

COUNCIL ASSESSMENT REPORT
SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-452 - DA 1747/2023/JP
PROPOSAL	Construction of a Carpark and Associated Landscape Works
ADDRESS	Lot 1 DP 1080161, Castle Hill RSL, 77 Castle Street Castle Hill
APPLICANT	Mr Jamie Bryant (Willowtree Planning) on behalf of Castle Hill RSL Club Ltd
OWNER	Castle Hill RSL Club Ltd
DA LODGEMENT DATE	08 June 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the Planning Systems SEPP: General development over \$30 million
CIV	\$37,292,949.00 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	Planning Systems SEPP Resilience and Hazards SEPP Transport and Infrastructure SEPP LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	1 st Notification – total of 15 submissions received which include 13 unique submissions. 2 nd Notification (amended plans) – total of 24 submissions received which include 12 unique submissions in opposition and 1 in support.
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects – Willowtree Planning Architectural plans – WMK Architecture Civil engineering plans – Warren Smith Consulting Construction phasing drawings – Paynter Dixon / WMK Architecture Noise impact assessment report – Acoustic Logic Arborist report – Jacksons Nature Works BCA report – VPL Consulting Construction management plan – Paynter Dixon

	Preliminary site investigation (contamination) – Douglas Partners Flood report – Lyall & Associates Geotechnical report – Douglas Partners Heritage impact statement – Weir Phillips - Heritage and Planning Landscape masterplan – RPS Obtrusive lighting report – Haron Robson Traffic and parking assessment report – CJP Consulting Engineers Waste management plan – Paynter Dixon Quantity survey report – Construction Consultants
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	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	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	20 June 2024
PLAN VERSION	27 September 2023 Version B
PREPARED BY	Claro Patag – Specialist Planner
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	6 June 2024

EXECUTIVE SUMMARY

The Development Application (DA 1747/2023/JP) seeks consent for the erection of a four-level car park comprising 874 parking spaces with an overall building height of 14.025m to replace the existing at grade car parking at the southern portion of the site. This new dedicated car park will serve the Castle Hill RSL Club patrons and those using the Health and Fitness Centre.

The subject site currently benefits from a Development Consent (DA 633/2019/JP) for an Integrated Seniors Living development granted by the Sydney Central City Planning Panel on 12 December 2019, which is concurrently the subject of a Section 4.55(2) modification application. The modification application aims to optimise the approved seniors living development with the most significant amendments being the removal of two levels of basement car parking which contains car parking provision allocated to the Club and sports centre patrons and relocate these spaces within the proposed four-level car park. The subsequent spatial split in car parking provision at the site as a result of the subject Development Application and the concurrent Section 4.55(2) modification application aims to deliver the following benefits:

- Prevent conflict between Club patrons and residents of the Integrated Seniors Living Development;

- Enable independent security to the seniors living development residents as their basement car parking will become exclusive to their accommodation; and
- Provide enhanced legibility and enable more efficient servicing across the site.

A total of 874 car parking spaces and 15 motorbike parking spaces will be provided for the Club and associated health and fitness centre across the four levels of the proposed car parking building. This is in addition to the 19 car parking spaces retained within the existing Club basement. Separate parking will be provided for the approved seniors living development for the exclusive use by residents of the seniors living development with 385 car parking spaces being provided for that development.

The proposal also includes the creation of a landscaped, terraced outdoor space for a range of RSL affiliated activities, including for commemorations of significance such as ANZAC Day. It is also proposed to illuminate the steps leading up to the central open space atop the landscaped terracing, which includes a paved pedestrian connection through to Level 3 of the multi-level car park; and an accessible and covered link to the main Club building provided at Level 1, with lifts and stair cores interspersed across each floor plate.

All existing trees along the southern boundary are proposed to be retained, and all except 3 trees are to be retained at the western boundary. A total of 23 trees are proposed for removal. A green acoustic wall is incorporated at the southern and western elevations to mitigate the impact of the development on neighbouring properties in terms of visual outlook and privacy and noise and light spill from vehicles. The green acoustic wall is configured to allow natural ventilation and lighting within the multi-level car park structure, whilst maintaining neighbour amenity.

An overland flow path traverses the existing car parking area. The existing stormwater drainage system (which is maintained by Council) contains an underground 1800mm diameter pipe and the existing at grade car parking allows for the passage of overland surface flow in a westerly direction during severe storm events. The Development Application proposes a new drainage system that will increase the on-line storage within the system. The flood modelling submitted with the application has been assessed by Council's Waterways Team and no objection is raised subject to conditions in any approval.

The Development Application was notified to adjoining and surrounding properties on two separate occasions. The first notification was between 13 June 2023 and 4 July 2023 and received fifteen (15) submissions. The issues raised in the submissions relate to traffic and safety, amenity impacts in terms of noise, overshadowing and loss of privacy, inadequate infrastructure support, unnecessary development as the amount of parking provision within the approved seniors living development is more than sufficient, impact on property values, aesthetics of the building, impact of the wall along the rear boundary, light spill and construction related issues.

As a result of the number of submissions received, a Conciliation Conference was held on 16 August 2023 between Council staff, the applicant and residents. The reasonableness of the interface with residential properties to the south was raised as a primary concern. The proposal has been amended in response to the outcome of the Conciliation Conference which includes the provision of additional setbacks on the upper levels along the southern and western façades interfacing with residential properties situated along Patrick Avenue and Britannia Road. Ground floor and Level 1 along the south-western boundary (Patrick Avenue side) are set back 7m with recessed upper levels (Levels 2 and 3) being 8.9m and 11.6m respectively, whilst the ground floor and Level 1 are set back 9.6m along the north-western boundary (Britannia Road side) with Levels 2 and 3 being recessed to 12m. This breaks up the façade of the car park and provides an opportunity for additional planting and green wall at both interfaces. The amended scheme was re-notified between 24 November 2023 and 18

December 2023. Twenty-four (24) submissions were received which predominantly reiterate the issues raised in the previous submissions.

The Development Application has been referred to Transport for New South Wales per Schedule 3 in the State Environmental Planning Policy (Transport and Infrastructure) 2021 and raised no objection with comments provided in consideration of this application. A referral was also sent to NSW Police in accordance with the requirements of “Safer by Design Guidelines” prepared by the NSW Police Service in conjunction with Department of Planning and the Protocol between The Hills Shire Council and Castle Hill Police and no objection is raised subject to their requirements.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) of the *EP&A Act*, the subject Development Application is recommended for approval subject to conditions within Attachment A of this report. The proposed development as amended in response to the outcome of the Conciliation Conference provides a reasonable interface with neighbouring residential properties along Patrick Avenue and Britannia Road and it is considered that it will be appropriately managed to address and mitigate the potential amenity issues raised by residents.

1. THE SITE AND LOCALITY

The subject site is zoned RE2 Private Recreation under the provisions of The Hills Local Environmental Plan 2019. The proposed development is ancillary to the existing Castle Hill RSL Club which is currently operating as a registered club as defined in LEP 2019 under the existing use rights provisions of the Environmental Planning and Assessment Act, 1979.

The subject site has a primary street frontage of approximately 124m to Castle Street and contains the existing Castle Hill RSL Club building which has been developed incrementally over a number of years. The Castle Hill RSL Club comprises the main Club and associated health and fitness centre. The Club building comprises 4 levels and consists of a number of lounge, bar and bistro areas, function rooms and administrative related areas. Off-street parking for the Club is currently provided for 820 cars comprising of 801 vehicles at grade including 17 accessible (436 spaces are located at the northern car park and 365 spaces at the southern car park (subject area)). The remaining 19 parking spaces are provided within the existing Club basement. Vehicular access to the car parking area is provided via two (2) separate two-way driveways located off Castle Street. A vehicle drop-off/ pick-up area is also located outside the Club building.

Surrounding the site is an established low-density neighbourhood which includes residential, education, open space and health-based land uses. The site is adjoined to the north-east by Castle Hill Bowling Club and detached dwelling houses, to the eastern boundary by Castle Hill High School and 1st Castle Hill Scout Hall, and to the southern and western boundaries by detached dwelling houses fronting Patrick Avenue and Britannia Road. The Castle Towers shopping centre and Castle Hill Metro Station are approximately 1km walking distance to the east of the site.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development includes:

The construction of a four-level multi-storey car park in lieu of the existing at grade car parking at the southern portion of the site. The development provides a maximum building height of 14.025m above the existing ground level, which includes the stair core and lift core overruns. Discounting the stair core and lift overruns, the bulk of the structure will be less at 9.225m above ground level.

The new car park will serve RSL Club patrons and those using the health and fitness centre. The subsequent spatial split in car parking provision at the site as a result of this application and the concurrent Section 4.55(2) application (lodged on 5 February 2024) to modify the approved integrated seniors living development aims to deliver the following outcomes:

- Prevent conflict between Club patrons and future residents of the approved integrated seniors living development;
- Enable independent security to the residential provision as the basement car parking will become exclusive to the seniors living accommodation; and
- Provide enhanced legibility and enable more efficient servicing across the entire site.

The proposal also includes the following components:

- Creation of a landscaped, terraced amenity space which capitalises upon the opportunities afforded by the multi-storey car park to deliver a high-quality outdoor space for a range of RSL affiliated activities, including for commemorations of significance such as ANZAC Day;
- Provide a landscaped, terraced amenity space with significant greening whilst ensuring an environmental enhancement of the southern portion of the site, especially considering the subject area currently comprises an extensive and fully paved surface car parking;
- Illuminate the steps leading up to the central open space atop the landscaped terracing, which also includes a paved pedestrian connection through to Level 3 of the multi-level car park; and
- Provide an accessible and covered link to the main Club building at Level 1, with lifts and stair cores interspersed across each floor plate.

All existing trees along the southern boundary are proposed to be retained, and all except 3 trees are to be retained at the western boundary. A total of 23 trees are proposed for removal. A green acoustic wall is incorporated at the southern and western elevations to mitigate the impact of the development on neighbouring properties in terms of visual outlook and privacy and noise and light spill from vehicles. The green acoustic wall is configured to allow natural ventilation and lighting within the multi-level car park structure, whilst maintaining neighbour amenity.

The proposed works do not impact the Club's existing porte cochère drop-off/pick-up area or loading facilities, or the drop-off/pick-up area and loading facilities as approved under DA 633/2019/JP for the seniors living development.

Vehicular access to the new multi-level car park is to be provided solely via the existing entry/exit driveway located at the southern end of the Castle Street site frontage. The Club intend to install a control point on the car park so that they can monitor and control the usage of the car park by school students, including on any special school nights.

The Club's operation would remain unchanged, except that users and visitors would enter the site via the southern driveway as all parking for these facilities would be provided within the new multi-level structure.

The operation of the new multi-level car park will coincide with the Club's existing operating hours. Existing arrangements relating to servicing and deliveries at the site and Club staff numbers will remain unchanged as a result this proposed development.

2.2 Background

The subject site contains the existing Castle Hill RSL Club building which has been developed incrementally over a number of years. The Castle Hill RSL Club comprises the main Club and associated health and fitness centre. The Club building comprises 4 levels and consists of a number of lounge, bar and bistro areas, function rooms and administration related areas.

There are 820 off-street parking spaces provided by the Club for patrons and staff across two outdoor parking areas on the southern and western perimeters of the site (accessed via two separate driveways located off Castle Street) and a drop-off / pick-up area located outside the Club building accessed via a loop driveway ramp.

A prelodgement meeting (14/2023/PRE) was held with the applicant on 9 December 2022.

The Development Application was lodged on 8 June 2023. It was notified to adjoining and surrounding properties from 13 June 2023 to 4 July 2023 and received a total of 15 submissions.

Additional information was requested on 30 June 2023 in relation to fire safety, landscaping, tree management, traffic engineering and acoustic matters.

The Sydney Central City Planning Panel was briefed on 20 July 2023.

Due to the number of submissions received, a Conciliation Conference was held on 16 August 2023 between the applicant and residents.

Further correspondence was sent to the applicant on 11 September 2023 in relation to flooding, stormwater management and vehicular access matters. These matters were discussed at the request of the applicant including increase to the building setbacks on the north-western and south-western boundaries and further enhance the landscaping within the setback areas, further recess the section of the carpark above the extent of the green wall and provide tiered elevations to reduce its visual impact. Additional information in response to these issues was provided on 6 November 2023 which included amended plans. The amended plans were re-notified to 53 property owners including previous objectors from 24 November 2023 to 18 December 2023. A total of 24 submissions were received which include 1 submission in support of the development proposal.

Further correspondence was sent to the applicant on 28 November 2023 regarding traffic engineering matters in response to the additional information submitted on 6 November 2023. A response to these matters was provided on 30 January 2024.

Engineering and Waterways teams' comments in response to the amended plans and supporting documentation were forwarded to the applicant on 19 February 2024.

A meeting was held with the applicant and their consultants on 7 March 2024 and discussed the outstanding flooding and drainage issues.

On 5 April 2024 a response was received from the applicant in reply to the comments from Engineering and Waterways teams and matters which were discussed in the meeting held on 7 March 2024.

Council's Waterways team's comments in response to the submitted flood modelling assessment were forwarded to the applicant on 28 March 2024. A meeting was held with the applicant and their consultants on 15 April 2024 and discussed these outstanding flood modelling issues.

Final comments from Council's Waterways team and recommended flooding conditions were sent to the applicant on 24 April 2024. All outstanding matters were resolved on 3 May 2024.

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'). The matters that are of relevance to the development application include the following:

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

These matters are further considered below.

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *The Hills Local Environmental Plan 2019*

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

EPI	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
Resilience and Hazards SEPP	Clause 4 - Contamination and remediation has been considered in the preliminary site investigation report and the proposal is satisfactory subject to conditions.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y

Transport and Infrastructure SEPP	Clause 2.122 - Traffic-generating development	Y
LEP 2019	<ul style="list-style-type: none"> • Clause 4.1 – Lot size. • Clause 4.3 – Height of Buildings • Clause 4.4 – Floor Space Ratio • Clause 5.21 – Flood Planning 	N/A N/A N/A Y

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 5 of Schedule 6 of the SEPP as the proposal is classified as general development with an estimated development cost (capital investment value) of more than \$30 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 have been considered in the assessment of the development application. Clause 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation (Contamination) Report has been submitted with the Development Application. The results of the assessment demonstrate that the analytical results for all contaminants tested in the soil samples analysed were below the Site Assessment Criteria (SAC) with the exception of the sample taken from Borehole 201 (located at the central western extent of the subject area), which exceeded the Ecological Screening Level (ESL) of 2,500 mg/kg. It is concluded that the site has a 'low' potential for contamination apart from the possibility of asbestos-containing materials being present in the fill. Further additional investigations are recommended to:

- Achieve the minimum sampling required by EPA (2020); and
- Assess the presence of asbestos in fill through the excavation of test pits rather than boreholes.

The report has been reviewed by Council's Senior Environmental Health Officer who raised no objections to the recommendations of the report, subject to conditions.

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

SEPP Biodiversity and Conservation

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

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

State Environmental Planning Policy (Infrastructure) 2007

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

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

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to Transport for NSW where development for a car park (whether or not ancillary to other development) comprises 200 or more car parking spaces.

The Development Application was referred to Transport for NSW for review. Transport for NSW raised no objection to the proposal. The following comments are provided for consideration of the application:

1. TfNSW has no proposal which currently requires any part of this property.
2. Showground Road is currently subject to early TfNSW investigation of possible Traffic and Transport Improvement strategies.
3. Access to the site, car parking and manoeuvring areas are to be in accordance with the relevant standards and to the satisfaction of Council.

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

The Hills Local Environmental Plan 2019

The primary Environmental Planning Instrument that applies to the site is The Hills Local Environmental Plan 2019 (LEP 2019).

The relevant provisions of the LEP 2019 as they relate to the site are considered below.

Zoning and Permissibility

The site is located within the RE2 Private Recreation zone under the LEP 2019 as shown in Attachment D.

The objectives and permitted uses associated with the RE2 Private Recreation zone include:

Zone Objectives and Permitted Land Uses	
Requirement	Application to the Site
RE2 Private Recreation	
1. Zone Objectives	<ul style="list-style-type: none">• <i>To enable land to be used for private open space or recreational purposes.</i>• <i>To provide a range of recreational settings and activities and compatible land uses.</i>

	<ul style="list-style-type: none"> • To protect and enhance the natural environment for recreational purposes. • To promote tourism and entertainment related activities in appropriate areas.
2. Permitted without Consent	<i>Environmental protection works</i>
3. Permitted with Consent	<i>Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Hotel or motel accommodation; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes; Roads; Serviced apartments; Water recreation structures</i>
4. Prohibited	<i>Any development not specified in item 2 or 3</i>

Registered Clubs are prohibited under the current RE2 zoning. However, the Castle Hill RSL has occupied the site as a registered club since 1974.

The Hills Local Environmental Plan 2019 commenced on 6 December 2019, and replaced The Hills Local Environmental Plan 2012 (LEP 2012) which commenced on 5 October 2012. Prior to the commencement of LEP 2012, the site was zoned 6(b) – Private Recreation under the Baulkham Hills LEP 2005. A “club” was a permissible use, with the consent of the Council, as defined:

“Club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes, whether of the same or a different kind, and whether or not the whole or a part of the building is the premises of a club registered under the Registered Clubs Act 1976.”

The objectives relate to the promotion of tourism, recreation and entertainment development in appropriate areas. The proposal is considered to be consistent with these zone objectives. The existing RSL Club has fulfilled the Private Recreation zone objectives for decades on the subject land.

As a result of the changes to the Land Use Table in the LEP 2012 and LEP 2019, the Castle Hill RSL therefore benefits from existing use rights as a registered club pursuant to Section 4.65 of the EP&A Act, which defines ‘existing use’ as:

(a) The use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and

(b) The use of a building, work or land:

- (i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
- (ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

The Club enjoys existing use rights on the land evidenced by the issuing of previous consents by Council over the last several decades. The Castle Hill RSL is an approved, longstanding land use on the site.

