

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-50
DA Number	689/2020/JP
LGA	The Hills Shire
Proposed Development	Demolition of existing structures and construction of a residential flat building development containing 272 units and associated landscaping, civil and subdivision works.
Street Address	23-31 Ashford Avenue and 15-23 Partridge Avenue Castle Hill
Applicant/Owner	Combined Projects (Partridge Ave) Pty Ltd
Consultant/s	<p>Town Planner: Sutherland & Associates</p> <p>Architect: Turner Architects</p> <p>Landscape Plans and Report – Turf</p> <p>Aboriculture: Raintree Consulting</p> <p>Engineers: ACE Engineers</p> <p>Surveyor: Veris Australia Pty Ltd</p> <p>Acoustic: Koikas Acoustics</p> <p>Traffic: Barker Ryan Stewart</p> <p>Quantity Surveyor: Vittoria Catania</p> <p>Wind Assessment and BASIX Assessment: Windtech</p> <p>Contamination and Geotechnical: Environmental Investigations</p> <p>BCA: Vic Lilli & Partners</p> <p>Access: Morris Goding & Associates</p> <p>Waste: Elephants Foot</p> <p>Fire Engineer: Affinity Fire</p>
Date of DA lodgement	19 November 2019
Number of Submissions	Two
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$86,330,988)
List of all relevant s4.15(1)(a) matters	<p>EPIs:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development 2011) • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

	<ul style="list-style-type: none"> The Hills Local Environmental Plan 2012 <p>Draft EPIs:</p> <ul style="list-style-type: none"> Draft Environment SEPP <p>Relevant Development Control Plan/Guidelines</p> <p>The following sections of The Hills DCP 2012:</p> <ul style="list-style-type: none"> The following sections of The Hills DCP 2012: <ul style="list-style-type: none"> Part B Section 5 – Residential Flat Building Part C Section 1 – Parking Part C Section 3 – Landscaping Part D Section 19 – Showground Precinct Apartment Design Guide <p>Any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia):</p> <ul style="list-style-type: none"> Nil <p>Relevant regulations:</p> <ul style="list-style-type: none"> Demolition of buildings – <i>Environmental Planning and Assessment Regulation 2000</i> - Clause 92(1)(b)
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> Plans Clause 4.6 Essential documentation
Clause 4.6 requests	<ul style="list-style-type: none"> The Hills LEP 2012 Clause 4.3 Height of Buildings R4 High Density Residential
Summary of key submissions	<ul style="list-style-type: none"> Overshadowing concerns Privacy concerns Sound Planning Principles and Design Excellence concerns Stormwater Drainage concerns
Report prepared by	Cynthia Dugan Development Assessment Co-ordinator
Report date	18 June 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

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

Conditions

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

EXECUTIVE SUMMARY

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

- This application is accompanied by a request to vary Clause 4.3 Building Height development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan. A Clause 4.6 written submission has been prepared and submitted with the application. It is considered that the variation can be supported.
- The application complies with the housing diversity and incentive FSR provisions under Clause 9.7 of The Hills Local Environmental Plan.
- The application was referred to Council's Design Review Panel. The Panel provided qualified support of the proposal. The Applicant has addressed the concerns raised by the Design Review Panel to the satisfaction of Council officers. It is considered that the proposal exhibits design excellence in accordance with Clause 9.5 of The Hills Local Environmental Plan.
- The application seeks to relocate a drainage easement along the southern property boundary and comprises structures above an existing overland flow path which transverses the site. It is considered that the proposal meets the requirements and objectives of Clause 7.3 Flood Planning of The Hills Local Environmental Plan.
- Variations are proposed to the building separation and apartment layout design criteria within the Apartment Design Guide. It is considered that subject to recommended conditions, the variations can be supported as adequate privacy mitigation measures have been implemented in the design to ensure negligible overlooking impacts occur to residents within the development and an acceptable level of residential amenity is provided to each unit.
- Variations are proposed to a number of controls within the DCP. These relate to site specific controls within the Showground Precinct including the structure plan, site coverage, building façade lengths and residential uses on ground and first floors. It is considered that despite these variations, the proposal provides for a high quality landscaping and design outcome for the site and meets the intent and desired future character for the Showground Station Precinct.
- The application was notified for a period of 14 days. Two submissions were received during the notification period. The concerns raised relate to overshadowing, privacy, design excellence and stormwater drainage concerns which have been satisfactorily addressed and do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

BACKGROUND

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

Development Application 972/2019/JP was lodged on 13 December 2018 for a residential flat building comprising 361 units at 19-31 Ashford Ave and 15 – 27 Partridge Ave, Castle Hill. This Development Application was reviewed by the Design Review Panel on two occasions. It was found that the proposal did not meet Design Excellence. In addition to

this and a number of concerns raised by Council officers in relation to engineering matters, this Development Application was subsequently withdrawn on 4 October 2019.

The subject Development Application was lodged on 19 November 2019 for a residential flat building comprising 272 units at 23 – 31 Ashford Ave and 15 – 23 Partridge Avenue, Castle Hill. The properties at 19 and 21 Ashford Avenue and 25 and 27 Partridge Avenue were excluded from the subject proposal. The proposal was notified for 14 days between 25 November 2019 and 16 December 2019. Two submissions were received following the notification period.

A request for additional information letter was sent to the applicant on 13 December 2019 raising concerns relating to waste management and landscaping matters.

Amended plans and additional information was submitted on 19 December 2019 which addressed some of the concerns raised.

A further request for additional information letter was sent to the Applicant on 16 January 2020 requesting information regarding outstanding waste and engineering matters including re-alignment of easement and associated drainage infrastructure, modelling for flood levels, flood study, plans including relevant stormwater drainage details, vehicular access, levels on site boundaries and plan of consolidation.

Council's Design Review Panel reviewed the subject application on 22 January 2020. It is noted that the Panel previously reviewed the concept plans for this development at the pre-lodgement stage on 25 November 2019. The Panel noted that a number of the previous concerns raised had been satisfactorily addressed. The Panel recommended the Applicant address any unresolved issues identified in the Design Review Panel report and the project need not return to the Panel for further consideration.

Additional information and amended plans were submitted on 12 February 2020 and 3 March to address outstanding concerns raised by Council officers and the Design Review Panel.

A further request for additional information regarding outstanding engineering concerns was sent to the Applicant on 9, 13 and 23 March, 24 and 29 April 2020.

Further information relating to engineering matters was submitted by the Applicant on 5 May 2020.

Further requests for addition information regarding outstanding engineering issues were sent to the Applicant on 18 May 2020.

Further information clarifying engineering matters was submitted by the Applicant on 20 May 2020.

DETAILS AND SUBMISSIONS

Owner:	Combined Projects (Partridge Ave) Pty Ltd
Zoning:	R4 High Density Residential
Area:	10,280.5m ²
Existing Development:	Dwelling houses and ancillary structures
Section 7.11 Contribution	\$3,304,725.39

Exhibition:	Not required
Notice Adj Owners:	14 days
Number Advised:	22
Submissions Received:	Two

PROPOSAL

The proposed development seeks consent for demolition of existing structures and construction of 2 – 9 storey residential flat buildings comprising a total of 272 units with a mix of 69 x 1 bedroom units, 167 x 2 bedroom units and 60 x 3 bedroom units over 2 basement levels. Consolidation of all 10 existing allotments and stratum subdivision for the residential flat buildings is also proposed.

The proposal comprises 2 residential flat buildings ranging in height between 2 to 9 storeys above two staggered basement levels known as Building A1/A2/B1/B2 and Building C/D. A 2.44m wide easement to drain water currently transverses the site. This easement runs from Middleton Avenue and Ashford Avenue and is approximately 20m from the southern property boundary. The proposal seeks to relocate the stormwater pipe along the southern property boundary and provides a 12m wide pedestrian cross-through link in this location which will still be utilised as an overland flow path and will provide a split between the two built forms.

Building A1/A2/B1/B2 is located to the north of the through site link. Building A1/A2/B1/B2 is a U-shaped building which wraps around a central common open space landscaped podium. Buildings A1/A2 front Partridge Avenue with a four storey podium and upper maximum height of 8 storeys. 9 storeys face the internal courtyard. Common open space areas are provided on the rooftops of Buildings A1 and A2. Buildings B1/B2 front Ashford Avenue with a 4 storey podium and 8 storey upper element. Building A1/A2/B1/B2 is a U-shaped building which wraps around a central common open space landscaped podium. A 2 storey “mews” style building defines the northern side of the through site link.

Building C/D is located to the south of the through site link. This building comprises a four storey podium fronting Ashford Avenue and Partridge Avenue and an upper maximum height of 8 storeys.

