	1238	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252	1253	1254	1255	1256	1257	1258	1259	1260	1261	1262	1263	1264	1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283	1284	1285	1286	1287	1288	1289	1290	1291	1292	1293	1294	1295	1296	1297	1298	1299	1300	1301	1302	1303	1304	1305	1306	1307	1308	1309	1310	1311	1312	1313	1314	1315	1316	1317	1318	1319	1320	1321	1322	1323	1324	1325	1326	1327	1328	1329	1330	1331	1332	1333	1334	1335	1336	1337	1338	1339	1340	1341	1342	1343	1344	1345	1346	1347	1348	1349	1350	1351	1352	1353	1354	1355	1356	1357	1358	1359	1360	1361	1362	1363	1364	1365	1366	1367	1368	1369	1370	1371	1372	1373	1374	1375	1376	1377	1378	1379	1380	1381	1382	1383	1384	1385	1386	1387	1388	1389	1390	1391	1392	1393	1394	1395	1396	1397	1398	1399	1400	1401	1402	1403	1404	1405	1406	1407	1408	1409	1410	1411	1412	1413	1414	1415	1416	1417	1418	1419	1420	1421	1422	1423	1424	1425	1426	1427	1428	1429	1430	1431	1432	1433	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444	1445	1446	1447	1448	1449	1450	1451	1452	1453	1454	1455	1456	1457	1458	1459	1460	1461	1462	1463	1464	1465	1466	1467	1468	1469	1470	1471	1472	1473	1474	1475	1476	1477	1478	1479	1480	1481	1482	1483	1484	1485	1486	1487	1488	1489	1490	1491	1492	1493	1494	1495	1496	1497	1498	1499	1500	1501	1502	1503	1504	1505	1506	1507	1508	1509	1510	1511	1512	1513	1514	1515	1516	1517	1518	1519	1520	1521	1522	1523	1524	1525	1526	1527	1528	1529	1530	1531	1532	1533	1534	1535	1536	1537	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552	1553	1554	1555	1556	1557	1558	1559	1560	1561	1562	1563	1564	1565	1566
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------











LG/GF OVERALL | LANDSCAPE PLAN



ATTACHMENT C: DESIGN EXCELLENCE PANEL REPORT



MEETING REPORT DESIGN EXCELLENCE PANEL

Date:	08/03/23	Time:	10.30am
Location of Meeting:	Online meeting hosted by Council		
Panel Members:	Chairperson – Nicholas Carlton, Manager Forward Planning, THSC Panel Member – David Reynolds, Group Manager THSC Panel Member – Tony Caro, Independent Design Expert Panel Member – Oi Choong, Independent Design Expert		
Councillors:	None Present		
Council Staff:	Paul Osborne, Sanda Watts, Megan Munari, Marika Hahn		
Guests:	Andrew Minto, Planner, Minto Planning services Matt Coggan, Landscape architect, Turf Design Moni Xinye An, Development Manager, Aretean Jason Eggleton, Project Manager, Adjani Nicholas Byrne, Architect, DKO Architects David Felicio, Architect, DKO Architects Concha Rojas, Architect, DKO Architects Peter Smith, Smith & Tzannes Tarnee Ironside, Smith & Tzannes		

BUSINESS ITEM AND MEETING REPORT

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built form environment and ensuring new high-density buildings are of a high-quality design. The requirements for a development to achieve design excellence are found in Clause 7.7 'Design Excellence' of Local Environmental Plan 2019.

The Hills Shire Design Excellence Panel (The Panel), is an advisory Panel 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 for development application.

The Panel provides recommendations on the following:

- any development which contains a building with a height of 25 metres or more; or
- any strategic planning matters for which design excellence is relevant.

The role of the Panel is to evaluate and critique design aspects of proposed development and provide recommendations on whether development exhibits "Design Excellence".

It is noted that the Design Excellence Panel does not determine or endorse applications. Rather, it is responsible for providing advice to Applicants and the consent authority to assist in the assessment of the Proposal against the design excellence criteria in Clause 7.7 of LEP 2019.

2. Declaration of interest

"Nil"

3. Confirmation of previous report

Confirmed by email

4. Presentations

Item 4.1	10.30am – 11.30pm
DA Number	DA 1117/2023/JP
Property Address	1-6 Vivien Place, 1-7 Gay Street and 12 Gilham Street, Castle Hill
Proposal	 Two residential development blocks comprising 177 apartments over two separated basement car parking structures.
Applicant representative address to the Panel	Nicholas Byrne

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings:

Architectural Drawings, 04/11/2022, by DKO Architecture
SEPP 65 Report, 04/11/2022, by DKO Architecture
Low Rise Density Verification, 18/11/22, by DKO Architecture
Vivian Place Castle Hill DRP meeting, March 2023, by DKO Architecture
Statement of Environmental Effects, 05/12/22, by Minto Planning Services
Design Concepts (Landscape), 25/11/22, by Turf

PANEL COMMENTS

The panel meeting began at 10.30am.