The Development Application seeks approval to demolish the Club's existing outdoor at-grade southern car parking area and the construction of a new multi-level above-ground car park in its place. The proposal includes minor works to the Club building in order to integrate the new car park structure with the existing Club building and does not seek to change the existing use of the premises, being a registered club. The proposal will not result in any increase to the Club's floor area (GFA or licenced), nor are there any works proposed to the existing health and fitness centre.

As such, the proposed development satisfies the existing use rights provisions of the EP&A Act 1979 and EP&A Regulations 2021.

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

LEP 2019 Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	10 hectares	No subdivision is proposed. Site is an existing allotment with an area of 4.93 hectares.	N/A
Height of buildings (CI 4.3(2))	Nil	14m	Assessed on merit
FSR (CI 4.4(2))	Nil	No increase in gross floor area of the existing Club and health and fitness centre. Car parking is excluded from FSR calculations.	N/A

Building Height

The Hills LEP 2019 does not prescribe a maximum building height for the site. The benchmark of the proposed development includes the built form and primacy of the main Club building, which centralises building height and allows the built form to step-down to the key interfaces with neighbouring residential properties to the south and west, with the tiered landscaped amenity space directly addressing the main frontage at Castle Street.

The proposal has been designed to minimise the building bulk from public vantage points at surrounding streets, with the development remaining primarily behind the dense vegetation immediately at its eastern, western and southern boundaries. Similarly, the main Club building acts as a buffer from the main street frontage. The retention and reinforcement of the natural screening provided at the southern and western boundaries assists as a buffer supported by the inclusion of the green acoustic wall. Shadow analysis submitted with the application indicates that other than at 9am at mid-winter, the proposed development would not impact the living areas or private open spaces of neighbouring properties at Patrick Avenue to the south due to the appropriate bulk, scale and orientation of the building.

The approved seniors living development on the site granted by the Sydney Central City Planning Panel on 12 December 2019 via DA 633/2019/JP benefits from a Site Compatibility Certificate which recognises the site's suitability for "more intensive development" and the addition of 5-6 storey buildings as being "compatible with the surrounding environment". This development was also endorsed by the Council's Design Excellence Panel.

The proposed multi-level car park has a maximum building height of 14m above the existing ground level, which is less at 9.2m above ground level if the stair core and lift core overruns are discounted. For context, the existing RSL Club building is greater in height at 22.3m, as is the Health and Fitness Centre.

The building height has been assessed on merit with regard to the Site Compatibility Certificate issued by the Department of Planning and Environment and impacts on the residential amenity of the immediate locality. It is considered that the proposed development is appropriate within the overall context of the locality.

Other relevant clauses in LEP 2019:

Clause 5.21 – Flood Planning

The site is within the flood planning area and is subject to flood related development controls. It is unknown if the land, or part of the land, is between the flood planning area and the probable maximum flood and subject to flood related development controls.

The objectives of this clause are:

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

Pursuant to Clause 5.21(2), development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development –

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

Pursuant to Clause 5.21(3), in deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters –

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

The Development Application is accompanied by flood impact assessment report and has been assessed by Council's Subdivision Engineering and Waterways teams to be satisfactory and raised no objection to the proposed development subject to conditions.

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 subject site is not subject of any site-specific development control plans, however the proposed development has been assessed against the following parts and sections in The Hills Development Control Plan 2012:

- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 6 – Flood Controlled Land
- Part B Section 5 – Residential Flat Building (merit assessment)

An assessment of the proposal against the above relevant sections of the THDCP 2012 is provided in the table below:

Part C Section 1 - Parking	
Clause	Comment
<p>2.1 – General Parking Requirements</p> <p>Pubs/ Registered Clubs:</p> <ul style="list-style-type: none"> • 1 space per 1.85m² of service area in bar and lounge; plus • 1 space per two (2) employees. <p>Gymnasium/ Fitness Centre:</p> <ul style="list-style-type: none"> • 1 space per 25m² of GFA. 	<p>The proposed development will not result in any increase to the Club's floor area (GFA or licenced), nor are there any works proposed to the existing health and fitness centre, and therefore no additional parking provision is required.</p> <p>The existing Club and health and fitness centre currently provides 820 off-street parking spaces across two large outdoor areas (including 19 spaces within a secure basement car park for Club executives). It is noted that Condition 4 of the approved seniors living development on the site (DA 633/2019/JP) granted by the Panel on 12 December 2019 (which is concurrently the subject of a Section 4.55(2) modification application) required the provision of 1,496 off-street parking spaces, of which 1,131 spaces are located within 3 levels of basement parking and 365 spaces within the existing southern outdoor car park (where the subject proposal is located). A total of 659 spaces are allocated to the Club patrons within 2 basement levels and the remaining 472 spaces for residents of the seniors living development.</p> <p>The concurrent Section 4.55(2) modification application for the seniors living development includes the removal of 2 levels of basement parking where the 659 Club parking spaces are</p>

	<p>located and provision of 1 basement level comprising 385 parking spaces for exclusive use of residents of the seniors living development.</p> <p>The total provision of 874 parking spaces represents a reduction of 150 car parking spaces for the Club and health and fitness centre. However, the existing provision of 820 spaces is considered more than sufficient to accommodate the Club and health and fitness centre's parking demand on a typical day-to-day basis, and essentially there is no requirement to provide additional parking as the Club and health and fitness centre's existing floor area will remain unchanged.</p>
<p>2.2 – Car Parking for Disabled Persons and Parents with Prams</p> <p>For Community and Recreation uses: 3% of total car parking.</p> <p>Total spaces required: 26</p>	<p>Total spaces provided: 25 within the multi-level car park plus 1 space within the existing Club basement parking.</p>
<p>2.6 – Set Down Areas</p> <p>(a) Set down areas must not conflict with the movement of other traffic, pedestrians and other vehicle parking.</p> <p>(b) There must be a safe continuous accessible path of travel from set down area/s to a wheelchair accessible entrance or lift.</p> <p>(c) Set down areas for cars.</p> <p>(d) Set down areas for coaches.</p> <p>(e) Set down areas for cars must be separate to set down areas used for coaches and community buses</p>	<p>The existing provision serving the Club is maintained and unaffected by the proposed development.</p>
<p>2.7 – Car Park Design and Layout</p> <p>2.7.1 – General</p> <ul style="list-style-type: none"> • The layout of the car park should facilitate ease of access and egress of vehicles through the parking area at all times and without congestion. • Vehicles must enter and exit the site in a forward direction. <p>2.7.2 – Parking Dimensions</p> <ul style="list-style-type: none"> • All parking spaces shall be designed to ensure they can be accessed by a maximum 3-point combined manoeuvre. 	<p>The proposed development complies with these relevant controls. Council's Senior Subdivision Engineer has assessed the application and no objection is raised subject to conditions.</p>

<ul style="list-style-type: none"> • The width of car spaces in multi-storey or basement parking areas is to be exclusive of any building columns. <p>2.7.3 – Pedestrian Circulation and Safety</p> <ul style="list-style-type: none"> • Parking areas should be designed so that pedestrian entrances and exits are separate from vehicle entrances and exits. • Safe crossing points through to or leading to entrances must have adequate sight distance and must be provided with appropriate directional signs and indicative pavement markings. <p>2.7.4 – Drainage</p> <ul style="list-style-type: none"> • All car parking areas are to provide adequate drainage of surface water to prevent flooding of adjoining properties. <p>2.7.5 – Lighting and Ventilation</p> <ul style="list-style-type: none"> • Covered or enclosed car parks must have adequate lighting and ventilation, preferably by natural means. • Where car parks might be utilised in the evening, adequate artificial lighting should be provided for the whole car park area. <p>2.7.6 – Parking Directions</p> <ul style="list-style-type: none"> • Where designated parking spaces are provided such as customer, visitor, parents with prams and disabled persons parking, signposting must clearly indicate the location of these spaces. 	
Part C Section 3 - Landscaping	
Clause	Comment
<p>3.1 – General Planning and Design Controls</p> <p>(a) The landscaping of any site should have regard to the natural environment of the location and be consistent with the landscaping character of the area.</p> <p>(b) All landscaping is to adhere to the following principles:</p>	<p>The proposed development satisfies these relevant controls. Council's Senior Landscape Assessment Officer has assessed the application, and no objection is raised subject to conditions.</p>

<ul style="list-style-type: none"> • Planting is to be in scale with the proposed buildings; • Planting to consist of a variety of trees, shrubs and ground covers; • Landscaping to side and rear boundaries should effectively screen the development; • Consideration should be made to alternatives to traditional fencing by using vegetation or change in height of the landform as natural barriers; • Artificial mounding using excavated materials is encouraged to enhance or screen buildings and car parking areas; • Planting shall be of advanced species except where it is demonstrated to Council's satisfaction that semi-advanced stock is more suited to soil and/ or plant characteristics; • Plant selection for all landscape developments will be assessed for its suitability toward existing site conditions such as soils, aspect, drainage and micro-climate; • Plant selection appropriate to the existing or proposed cultural landscape will also be included in the general assessment of a proposal; and • Species selection and landscape design should minimise the need for watering. <p>(c) Stormwater drainage lines and other services should be located to minimise the disturbance around existing trees which are to be retained.</p>	
<p>3.2 – Protection of Trees and Understorey</p> <ul style="list-style-type: none"> • Wherever trees are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees must be incorporated into the landscaping of the new development. • Services must not be located in areas that will disturb the root plate of an existing tree. 	<p>Landscape Strategy submitted with the application proposes the reinforcement of tree planting at the eastern, western and southern boundaries of the proposed development.</p> <p>Replacement planting will exceed the number of trees proposed to be removed resulting in an environmental enhancement of the site.</p> <p>The canopies of the retained trees would not require any pruning to undertake the development works. The trees identified for retention as part of the development works will be subject to tree protection and mitigation measures through the preparation of</p>

<ul style="list-style-type: none"> • During construction, an adequate fence or similar structure must be constructed around any remaining trees, at a distance equal to the drip line. This area must not be used by machinery, for stockpiling wastes or for storage of any building materials. 	<p>a Tree Management Plan by an appointed Arboriculturist at Construction Certificate stage.</p> <p>Council's Senior Landscape Assessment Officer has assessed the application, and no objection is raised subject to conditions.</p>
<p>3.5 – Drainage and On-site Detention</p> <ul style="list-style-type: none"> • All landscape works are to include provision for adequate drainage including collection or dispersal of stormwater run-off, prevention of ponding of water on pavements or discharge of run-off onto adjoining properties or public areas. • Detention structures should be suitably integrated into the landscaping for the whole site, including common open space areas. • Onsite detention tanks and above ground on-site detention should not be located in the front setback as this limits the opportunity for landscaping. 	<p>The selected vegetation (specifically the larger trees) will not obstruct any inflow or outflow from the structures. The selected vegetation is also able to withstand high volumes of flow. Care has been taken within the landscape masterplan to ensure that any trees close to the inlet and outlet structure, and retaining walls, do not have the risk of root zones encroaching the structures.</p> <p>Council's Senior Landscape Assessment Officer has assessed the application, and no objection is raised subject to conditions.</p>
<p>Part C Section 6 – Flood Controlled Land</p>	
<p>2.2 – General Development Controls</p> <p>(a) The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to:</p> <ol style="list-style-type: none"> i. Loss of flood storage ii. Changes in flood levels and velocities caused by alterations to the flood conveyance, including the effects of fencing styles; and iii. The cumulative impact of multiple potential developments in the floodplain. 	<p>The Development Application is accompanied by a flood impact assessment report and has been assessed by Council's Subdivision Engineering and Waterways teams to be satisfactory and no objection was raised to the proposed development subject to conditions.</p>
<p>2.4 – Sensitive Uses and Facilities</p> <ul style="list-style-type: none"> • No development is to occur in or over a floodway area, a flow path or a high hazard area generated by flooding up to FPL4 (PMF); • Non-habitable floor levels to be no lower than FPL3 (100 Year ARI + 0.5m Freeboard) unless justified by a site specific assessment. 	<p>The Development Application has been assessed by Council's Subdivision Engineering and Waterways teams and no objection is raised to the proposed development subject to conditions.</p>

<ul style="list-style-type: none"> • Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL4 (PMF). • Garages or enclosed car parking must be protected from inundation by flood waters up to FPL2 (100 Year ARI). Where 20 or more vehicles are potentially at risk, protection shall be provided to FPL3 (100 Year ARI + 0.5m Freeboard). • Where the level of the driveway providing access between the road and parking space is lower than 0.3m below FPL2 (100 Year ARI), the following condition must be satisfied – “when the flood levels reach FPL2, the depth of inundation on the driveway shall not exceed: <ul style="list-style-type: none"> a. The depth at the road; or b. The depth at the car parking space”. • Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest habitable floor level to a refuge area above FPL4 (PMF). • A Site Flood Emergency Response Plan is required when elements of the development, including vehicular and pedestrian access are below FPL4 (PMF). 	
<p>2.7 – Recreation and Non-Urban</p> <ul style="list-style-type: none"> • No development is to occur in a floodway area, a flow path or a high hazard area (as defined in the FDM) generated by flooding up to FPL2 (100 Year ARI), unless justified by a site specific assessment; • All floor levels to be no lower than FPL1 (20 Year ARI) unless justified by a site specific assessment; • All structures to have flood compatible building components below FPL3 (100 Year ARI + 0.5m Freeboard); 	<p>The Development Application has been assessed by Council’s Subdivision Engineering and Waterways teams and no objection is raised to the proposed development subject to conditions.</p>

<ul style="list-style-type: none"> • Applicant to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3 (100 Year ARI + 0.5m Freeboard), or FPL4 (PMF) if required to satisfy evacuation criteria (i.e. use as a refuge area). • The driveway providing access between the road and parking space shall be as high as practical and generally rising in the egress direction. • All service conduits located below FPL3 (100 Year ARI + 0.5m Freeboard) are to be made fully flood compatible and suitable for continuous under water immersion. Conduits are to be self-draining if subject to flooding. • A Site Flood Emergency Response Plan is required when elements of the development, including vehicular and pedestrian access are below FPL3 (100 Year ARI + 0.5m Freeboard). <p>The Site Flood Emergency Response Plan should relate to the land use and site conditions in conjunction with flood behaviour up to FPL2 (100 Year ARI) expected to be experienced at the site. The plan should consider the following specific actions:</p> <ol style="list-style-type: none"> a. Preparing for a flood; b. Responding when a flood is likely; c. Responding during a flood; and d. Recovery after a flood. 	
Part B Section 5 – Residential Flat Building	
<p>3.3 Setbacks – Building Zones</p> <p>The Building Zone identifies the area where buildings may be erected. No building or works (other than landscaping, driveway, drainage works, post boxes, pergolas and barbecues) will be permitted outside the building zone. This includes any work on basement parking areas.</p> <p>The identification of a Building Zone as part of the Site Analysis process</p>	<p>The following setbacks are proposed:</p> <p><u>South-western Boundary (Patrick Avenue side)</u> Ground Floor to Level 1: 7m Level 2: 8.9m Level 3: 11.6m</p> <p><u>North-western Boundary (Britannia Road side)</u> Ground floor to Level 1: 9.6m Level 2 to Level 3: 12m</p> <p><u>South-eastern Boundary (Castle Street side)</u></p>

<p>identifies the setbacks for any particular site. The process for identifying the setbacks is provided below.</p> <p>1. Building Zone Requirement No 1 - Setbacks to Protect Trees</p> <p>Setbacks are to be established so that any trees located within 10 metres of the front boundary, 8 metres of the rear boundary and 6 metres of any side boundary can be retained.</p> <p>(a) Where trees are identified in the site analysis and are located within the 10 metre front setback, 8 metre rear setback and 6 metre side setback, the Building Zone boundaries will be set so that all buildings are 5 metres from the trees or clear of the drip line of the trees whichever is the greater distance. The distance must be measured from the outside of the tree trunk at ground level.</p> <p>2. Building Zone Requirement No 2 – Building Alignment</p> <p>(a) Except where a greater setback is required to satisfy Building Zone Consideration No 1 - Setbacks to Protect Trees, the setbacks shall be in accordance with the following:</p> <p>Front (one street frontage): 10 metres Side: 6 metres Rear: 8 metres</p>	<p>Ground Floor to Level 3: 21.7m – 31.8m (edge of landscaped terrace walls)</p>
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Building Setbacks

As noted in the above table, there are no applicable DCP controls by which to measure appropriate setbacks for this development. However, for purposes of merit consideration, the proposal has been designed having regard to the recommended outcomes of DCP 2012 Part B Section 5 - Residential Flat Building (RFB DCP). Section 3.3 of the RFB DCP refers to setbacks and building zones. The objectives of this particular control are:

- (i) *To provide setbacks that complement the setting and contributes to the streetscape and character of the street while allowing flexibility in siting of buildings.*
- (ii) *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- (iii) *Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.*

- (iv) The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*
- (v) To ensure placement of buildings takes into account the retention and protection of existing trees.*

The proposed setbacks together with the largely untouched natural screening at the sensitive interfaces are considered satisfactory as it ensures that the privacy, amenity, and solar access enjoyed by surrounding properties is maintained.

Contributions Plan

Contributions plans are not DCPs, however they are required to be considered pursuant to Section 7.18 of the EP&A Act, 1979 for the purpose of imposing conditions under Section 7.12. Section 7.12 of the Environmental Planning and Assessment Act 1979 (the Act) contains provisions that allow Council to impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage of the proposed cost to carry out the development. Levies paid to Council will be applied towards the provision, extension or augmentation of public facilities, or towards recouping the cost of their provision, extension or augmentation. The Hills Section 7.12 Contributions Plan has been considered and included the recommended consent condition which requires a contribution of \$410,222.44.

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

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

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

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. There are no relevant matters in regard to the subject application.

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.

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

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

The site is zoned RE2 Private Recreation, pursuant to the provisions of LEP 2019. Having regard to the characteristics of the site and its context, the proposed development is considered suitable on the site.