Car Parking is provided on the site with two basement car park levels and a split car park on ground level (due to the all for the site). A total of 382 spaces is provided, with 327 resident spaces and 55 visitor space and a car wash bay.

Vehicular access will be provided to the car park via a single driveway and ramp off Ashford Avenue.

The Application is accompanied by a written Clause 4.6 request to vary the maximum height of 27m as required under Clause 4.3 of The Hills LEP 2012.

The proposal seeks to utilise the ‘incentive’ floor space ratio provision under Clause 9.7 of The Hills LEP 2012 which permits a maximum incentive FSR of 2.7:1 (maximum GFA of 27,757.35m²). The proposed total floor area of 27,736m² results in a floor space ratio of 2.697:1.

Land dedication required for road purposes (2m wide) is provided along Ashford Avenue.

ISSUES FOR CONSIDERATION

STRATEGIC CONTEXT

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). The subject site is located within 250m walking distance of the Showground Station which opened on 26 May 2019.

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

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

Central City District Plan

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

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

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (State and Regional Development) 2011

Schedule 7 of SEPP (State and Regional Development) 2011 specifies the referral requirements to a Planning Panel:

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

The proposed development has a Capital Investment Value of \$86,330,988 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

2. Compliance with SEPP No. 55 – Remediation of Land

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

Clause 7 of the SEPP states:

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

it has considered whether the land is contaminated, and

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

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

Council's Environmental Health Officer has reviewed the Preliminary Site Investigation prepared by EI Australia Pty Ltd, report number E23792.E01_Rev3, dated 19 November 2019. The investigation concludes that the site is considered suitable for the proposed development however recommends that prior to demolition, a Hazardous Materials Survey be conducted to any demolition works, to identify any hazardous materials that may be present within the structure; prior to bulk excavation all soils and bedrock requiring excavation be assessed for waste clarification and disposal purposes according to NSW EPA (2014) Waste Classification Guidelines; and any material imported to the site for landscaping purposes be assessed for potential contamination. Subject to conditions requiring the implementation of all recommendations made in the Site Investigations Report (refer condition 15), the site can be made suitable for its intended use.

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

The required Design Verification Statement was prepared by Theo Krallis, registration number 6916 of Turner Architects.

a. Design Quality Principles

The Development Application has been assessed against the relevant design quality principles contained within SEPP 65 as follows:

Principle 1: Context and neighbourhood character

The proposal is compatible with the desired context and neighbourhood character of the Showground Station precinct. The subject development is located within a R4 High Density Residential zone. The future desired character for residential areas are to be green and walkable, reinforcing the garden shire character and lifestyle, provide a lifestyle alternative to the traditional suburban context, focused highly on an appropriate scale and an attractive environment for pedestrians. The proposal has addressed comments made by Council's Design Review Panel and it is considered that the amended proposal provides an attractive streetscape presentation within a landscaped setting which reinforces the garden shire character and lifestyle. A shared pedestrian link through the site will provide for a more walkable and well connected development to the Sydney Metro station. In this regard, the proposal is compatible with the desired neighbourhood character of the Showground Station precinct.

Principle 2: Built form and scale

The proposal is consistent with the requirements of the Hills Council LEP, and is appropriately designed by modulation of the built form, generous front setbacks and stepping in scale to minimise the perceived scale and breaks between buildings. The street setbacks, podium level setback and varying typologies of built form including a “mews” style terraces fronting the cross through link provides an appealing scale to pedestrians. A break and offset in the linear nature of the through site link provides for a visual connection between Ashford Avenue and Partridge Avenue. The interface between the development and the public open space area has been duly considered with appropriate setbacks and façade treatments to ensure a high level of amenity is provided.

Principle 3: Density

The subject proposal provides for 272 dwellings for the site. The proposal complies with the incentivised FSR provision under Clause 9.7 of LEP 2012. The density is consistent with the site’s strategic location and the surrounding character of adjoining development as Council’s strategic vision for the Showground Station Precinct is to locate highest density development closest to the station and local centre and reduce the densities further from the station. In this regard, the proposal is appropriate for the site and future Showground Station precinct.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by the Apartment Design Guide. The proposal includes a BASIX certificate which provides the required targets for energy and water commitments. The commitments proposed will minimise the dependency on energy resources in heating and cooling. The achievement of these commitments would contribute significantly to the reduction of energy consumption, resulting in a lower use of valuable resources, the reduction of costs and thus a more sustainable development.

Principle 5: Landscape

The landscape plan indicates a comprehensive design for both private and public domains. The landscaping of the development has formed an integral element to the overall design of the development, with 41% of the site area being utilised for common open space. The common open space areas are located on the ground floor and on the roof top of Buildings A1/A2 and have been designed with sufficient solar access and high levels of amenity with the provision of BBQs, outdoor seating, soft and hard landscaping. The proposal provides for deep soil to 15% of the site area. Generous setbacks are provided with high quality landscaping along Ashford Avenue and Partridge Avenue. It is considered the proposal results in a high quality landscape outcome for the site.

Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The central landscaped open space, orientation of the buildings, unit layouts, landscape areas ensure that adequate amenity is provided to future residents of the site. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units are designed with appropriate room dimensions and incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas and laundries have been provided for each unit. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 7: Safety

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment

purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. The communal open space areas are gated from public access to the cross through link. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations has been recommended as a condition of consent.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the unit mix and internal floor areas as required under the Apartment Design Guide and The Hills DCP 2012. The application includes 65 x 1 bedroom units, 152 x 2 bedroom units and 55 x 3 bedroom units where 23% of the units are 1 bedroom units and 20% of the units are three bedroom units and complies with the larger, family friendly unit size local housing diversity provision within the Showground Station Precinct under Clause 9.7 of the LEP.

Principle 9: Aesthetic

The proposed buildings provide a visually interesting and modern built form with a variety of buildings elements including two storey “mews” apartments fronting the cross through link, four storey podiums to the street and upper level height of 8 storeys. The built form is well integrated with the landscape open areas. The proposal provides a fine-grained façade to the street frontages and the provision of individual lobbies define the building block on each frontage. The modulation of the street wall and articulation of different building blocks will provide for a varied and interesting street edge, reinforcing pedestrian scale and residential nature of the precinct. In this regard, the aesthetics of the proposal is appropriate for the site.

b. Apartment Design Guide

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

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes. 30% of the development site area (3,081m ²). The principal communal open space area is located on the rooftop of Building B1/B2 and will receive at least 50% direct sunlight for 2 hours during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes. Approximately 15% of the development site area is true deep soil zones as defined within the ADG.
Separation	For habitable rooms, 12m (6m to boundary) for 4 storeys, 18m (9m to	No. Refer to discussion below. Variation to the building separation between balcony to balcony and balcony

	boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	to window occurs to the fifth, sixth storey between Units A2.506 and D.503 (15.5m provided, where 18m required).
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been considered with the placement of windows and balconies. Screening devices and blade walls set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Car parking	<p>Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 39 0.9 spaces per 2 bedroom unit. 136.8 1.40 spaces per 3 bedroom unit. 77 1 space per 5 units (visitor parking). 54.4</p>	<p>Yes.</p> <p>The site is located within 200m of the future Showground Station. 308 spaces would be required in accordance with the RMS rate. 382 spaces provided.</p>
Designing the Building		
Solar and daylight access	<p>1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Yes.</p> <p>The proposed development will achieve two hours solar access for 70% (191 of 272) of apartments between 9am and 3.00pm.</p> <p>Yes.</p> <p>There are 10.3% (28 of 272) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.</p>
Natural ventilation	1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10	<p>Yes.</p> <p>A total of 60% (165 of 272) of units will meet the cross ventilation requirements or can be naturally ventilated.</p>

	<p>storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes.</p> <p>The maximum overall depth is 18 metres for a cross through apartment, measured glass line to glass line.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area.</p> <p>For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	<p>Yes. Floor to ceiling height 2.7 metres for all apartments including two storey mews apartments.</p> <p>NA.</p> <p>NA.</p>
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other</p>	<p>Yes.</p> <p>1 bedroom 51 - 65m² 2 bedroom 75 - 122m² 3 bedroom 97 - 139m²</p> <p>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>No four bedroom units proposed.</p> <p>All habitable rooms have windows greater than 10% of the floor area of the dwelling.</p>

	rooms.	
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p>	<p>Yes.</p> <p>No, Units A1.202, 302, 402, 502, 602, 702, 802 and B1.206, 306, 406, 506, 606, 706, 805 have maximum depths of 10m from a window. Refer to discussion below.</p> <p>Yes.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	<p>Yes, variation required.</p> <p>All balcony sizes comply however a number of air conditioning units are located in these areas. A condition is recommended that all air-conditioning units are to be located on the narrowest depth of the balcony to ensure adequate usable private open space is provided. Refer to condition No. 1.</p> <p>Yes.</p>
Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is eight. However, where the design criteria is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Yes.</p> <p>Maximum of 7 units provided off a circulation core.</p> <p>NA.</p>
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Yes.</p> <p>Each unit contains 50% of the required storage within the apartment. The basement plans do not indicate individual cages for each apartment however provides for 2,952m³ of storage space in the basement levels. This equates to approximately 10m³ per unit which exceeds the ADG recommendation. In this regard, a condition is recommended in the consent requiring the minimum basement storage areas for each unit be</p>

		at least 3m ³ for each 1 bedroom unit, 4m ³ for each 2 bedroom unit and 5m ³ for each 3 bedroom unit. Refer to condition No. 1.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The apartment mix accords with the Clause 9.7 of The Hills LEP 2012 and is considered satisfactory.

i. Building Separation

The Apartment Design Guide requires that habitable rooms provide a 12m building separation (6m to property boundary) for 4 storeys, 18m (9m to property boundary) for 5-8 storeys and 24m (12m to property boundary) for over 9 storeys.