It is noted that this application was not presented to the Panel as part of the pre-DA process.

Context / Character

1. The Panel welcomed the considered response to country and interpretation of visual cues from local built form heritage.
2. The Panel also noted that the landscape concept should result in a verdant street interface that reinforces the green character in this part of Castle Hill.

3. The Panel is yet to be convinced however that the bulk and scale of the development is in keeping with the defined future character of the Castle Hill North precinct and this particular location at the periphery. This is described in the THSC DCP 2019 Part D Section 2020 (DCP), which identifies this site as a transitional zone of 4-8 storeys between high rise in the town centre and single lot houses in established low density zones adjacent to the site.

Urban Structure

4. The specified cross site link along the western boundary of the site described in DCP had not been included or resolved with a viable alternative. It is recommended that further design consideration be given to this link.
5. The placement of building structures in the cul-de-sac (Vivien Place) on or very close to the boundary without a suitable setback is not supported by the Panel. A zero lot setback is not appropriate in this location, nor is it in keeping with the desired future character of the Castle Hill North Precinct.
6. The cul-de sac (Vivien Place) compromises the ability for the proponent to achieve the density sought through this application in a manner that achieves acceptable residential amenity and design quality for the subject site and its neighbours.

Urban Grain

7. The Panel commented that generally an appropriate scale and urban grain is presented to street interfaces. The Panel recommends that the terrace block facing Gay Street be more articulated to provide a higher quality interface to the street. Some suggestions included provision of entries and windows.

Density, Mix and Building Program

8. The Panel commented generally that the geometry and configuration of the amalgamated site wrapped around the centralised existing cul-de-sac, together with existing low density zone interface, is making the proposed density more difficult to achieve than would otherwise be the case.
9. The Panel questioned the Applicant regarding housing diversity and the allocation of market, incentivised and affordable housing across the buildings:
 - The Applicant advised that the affordable housing component is proposed for Building C (the tallest building), the incentivised housing in low scale apartment terraces notated as building A (located over the same structured basement car park as building C) and the market housing (SEPP 65 minimum sizes) in Building B.
 - The Panel has some concern with this distribution, as it possibly brands each building in a way that could result in a form of social discrimination towards future residents. It is more desirable to have the affordable housing units distributed throughout the whole complex in a way that does not identify residents as being recipients of affordable housing.
 - Subsequent to the meeting, the Applicant's planner confirmed by email that no incentivised apartments were being provided in accordance with Council's LEP requirements to achievement of the incentivised Floor Space Ratio.
 - This is discussed under 'Apartment Mix and Size'.

Height and Massing

10. The Panel notes that the extra density sought in reliance on the Housing SEPP results in additional height for the towers, which is a significant departure from the DCP future character setting objectives.
11. The Panel recommends that a suitable height balance and transition could be further explored and potentially achieved by:
 - a) following the DCP controls of buildings being 4-8 storeys; or

- b) demonstrating an alternative with built form envelopes that convincingly resolve any proposed non-compliant height impacts on existing and/or approved adjacent development (building separation, overshadowing, view loss or privacy), to the satisfaction of Council; or
- c) applying a height plane from eye level (1.65m) from the verge in the location as shown in front of 9 Gillham Street, to the top of approved development at 9 Gay Street as shown on the following diagrams. An indicative section diagram (using the Applicants base) is provided below to demonstrate this option.

Provide an accurate, to scale section with the correct heights and distances between building envelopes. Heights of single lot dwellings at 9 Gillham Street are to be shown as this zoning remains unchanged and the land is not identified for future uplift.



Section to occur between two points as illustrated in Orange. Line of sight to be taken from the yellow point at a height of 1.65m above existing ground level and follow section line.



Example diagram of suggested height plane for testing.

Apartment Mix and Size

12. The applicant has advised that the proposed number of dwellings, dwelling mix and required apartment areas do not satisfy the requirements of Clause 7.11 of the Hills LEP. Accordingly, the ability for the proposal to achieve the maximum incentivised floor space ratio under the LEP is questioned, however this is a matter for further resolution with Council.

The Panel understands that Council has undertaken detailed work with respect to projected population, social mix and demographics, which form the basis for the housing mix and diversity

provisions. The Panel is generally supportive of the need for larger apartments in the LGA as specified in the incentivised clause, as per the requirements of Principle 8 in SEPP 65 (refer to page 12, ADG Application of design quality principles).