The objectives of RE2 Zone include:

- *Enabling land to be used for private open space or recreational purposes;*
- *Providing a range of recreational settings and activities and compatible land uses;*
- *Protecting and enhancing the natural environment for recreational purposes; and*

- *Promoting tourism and entertainment related activities in appropriate areas.*

The proposed development is ancillary to an established Registered Club, which benefits from existing use rights having operated at the site since 1974.

The proposed multi-level car park and landscaped outdoor amenity space comprises an inward facing development at the site that is well-screened from neighbouring properties. This includes the existing dense vegetation at the site's southern and western boundaries, which is largely retained and enhanced with a larger landscaped area, additional tree planting, and the incorporation of a green acoustic wall.

The benchmark of the proposed development includes the built form and primacy of the main Club building, which centralises building height and allows the built form to step-down to the key interfaces with neighbouring residential properties to the south and west. Appropriate setbacks and separation distances are maintained to neighbouring properties.

Technical assessments and reports accompanying this application conclude that the proposed development would not give rise to any adverse environmental or amenity impacts.

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

The Development Application was notified on two separate occasions. The first notification received 15 submissions. The second notification was undertaken as a result of the amendments made to the original scheme in response to the outcome of the Conciliation Conference, which received 24 submissions. These submissions are considered in Section 5 of this report.

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

The proposed development mainly aims to rationalise the car parking approved by the regional planning panel for the integrated seniors living development under DA 633/2019/JP so that all the Club and health and fitness centre car parking is consolidated within a purpose-built multi-level car park. This will become separate to the car parking associated with the integrated seniors living development, which will be dedicated to the residents of that development, thereby preventing conflict between users.

The provision of a landscaped outdoor amenity space will provide a significant environmental enhancement of the site which includes additional tree planting at the southern, eastern, and western boundaries and provides dense screening at the interface with neighbouring properties.

The proposed development has been designed to minimise undue impacts on neighbouring properties and would not have a detrimental impact on the operation of the RSL Club as it will coincide with the Club's existing operation.

Flooding has been identified as the key constraint of the site and the proposal will improve this flooding situation. An overland flow path traverses the existing car parking area and the proposal to divert the existing stormwater drainage system with a new drainage system will increase the on-line storage within the system.

On balance the proposal is consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The Development Application has been referred to various agencies for comment as required by the EP&A Act and outlined below.

There are no outstanding issues arising from these referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Transport for NSW	Clause 2.122 - traffic generating development in Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021	The development was referred to Transport for NSW as the development for a car park comprises 200 or more car parking spaces. No objection is raised by Transport for NSW to the proposed development.	Y
NSW Police	Referral undertaken in accordance with the requirements of the "Safer by Design Guidelines" and the Protocol between The Hills Shire Council and Castle Hill Police.	Comments have been provided regarding construction and on-going requirements. A condition has been recommended – refer Condition No. 28.	Y

4.2 Council Referrals (internal)

The Development Application has been referred to various Council officers for technical review as outlined below.

Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Senior Subdivision Engineer has reviewed the submitted plans and information and raised no objections subject to conditions.	Yes
Waterways	Council's Principal Coordinator – Stormwater & Waterways Management has reviewed the submitted plans and information and raised no objections subject to conditions.	Yes
Traffic	Council's Senior Traffic Engineer has reviewed the submitted plans and information including a traffic	Yes

	and parking assessment report and raised no objections subject to conditions.	
Landscaping	Council's Senior Landscape Assessment Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Yes
Fire Safety	Council's Principal Coordinator – Fire Safety has reviewed the submitted plans and information including BCA report and raised no objections subject to conditions.	Yes
Health	Council's Environmental Health Officer has reviewed the submitted plans and information including contamination and acoustic reports and raised no objections subject to conditions.	Yes
Waste	Council's Resource Recovery Project Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Yes
Open Space & Recreation	Council's Senior Landscape Architect has reviewed the submitted plans and information and raised no objections to the proposal.	Yes
Heritage	Council's Heritage Officer reviewed the submitted Heritage Impact Statement which states that there will be no impact on significant view corridors and that the development is unlikely to be visible from the heritage items. No objection is raised on heritage grounds.	Yes
Contributions	Council's Contributions Officer has reviewed the submitted plans and information including cost summary report and recommended a Section 7.12 contribution payment of \$410,222.44.	Yes

4.3 Community Consultation

The proposal was notified in accordance with the DCP on two separate occasions. The first notification was sent to adjoining and surrounding properties (which comprised a total of 49 property owners) from 13 June 2023 until 4 July 2023. The second notification was sent to 53 property owners including previous objectors from 24 November 2023 until 18 December 2023 which notified the amendments made by the applicant in response to the outcome of the Conciliation Conference.

Council received a total of 15 submissions during the first notification period and 24 submissions during the second notification which include 1 submission in support of the development proposal. The issues raised in these submissions are summarised and considered below.

Issue	Council Comments
1st Notification	
Traffic hazard and safety issues due to very limited residential and narrow roads surrounding the RSL Club.	Council's Senior Traffic Engineer has reviewed the application and accompanying traffic report and no objection is raised subject to conditions.
Additional noise and pollution from construction and operation of the multi-storey parking complex.	Demolition and construction will be undertaken in accordance with the Construction Management Plan submitted with the application. Relevant consent conditions are recommended to mitigate noise and pollution from construction and operation of the multi-level car park.
Overshadowing and loss of privacy.	Shadow diagrams submitted with the application shows the likely impacts and other than at 9am on the winter solstice, the proposed development would not impact upon the living areas or private open spaces of neighbouring properties at Patrick Avenue to the south due to the bulk, scale and orientation of the built form. The proposal has been amended which provides greater setback on the upper levels and further reduces the extent of shadowing on adjoining properties.
Most RSL clubs have multi storey carparks located next to either commercial or high residential zones.	The proposal is ancillary to the existing RSL Club. The main Club building and premises have preceded the surrounding low-density residential owing to its construction in 1974.
Inadequate infrastructure support, lack of consideration to community values and understanding residents add to the dissatisfaction of surrounding residents.	<p>The proposed multi-level car park has been designed to not adversely impact on the amenity of neighbours as it is suitably screened from neighbouring properties, which includes the existing dense vegetation at the site's southern and western boundaries, which is largely retained and enhanced with a larger landscaped area and additional tree planting.</p> <p>Connections to all relevant utility services are generally already available to the site, Water, gas, electricity, and sewer infrastructure are all within close proximity to the site, and any augmentation required will be subject to approval from the relevant authorities and service providers.</p> <p>The existing stormwater drainage network will be replaced with a new drainage infrastructure which will improve the flooding situation of the site.</p>
The amount of parking provision in the integrated seniors living development approved by the Panel (DA 633/2019/JP) is more	The Development Application aims to rationalise the car parking approved for the integrated seniors living development so that all the Club and health and fitness centre car parking is consolidated within the

<p>than sufficient even for peak events. This DA is a cost reduction/profit improvement for the RSL as part of the construction of the seniors living project and should not be considered as a benefit of the community.</p>	<p>proposed purpose-built multi-level car park. This will become separate to the car parking associated with the integrated seniors living development, which will be dedicated to the residents of that development, thereby preventing conflict between users.</p>
<p>The area be rezoned to a high residential zone to help offset the potential negative impact on property values.</p>	<p>Rezoning of the area is not a matter for consideration in this application.</p>
<p>The proposal is not an “aesthetic building design” as what they will see is an open expanse and not a modern white wall with greenery on it.</p>	<p>The proposal provides a sculptural and aesthetic addition to the site. The landscaped outdoor amenity space comprises an inward facing development at the site which will be suitably screened from neighbouring properties. This includes the existing dense vegetation at the site’s southern and western boundaries, which is largely retained and enhanced with a larger landscaped area.</p>
<p>The 12m high wall along the boundary line at the rear of all properties along Patrick Avenue will have significant negative ramifications on their quality of life due to permanent overshadowing on their north facing backyards.</p>	<p>The proposal has been amended in response to the outcomes of the Conciliation Conference held with residents providing additional setbacks to Level 2 and Level 3 now along the southern and western façades interfacing with Patrick Avenue and Britannia Road. The additional setbacks mitigate the bulk and scale and allow opportunities for additional planting and the upward extension of the green wall at both interfaces. This also reduced the extent of shadowing during mid-winter.</p>
<p>Details of the proposed community/maintenance shed adjacent the rear of the immediate neighbouring properties are not shown on the plans in terms of access arrangements, window/door placement, floor levels and purpose of it which could impact on the privacy and amenity of neighbouring properties.</p>	<p>No alteration is proposed to the community/maintenance shed which is part of Stage 2 of the integrated living development approved under DA 633/2019/JP.</p>
<p>The height of the perimeter acoustic wall on the rooftop carpark needs to be extended to protect neighbouring properties from light spill.</p>	<p>The plans have been amended in response to the outcomes of the Conciliation Conference held with residents which include an increase in the height of the balustrade to mitigate the risk of light spill from vehicles. The height of the barrier in the south-eastern corner of the site has been increased to mitigate risk of light spill.</p>
<p>The ground level egress door adjacent to the community/maintenance shed</p>	<p>This is a car park egress pathway. Any public access would need to be resolved with the Club, Council, and school.</p>

<p>should be deleted including the section of pathway from that door leading to the adjoining public reserve.</p>	
<p>The Department of Education has made a submission on behalf of the adjacent Castle Hill High School and raised primary concerns regarding impact of the development during construction and recommended several measures to mitigate those construction related concerns.</p>	<p>A condition is recommended to address this construction related concerns. Refer Condition 30.</p>
<p>2nd Notification</p>	
<p>The onus is upon the Applicant to demonstrate existing use rights. The submitted Statement of Environmental Effects (SEE) does not include a copy or even reference the lawful consent issued for the Club. The application does not identify which instrument the Club was approved under thereby establishing a lawful use to begin with.</p>	<p>Development Consent was granted on 29 August 1961 (under Ref. 9/53 D 1171 - Permit No. 15268) the establishment of a recreation centre on the subject site. The 1961 Development Consent has been submitted by the applicant in response to this submission. The evolution of the site for this permitted use and operation subsequent to the granting of the 1961 Development Consent is illustrated in the historic site aerials attached to the applicant's submission in response to this submission by residents which include the introduction of the surrounding residential properties at Patrick Avenue (southern interface) and Britannia Road (western interface) between 1974 and 1978.</p>
<p>The development introduces a new prohibited land use (a car park).</p>	<p>The proposed development seeks to consolidate the existing at grade car parking split across the northern and southern portions of the site. The relocation of the northern portion of car parking is to enable delivery of the integrated seniors living development, as approved by 633/2019/JP. All existing at grade car parking is ancillary to the primary function and operation of the site as a registered Club and the associated health and fitness centre. The proposed development is not introducing a new use or operation at the subject site; this will continue to provide car parking ancillary to the Club premises, and within the same spatial extent as the existing at grade provision.</p>
<p>The development is not just for a car park it also includes an amphitheatre including a rooftop garden, terracing for use at events which extend outside of what is considered ancillary development.</p>	<p>The proposed development incorporates a landscaped, terraced amenity space which takes advantage of the opportunities afforded by the multi-level car park to deliver a quality and functional outdoor space. The landscaped terraced areas are not proposed to be used for any formal activities or events, but are purely for the incidental enjoyment of those using the Club premises for its primary function and operation.</p>

<p>The proposed development can operate without reliance upon the existing RSL. The proposed landscaping works including the amphitheatre introduces a use, in which someone can attend the amphitheatre without entering the RSL. The development includes works which can operate outside of the use of the RSL.</p>	<p>As above.</p>
<p>The indication the RSL is existing, does not set aside reasonable expectation of the low-density residential properties when the subject site was specifically zoned RE2 Private Recreation under the most recent Planning Instrument. The expectations for future development are for development that is permissible and consistent with the zone objectives.</p>	<p>The proposed development continues to provide car parking ancillary to the existing Club premises, thereby supporting its continued function and operation as a private recreational facility. The proposed development also incorporates a quality and functional landscaped, terraced amenity space, which enables the overall design response to better accord with each of the RE2 zone objectives relative to the existing use of the subject site. The proposed development is considered to be consistent with the RE2 zone objectives.</p>
<p>The visual dominance of the structure will not be mitigated given the surrounding development consists of low density dwellings, single storey in scale and the proposal represents a significant discourse with the character of the area.</p>	<p>The site and the immediate surrounding locality are unique in that there are multiple interfaces with varying built form characteristics. In addition, the approved integrated living development on the site which comprises 5 buildings ranging from 5-6 storeys across the northern portion of the site was found by the regional planning panel during its determination to be “consistent with the existing character of the area and compatible with the surrounding properties”.</p> <p>The approved development also benefits from a Site Compatibility Certificate, which certified the site as being suitable for more intensive development. The SCC further confirmed the addition of 5-6 storey buildings as being “compatible with the surrounding environment”.</p> <p>The height of the structure is lower than the existing Club building by approximately 8m, as is the sports centre.</p> <p>The design of the proposed development as amended reduces the visual impact on neighbouring residential properties owing to the retention and reinforcement of the natural screening provided at the southern and western boundaries, and by the inclusion of the green acoustic wall.</p>
<p>Our client’s properties contain their principal private open space, outdoor living areas, living rooms and bedrooms presenting to the</p>	<p>Neighbour amenity impacts relating to noise, light spill, overlooking, loss of privacy, and overshadowing have been considered in the amended design of the</p>

<p>rear boundary. The width of the development extending 222 metres across the shared boundaries will be visible from each of these properties and results in overwhelming dominance due to the 14.025m height, provision of acoustic walls along the southern elevation enclosing the structure and added to the visual bulk of the development.</p>	<p>proposed scheme. The development incorporates articulation and variable height.</p> <p>The 14.025m figure represents the maximum height and includes the stair and lift overrun, which is positioned at the northern aspect of the proposed development.</p>
<p>The provision of landscaping along the southern elevation cannot mitigate the scale of the introduced four storey structure. The scale of the development will dominate the adjoining residential properties.</p>	<p>The proposed development incorporates a significant increase in the natural vegetation buffer (trees) addressing the southern interface with the rear of the properties at Patrick Avenue. Additional perimeter planting has been introduced along the southern boundary. It is considered that that adequate landscaping will be provided across the site. The car park has also been designed with a tiered elevation to reduce the perceived bulk in coordination with the additional landscaping proposed.</p>
<p>The 7m high solid acoustic wall and setback 3m high acoustic screen are necessary to mitigate acoustic impacts given the proximity to the residential properties but as a result creates visual impact.</p>	<p>The proposed development encloses the existing operation of the subject site, mitigating existing amenity impacts associated with the open, at grade car parking occurring 2m from the boundary with the properties at Patrick Avenue.</p> <p>The proposed acoustic green wall also prevents amenity impacts arising from overlooking, loss of privacy, and light spill (when compared with the existing at grade car parking).</p> <p>The proposed development incorporates a significant increase in the natural vegetation buffer (trees) at the southern interface, together with reasonable setbacks which adopt the setbacks required for residential flat buildings, which is amongst the most sensitive type of developments in the residential context.</p>
<p>The application does not contain sufficient details regarding the use and management of the proposed rooftop garden and amphitheatre which has potential to adversely affect the visual privacy and acoustic amenity of Patrick Avenue.</p>	<p>The landscaped terraced areas (including the rooftop garden) are not proposed to be used for any formal activities or events but are purely for the incidental enjoyment of those using the Club premises for its primary function and operation. With respect to amenity impacts, the landscaped terraces are incorporated into the northern elevation of the proposed development, and face inwards addressing the centre of the site. This orientation prevents any risk of overlooking or loss of neighbour privacy. The incidental use of this element would also not give rise to noise disturbance. The rooftop garden is set back from the southern interface with Patrick Avenue and</p>

	is fully enclosed by a landscaped mound and tree planting. The potential for overlooking, loss of privacy, and noise disturbance is further mitigated by the boundary treatment at the southern interface comprising reinforced tree planting and the acoustic green wall.
The application has not been accompanied by a plan of management.	A Noise Management Plan and Operational Management Plan have been submitted and will be enforced as a condition in any approval. Refer Condition Nos. 26 and 83.
Specific concern is raised with the elevated roof top garden which will enable extended uninterrupted sightlines to the surrounding area and specifically onto the adjoining residential properties.	The proposed roof top garden would be fully enclosed by tree planting. The landscaped terraces are incorporated into the northern elevation of the proposed development, and face inwards addressing the centre of the site. This orientation prevents any risk of overlooking or loss of neighbour privacy.
The application has not been accompanied with a Landscape Maintenance Plan.	A 36-page Landscape DA Report has been submitted with the application which includes a vegetation and landscape maintenance strategy and is recommended in the draft consent conditions referenced in Condition Nos.1 and 7. Also, Condition 28 which relates to safety and crime prevention as recommended by the NSW Police requires a regular vegetation maintenance schedule to be implemented to ensure that the vegetation does not become overgrown.
The acoustic report does not detail whether the closing of a car door is associated with a single occupant or whether the noise generation is from multiple occupants. The noise generated only just complies with the industrial noise policy, but when considered in the context if the carpark is in fact associated with the RSL, it is likely there will be multiple occupants and potential intoxicated patrons leaving the Club.	Council's Environmental Health Officer has assessed the proposal and accompanying acoustic assessment report, and no objection is raised subject to conditions including implementation of the recommendations outlined in the report. Refer Condition Nos. 19 and 82.
The submitted acoustic report relies upon the existing 820 vehicles presently accommodated on site and fails to recognise the relocation of and additional parking of 893 spaces immediately adjoining the low-density land as justification for no significant change in acoustic generation. It is not a marginal increase; it is a	The existing at grade parking (located in the southern portion of the site) for 373 cars and 5 motor bikes (without acoustic screening and occurring 2m from the southern boundary with the rear of the Patrick Avenue properties) is being replaced with 874 cars and 15 motorcycles i.e. an additional 501 cars and 10 motorcycles, but with an increased setback from 2m to 7m and extending to 8.9m and 14.6m on upper levels and with full acoustic and privacy screening.