The proposal results in a 15.5m building separation from the balcony and study/living area of Unit A2.506 and balcony and bedroom 1 of Unit D.503 on the fifth storey which does not meet the 18m building separation required under the Apartment Design Guide.

The Apartment Design Guide provides the following objectives relating to building separation:

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

Comment:

The proposal complies with the building separation design criteria of the Apartment Design Guide with the exception of the separation distance between Units A2.506 and Unit D.503. However, this only occurs to two out of 272 units.

Privacy louvres are fixed to the balcony of Unit A2.506 to prevent direct overlooking. To ensure minimal overlooking impacts would occur to the units, a condition is recommended requiring fixed louvres be provided to the window serving B1 in Unit D.503 and window serving B1 in Unit A2.506.

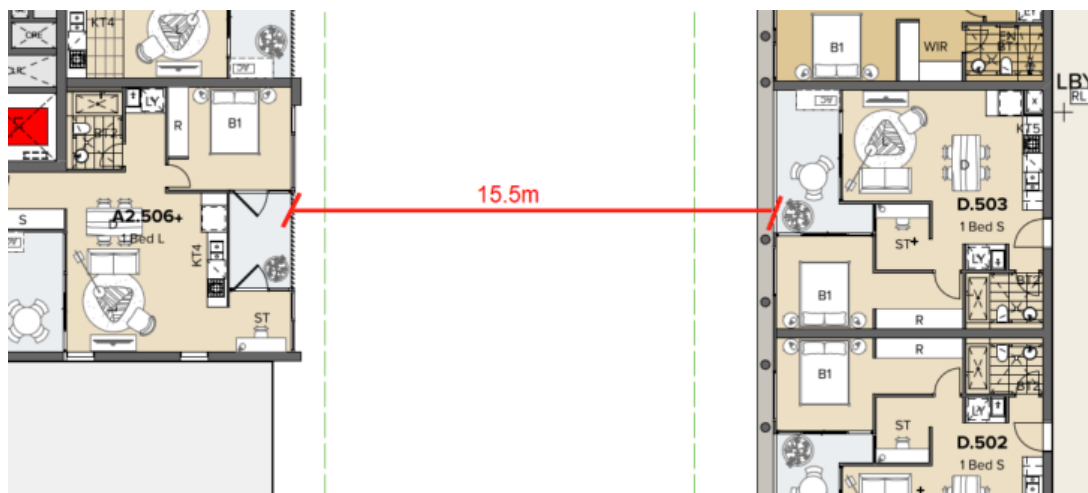


Figure 1: Building separation variation

Subject to the recommended condition, the proposed development is considered to afford a reasonable degree of privacy for future residents and the visual privacy and amenity to

adjoining developments will not be unduly compromised. The proposal still provides for a development that is consistent with the desired future character of the Showground precinct, assists in providing residential amenity, natural ventilation and solar access and provides for suitable areas for communal open spaces, deep soil zones and landscaping.

In this regard, a variation to the guide can be supported.

ii. Apartment Layout

The ADG requires open plan apartment layouts to have a maximum habitable room depth of 8m from a window. A variation is proposed for habitable rooms in Units A1.202, 302, 402, 502, 602, 702, 802 and B1.206, 306, 406, 506, 606, 706, 805 where the open plan layouts include a depth of up to 10 metres from a window.

The proposed kitchens in 14 out of the 272 apartments (5%) result in a numerical variation of up to 2m to the maximum depth of 8m from a window. It is noted these units are cross through layouts fronting the northern elevation within Buildings A1/B. These units would receive at least 2 hours of solar access during the winter solstice and are naturally cross ventilated. The proposed open layouts are considered functional, well organised and provides maximum environmental performance.

In this regard, the variation to the guide can be supported.

4. Compliance with SEPP (Building Sustainability Index: BASIX) 2004

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

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

5. Compliance with LEP

a. Permissibility

The Hills Local Environmental Plan 2019 came into force on 6 December 2019. Notwithstanding, Clause 1.8A 'Savings provision relating to development applications' states as follows:

1.8A Savings provision relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

As the Development Application was lodged before the commencement of THLEP 2019, the application must be determined as if this Plan had not commenced. In this regard, the Development Application is determined under The Hills LEP 2012 (LEP 2012).

The subject site is zoned R4 High Density Residential under LEP 2012. The proposed residential flat building is permissible with consent. The proposal satisfies LEP 2012 in this regard.

b. Zone Objectives

The objectives of the R4 High Density Residential zone are:

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

The proposal is consistent with the stated objectives of the zone, in that the proposal will provide for housing needs of the community, and provide a variety of housing types within a high density residential environment. As such, the proposal is satisfactory in respect to the LEP 2012 objectives.

c. LEP 2012 – Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Building Height	27 metres	Building A1/A2 - 27.7m Building B1/B2 - 27.8m Building C/D - 27.8m	No, refer to discussion below.
4.4 Floor Space Ratio	1.9:1	N/A	N/A as the proposal seeks to utilise the 'incentive' floor space ratio provision under Clause 9.7 of LEP 2012. Refer to discussion below.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment	A variation to Clause 4.3 Height of Buildings and Clause 9.7 Incentive FSR development standard is proposed and addressed below.	Yes, refer to discussion below.
7.3 Flood Planning	Development consent must not be granted unless the development is compatible with the flood hazard of the land, is not likely to significantly adversely affect other developments or properties, incorporates appropriate measures to manage risk to life from flood, is not likely to significantly adversely affect the	A stormwater Overland Investigations Report prepared by ACE Engineers was submitted with the application. The report identifies the site as medium flood risk and identifies minimum floor levels to achieve Council's minimum FFL of 500mm above the 1% AEP level.	Yes, refer to discussion below.

	environment or watercourses and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.		
9.1 Minimum Lot Sizes for Residential Flat Buildings	Residential flat building with a height of 11 metres or more – R4 High Density Residential – 3,600m ²	10,280.5m ²	Yes
9.2 Site Area of Proposed Development includes dedicated land	Road dedication included as part of the site area for the purpose of calculating FSR.	Land dedication area of 231m ² included in FSR calculation.	Yes
9.3 Minimum Building Setbacks	Front Building Setbacks to be equal to, or greater than, the distances shown for the land on the Building Setbacks Map.	N/A	N/A, the subject site is not identified on the mapping instrument.
9.5 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Design Review Panel. The proposal has addressed concerns raised by the Panel.	Yes, refer to discussion below.
9.7 Residential development yield on certain land	If the development is on a lot that has an area of 10,000m ² within the Showground Precinct and provides a specific mix, family friendly unit sizes and parking, the following incentivised Floor Space Ratio can be applied as identified on the FSR Mapping instrument: 2.7:1 (27,757.35m ² GFA)	Site Area: 10,280.5m ² <u>Proposed FSR</u> 2.697:1 (27,736m ² GFA)	Yes, refer to discussion below.
9.8 Maximum Number of Dwellings	Development Consent must not be granted to development that results in more than 5,000 dwellings on land within the Showground	272 units proposed under the subject Development Application. If this development application is approved,	Yes

	Precinct	the total number of dwellings approved within the Showground Precinct would be 836 units. It is noted that DA 688/2019/JP comprises 296 units and whilst referred to the SCCPP has not yet been determined. If DA 688/2019/JP was to be included, the total number of dwellings for the Showground Precinct would be 1,132 units.	
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i. Variation to Clause 4.3 Height of Buildings

Clause 4.3 of LEP 2012 limits the height of the development site to 27 metres. The proposed maximum building heights of Buildings A1/A2, B1/B2 and C/D are 27.7m, 27.6m and 27.8m. This represents a variation of 0.7m (2.6%), 0.6m (2.2%), and 0.8m (3%) to the height standard.