Landscape Design

Site Coverage/ Landscaped Open Space

13. The Panel supports the verdant landscape character proposed for the site, in particular the attention to layering and detail and the green buffers defining the perimeter. The planting palette is also supported, especially where there is deep soil and sufficient area for the planting of larger native trees. However, the common open space provisions are insufficient in area and opportunities to optimise their design and amenity have been compromised by the building layout and the location of the cul-de-sac in the centre of the site.
14. The L-shaped podium communal space is intensely landscaped but is primarily given over to circulation and receives limited solar access. With the benefit of further discussion with the architect, the amenity and spatial experience of the podium landscape could be substantially improved, as its width and configuration currently appear to be 'leftover' space generated by meeting minimum distances between the buildings.
15. The Panel also noted the limited areas of lawn and the lack of defined play areas for children throughout.
16. Due to the site levels and configuration of the architecture, there are also extensive planted embankments such as to the west and south, which limit the use of the open space.
17. The central communal open space provides a green vista through the site. However, its potential amenity as a safe recreation and meeting space for the residents is compromised by the retention of the cul-de-sac in its current form. To achieve design excellence, the Panel recommends further dialogue between the Applicant and Council to improve the landscape setting and open space opportunities in and around the cul-de-sac, including the provision of landscaped setbacks, through site link (if preferred in favour of the western DCP link) possible reconfiguration of the roadway and footpaths and increased lawn and seating areas for residents.
18. The inclusion of a water feature in the central space is supported.

Public Domain

19. The site planning provides for a relatively permeable public domain with a publicly accessible landscape link through Vivien Place. The Applicant's view is that this central link provides a superior connection to the town centre compared to Council's DCP link along the west boundary. However, the Panel recommends further investigation into the levels to allow for equitable access between adjacent sites and more detailed consideration as to whether this alternative alignment is viable through the adjoining site to the south, in comparison to the location notated within the DCP currently.
20. The Panel is concerned that the proposed location of services in the front setbacks (fire hose sprinkler valves, substations etc) will adversely compromise the public domain and visual appearance of the development. The Panel recommends the integration of such facilities within the building envelope where possible. Council has prepared fact sheets that provide design advice and imagery for the successful integration of such facilities into the built form of comparable developments. These are attached to the report.

Private Domain

21. The landscape drawings provide a comprehensive vision of the character and quality of the proposed communal and private landscape spaces. The Panel encourages continuing dialogue with the architects to integrate more landscape opportunities into the site planning and architectural expression (see also Item 11) to create an exemplary development showcasing Council's landscape led aspirations for developments in the 'Garden' shire.

Streetscape

22. The Panel commends the Applicant for the streetscape treatment of Gilham and Gay Streets. The Panel recommends the terraces have better accessibility from street level and follow more closely the requirements in the DCP for entries from the street being between 300mm-600mm above ground level. With respect to disability access, the Applicant is to demonstrate that wheelchair users have compliant access the main living area.
23. The Panel does not support the street interface by buildings A-B to the cul-de-sac, as this is a public road and the buildings are subject to setback requirements. The Applicant stated the cul-de-sac is very busy and used as a de-facto drop-off area for school children who attend the nearby school. Consideration should be provided to the acoustic and visual amenity of residents whose bedrooms are located on the boundary with the street verge with respect to the provisions of SEPP 65. The Panel considers this to be a poor design outcome.

Facade and Interface

24. The Panel considers that the proposed built form expression and materiality provides a potentially high-quality outcome that has responded appropriately to the existing context and considers the impacts of a hotter climate into the future. A stronger integration of landscape with built form was suggested to be further explored, with reference given to buildings shown below that have been recently constructed in the local area.



Landscape treatments integrated into building



25. The Panel commends the use of brickwork and if the development is approved, in some form, the DA officer should include appropriate conditions of consent to ensure this design outcome is retained.

SEPP 65 items to be clarified or revised:

Review the following parts of the ADG:

- 3D Communal and public open space
- 3f Visual privacy
- 4H Acoustic privacy
- 4J Noise and pollution
- 4K Apartment mix

26. The Panel noted the apartments were well designed and appeared to have the potential to satisfy ADG objectives and design criteria.
27. The Panel is not convinced that the provision of communal open space is sufficient to satisfy the design objectives in the ADG. The required setback zones are not considered to form part of the

open space provision and should be dedicated to deep soil and generous large tree plantings. There is potential for roof top areas to be utilised if there is a short fall.

28. As noted, the Panel raised privacy, visual impacts and acoustic concerns about the lack of an appropriate setback to the cul-de-sac. This needs to be reviewed.

Sustainability and Environmental Amenity

29. This was not discussed at the meeting however the Panel notes the ADG sustainability design objectives and criteria appear to be satisfied. This needs to be clearly documented to aid the DA officer with their assessment.