<p>significant increase immediately adjoining the residential land.</p>	<p>Council's Environmental Health Officer has assessed the proposal and accompanying acoustic assessment report, and no objection is raised subject to conditions including implementation of the recommendations outlined in the report.</p>
<p>Inadequate consideration has been given to the proposed pedestrian footpath provided within the 7m rear setback, the noise associated with the vehicles acceleration and decreasing speeds within the carpark and the noise associated with vehicles entering the carpark. The carpark entrance immediately adjoins the bedrooms of Patrick Avenue.</p>	<p>This is a car park emergency egress pathway only. The acoustic assessment has been based on typical car park movements/ speed travelled around a car park.</p>
<p>The proposed car park is to be used 24 hours a day, 7 days per week. The acoustic report does not adequately consider the impact on sleep from maximum noise events, as this cannot be determined because there are unspecified events.</p>	<p>The new multi-level carpark is proposed to operate and coincide with the Club's existing operating hours, which are Sunday to Tuesday, 10am to 2am and Wednesday to Saturday, 10am to 3:45am, which would mitigate the existing amenity impacts associated with the open, at grade car parking occurring 2m from the boundary interface with the properties at Patrick Avenue. The function and operation of the Club premises will remain as existing. The proposed development represents the enclosed consolidation of car parking.</p> <p>The acoustic assessment report has been based on the conservative assumption of 300 vehicle movements per busiest hour in accordance with AS2890.1. The report indicates that it is highly unlikely that this peak hour will be between 10pm and 7am.</p> <p>Council's Environmental Health Officer has assessed the proposal and accompanying acoustic assessment report, and no objection is raised subject to conditions including implementation of the recommendations outlined in the report.</p>
<p>There is no consideration of the acoustic impacts associated with the roof top garden and amphitheatre which immediately adjoins the rear boundaries of 9 and 11 Patrick Avenue. The lack of a plan of management detailing the management of the introduced land uses and how they will operate.</p>	<p>The landscaped mound will not be used for patrons to congregate. It is an alternative entrance to the car park. Main access will be via stairs and lifts leading to covered access. Given the transitory nature of the mound, noise generated by its use is expected to be negligible.</p>
<p>The amended proposal includes provision of fifteen (15) motorcycle</p>	<p>Motorcycles will typically generate more noise than cars, however, based on typical motorcycle noise</p>

<p>spaces. Motorcycles are often louder than cars due to their exhaust system and the high-revving nature of their engines. Insufficient consideration has been given to the resultant acoustic impacts of motorcycles within the enclosed parking structure.</p>	<p>levels, even in the unlikely scenario that all 15 motorcycles arrived or departed in one hour, they would generate less noise than the 300 cars assessed in the acoustic report</p>
<p>Car alarms going off throughout the night.</p>	<p>Car alarms are not covered by the Noise Policy for Industry.</p>
<p>Our client's properties are located immediately to the south of the proposed development and will be impacted by overshadowing.</p> <p>The scale of the submitted shadow diagrams 1:1000 prevents adequate consideration to understand whether the diagrams have not taken into consideration the ancillary elements of the design including the provision of mechanical equipment, lighting, the acoustic walls which will all result in an additional shadow impact.</p>	<p>Detailed shadow diagrams have been submitted which show the extent of overshadowing at Nos. 7, 9, 11, 13, 15, 17, 19, 21 Patrick Avenue at the southern boundary and at Nos. 64 and 66 Britannia Road at the western boundary. Refer Attachment K.</p>
<p>Further, clarification should be sought that the prepared shadow diagram modelling is orientated from true north.</p> <p>Concern is raised regarding the ability to rely on these plans to accurately reflect the extent of overshadowing. Particularly, when looking at the 12 noon shadow.</p>	<p>The true north is illustrated on the title block of the shadow diagrams submitted with the application. The shadow diagrams are considered satisfactory.</p>
<p>Concern is raised regarding loss of sunlight by the owner at No. 9 Patrick Avenue whose property contains a secondary dwelling with private open space which directly adjoins the proposed carpark. The bulk and scale of the proposal will dominate the adjoining low density residential properties.</p>	<p>The only significant infringement would occur during the morning period on the winter solstice. Within the shadow study period (9am – 3pm) the overshadowing to 9 Patrick Avenue would start from 9am to 11:45am. There would not be any overshadowing as a result of the proposed development after that. Refer to diagrams below and Attachment K.</p>

<p>The four-storey structure will be lit throughout the entire night time period, resulting in adverse visual impacts from the lighting. It is unreasonable to expect existing residential properties to mitigate this impact. The development must be designed to minimise and mitigate against this impact.</p>	<p>The Obtrusive Lighting Report initially submitted with the application has been updated.</p> <p>The report indicates that the lighting control system will be capable of being programmed to automatically dim down (or turn off) sections of the car park lighting during the curfew hours (after 11pm) to ensure that the extent of lighting is commensurate with occupancy and that the lighting level is below the maximum vertical illumination level of 5 lux as allowed during curfew hours. The existing at grade car parking includes five (5) standalone floodlights positioned adjacent to the southern boundary with the properties at Patrick Avenue. The only current mitigation against light spill is the existing provision of vegetation, which would be significantly reinforced as part of the proposed development.</p>
<p>Concerns raised regarding light pole heights.</p>	<p>The light pole heights closest to the interface with Patrick Avenue have been reduced from 8m (as originally submitted) to 6m, which shows that where the light poles would otherwise be discernible will be</p>

	obscured by the tree planting along the shared boundary.
While the lighting report nominates compliance with Australian Standards there is no reference to the buildings screening for acoustics and privacy which in turn will contain the car park lighting.	The acoustic green wall will also provide a mitigation measure for blocking of light spill from the car park. Furthermore, the applicant has indicated that any light poles that that are otherwise visible from neighbouring properties can be shielded if that causes harm to neighbour amenity.
The design incorporates between 500mm – 800mm of introduced soil on slab within the design. No details have been provided relating to the introduced fill and Council cannot be satisfied that sufficient information has been provided to address the requirements of Clause 7.2(3)(e) of the LEP 2019.	<p>Cluse 7.2(3)(e) of LEP 2019 states that before granting development consent for earthworks, the consent authority must consider the source of any fill material and the destination of any excavated material,</p> <p>The applicant has advised that 500-800mm planters would utilise some retained soil and imported soil dependent on the condition of the existing soil and the requirements for the planting.</p> <p>The main bulk earthworks proposed are primarily associated with the diversion and upgrading of the Council drainage system. This has been addressed in the application documentation with a new upgradable drainage channel addressing the future Council requirement to upgrade the systems.</p> <p>The application includes documentation related to the environmental requirements for excavation and a preliminary site investigation has been undertaken.</p> <p>It is considered that the proposed development satisfies the requirements of Clause 7.2(3)(e) in this regard.</p>

5. CONCLUSION

This Development Application has been assessed 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 can be supported.

The development seeks to provide a multi-level car park and landscaped outdoor amenity space ancillary to the existing RSL 'Registered Club', which benefits from existing use rights and accords with the RE2 Private Recreation zone objectives, in that it continues to enable the land to be used for recreational purposes; protect and enhance the natural environment for recreational purposes; and promote tourism and entertainment related activities.

It is considered that the key issues as outlined above have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

6. RECOMMENDATION

That the Development Application be approved subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: Zoning Map
- Attachment E: Site Plan
- Attachment F: Floor Plans (3 pages)
- Attachment G: Elevations
- Attachment H: Sections
- Attachment I: Acoustic Buffer & Neighbour Interface
- Attachment J: Building Heights for Each Setback at Each Property
- Attachment K: Mid-Winter Shadow Diagrams (3 pages)
- Attachment L: Visual Impact Images (3 pages)
- Attachment M: Landscape Plans (2 pages)
- Attachment N: Perspectives (3 pages)
- Attachment O: Conciliation Conference Notes (5 pages)

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
DA000	Cover Page, Index, Location Plan	-	B	27/09/2023
DA001	Site Plan & Site Analysis	-	B	27/09/2023
DA020	Existing Site Plan	-	B	27/09/2023
DA021	Demolition Plan	-	B	27/09/2023
DA100	Ground Floor Plan	-	C	22/03/2024
DA101	Level 1 Floor Plan	-	B	27/09/2023
DA102	Level 2 Floor Plan	-	B	27/09/2023
DA103	Level 3 Floor Plan	-	B	27/09/2023
DA104	Roof Plan	-	B	27/09/2023
DA500	East & West Elevations	-	B	27/09/2023
DA501	North & South Elevations	-	B	27/09/2023
DA600	Building Sections	-	B	27/09/2023
DA601	Additional Sections	-	B	27/09/2023
DA602	Additional Sections	-	B	27/09/2023
DA900	Perspectives	-	B	27/09/2023
DA930	Canopy Details	-	A	27/09/2023
-	Landscape DA Report (36 pages)	-	G	19/10/2023

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

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or a Registered Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

4. Provision of Parking Spaces

The development is required to be provided with 874 off-street car parking spaces and 15 motorcycle parking spaces. These car parking spaces shall be available for off street parking at all times.

5. Tree Removal

Approval is granted for the removal of twenty-three (23) numbered 1, 58-72, 158-159, 223 and 233-236 as detailed in the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 22/05/23 and the Arborist Statement prepared by Jacksons Nature Works dated 05/09/23.

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

6. External Finishes

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

7. Planting Requirements

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

8. Protection of Public Infrastructure

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

9. Structures Adjacent to Piped / Culvert Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside/ integrated with the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe and/culvert within the easement.

10. Requirements for Council Drainage Easements

No works are permitted within the required public drainage easement to be created over the proposed trunk drainage system (combination of pipe and culvert system) unless approved by Council. The following requirements must be adhered to:

- Provision for overland flow and access for equipment must be maintained all the time.
- The levels along the flow path must not be altered, that will divert out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the proposed easement at all stages of the development including construction and occupation.
- Flood Warning Signs and emergency response plan must be placed at visible locations preventing public entering the flow path must be maintained all times during construction and occupation.

11. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- Signs about flood gates and rerouting vehicles during heavy storm events are to be clearly installed and monitored for public and property safety.
- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall unless approved by Council.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

12. Excavation/ Anchoring Near Boundaries

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

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

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

13. Flooding

1) In reference to Sections 5.21 (2) (c) and (d) of The Hills LEP 2019 and acknowledging that the new carpark's ground floor level will be inundated during events greater than the 0.2% AEP flood event, the proposed multi-level carpark development can proceed provided the development:

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

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

2) Shelter-in-place by club occupants during flood events greater than the 0.2% AEP event is acceptable but there needs to be a discussion on how medical or fire emergencies will be addressed during the period of isolation or shelter-in-place.

3) The applicant's response to Sections 5.21 (2) (c) and (d) of The Hills LEP 2019 above is to be included in the submitted flood study report.

4) A positive covenant shall be imposed on the new drainage easement that provides specifics on:

- (a) the entity responsible for the monitoring/checking, maintenance and repairs of the drainage channel.
- (b) the frequency of monitoring/checking and maintenance of the drainage channel.
- (c) what cannot be built or positioned over the drainage easement.

14. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

15. Street Trees

Street trees for the section of Castle Street fronting the development site spaced between 7m and 10m apart must be provided in accordance with the approved Landscape Plans. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

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

16. Process for Council Endorsement of Legal Documentation

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

17. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

18. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

19. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd referenced 20221053.1/1110A/R3/RF and dated 11 October 2023 submitted as part of the Development Application are to be implemented as part of this approval.

20. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works dated 22/05/23 and the Arborist Statement prepared by Jacksons Nature Works dated 05/09/23.

21. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

22. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

23. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

24. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

25. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Douglas Partners Pty Ltd, referenced as 217615.00 dated 24 April 2023 and the Contamination letter prepared by Douglas Partners Pty Ltd, dated 2 August 2023, referenced 217615.01 and submitted as part of the Development Application are to be implemented as part of this approval.

26. Noise Management Plan

Prior to the issue of an occupation certificate including an interim occupation certificate, a Noise Management Plan shall be submitted to the Manager – Environment & Health at the Hills Shire Council. The noise management plan is to incorporate the following items;

- A clear commitment by the operator to minimising noise from the parking garage and outside terrace;
- Details of the noise management plan review process to be implemented every 2 years;
- Provision of information for neighbours including the issuing of the noise management plan to any potentially impacted neighbour, complaints register and contact details of the person responsible for investigating offensive noise complaints;

- Action to be taken in the event of excessive noise from people on the outside terrace.
- Any other item or action deemed relevant to minimising noise within the car park.

27. Irrigation

An automatic watering system to be installed as a minimum to all terraced garden beds and green wall planters. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

28. Safety and Crime Prevention

Surveillance:

- A regular maintenance vegetation maintenance schedule is to be implemented to ensure that the vegetation does not become overgrown. Keeping the vegetation neat will ensure that the natural sight lines can be kept, and makes the area look cared for which provides some territorial reinforcement of the area.
- Lighting should meet minimum Australian Standards. The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended.
- Use of a CCTV system with continuous recording capabilities to monitor the carpark and landscaped area. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. Relevant staff should be trained on how to access the cameras.

Environmental Maintenance:

- Rapid repair of vandalism and graffiti, the replacement of any damaged lighting and general site cleanliness is important to create a feeling of ownership.
- Materials chosen are to have regard to the potential for graffiti. Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove.

Other Matters:

- Ensure that all tools are locked and secured during construction stage, with regular checks conducted in relation to the security of the site.
- CCTV with motion activated alerts are to be used so that the presence on site of any person can be monitored out of hours. Ensure that large equipment such as excavators and bob cats are tracked, and that any smaller tools have serial numbers or identifying marks recorded. If any tools are taken or lost during construction please call Police ASAP on 131 444 to report the theft and they are also able to obtain the relevant serial numbers or identifying features of the tools.
- Ensure that any access points have contact details for a site manager clearly visible so if Police or other services need to attend they can speak to the right person.
- Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

29. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$410,222.44** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

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

30. Construction Site Management Plan

Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to Council. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site (due to the site's proximity to Castle Hill High School, truck movements shall be prohibited along Castle Street and its surrounding streets during the school drop-off and pick-up hours i.e., 8am-9:30am and 2:30pm-4pm school days);
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
 - iv) The location of any proposed Work Zones in the frontage roadways (the work zones must not compromise the safety and accessibility of pedestrian and vehicular access to Castle Hill High School, including the associated drop-off and pick-up spaces located on Castle Street. If a Work Zone is proposed, an application must be made to Council to install the 'Work Zone'. Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved, the requirements imposed by Council on the Work Zone permit (or permits) must be complied with at all times.
 - v) The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible;
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;

- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist’s report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

31. Erosion & Sediment Control Plan

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

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

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

32. Interim Flood Control System

The development is required to ensure the protection of the subject site, and the upstream and downstream properties in the locality from flood risks during all storm events, and throughout the subject development and subsequent future developments. Given this sensitive nature, the construction activities including earth works changing the terrain, diversion of trunk drainage are to ensure no additional runoff is directed towards downstream properties.

Detailed Engineering Construction Certificate documentation must incorporate a temporary detention basin or alternative equivalent measure that ensures flood behaviour in the locality is maintained until the realigned trunk drainage system and associated structures are completed.

Separate Compliance Certificates must be approved for the construction of the interim Flood Control System.

Copies of work as drawings of the interim flood control system and Flood Engineer’s Certificate are required confirming the system have been in place.

33. Integrated Stormwater Management System

Onsite Stormwater Detention – Hawkesbury River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with parameters for the site storage requirement and permissible site discharge.

The development proposed a combined Online OSD Storage System with underground flood storage system compliant to the section 3.4.3 of the OSD Handbook as detailed in the applicant's email response dated 24/04/2024. Accordingly, the flood storage volume must be added a minimum 690cum storage volume with the required flood storage.

The set of Stormwater Concept plan Job No. 7536000 prepared by Warren Smith Consulting Engineers that forms part of Flood Investigation Report Cover Sheet Drawing C11.01 Issue 2 dated May 2023 is for development application purposes only and is not to be used for construction.

The design and construction must reflect the above combined flood storage and OSD concept and must detail the following:

- a) The design calculation demonstrating the required flood storage volume reflecting the TUFLOW model for various storm events from minor to major storm events.
- b) Design details demonstrating the required flood storage and additional storage compensating the conventional OSD storage mentioned above.
- c) Flood Engineer's Certification confirming the achievement of additional volume (a minimum 690cum) proposed to offset the conventional OSD by incorporating with the flood storage, and such offset improves the downstream flood behaviour with reduced velocity.

Water Quality Treatment Measures

Water sensitive urban design elements, consisting of Rainwater Tank/s and Water Quality Treatment Measures are to be provided with the development.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

A soft copy of the MUSIC model is to be provided.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by a civil/ hydraulic engineer.

- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A maintenance schedule.

34. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate or Subdivision Works Certificate is issued.

35. Works on Adjoining Land

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

36. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$400,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site (125m) plus an additional 50m on eastern side (total 225m) multiplied by the width of the road (16m) and on southern side (50m) multiplied by the width of the road (11m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

37. Security Bond – Internal Trunk Diversion and External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

38. Engineering Works

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

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

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

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or

approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The Flood Investigation Report Job NO: G1570 dated 19/05/2023 carried out by Lyall & Associates and the accompanied Stormwater Concept plan Job No. 7536000 prepared by Warren Smith Consulting Engineers - Cover Sheet Drawing C11.01 Issue 2 dated May 2023 are for development application purposes only and are not to be used for construction. The design and construction of the engineering works listed below must reflect these and TUFLOW model submitted with the application.

a) Flooding – Realignment of Existing Trunk Drainage System

Proposed construction of a culvert/ covered stormwater channel system realigned through the carpark conveys stormwater runoff from upstream properties whilst providing flood storage and online OSD storage.