The applicant has provided a Clause 4.6 Variation which is provided at Attachment 15.

Clause 4.6 Exceptions to Development Standards states:

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
- (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (ca) *clause 6.1 or 6.2,*
 - (cb) *clause 7.12.*

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

- *The proposed development is consistent with the underlying objectives or purposes of the height standard. Careful consideration has been given to the location, size and design of the proposed development to ensure that a high quality outcome will be achieved which will sit comfortably within the streetscape. The departure only occurs as a result of significant fall across the site with some minor protrusion of parapets and lift overruns. There is no habitable floor space above the height control. The areas of additional height for parapets is relatively minor and the lift overruns are centrally located on the roof of the development, such that the variation will not result in any meaningful*

difference in shadow for adjacent properties to the south compared to a compliant scheme. The lift overruns are well set back from the street edge such that they are recessive and result in no visual impact to the streetscape

- The proposed development is consistent with the underlying objective of the R4 High Density Zone.*
- Strict compliance with the standard is considered to be unreasonable in the circumstance of this site as the departure occurs as a result of the significant fall across the site with some minor protrusion of parapets and lift overruns. The proposed 8 storey residential development is compatible with the future streetscape and adjoining development.*
- The proposal provides for large apartment sizes as encouraged by the LEP bonus FSR provisions. Whilst there is a bonus FSR permitted by THSLEP for the provision of large apartments, there is no corresponding relief provided in relation to the height control. Strict compliance to the height control in this instance would discourage the provision of the larger apartments, contrary to the Council's objective for large apartments and an appropriate mix.*
- Strict compliance with the height standard would result in an inferior built form that would contextually be essentially no different from the proposed development.*
- The proposed variation allows for the most efficient and economic use of the land.*
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or general public.*
- The environmental planning grounds to justify the variation are that the proposed development provides for an 8 storey scale to each adjacent street which is a compatible outcome with the forthcoming context of the site; the lift over-runs provide access to the rooftop communal open space which increases the common open space percentage of the development up to 41% which is well in excess of the minimum 25% ADG requirement and the proposal demonstrates a high quality outcome for the site which results in the delivery of an integrated community of buildings with preferred apartment size and mix, significant separation around a central courtyard, as well as significant opportunity and amenities which will contribute significantly to the amenity afforded to future occupants; and the proposed development is consistent with the aims and objects of the EP& A Act.*

Comment:

The specific heights for the proposed buildings are summarised in the below table:

Building	Maximum LEP Height	Height from Natural Ground Level (NGL)	Extent of Variation
Building A1/A2	27m	27.7m (lift overrun)	0.7m (2.6%)
Building B1/B2	27m	27.6m (lift overrun)	0.6m (2.2%)
Building C/D	27m	27.8m (lift overrun)	0.8m (3%)

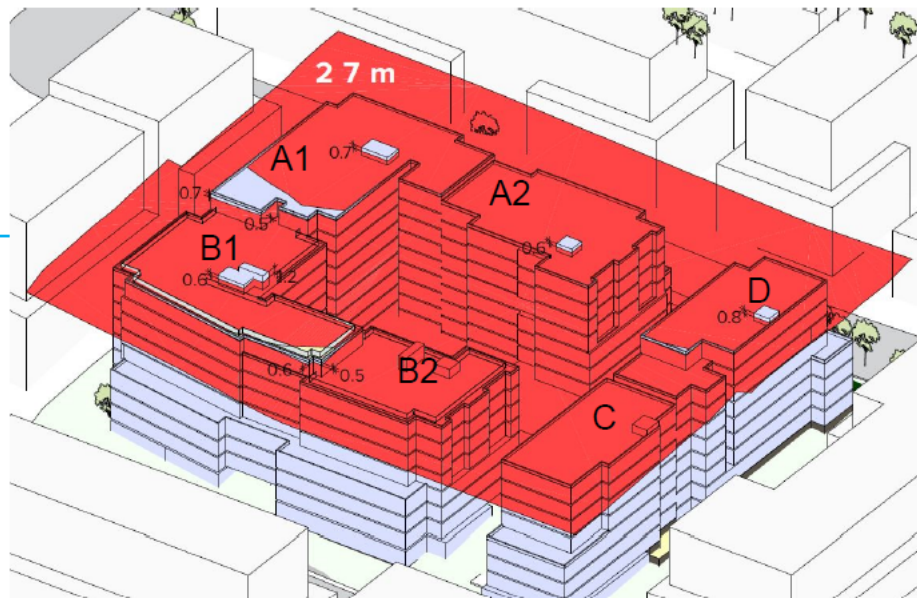


Figure 2: Diagram indicating exceedance to height standard

The objective of Clause 4.3 'Building Height' is to ensure that the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed departure to the building height development standard are limited to lift overruns and parapets and will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The habitable floor space of the development complies with the height standard.

The exceedance to the height standard for Building A1/A2/B1 occurs lift overruns providing access to the rooftop communal open space area and parapets that provide necessary security measures for the communal open space area. The lift overruns on this building are centrally located and the parapets are to the north and western portions of the roof and would not result in additional overshadowing impacts to adjoining development. The parapets serve as a horizontal banding feature that further articulates the built form and provides for visual amenity to the built form.

A 0.8m exceedance to the height standard for Building D occurs to a lift overrun. Whilst this is located to the south of the roof, the Applicant has submitted shadow diagrams demonstrating that this variation results in negligible overshadowing impacts compared to that of a fully compliant scheme. It is considered that the small scale of the lift overrun, being 3m (wide) x 3m deep will not be evident from the streetscape and will result in negligible overshadowing and amenity impacts to the existing and future developments to the south.

Whilst the 0.5m exceedance to the height standard of the parapets of Building B1 face Ashford Avenue, the proposal would result in negligible visual amenity impacts and would not exacerbate the bulk and scale of the development compared to that of a fully compliant scheme. The parapet would add articulation to the western façade and provide for safety measures for the rooftop communal open space area.

The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints, being 250m south from the Showground Station, complies with FSR standard for the site and is compatible with the scale and character of the Showground Station Precinct. This is consistent with the objectives of the R4 High Density zone which encourages high density residential development in locations that are close to population centres and public transport routes.

The site has a steep fall from the eastern boundary (Partridge Avenue) of approximately 6.6m to the north-western corner and a fall of approximately 7.2m to the south western corner. A drainage easement and overland flow path transverses through the site from Partridge Avenue to Ashford Avenue and is located approximately 20m from the southern property boundary. The development has been designed to respond to the topography of the and site constraints, ensuring all public domain areas are appropriately addressed. The four storey podium level setback and street setbacks provide an appealing scale to pedestrians on Ashford Avenue and Partridge Avenue. The modulation of the street wall and articulation of different building blocks provide a varied and interesting street edge reinforcing the pedestrian scale and residential nature of the precinct and further reduces the perceived bulk and mass of the development. The interface between the two storey mews style apartments fronting the pedestrian cross-through link located above the overland flow path is considered to provide a high level of amenity with appropriate setbacks and façade treatments. The variations to the height standard are considered negligible when viewed from the public domain. In this regard, there are sufficient environmental planning grounds to justify the contravention.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 'Building Height' and the R4 High Density Residential zone. The variation to building height will not create buildings of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory and can be supported.

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

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention; and
- The proposed development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for the development within the relevant zone.

Court cases dealing with applications to vary development standards resulted in the Land and Environment Court setting out a five part test for consent authorities to consider when assessing an application to vary a standard to determine whether the objection to the development is well founded. In relation to the 'five part test' the objection to the building height is well founded on Part 1 of the test as the objectives of these standards are achieved notwithstanding non-compliance with the standards.

It is also noted that in accordance with the Departments Circular PS 18-003 that Director General's concurrence can be assumed in respect of any Environmental Planning

Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

ii. **Clause 9.7 Residential development yield on certain land**

Clause 9.7 of LEP 2012 enables the application of an increased FSR that does not exceed the FSR identified on the Floor Space Ratio Incentive Map to development that contain dwellings on a lot that is within the Showground Station Precinct and has an area of 10,000m², if the development meets a certain unit mix, diversity and car parking requirements.