PANEL CONCLUSION

The Panel considers that the Application has the potential to demonstrate design excellence, subject to addressing the matters contained within this report. The Panel recommends that further consideration be given to:

- The proposed height of Building C and consideration of the limit of density which can practically be accommodated on the site in an appropriate built form (regardless of the conclusion of any discussions on the higher maximum technical density control that may be available) that achieves the character and transition outcomes identified for the site in the Castle Hill North DCP;
- Setbacks to the Vivien Place cul-de-sac being revised to comply with the DCP;
- Improved amenity and enhanced landscape integration between Vivien Place cul-de-sac and the central common open space;
- A stronger presence and integration of green elements into the taller buildings;
- Common open space being compliant; and
- Removal of services from the front setback.

Following consideration of these matters and necessary amendments to the scheme, the revised application should again be presented to the Panel for further comment.

ATTACHMENT D – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

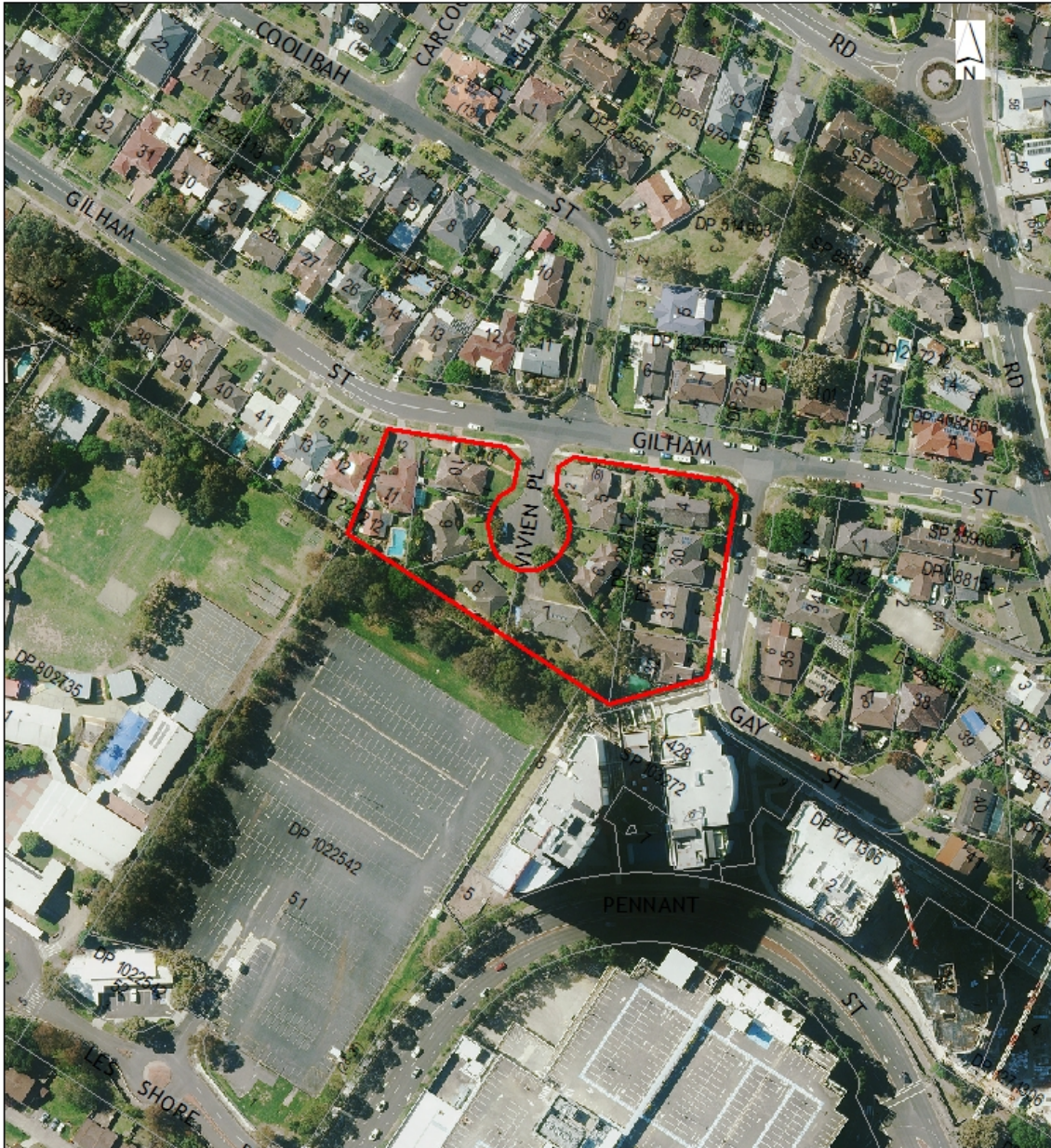
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

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

ATTACHMENT E – AERIAL MAP



SUBJECT SITE

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

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