Detailed design of the channel and associated drainage structures including inlet structure and flood storage located in the vicinity of southern boundary, and outlet structure at the northern side must reflect the final TUFLOW model accepted by council under the development application.

The flood storage basin located in the vicinity of southern boundary and associated retaining walls must be designed to be compatible to the TUFLOW model. The height of retaining walls whilst ensuring the achievement of flood storage, they must be designed to match the existing ground levels to facilitate directing upstream surface runoff entering the flood storage with no impedance.

b) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

All entry points to the car park including driveway entry, lift shafts and other openings must be located above the Flood Planning Level (FPL) requirements (i.e 1% AEP flood level and 500 mm freeboard) to prevent the ingress of floodwaters.

This FPL requirement applies to the driveway entry point of the car park, it must be designed to an RL 103.2m AHD.

The existing driveway crossing must be certified to ensure the structural integrity to Council's heavy duty standard unless it is proposed to be reconstructed.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges if the existing crossing is to be reconstructed.

c) Flood and Structural Certifications

The Certifications below must be provided with the construction documentation:

- Flood Certification confirming the detailed design of trunk drainage diversion is consistent with the design parameters use in the TUFLOW flood model and
- Certification from a suitably accredited structural engineer confirming that all structural elements associated with the trunk drainage system are designed to withstand necessary flood forces.

d) Disused Pipes and Drainage Structures

All disused pipes and drainage structures existing within the site must be removed and backfilled. Alternatively, if they are to be retained, they must be blocked at the upstream and downstream end ensuring the pipes do not collect/ convey public drainage.

Certification from a Registered Surveyor and the flood engineer confirming the removal/ conversion of these structures reinstated to necessary standards must be provided to the Principal Certifying Authority prior to issue an occupation certificate.

e) Local Stormwater Drainage

A local stormwater drainage system must be provided to manage the shallow sheet flow that the TUFLOW shows discharging to the entrance driveway from the existing entrance road for all storms up to 5% AEP.

f) Site Stormwater Drainage

The entire development area must be graded, collected and drained by pits and pipes to the water quality chamber prior to mixing with flood water in the outlet structure.

g) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on Appendix B of the Geotechnical Investigation Report prepared by Douglas Partners – Project Reference No, 217615.00 dated April 2023. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

h) Stormwater Drainage – Creek Outlets

Any piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Natural Resources Access Regulator (even where the receiving waterbody is not a natural watercourse) and Sydney Water, in the case of stormwater management land.

PRIOR TO WORK COMMENCING ON THE SITE

39. Management of Building Sites

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

40. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

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

41. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

42. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls

shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

43. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

44. Details and Signage - Principal Contractor and Principal Certifier

Details

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

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

Signage

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

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

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

45. Erection of Signage – Supervision of Subdivision Work

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

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

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

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

46. Contractors Details

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

47. Erosion and Sediment Control/ Soil and Water Management

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

48. Property Condition Report – Public Assets

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

49. Tree Protection Fencing

Prior to any works commencing on site (including demolition) Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be as per the Tree Protection Plan prepared by Jacksons Nature Works dated 05/09/23.

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

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

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

50. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating “Tree Protection Zone No Access” (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

51. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

52. Trenching within Tree Protection Zone

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

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

53. Engagement of a Project Arborist

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

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

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

54. Erosion and Sedimentation Controls

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

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

55. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

56. Protection of Tree Canopy and Ground Protection within TPZ

Care shall be taken when operating excavation machineries, cranes and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of a Project Arborist must be sought.

In the event of any tree becoming damaged for any reason during the construction period a Project Arborist shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the Project Arborist.

The removal of a small portion of the crown (foliage and branches) is generally tolerable provided that the extent of pruning required is within 10% of the total foliage volume of the tree and the removal of branches does not create large wounds or disfigure the natural form and habit of the tree. All pruning cuts must be undertaken in accordance with the Australian Standard of Pruning of Amenity Tree (AS 4373-2007).

If any construction access or works is required within the TPZ of any tree (s) identified for retention ground protection measures shall be required.

Ground protection shall include temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site (s).

The measures may include a permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites.

57. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

DURING CONSTRUCTION

58. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

59. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

60. Critical Stage Inspections – Engineering Works

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

61. Survey Report and Site Sketch

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

62. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

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

63. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

64. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

65. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

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

66. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

67. Asbestos Removal

Any asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principal Certifying Authority.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

68. Dust Control

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

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

69. Further contamination assessment

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

70. Lighting installed in accordance with Obtrusive Lighting Report

The design requirements, recommendations and proposed installation of lighting in the Obtrusive Lighting report prepared by Haron Robson Pty Ltd, dated 17 January 2024 and submitted as part of the Development Application are to be implemented and completed prior to the occupation certificate as part of this approval.

71. Landscaping Prior to Issue of any Occupation Certificate

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

72. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

73. Property Condition Report – Public Assets

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

74. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Civil Engineer's Certification confirming the installation of Water Quality Treatment measures achieving the objectives.
- Records of inspections; and
- An approved operations and maintenance plan.

Where Council is not the Principal Certifier a copy of the above documentation must be submitted to Council.

75. Engineering Works – Submission Requirements

Once the Engineering works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Registered Surveyor's Certificate confirming the removal of the existing trunk drainage pipes
- Stormwater Drainage CCTV Recording (structures within the site, and upstream and downstream system)
- Flood Warning Signs and Evacuation Plan
- Pavement Certification
- Public Asset Creation Summary
- Structural Certification of all drainage structures become public assets

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

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

A template public asset creation summary is available on Council's website and must be used.

76. Performance/ Maintenance Security Bond

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

77. Confirmation of Drainage Structures

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

78. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

79. Removal and Amendment to Existing Easements

The development proposes to replace the existing public stormwater drainage structures (pipe systems) with culvert system within the site through the proposed carpark. Therefore,

the existing drainage easements must be amended to contain the diverted trunk drainage system.

This will require removal of any redundant existing easements.

As Council is listed as the benefiting authority, the amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

80. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

a) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater structures provided under the trunk drainage diversion works which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

The subject development proposes to replace the existing pipes with the realigned culvert system.

b) Restriction – Flood Planning Level

The site must be burdened with a restriction that refers to the flood information submitted with the development application using the "flood planning level" terms included in the standard recitals.

c) Restriction/ Covenant – Onsite Stormwater Detention

The development must be burdened with a restriction and a positive covenant using "onsite stormwater detention systems" terms included in the standard recitals. The terms need to be amended to reflect with the online OSD storage combined with the flood flow path.

d) Restriction/ Covenant – Water Sensitive Urban Design

The development must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

e) Restriction/ Covenant – Flood Control System

The development must be burdened with a restriction and a positive covenant to ensure the constructed Flood Control System must not be modified and maintained to facilitate the conveyance of public stormwater runoff.

f) Covenant – Drainage Easement

The positive covenant shall be imposed on the new drainage easement that provides specifics on:

- i. the entity responsible for the monitoring/checking, maintenance and repairs of the drainage channel.
- ii. the frequency of monitoring/checking and maintenance of the drainage channel.
- iii. what cannot be built or positioned over the drainage easement.
- iv. funding arrangement for the monitoring/checking, maintenance and repairs of the drainage channel.

81. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the undergrounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

82. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in the Acoustic Report, prepared by Acoustic Logic Pty Ltd, dated 11 October 2023 and referenced 20221053.1/11110A/R3/RF. Certification is to be provided.

THE USE OF THE SITE

83. Operational Management Plan

The Operational Management Plan submitted with the application titled "Castle Hill RSL Car Park – Operational Management Plan" is to be complied with at all times when the multi-level car park is in operation. Where there is a conflict between specific conditions of this consent and the Operational Management Plan the specific condition shall prevail.

84. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

85. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

86. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

ATTACHMENT B – LOCALITY PLAN



- SUBJECT SITE
- ★ SUBMISSIONS RECEIVED SECOND NOTIFICATION PERIOD
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED FIRST NOTIFICATION PERIOD
- FOUR SUBMISSIONS RECEIVED OFF THE SCOPE OF THIS MAP (2ND NOTIFICATION)


THE HILLS
Sydney's Garden Shire

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ATTACHMENT C – AERIAL MAP



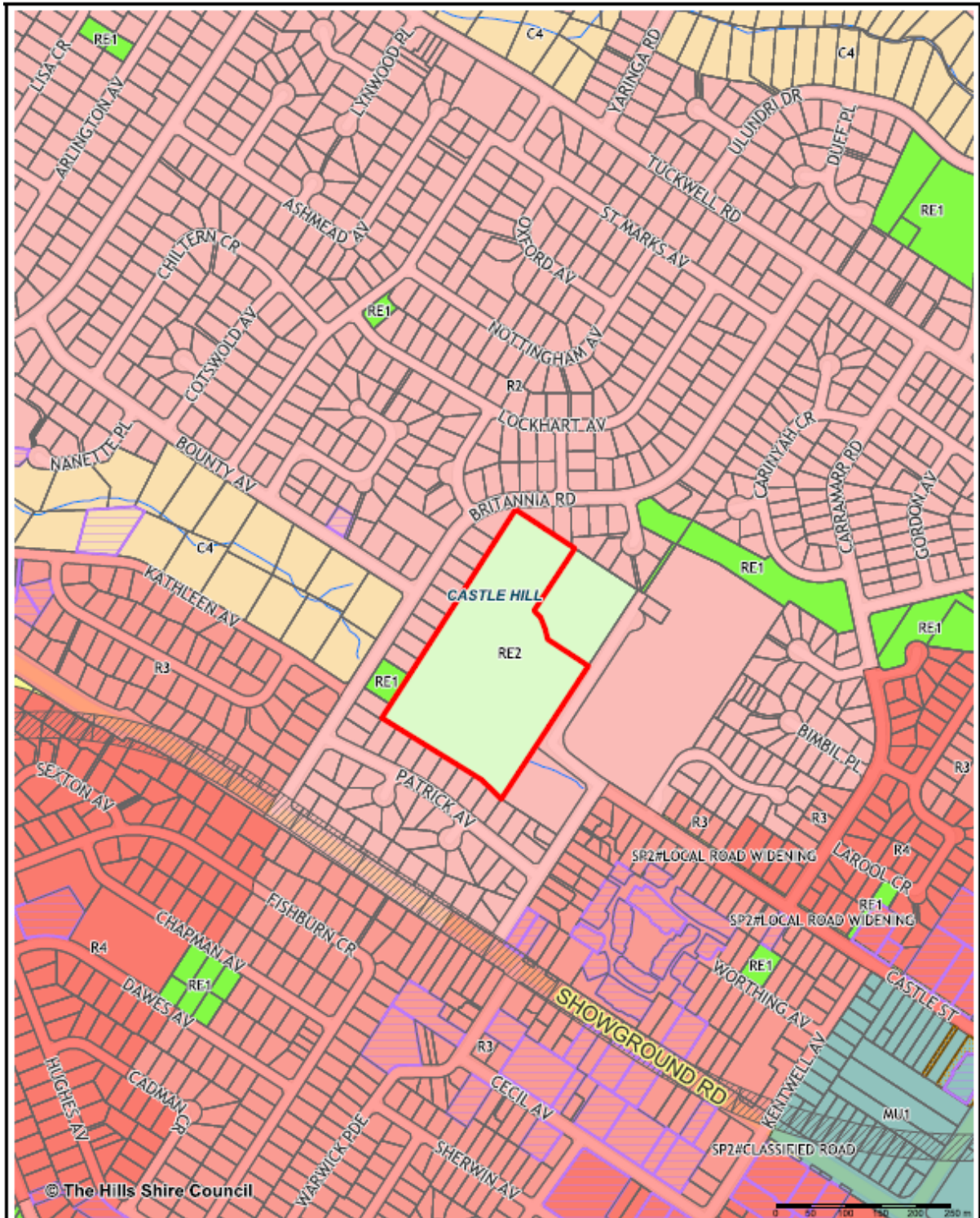
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

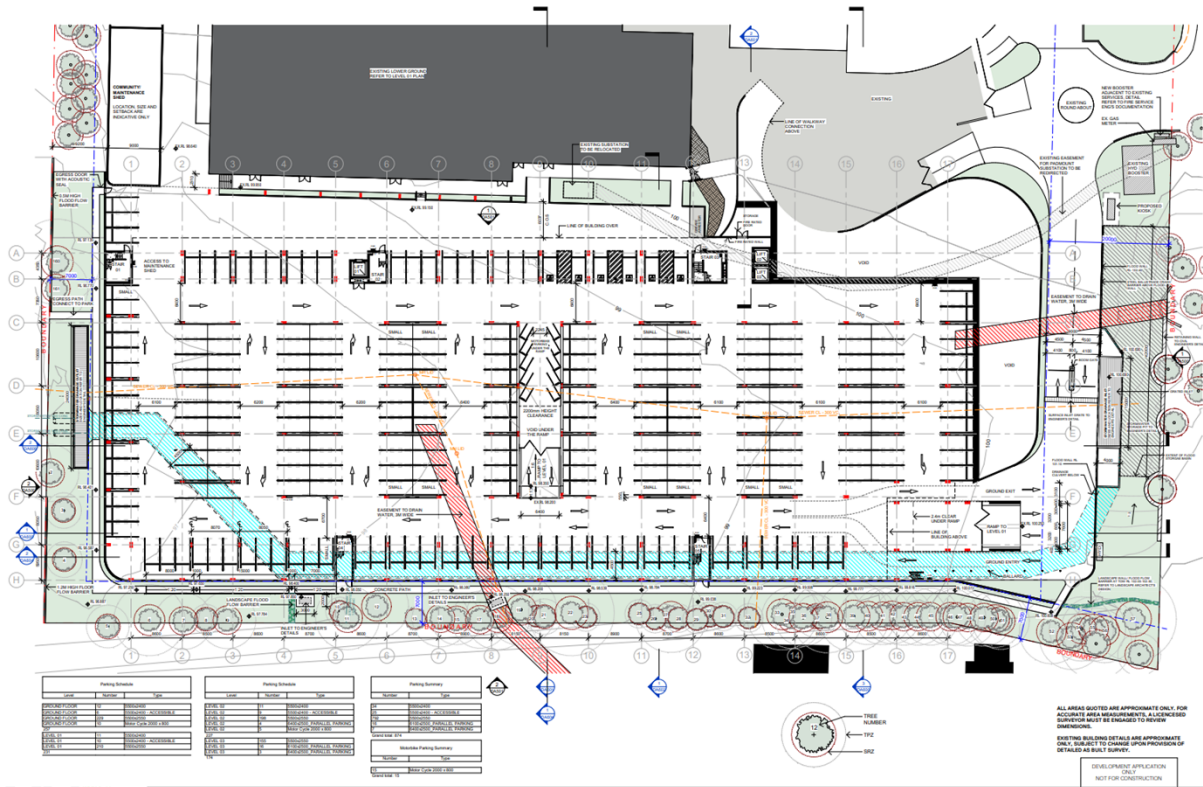
THE HILLS SHIRE COUNCIL

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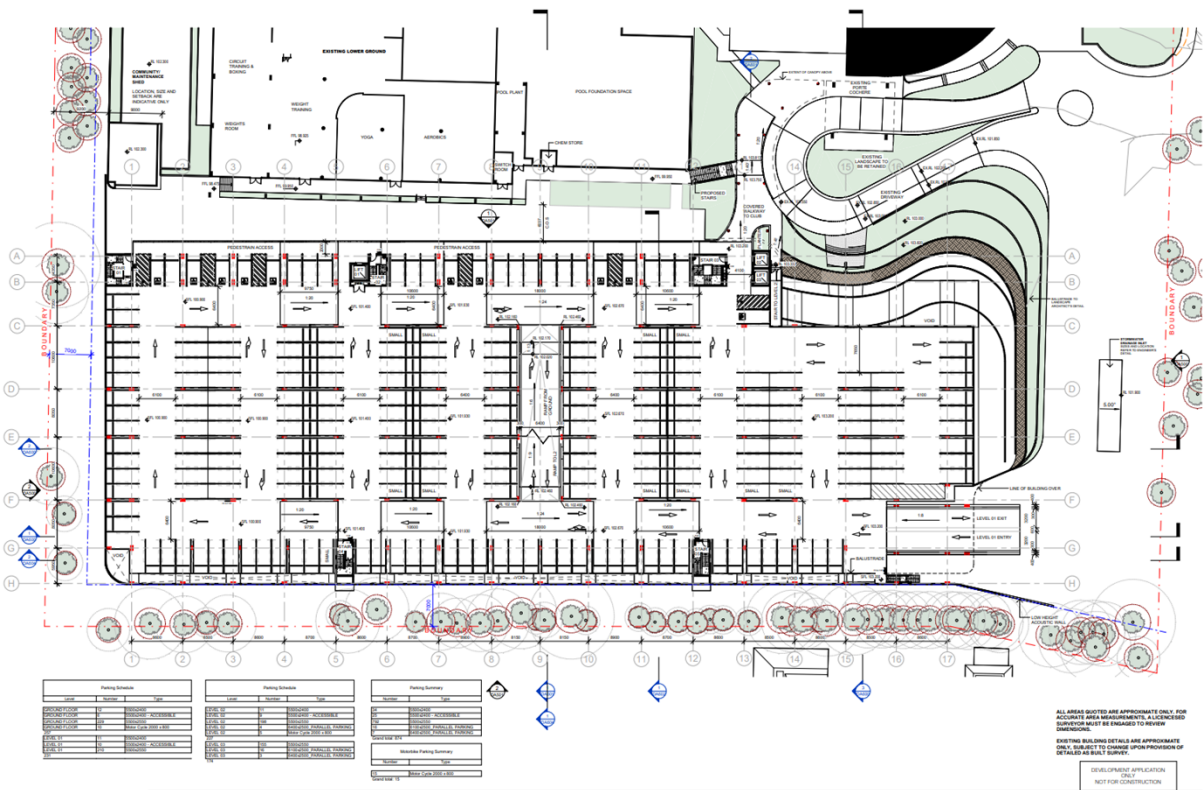
ATTACHMENT D – ZONING MAP