The proposal meets the minimum site area requirements within the Showground Station Precinct and meets the unit mix and diversity and car parking requirements as demonstrated in the below table:

Apartment Mix	LEP Standard	Development	Proposal	Compliance
One bedroom dwellings	25% (Maximum) (68units)		23.9% (65 units)	Yes
Three or more bedroom dwellings	20% (Minimum) (54.4 units)		20.22% (55 units)	Yes

Apartment Diversity	LEP Standard	Development	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40% (≥60.8 units)		40.13% (61 of 152 units)	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40% (≥22 units)		40% (22 of 55 units)	Yes

Parking Type	LEP Standard	Development	Proposal	Compliance
1, 2, 3 & 4 Bedroom	1 car space per dwelling and 1 space per 5 units		272 residents spaces and 54.4 visitors spaces required. Total: 327 spaces. 327 residents car spaces and 55 visitor spaces provided. Total 382 spaces.	Yes

It is considered that the proposal meets the required provisions under Clause 9.7 and the FSR incentive of 2.7:1 can be applied to the site. The proposal provides for an FSR of 2.697:1 (Gross Floor Area of 27,736m²) which is consistent with the mapping instrument.

iii. **Clause 9.5 – Design Excellence**

Clause 9.5 of LEP 2012 states the following:

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) whether the development detrimentally impacts on view corridors,*
- (d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 9.4,*
- (e) the requirements of the development control plan referred to in clause 9.4,*
- (f) how the development addresses the following matters:*
 - (i) the suitability of the land for development,*
 - (ii) existing and proposed uses and use mix,*
 - (iii) heritage issues and streetscape constraints,*
 - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) bulk, massing and modulation of buildings,*
 - (vi) street frontage heights,*
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) the achievement of the principles of ecologically sustainable development,*
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) the impact on, and any proposed improvements to, the public domain,*
 - (xi) the impact on any special character area,*
 - (xii) achieving appropriate interfaces at ground level between the building and the public domain,*
 - (xiii) excellence and integration of landscape design.*

(5) In addition, development consent must not be granted to development to which this clause applies unless:

- (a) if the development is in respect of a building that is, or will be, higher than 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both):*
 - (i) a design review panel reviews the development, and*
 - (ii) the consent authority takes into account the findings of the design review panel, or*
- (b) if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both):*
 - (i) an architectural design competition is held in relation to the development, and*
 - (ii) the consent authority takes into account the results of the architectural design competition.*

(6) Subclause (5) (b) does not apply if:

- (a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and*
- (b) a design review panel reviews the development, and*
- (c) the consent authority takes into account the findings of the design review panel.*

As the proposed residential flat building exceeds 21 metres and 6 storeys, but not higher than 66 metres or 20 storeys, the proposal is required to be reviewed by the design review panel, and the consent authority is required to take into account the findings of the design review panel.

Comment:

The Design Review Panel first reviewed the proposal at pre-lodgment stage on 25 September 2019. The design excellence of the proposal was then further considered at a Design Review Panel meeting for the Development Application on 22 January 2020. The meeting minutes of the Design Review Panel are included at Attachment 16. The Panel acknowledged the *“well considered effort that the Architect and consultant had undertaken to achieve compliance with the statutory controls and achieve a good design outcome. The stepping of building blocks following the topography has enabled a better and more responsive design outcome”*.

The Panel concluded the following:

“It is recommended that the Applicant address any unresolved issues identified in this report. If the DA officer is satisfied that the Applicant has addressed the concerns of the Panel, the project need not return to the Panel for further consideration”.

The following concerns/recommendations were made by the Panel:

- A Statement of the scheme’s design response to its precinct and broader regional context has been satisfactorily addressed as per Panel’s previous recommendation.
- Subterranean units and sunken terraces have been removed from previous scheme as per Panel’s previous recommendation.
- Consider natural airflows in central courtyard. There are opportunities to open up the lobbies to allow for the passage of airflow into the court to aid in the comfort and amenity of the area.
- Consider design of central courtyard as a cool retreat in summer with appropriate landscape and potential for children’s water play and other water elements.
- Common facilities and related spaces are to be appropriate to the size of the development including provision of areas to accommodate child’s play, communal roof top areas between blocks C and D be expanded, consideration of a rooftop communal open space between A1 and A2 and consideration of providing access to the Green Roof over the Mews.
- Consider improved access to current communal open spaces and provide additional roof top communal open spaces for improved equity of access.
- External solar shading to windows provided as per Panel’s previous recommendation.
- Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations. To be provided to DA officer prior to determination. Provide ADG complaint natural cross ventilation or alternate solutions to Council officers satisfaction.

- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council officers.
- Vehicular access should be consolidated and wholly contained within a building footprint has been addressed. Note: Driveway envelope to match width of approved DA 192/2019/JP.
- Address issues raised in relation to cross-site link design and amenity.
- Ensure design of required elements above the height plane are minimised in their impacts.
- Public domain street tree concept plan.

The recommendations have been implemented in the proposal and addressed as follows:

- The Landscape design has been amended so that the central courtyard includes consolidated pathways and provides for a shaded area and soft fall play zone for children. The central communal space provides access to internal courtyards and casual recreation opportunities of BBQ and long bench, and garden setting. The space provides equitable access via ramping to higher levels.
- Natural play elements are also provided in the form of stepping stones, balance beams and rocks within the cross through site link.
- The ground floor lobby to Building A1 has been redesigned including the reduction of Unit A1.206 to provide an 'open' lobby to promote airflow to the central courtyard.
- The amended landscape plans include substantial tree canopies to the central courtyard.
- An additional rooftop communal open space area has been provided to Building A2. Communal open space areas provided to the rooftops of buildings A2, B1, B2, C, D and Mews Terraces. This is considered to provide equitable access for all future residents to the development.
- A Natural Ventilation Statement prepared by Windtech Consultants dated 17 February 2020 has been submitted which demonstrates compliance with the cross ventilation requirements of the Apartment Design Guide.
- The cross through-site link includes "boardwalks" as well as "knuckles" which have been specified as being made from permeable materials and elevated above ground in order to allow for planting on ground level. Non-intrusive light fittings have been proposed through the site link in order to minimise light spill to adjacent apartments.
- External shading devices in the form of louvres have been provided to windows as per the Design Review Panel's previous recommendation.
- The Applicant's arborist has advised that the cluster of 3 existing trees on Partridge Avenue (T16,17, 18) are to be removed and replaced with 3 trees with a larger, mature height canopy trees which will grow to a similar height. A *Eucalyptus tereticornis* tree has been proposed to replace T115 to mark the entrance to the through-site link on Ashford Avenue.
- Council's Landscape Assessment Officer has reviewed the proposal and raise no objections to the proposal subject to conditions.
- Vehicle access has been consolidated and driveway width amended as per recommendation.
- A Clause 4.6 written submission has been provided to address exceedance to the height standard and is considered satisfactory. It is considered the elements above the height plane are minimised in their impacts. Refer for detailed discussion under Section 5 c(i) above.
- The revised landscape report indicates that the Ashford Avenue and Partridge Avenue streetscapes will be designed in accordance with Council's current public domain standards for pavement treatments and street trees.

The other matters required to be addressed under Clause 9.5 have been assessed as satisfactory by the Design Review Panel or addressed in other sections of this report. It is considered that the proposal satisfies Clause 9.5 of the LEP.

iv. Clause 7.3 – Flood Planning

Clause 7.3 applies to land at or below the flood planning level and requires that development consent must not be granted unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

In this clause—

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Clause 7.3 provides the following objectives:

- (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 land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

The proposal includes the placement of buildings and provision of a pedestrian cross-though link within the existing location of the overland flow path and drainage easement which is located approximately 20m from the southern property boundary. The stormwater easement has been relocated to run along the southern property boundary.

The Applicant has provided the following statement to address the Clause:

A Stormwater Overland Investigations Report prepared by ACE Engineers was submitted with the application. The report identifies the site as medium flood risk and identifies minimum floor levels to achieve Council's freeboard requirements. The Report concludes that:

- The development has no adverse impact on the surrounding properties.*
- It is proposed to have an open channel structure within the subject site conveying flows up to the 100 year storm event.*
- The existing 900mm DIA stormwater pipe is resized and re-aligned around the subject sites to meet design standards.*
- Floor levels have been addressed in accordance with Council's guidelines and discussions with Council.*
- Open style fencing is adopted within the site to ensure no blockages/obstructions to external flows.*

Comment:

A Stormwater Overland Investigations Report, stormwater drainage plans and DRAINS/HECRAS models were submitted with the Development Application. Council's

Principal Coordinator – Subdivision & Release Areas and Council's Waterways Engineer reviewed the submitted documentation and assessed it against Council's flood assessment criteria and modelling for the area.

The proposal includes the relocation of a drainage easement along the southern property boundary with an increase in the size of the stormwater pipe. The information and modelling submitted demonstrates that the proposal results in a quantity of flow that is capable of achieving a 5% Annual Exceedance Probability (AEP) with 50% blockage as well as 1% AEP overland flow within the channel. With regards to the elevated walkways within the pedestrian cross-though link, the proposal demonstrates that adequate clearance can be obtained from the top water level within the channel as well as the flows are acceptable in regards to velocity, depth and the product of both. A flood wall will be constructed with the top of wall being a minimum of 500mm above the tope of wall level in the channel.