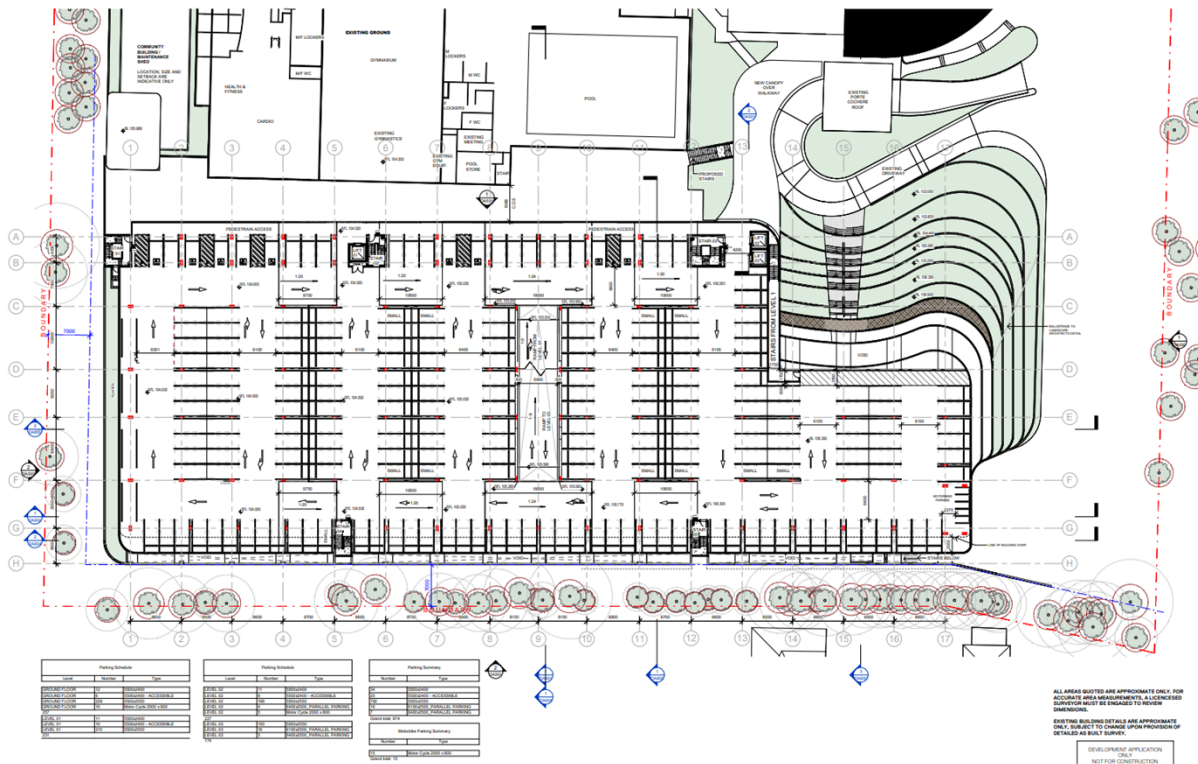
ATTACHMENT F – FLOOR PLANS (3 PAGES)



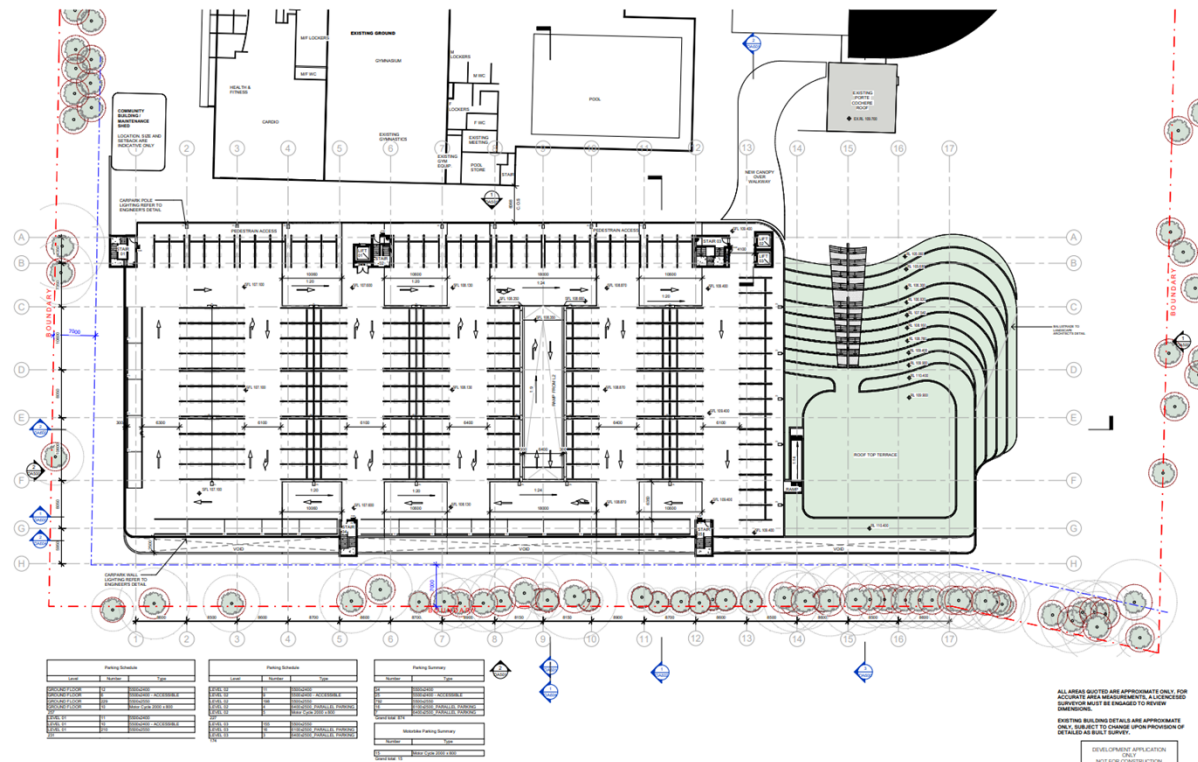
GROUND FLOOR



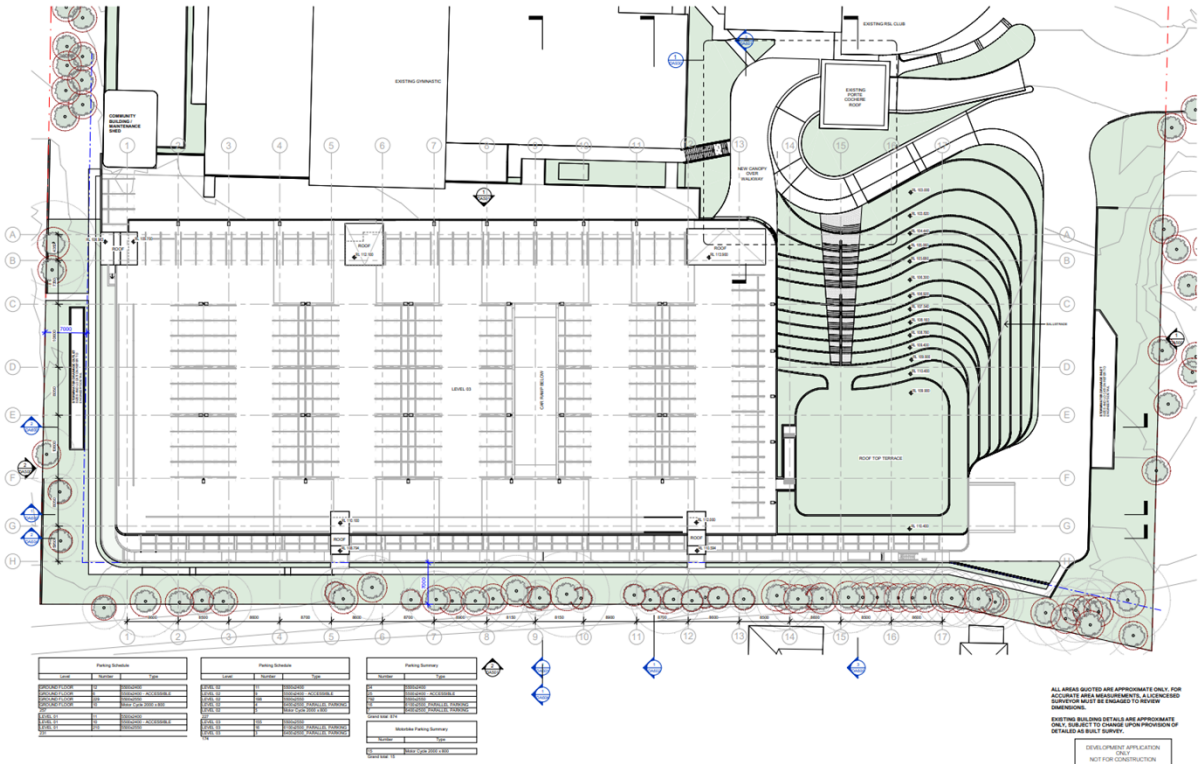
LEVEL 1



LEVEL 2

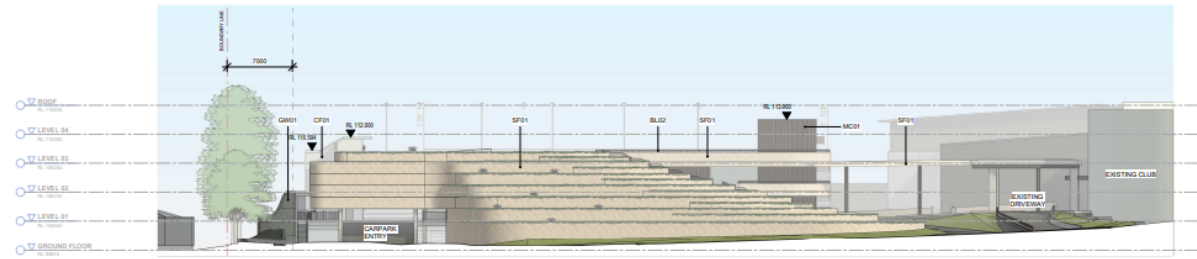


LEVEL 3

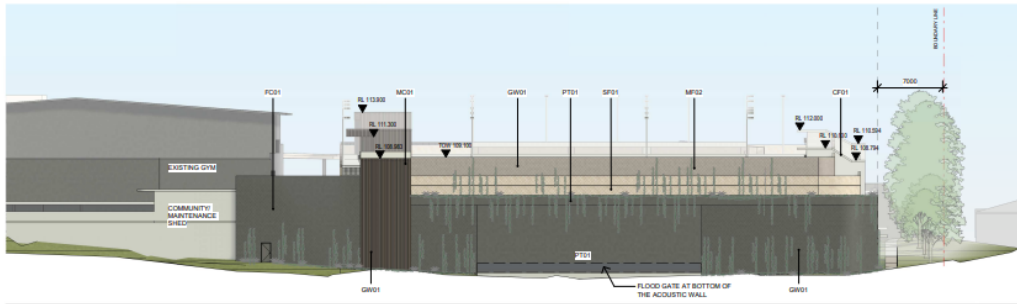


LEVEL 4

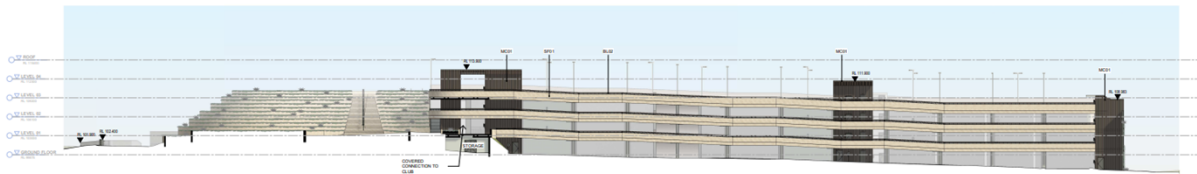
ATTACHMENT G – ELEVATIONS



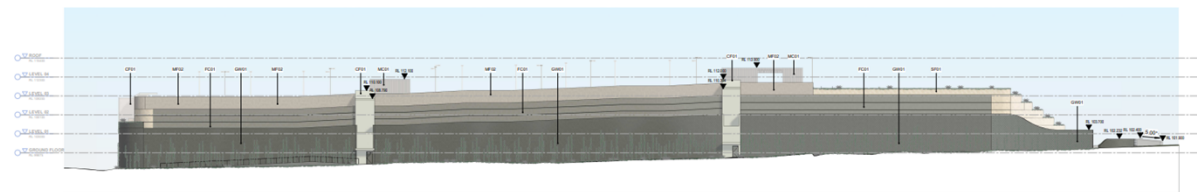
1 EAST ELEVATION



2 WEST ELEVATION

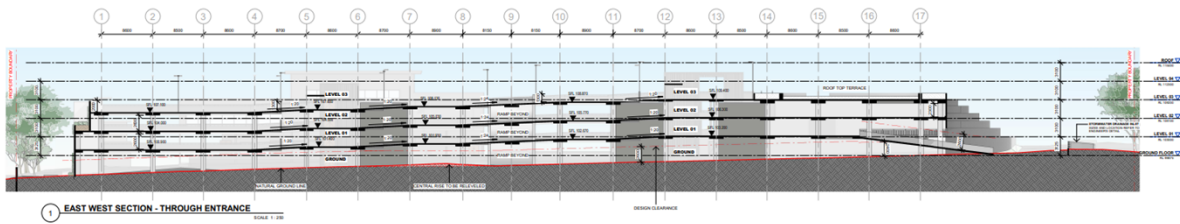


1 NORTH ELEVATION

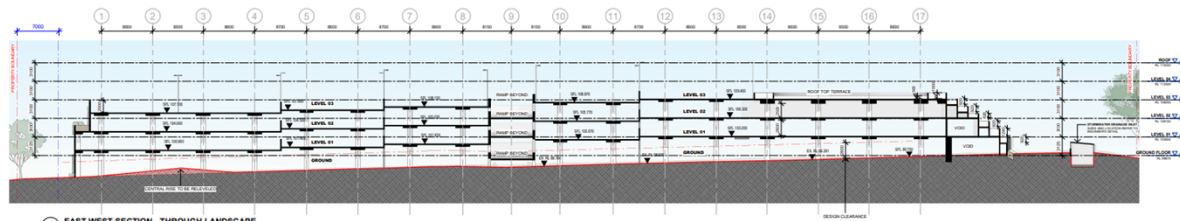


3 SOUTH ELEVATION

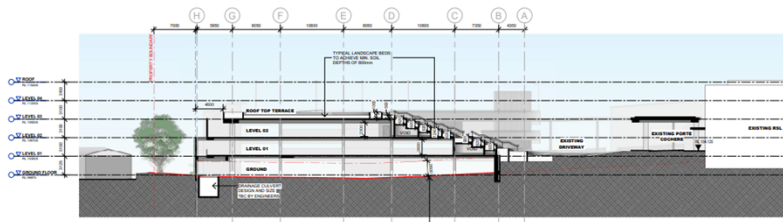
ATTACHMENT H – SECTIONS



1 EAST WEST SECTION - THROUGH ENTRANCE
SCALE: 1:100

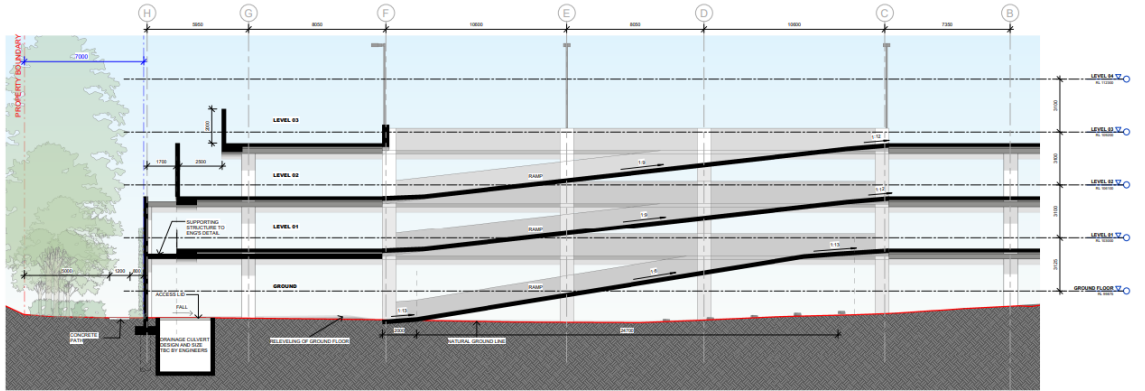


2 EAST WEST SECTION - THROUGH LANDSCAPE
SCALE: 1:100

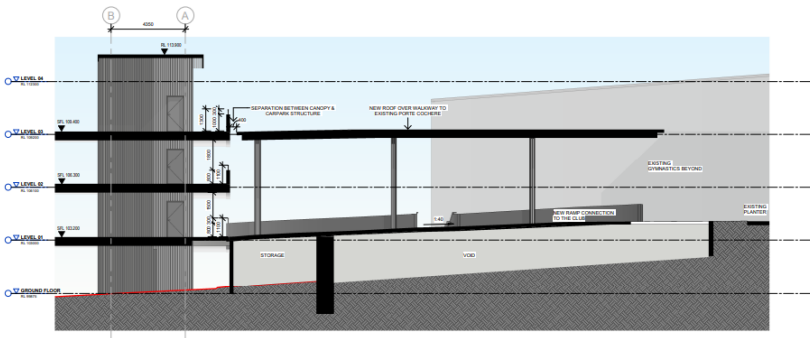


3 ENTRY SECTION
SCALE: 1:100

ALL AREAS QUOTED ARE APPROXIMATE ONLY FOR ACCURATE AREA MEASUREMENTS. A LICENSED SURVEYOR/METRIC BE ENGAGED TO REVIEW DIMENSIONS.
EXISTING BUILDING DETAILS ARE APPROXIMATE ONLY. TO BE CONFIRMED UPON PROVISION OF DETAILS AS SHOWN.
DEVELOPMENT APPLICATION ONLY

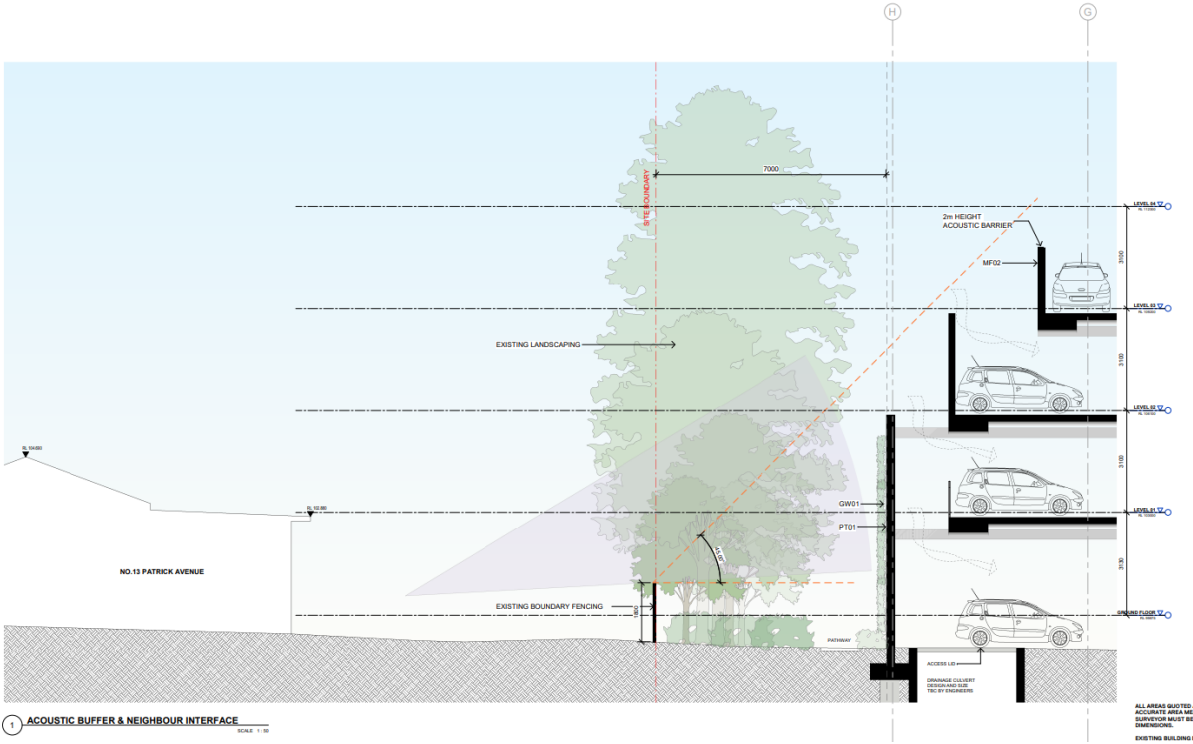


1 RAMP SECTION
SCALE: 1:100

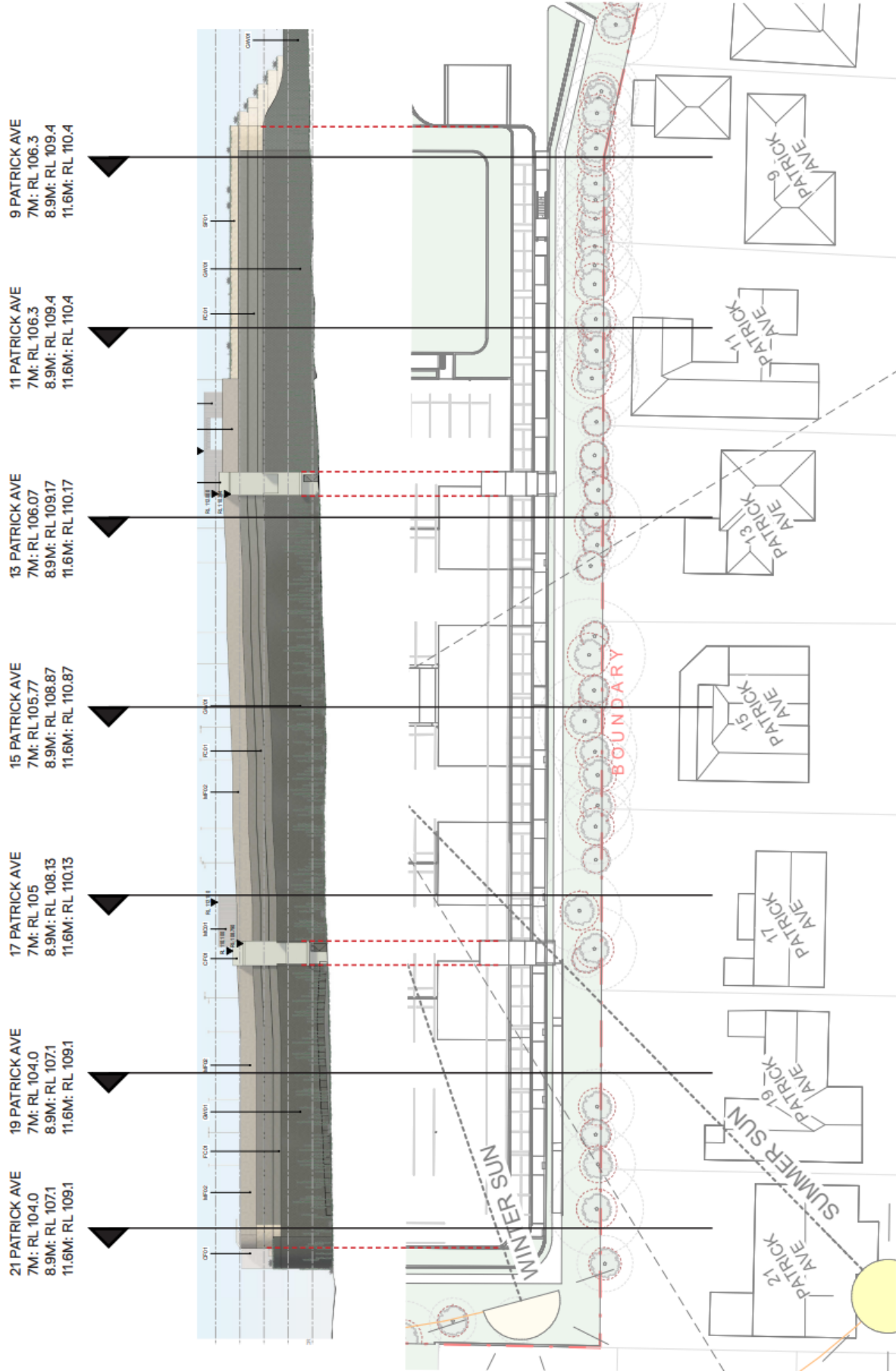


2 CLUB ENTRY SECTION
SCALE: 1:100

ATTACHMENT I – ACOUSTIC BUFFER & NEIGHBOUR INTERFACE



ATTACHMENT J – BUILDING HEIGHTS FOR EACH SETBACK AT EACH PROPERTY



ATTACHMENT K – MID-WINTER SHADOW DIAGRAMS (3 PAGES)

JUNE 21ST – 9AM



1 SHADOW DIAGRAM - JUNE 21ST - 9AM SCALE: 1:500

JUNE 21ST - 12PM



1 SHADOW DIAGRAM - JUNE 21ST - 12PM SCALE: 1:500

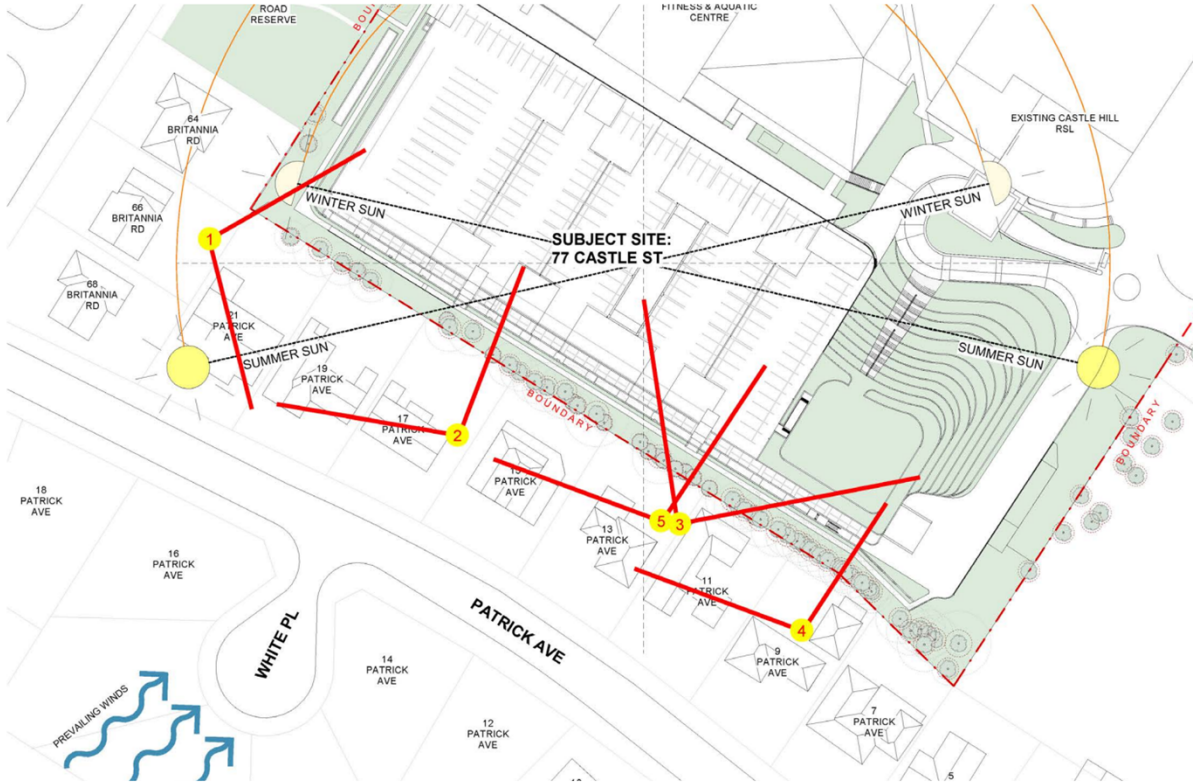
JUNE 21ST – 3PM



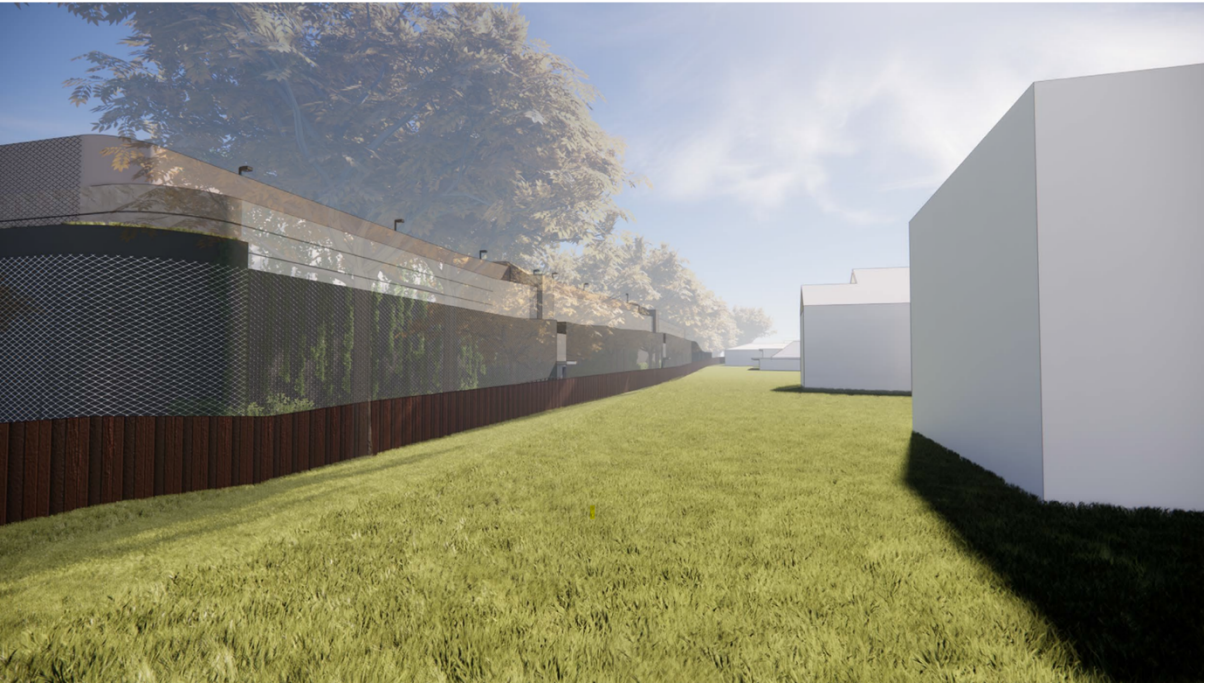
1 SHADOW DIAGRAM - JUNE 21ST - 3PM SCALE: 1 : 500

ATTACHMENT L – VISUAL IMPACT IMAGES (3 PAGES)

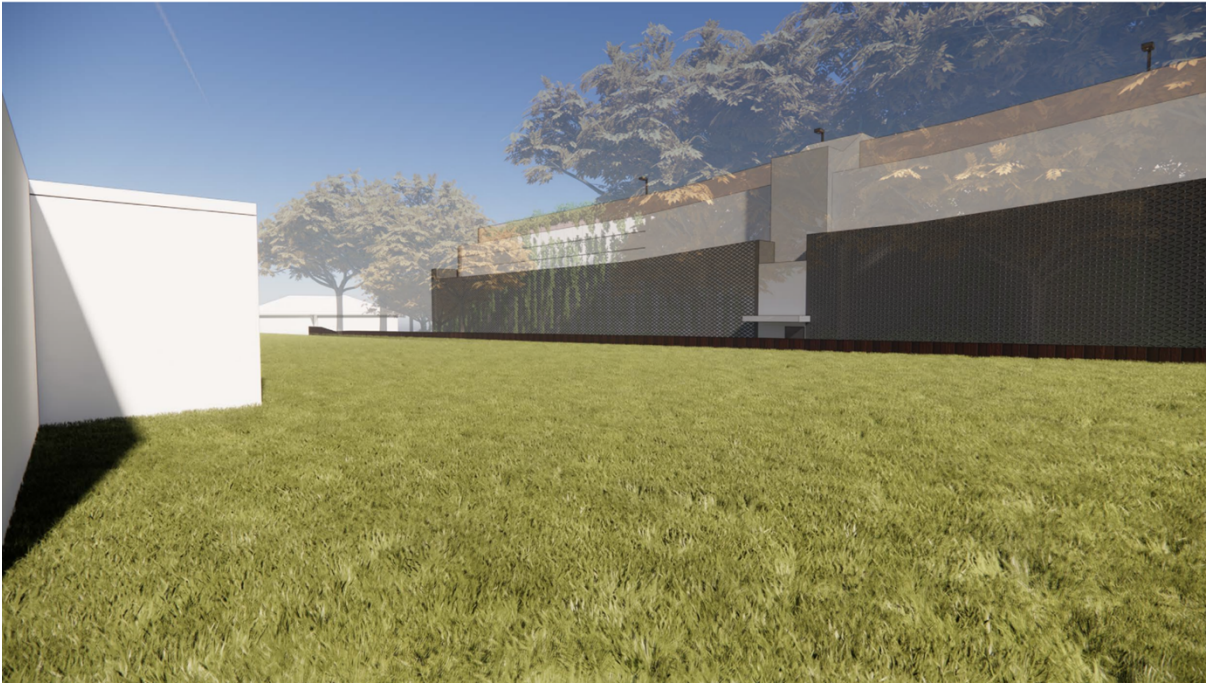
VIEW LOCATIONS
LIGHT POLE HEIGHT: 6M



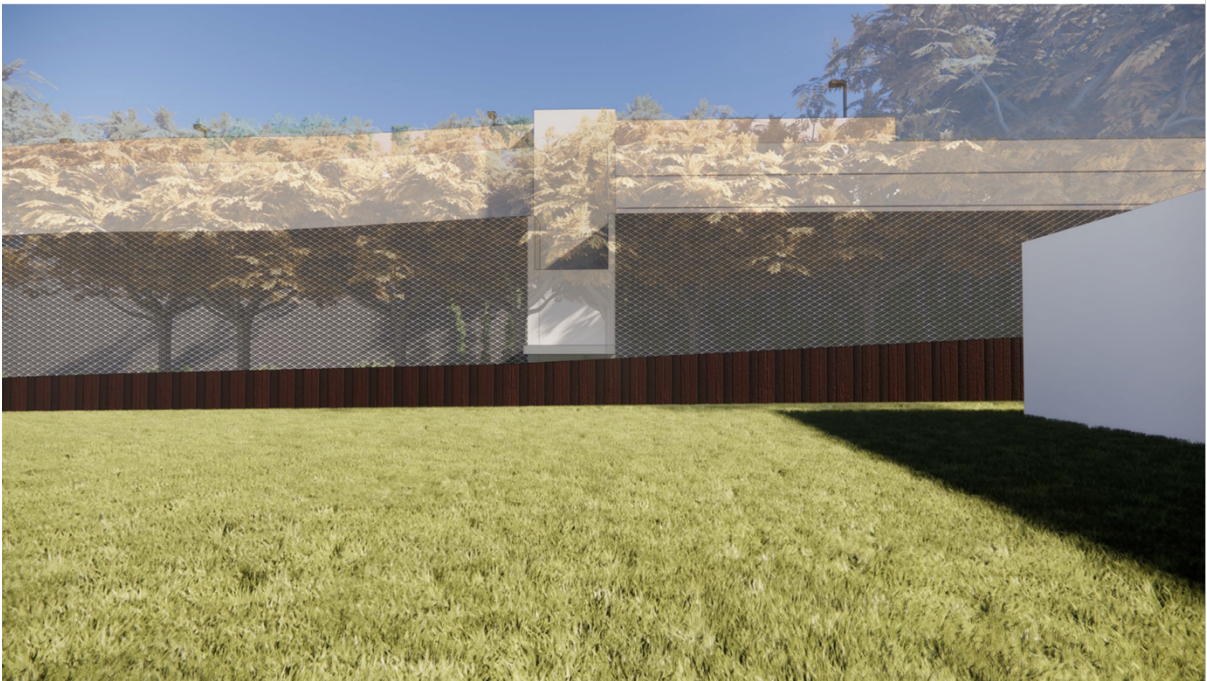
VIEW 1
LIGHT POLE HEIGHT: 6M



VIEW 2
LIGHT POLE HEIGHT: 6M



VIEW 3
LIGHT POLE HEIGHT: 6M



VIEW 4
LIGHT POLE HEIGHT: 6M



VIEW 5
LIGHT POLE HEIGHT: 6M



ATTACHMENT M – LANDSCAPE PLANS (2 PAGES)