To ensure the development meets the safety requirements independent of upstream activities a condition is recommended in the consent requiring the structure affected by flooding to be design and constructed to address the flooding constraints. Refer condition 34. In particular, structures below the flood planning level (FPL), being 500mm above the 1% AEP Level as shown on DWG 115 Revision F Dated 19/05/2020 by Australian Consulting Engineers must be designed and the as-built works certified by a structural engineer to ensure structural soundness during potential floods.

The condition also requires the following criteria be addressed having regard to the depth and velocity of flood water:

- Hydrostatic pressure;
- Hydrodynamic pressure;
- Impact of debris;
- Buoyancy forces;
- Saturated ground conditions;
- Shear stress and scour forces around and downstream of the structure.

The flood levels and associated flood velocities expected to be experienced at the site are also required to follow the additional requirements:

- The design materials and construction of the structure must comply with the principles set out in the publication "Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas" published by the NSW Government.
- See Schedule B of Part C Section 6 – Flood Controlled Land of Council's DCP for more detail.
- The structure is must be used for the approved use only. Specifically, this relates to any non-habitable structures below the FPL.
- The structure has been orientated parallel to the direction of flows so that impediment to these flows is minimised.
- All structures to have flood compatible building components below FPL3.
- Note that foundations need to be included in the structural analysis.
- All service conduits located below FPL3 are to be made fully flood compatible and suitable for continuous underwater immersion. Conduits are to be self-draining if subject to flooding.

- No external storage of materials below FPL3 which may cause pollution or be potentially hazardous during any flood.
- Demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3.
- No reduction in FFL of any lots adjoining the overland flow path which would impact on the requirement for a minimum FFL of 500mm above the 1%AEP level or reduce the FFL of the unit against the top of wall level of any flood protection structure
- Walkway within the overland flow path must be minimum 300mm above the 1%AEP level, with suitable edge protection if required due to height of walkway relative to base of overland flow path.

Subject to these recommended conditions, the proposal would be compatible with the flood hazard of the land or other development or properties, is not likely to significantly adversely affect flood behaviour or the environment, incorporates appropriate measures to manage risk to life from flood and is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In this regard, the proposal meets the requirements under Clause 7.3 of the LEP.

6. Compliance with DCP 2012

The proposed development has been assessed against the relevant development controls under Part D Section 19 Showground Station Precinct of The Hills Development Control Plan 2012 and Part B Section 5 Residential Flat Buildings.

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

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Structure Plan	The structure plan indicates the subject site is for residential development up to 8 storeys in height.	2 - 9 storeys in height.	No, refer to discussion below.
Site Coverage	The site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose). Note: The Determination of site cover includes driveways, footpaths and other impervious surfaces	65% (including footpaths and impervious surfaces)	No, refer to discussion below.
Façade and Building length	On road reserves less than 20m in width, the length of the façade shall not exceed 40m. Buildings are to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at	Partridge Avenue (17m road width) Building A1/A2 63m Ashford Avenue (17m road width) Building B1/B2 65m	No, however the design of the building has been assessed as exhibiting design excellence in accordance with Clause 9.5 of the LEP. Refer to discussion below.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	least two parts by a significant recess or projection.		
Residential Uses on Ground and First Floors	Higher density development to on ground and first floor to adopt a two storey terrace house appearance to present a fine grain articulation to the street frontage.	Single level apartments provided to each street frontage.	No. Refer to discussion below.
	Residential ground floor units are to have individual gates and entrances accessed directly from the street.	Individual gates not provided for Units D.205 fronting Partridge Ave and Units B1.001, B2.003 and C.001 fronting Ashford Avenue.	No. Refer to discussion below.
	Ground floor apartments to be elevated a minimum of 300mm and a maximum of 600mm from street level.	Ground floor units elevated up to 1.2m from street level.	No. Refer to discussion below.

a. Showground Precinct Structure Plan

The DCP requires development to comply with the Showground Precinct Structure Plan which indicates residential development of up to 6-8 storeys for the subject site.

The proposal includes residential development of up to 9 storeys for the subject site.

The DCP provides the following objectives relating to the control:

- To ensure that development occurs in a coordinated manner consistent with the Precinct vision and the development principles of housing diversity, employment opportunities, transit oriented development, quality infrastructure and open space and place making.*
- To provide a mix of housing, retail, employment and services in appropriate and logical locations within the Precinct.*
- To local higher scale residential apartments and commercial use closest to the station, the Castle Hill Showground and Cattai Creek corridor to optimise access to station facilities as well as outlook and natural amenity.*

Comment:

The Showground Station Structure Plan is indicative only and has not taken into consideration the additional heights required if the incentive FSR is applied to sites which meet the provisions under Clause 9.7 of LEP 2012. The site has significant fall from the eastern boundary of approximately 6.6m to the north western corner and a fall of approximately 7m to the south western corner. The development has been designed to

respond to this gradient, ensuring all street edges are appropriately addressed. The proposal meets the provisions for housing diversity as required under the Clause and seeks to utilise the incentive FSR. A Clause 4.6 written variation to the height development standard has been submitted and is supported as the variation is consistent with the LEP objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives; compliance with the standard is unreasonable in this instance and there is sufficient environmental grounds to justify the contravention; and the proposal is in the public interest. Refer to Section 5c(i) for detailed discussion.

In this regard, the variation to the structure plan is considered satisfactory.

b. Site Coverage

The DCP requires site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose) and notes that determination of site cover includes driveways, footpaths and other impervious surfaces. In accordance with this definition, the proposal provides for 65% site coverage of the site area.

The DCP provides the following objectives relating to the control:

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

The Applicant has provided the following justification for the variation:

It is considered that the site coverage and landscaped area requirements of 50% respectively were intended to be the inverse of one another. However, the DCP definitions of each in fact differ from one another. In particular, the DCP definition of landscaped area specifically excludes only "building footprint, roads, access driveways and parking" and does not exclude pathways or other paved surfaces. This is considered to be a logical definition for landscaped area because landscaping is inherently comprised of both soft and hard landscape elements, and each serve an important purpose in achieving a cohesive, useable and attractive landscape space for a development. The amount of 'soft' landscaping within the overall landscaped area is separately governed by the deep soil requirement. When considered against the definition of landscaped area, the subject proposal is compliant.

However, the DCP definition for site coverage differs substantially from the landscaped area definition because it also includes "...other impervious surfaces". A literal interpretation of this definition would essentially require 50% of the site to be deep soil and comprised of only soft landscape (i.e. pervious) and no hard landscape (i.e. impervious) components. It is considered that the definition of landscaped area in the DCP is more closely aligned with the objectives of Section 6.1 of the DCP being to provide sufficient space for landscaping (both hard and soft) that will complement the building form and enhance the landscape character of the street, and for development sites to have sufficient area to provide adequate access, parking, landscaping and building separation.

The proposed development provides a substantial amount of deep soil which is more than capable of supporting generous planting throughout the street setbacks, the side boundary setbacks, and also the through site link (see diagram below). The landscape design is a deeply considered component of this project and has informed the site layout and ethos for this design and will ensure that the subject proposal provides a particularly positive contribution to the garden character of the area and accordingly it is considered that the

proposal satisfies the objectives of the landscape and site coverage controls, despite their differing definitions. Finally, a requirement for permeable paving in all deep soil zones is considered appropriate.