LANDSCAPE MASTERPLAN:



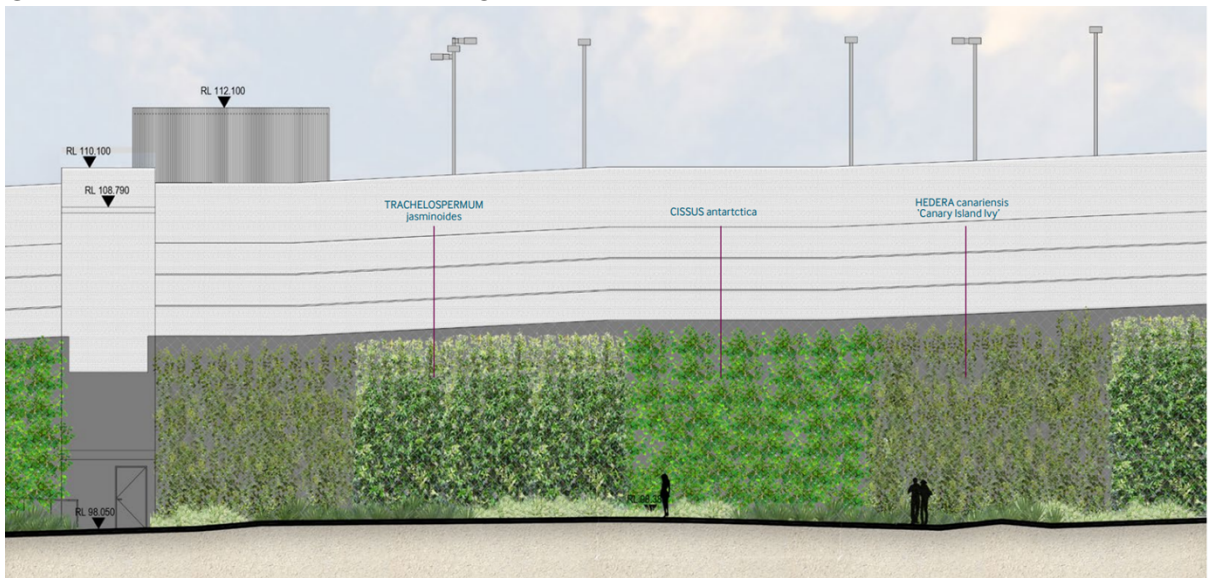
ENTRY PRECINCT LANDSCAPE PLAN:



DEEP SOIL SECTION:



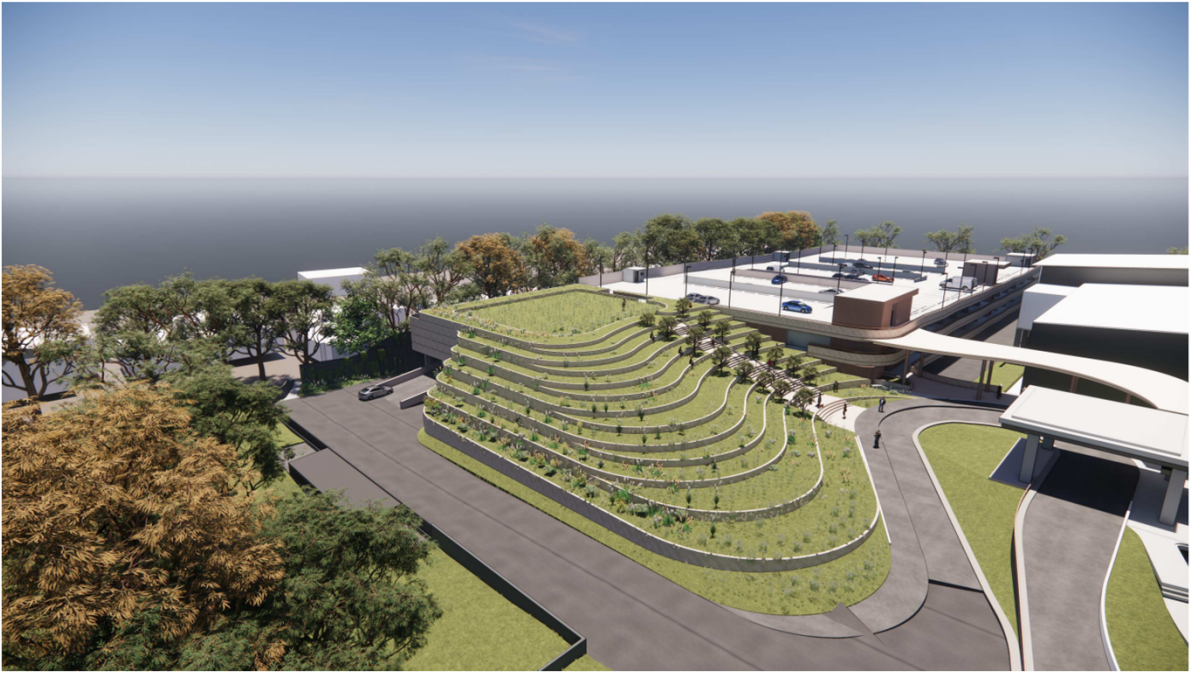
GREEN WALL EASTERN ELEVATION:



GREEN WALL SOUTHERN ELEVATION:



ATTACHMENT N – PERSPECTIVES (3 PAGES)



AMPITHEATRE:



AMPITHEATRE:



TERRACE SEATING:



RELOCATED MEMORIAL:



STAIRCASE:



ATTACHMENT O – CONCILIATION CONFERENCE NOTES (5 PAGES)

CONCILIATION CONFERENCE

DA 1747/2023/HA

Wednesday, 16 August 2023

PROPOSAL:	Construction of a Carpark and Associated Landscape Works
PROPERTY:	Lot 1 DP 1080161, Castle Hill RSL Club, 77 Castle Street, Castle Hill
ATTENDEES:	Cameron McKenzie – Group Manager – Development & Compliance (Chairperson) Paul Osborne – Manager Development Assessment Claro Patag – Specialist Planner Applicant, Owner and Representatives (7) Residents (9)
APOLOGIES:	Mayor – Dr. Peter Gangemi
START:	7.00 pm
FINISH:	8.08 pm

COMMENTS

THE PROCESS:

All attendees were welcomed by the Chairperson who provided a brief outline of the Conciliation Conference process. The Chairperson also advised that the consent authority in this matter is the Sydney Central City Planning Panel as the capital investment value of the development exceeds \$30 million.

Council staff provided an outline of the proposal and then the floor was opened to the residents for their views and questions.

ISSUES RAISED:

Three residents formally addressed the meeting and other residents had the opportunity to ask questions / make comments throughout the conference. The following issues were raised:

The 1st speaker a support worker from the Northcott Society representing the residents of a group home at No. 7 Patrick Avenue which is located directly behind the proposal to the south. The speaker raised the following concerns:

- The Northcott Society provides care and on site 24-hour support to the residents of the group home who have intellectual and physical disabilities. These persons are all non-verbal, have complex health and lifestyle needs with significant behaviours of concern and require full support in all areas of daily living.
- These residents have lived together since childhood and the group home will be their home until their end-of-life planning, which they envision will not occur for many years.
- The 4-storey carparking structure will result in excessive shadowing to the north facing backyard of No. 7 Patrick Avenue, which will adversely impact on the usability

of the group home's sensory garden and the recreational activities on the rear lawn and outdoor deck area. These spaces are accessed daily by the residents for their formalised exercise programs developed by physiotherapists and exercise physiologists to maintain and improve their mobility.

- The shadow diagrams do not include No. 7 Patrick Avenue. An updated shadow impact diagram is requested to reflect the impact of the development and acoustic barrier on the adjacent group home. The proposal should be set back further to reduce the shadow impact.
- There will be a significant increase in the number of vehicles entering and exiting the current 350 space open air car park. During significant events at the Club such as ANZAC Day, Australia Day, New Year's Eve and major sporting event celebrations, the support staff review their roster to make adjustments to accommodate the anxiety and heightened state of the residents due to noise caused by party goers, car horns and revving as they exit the car park.
- If this development is to be approved and constructed, effective acoustic barriers should be erected along the entire length of the southern boundary at No. 7 Patrick Avenue to eliminate noise and head light spillage.
- Processes should be in place to reduce the noise and air pollution during the excavation and construction phase of the development.
- The RSL Club should work collaboratively with the group home service providers and relevant stakeholders to incorporate additional measures to reduce the noise and light spillage impact that will occur from this development.

2nd speaker is the owner of a property in Patrick Avenue and raised the following points:

- The development proposal will have significant negative impacts not only on their livelihood but also on the enjoyment of their family home.
- Questioned the need for this development by referring to the previously approved DA 633/2019/JP for an Integrated Seniors Living development on the north side of the RSL club. The Seniors Living development will be at the current existing northern car park which has spaces for 436 cars. This previously approved development will provide additional car parking levels underneath the new buildings to account for the loss of parking spaces above ground, which would increase the total number of spaces from 820 to 1024 spaces without making any changes to the southern carpark. This is more than sufficient even for peak events.
- There is no reason for the proposed multi storey carpark which will impact not only on the lives of adjoining residents but also on the greater community and residents and families within Patrick Avenue.
- The following reasons stated by the applicant why they want to consolidate all RSL patron car parks into 1 building are to prevent conflict between club patrons and residents of the Senior Housing development, to ensure the car park is exclusive to residents, and to enable efficient servicing. These can be achieved easily by adding a security/boom gate for resident parking levels, security lift pass to restrict access to resident car park and/or dedicated resident lifts or access. This will not only solve the key objectives of this proposal but also prevent significant negative impact on residents and the need to cut down over 20 trees as a result of this proposal.
- The applicant's plan to reduce the RSL patron parking from 1024 to 885 as they no longer require that many means that they have the opportunity to reduce the construction and digging of the underground car park and reduce the impact they have on surrounding neighbours and save costs as well.

- The determining authority should question/challenge why the RSL chose to pursue a new DA with significant negative impact on surrounding residents, and to implement the previously approved seniors living development with additional standard security features available in most modern car parks today.

3rd speaker is the owner of a property in Patrick Avenue and raised the following points:

- The DA was only notified to a limited number of properties. A comprehensive notification of all affected residents in the area should be undertaken and that ample time for feedback should be provided.
- A more effective approach is to integrate parking solutions within the confines of the approved Seniors Living development which could cater to both the club's and the seniors' parking needs, potentially through distinct entrances or other creative measures.
- The proposed height will adversely impact upon the privacy of adjoining properties.
- The development will increase pedestrian and vehicular traffic and heighten security concerns for all nearby residents.
- Older vehicles in the car park pose a direct health risk due to emissions, especially to young children.
- The car park will inevitably result in elevated noise levels, disrupting the peace of the local community.
- The development will exacerbate traffic congestion, posing safety risks for both pedestrians and motorists.
- Properties with lesser rear setbacks within Patrick Avenue will be affected from reduced sunlight adversely affecting residents' quality of life and potentially impacting property values.
- The green wall only covers half the height of the car park wall at the southern and western ends of the car park. There needs to be a comprehensive coverage of the wall by living greenery and regular maintenance.
- The pathway along the residents' fence line of Patrick Avenue and Britannia Road and the car park wall will form a narrow and secluded area creating security hazards and noise issues for the neighbours. The passage to this area should be closed off to the public with security monitoring and silent alarms and be used for emergency evacuation and maintenance purposes only.
- No light spill assessment was undertaken for the lighting impact on the residents at Patrick Avenue and Britannia Road.
- Given the above concerns, it is strongly suggested to the RSL club to reconsider the proposed car park's location and design and explore alternative solutions within the approved area for the seniors living.
- If the car park remains a consideration, an underground design would be more fitting utilising the existing space and only going down enough to meet the minimum requirements to ensure the least amount of disruption on the residents.
- Due to construction timeframe and associated noise impact, the applicant should compensate and pay for the soundproofing of windows and doors of affected properties so residents can continue to work from home without disruptions.
- Erect a 10m high acoustic and dust-blocking fencing during construction so that they can still normally use their backyard for laundry, exercise and sunlight.
- The setback should be increased to 20m along both the southern and western boundaries the same with the eastern side setback, and its height does not exceed

more than 2 storeys (8m) and add additional underground levels to accommodate where required.

- Ensure the lighting at southern and western boundaries will not impact on the residents at Patrick Avenue and Britannia Road at night time. Any impact caused by the lighting of the new car park should be mitigated according to the relevant Australian standards.

Applicant's Reply:

- Adequate landscaping and green treatment are proposed taking into account the neighbours' amenity to ensure visual and auditory privacy for neighbouring residents, which provides a significant improvement to the club's existing at grade car parking.
- Overlooking will be mitigated through the 10m acoustic green wall and a 2m high barrier at the top deck. Significant additional tree planting at the southern boundary with Patrick Avenue and the western boundary with Britannia Road would reinforce the existing natural vegetation screen and enhance neighbour outlook.
- Solar access analysis demonstrates that other than at 9am on the winter solstice the proposed development would not impact on neighbours' living areas or private open spaces due to the appropriate bulk, scale, and orientation of the built form. With specific reference to the group home at No. 7 Patrick Avenue, the impact would be negligible.
- The incorporation of the acoustic green wall along the southern and western boundaries, together with the barrier at the top deck would mitigate noise concerns. With this proposed mitigation, noise emissions would not exceed Council's acceptable parameters and there would be no residual noise impacts, and the increase in noise associated with the increase in car parking is concluded to be negligible. The applicant is currently updating their assessment to reflect the worst-case scenario in terms of all cars leaving simultaneously.
- The proposal has been assessed by Council's Traffic Engineer and concluded that the proposed development is acceptable in terms of traffic generation potential, and parking provision. In addition, Transport for NSW has raised no objection.
- Installation of all external lighting will be in accordance with the relevant Australian Standard for operation within curfew hours and non-curfew hours. There should be no amenity impact from the proposed lighting scheme provided the operational hours are adhered to. The car parking lighting levels would fully comply with the recommended maximum values of light spill and glare for residential areas in accordance with the Australian Standard, including the impact from headlights.
- The control of dust emissions will be addressed in the Construction Management Plan (CMP). A CMP has been prepared in support of the application, which would be finalised for Council approval pursuant to a condition of any Development Consent. This will be informed by consultation and regular communication with neighbours.
- A detailed Operational Management Plan will be prepared for Council approval which will be conditioned in any development consent. As with the CMP, this will be informed by consultation and regular communication with neighbours. In terms of security, the design response consolidates car parking within a contained structure, and with significantly increased surveillance and access controls – fully enclosing the Club's activities away from the boundaries with neighbours.
- Impact on property values is not a matter for consideration in the assessment of development applications in NSW.

- The Castle Hill RSL has occupied the site as a Registered Club since 1974, and preceded the emergence of the surrounding residential. The Club's evolution as the community hub for leisure, entertainment, dining, sports, recreation, and wellness within the Hills LGA should not be sterilised by subsequent neighbouring uses, particularly where neighbour amenity risks are being fully mitigated.
- Regular tree pruning and landscape maintenance forms part of the Club's existing operations which can be further addressed in the Operational Management Plan.
- The massing of the approved Seniors Living Development comprising 5 buildings at 5-6 storeys across the northern portion of the site is taller than the proposed development and considered by the planning panel to be "*consistent with the existing character of the area and compatible with the surrounding properties*". The approved development benefits from a Site Compatibility Certificate and was endorsed by Council's Design Excellence Panel.
- The community/maintenance shed does not form part of this Development Application.
- It has always been the intention of the site's masterplan to spatially split the activities of the Club from the Seniors Living Development. The Seniors Living Development originally envisaged a multi-deck car park at the subject area, but this was removed owing to the stormwater constraint comprising an overland flow path and the intersection of Council infrastructure. This has now been resolved, hence they now revert back to the original plan, albeit with a vastly enhanced design response and interface with neighbours. The Seniors Living Development consent will be modified to remove the two levels of basement parking at the northern portion.

The Chairperson indicated the reasonableness of the interface with residential properties to the south is a primary consideration.

NEXT STEPS:

- If significant changes are made to the Development Application in response to the matters raised in this meeting, the application will be re-notified when a package of amended plans and information is received.
- The Chair advised that the matter will be reported to the Sydney Central City Planning Panel for determination. All those who have made a submission will be advised when a meeting date has been determined and will have the opportunity to review the planning report before the meeting and speak at the meeting if they wish to.

The Chairperson thanked all those who attended and advised that notes of the Conciliation Conference will be forwarded to all parties in due course.