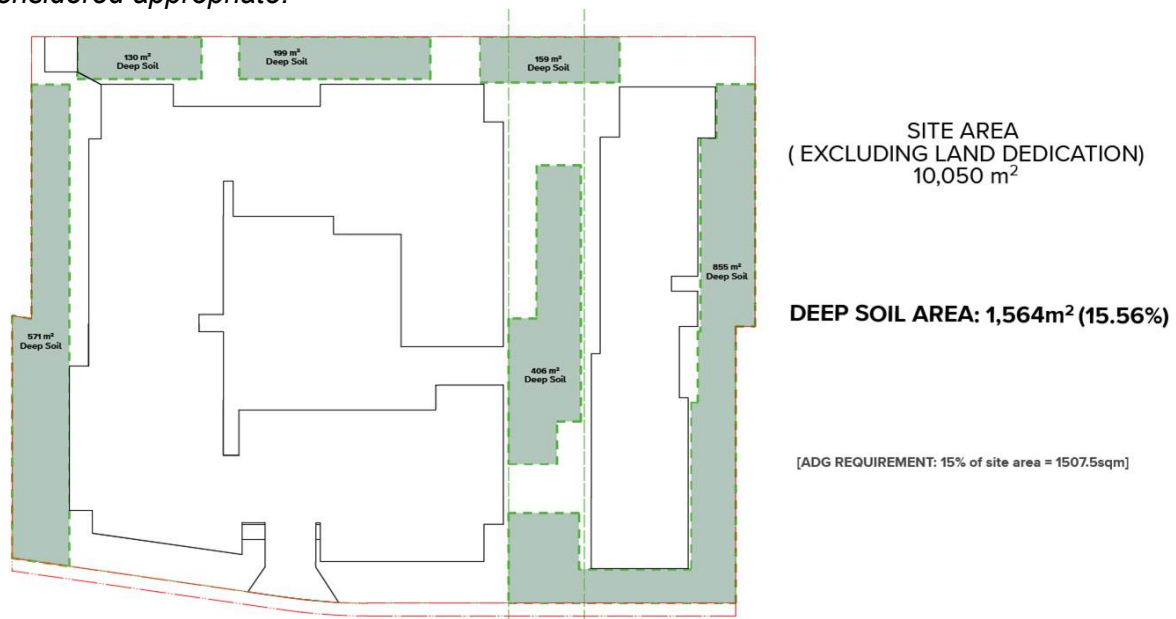


Figure 3: Deep Soil Area Calculation

Comment:

The DCP requires footpaths and other impervious surfaces to be included in the site coverage calculation. If the footpaths for landscaping purposes were not included in the calculation, the proposal would comply with the control. The proposal provides for a high quality landscape outcome for the site with 15% deep soil landscaping which is 8% more than the design criteria of the Apartment Design Guide. In addition, the amount and quality of soft landscaping has increased as recommended by the Design Review Panel at the pre-lodgement stage. The Design Review Panel noted the co-ordination of the architectural and landscape design in the approach to the cross-site link had *“the potential to result in a successful integration of water management, and landscape design with the built form resulting in a unique and delightful space”*.

It is considered that the proposal provides sufficient space for landscaping that will complement the built form, enhance the character of the street frontages as well as the pedestrian cross-through link.

To ensure sufficient landscaping is maintained for areas designated as deep soil, a condition is recommended that all paths above deep soil zones are to be of pervious material (refer condition No. 12).

In this regard, the variation to the site coverage control is considered satisfactory.

c. Façade Length and Maximum Building Length

The DCP requires that on road reserves of less than 20m in width, the length of the facade shall not exceed 40m. The DCP also requires that buildings are to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection. Ashford Avenue and Partridge Avenue are local roads with a road width of 17m.

The proposal includes a total building facade length of 60m for Building A1/A2 on Partridge Avenue and 65m for Building B1/B2 on Ashford Avenue. The total building length for Building B1/B2 is 68m.

The DCP provides the following objective relating to the control:

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

Comment:

Whilst Buildings A1/A2 and B1/B2 exceed the 40m total façade length, these buildings are both provided by a significant recess to break the building elements into two forms. Each building element is 22m – 38m which complies with the maximum length of façade requirements. Each building form has been treated with a different architectural expression including different vertical and horizontal design elements and materials and colours. This is depicted in the below perspectives.



Figure 4: Perspective of Building A1/A2 fronting Partridge Ave



Figure 5: Perspective of Building B1/B2 fronting Ashford Ave

The front façades of Building A1/A2 and B1/B2 have both been setback from the front property boundaries by 7.5m and a further upper floor setback of 4m has been provided for the fifth to eighth storeys. This provides adequate modulation and reduces the perceived bulk and scale of the development when viewed from the streetscape. The use of a moderation of horizontal and vertical building elements, openings and fenestration as well as varying materials and colours differentiate between a distinct base and top results in high-quality architectural façades. The modulation and diversity in balcony forms include decorative louvred screens in differing colours to add visual interest to the facades and curved and linear banding elements provides a balanced juxtaposition and creates an interesting design.

The proposal has been reviewed by Council's Design Review Panel. It is noted that the Panel commented that *"the modulation of the street wall and articulation of different building blocks will provide a varied and interesting street frontage reinforcing the pedestrian scale and residential nature of the precinct"*.

The proposal provides for sufficient modulation and indentation to Building A1/A2 fronting Partridge Avenue and B1/B2 fronting Ashford Avenue and is considered to exhibit design excellence (refer Section 5c(iii)). The proposal provides for a positive streetscape and achieves a high quality design. In this regard, the proposal meets the intent of the control and the variation is considered satisfactory.

d. Residential Uses on Ground and First Floors

The DCP requires that higher density development to on ground and first floors adopt a two storey terrace house appearance to present a fine grain articulation to the street frontage, and that residential ground floor units are to have individual gates and entrances accessed directly from the street and be elevated a minimum of 300mm and a maximum of 600mm from street level.

The proposal only provides single level apartments to each street frontage and individual gates are not provided for ground floor units D.205 fronting Partridge Ave and Units B1.102 C102 fronting Ashford Avenue which are elevated up to 1.2m above street level.

The DCP provides the following objectives relating to the control:

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

The Applicant has provided the following justification for the variation:

Control No. 1 specifically suggests that a two storey terrace house appearance to be adopted "to present a fine grain articulation to the street frontage", and Control No. 2 specifically suggests that Residential ground floor units are to have individual gates and entrances accessed directly from the street.

The proposed design of the development does provide a two storey terrace product to the through-site link as suggested by the DCP, however, also has single level apartments to each street frontage. Whilst the proposal does not adopt terrace house style apartments on

each street, the architectural expression of the street wall facades have nonetheless been specifically designed to achieve a fine grain articulation. In particular, the façade language provides a strong vertical emphasis with approximately 4m wide expressed elements which extend along each street façade and provide a high level of repetition which references streets characterised by symmetrical traditional terrace housing. An example below of the Partridge Street element illustrates this successful outcome. Accordingly, the façade design fulfils the objective of Section 6.6 of the DCP for fine grain built form.

Whilst the DCP encourages individual gates directly from the street for ground floor apartments, this has not been possible on Ashford Avenue due to the significant and varied falls along this street frontage. Notwithstanding this, direct street access for ground floor apartments facing Partridge Avenue has been able to be achieved for the majority of those apartments. The proposal is considered to have achieved a balanced response to this control within the constraints of the site.



Figure 6: Applicant's example of façade design on Partridge Avenue

Comment:

The variation to the control requiring a two storey terrace appearance is supported as the proposed facades still provide for a fine grain articulation to the street frontage by the incorporation of repetitive vertical elements within the four storey podium and the use of varying materials which break up the mass. It is also noted, that two storey Mews style apartments are provided along the pedestrian cross-through link which adds to the fine grain articulation when viewed from the public domain.

The variation to the control requiring ground floor units to have individual gate entries and finished floor levels between 300mm and 600mm above street level is supported due to the topography of the site. Ground floor units B1.001, B2.003 and C.001 fronting Ashford Avenue are not provided with individual gates as they are elevated approximately 1m – 1.2m above the street level. Ramps and stairs have been integrated to the front landscaped setback to ensure equitable access is provided to residents at the main lobby entrances. This extends to the frontage of the aforementioned units, restricting the ability for individual accesses. Similarly, the street level on Partridge Avenue is 700mm below the finished floor level of the lobby and units, direct street access has not been achieved for unit D.205 fronting Partridge Ave due to the location of these ramps and stairs to the lobby entrance.

It is considered that notwithstanding the variations to the ground and first floor units, the proposal still provides for fine grain built form and architectural diversity and residential identity and legibility. In this regard, the variation to the control is considered satisfactory.

7. Issues Raised in Submissions

The application was notified for 14 days on two occasions. Two submissions from adjoining property owners were received during the notification periods.

ISSUE/OBJECTION	COMMENT	OUTCOME
Overshadowing impacts to adjoining southern properties		
The proposed height and location of the development would “cast total shadow” over the adjoining southern properties. Rear windows and private open space areas will not be “cut off from the northern sun for most of the winter period”. Additional costs will be required for heating of adjoining dwellings.	<p>The height of building C/D to the south of the development is compliant with the height standard with the exception of a lift overrun which exceeds the height standard by 800mm. Negligible overshadowing impacts would occur compared to that of a fully complaint scheme. Refer section 5c(i) for detailed discussion.</p> <p>The proposed development is located within the Showground Station Precinct which was rezoned by the Department of Planning, Industry and Environment in December 2017. It is envisaged that the properties to the south would not remain as single dwelling houses but will be amalgamated to form residential flat building developments. It is noted that the two lots directly south of the subject site were previously included as part of Development Application for a residential flat building development under DA 972/2019/JP however this application was subsequently withdrawn. The subject Development Application was lodged and excludes these properties.</p> <p>The site specific DCP for the Showground Precinct requires Residential Flat Buildings in the R4 High Density zone to provide at least 50% of the <u>landscaped open space</u> of adjoining properties receive a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June. This use of ‘landscaped open space’ rather than ‘private open space’ correlates to future residential flat buildings rather than individual dwelling houses.</p> <p>The submitted shadow diagrams demonstrate that the proposal is capable of achieving compliance to the minimum 4 hour solar access requirement to 50% of the landscaped open space during mid-winter for a</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>future residential flat building development as envisaged by the planning controls.</p> <p>Whilst the proposal would not provide 4 hours of solar access to 50% of the private open spaces of existing residential dwelling houses to the south during mid-winter, the submitted shadow diagrams demonstrate that the proposal would provide the required solar access by March/September 21st. In this regard, the existing dwellings would still receive an appropriate level of amenity for 75% of the year. It is considered that this issue does not warrant refusal of the application.</p>	
Privacy impacts to adjoining southern properties		
<p>Concern is raised regarding overlooking impacts to the private open space areas of the adjoining southern properties. These private open space areas are used by family and members of the community with special needs who have unique behaviour patterns which require protection.</p>	<p>The proposed development achieves compliance with the recommendations under the Apartment Design Guide for building separation to adjoining properties.</p> <p>The development includes a “forest zone” along the southern side of the development which incorporates a significant landscaped setback of 6m to the southern property boundary. This is enclosed by a 1.8m high non-climbable heavy duty security fence. Large canopy trees are proposed along this setback including Forest Red Gums (30m – 40m mature height), Turpentine (15m – 30m mature height), Cedar Wattles (20m mature height), Native Frangipani (8m mature height). This would provide adequate privacy for future residents of the development and will obscure any views to the adjoining properties.</p> <p>It is considered that the landscaping and fencing provided with the development would mitigate any overlooking, privacy and security impacts to the adjoining properties to the south.</p>	<p>Issue addressed.</p>
<p>Detrimental impacts to standard of living and quiet enjoyment of home and garden amenities.</p>	<p>As discussed above, the development is located within the Showground Station Precinct which was rezoned by the Department of Planning, Industry and Environment in December 2017.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	The proposed development complies with the Apartment Design Guide's design criteria for building separation and privacy. The substantial landscaping proposed within the southern setback "forest zone" of the subject proposal would obscure any overlooking impacts to the southern properties.	
Sound Planning Principles and Design Excellence		
Sound Planning Principles and Design Excellence should be followed	The proposed development has been assessed against the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The development has been assessed against the relevant planning instruments and controls and has been found to be satisfactory. Council's Design Review Panel who provided recommendations to ensure the proposal exhibits design excellence. These recommendations have been incorporated into the design of the proposal. It is considered the proposal exhibits design excellence in accordance with Clause 9.5 of the LEP.	Issue addressed.
Stormwater Drainage		
<p>A contingency plan should be mandated to address potential flooding though extreme weather events caused by climate change. If the application is approved without contingency, it risks the creation of another Mascot Towers development outcome.</p> <p>The proposal to place buildings C/D in the middle of what was originally a deep natural tributary of Cattai Creek introduces an undeterminable long term risk. Study of the topography and a geotechnical survey of the site will clearly identify the depth and volume of landfill that was used to fill in the original open creek course to create two questionable and water affected building</p>	<p>Council's Principal Coordinator – Subdivision & Release Areas and Council's Waterways Engineer reviewed the proposed development and assessed it against Council's flood assessment criteria and modelling for the area. It is considered the proposal meets the flood planning requirements under Clause 7.3 of the LEP.</p> <p>The proposal results in a quantity of flow that is capable of achieving a 5% AEP with 50% blockage as well as 1% AEP overland flow within the channel.</p> <p>With regards to the elevated walkways within the pedestrian cross-though link, the proposal demonstrates that adequate clearance can be obtained from the top water level within the channel as well as the flows are acceptable in regards to velocity, depth and the product of both. A flood wall will be constructed with the top of wall being a minimum of 500mm above the top of</p>	Issue addressed. Condition 34 recommended in the development consent.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>blocks. The original creek tracked through what is now 23 Partridge, 23 Ashford and crossed the road through the right hand side of 36 Ashford Ave and into the Cattai Creek riparian corridor. The existing and inadequate stormwater easement was thus created to divert the natural path that carried water run-off from the surrounding higher ground into Cattai Creek.</p> <p>When the original watercourse was compromised and diverted through a stormwater pipe, it is a good example of how a commercial pursuit in the past overruled sound planning principles. No contingency was made for the severe weather events that have since materialised and manifested themselves by several flooding occurrences over subsequent years. Extreme weather events exceeded the capacity of the diverted stormwater easement causing water inundation as the surface flow reverted to its original creek path. These events caused severe flooding of the property at 23 Ashford Ave and in the most severe incident, to a height of about 600mm, causing significant damage throughout the property.</p>	<p>wall level in the channel. Refer Section 5c(iv) for detailed discussion.</p> <p>A condition has been recommended in the consent requiring the structure affected by flooding to be designed and constructed to address the flooding constraints. It is considered that appropriate flood mitigation measures have been recommended in the development consent. Refer condition 34.</p> <p>Subject to these recommended conditions, the proposal would meet Council's Flood Protection requirements.</p> <p>In this regard, this issue does not warrant refusal of the application.</p>	
<p>An independent engineering investigation was also requested to review the creation of a zig zag overland flow path through the site which appears to be more like an obstacle than a through site access.</p>	<p>An independent engineering investigation is not required as Council's Principal Coordinator Subdivision and Engineering and Stormwater Systems Engineer has reviewed the proposed development. The proposal demonstrates that adequate clearance can be obtained from the top water level within the channel as well as the flows are acceptable in regards to velocity, depth and the product of both. A flood wall will be constructed with the top of</p>	<p>Issue addressed. Refer condition 34.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>wall being a minimum of 500mm above the top of wall level in the channel. Refer Section 5c(iv) for detailed discussion.</p> <p>Subject to recommended condition 34, the proposal would meet Council's Flood Protection requirements.</p>	

8. External Referrals

The application was referred to the following external authorities:

NSW POLICE COMMENTS

The proposal was referred to the NSW Police. No objections were raised to the proposal. A number of Crime Prevention Through Environmental Design (CPTED) conditions of consent have been recommended to ensure that the site is appropriately protected (refer Condition No. 5).

ENDEAVOUR ENERGY COMMENTS

The proposal was referred to Endeavour Energy. No objections were raised to the proposal. Endeavour Energy's recommendations have been incorporated into conditions of consent (refer Condition No. 6).

SYDNEY WATER COMMENTS

The proposal was referred to Sydney Water. No objections were raised to the proposal. Standard conditions have been imposed (refer Condition Nos. 51 and 105).

9. Internal Referrals

The application was referred to the following sections of Council:

SUBDIVISION ENGINEERING COMMENTS

No objections to the proposal subject to conditions. Refer to Section 5c(iv) for discussion on flood planning.

ENVIRONMENTAL HEALTH COMMENTS

No objection is raised to the proposal subject to conditions.

RESOURCE RECOVERY COMMENTS

No objections to the proposal subject to conditions.

TRAFFIC COMMENTS

No objection is raised to the proposal.

TREE MANAGEMENT COMMENTS

No objections to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 65, SEPP 55, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The variation to the LEP Height control is addressed in the report and considered satisfactory.

In relation to the Clause 4.6 Variation request, it is considered that the Applicant's request is well founded, and the proposed variations result in a development that is consistent with the relevant objectives, and compliance with the standard is unnecessary in this instance as outlined in this report. It is considered that there are sufficient environmental grounds to justify the contravention to the height standard and the development is in the public interest as it is consistent with the objectives of the standard and R4 high density zone objectives.

It is considered that adequate provision has been made for flood planning and meets the requirements and objectives of Clause 7.3 Flood Planning of the LEP. The proposal exhibits design excellence, is consistent with the desired future character of the Showground Station Precinct, provides for a high quality architectural and landscape design incorporating appropriate amenity for future occupants and will benefit the community with the provision of an engaging pedestrian cross-through link.

Variations to building separation and apartment layout criteria of the Apartment Design Guide and DCP controls relating to the structure plan, building lengths and residential uses on ground level have been assessed on merit and are considered worthy of support.

Two submissions were received objecting to the proposed development. The concerns have been addressed in the body of this report and do not warrant refusal of the application.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

The Hills Local Strategic Planning Statement

The Hills Future 2036 Local Strategic Planning Statement was made on 6 March 2020. The proposal has been considered against the outcomes planned within the Local Planning Strategic Planning Statement and Implementation Plan. In particular, Planning Priority 8 seeks to plan for a diversity of housing with access to jobs and services. It is envisaged that the Showground Station Precinct would provide approximately 9,000 additional dwellings by 2036. The Showground Station Precinct provides for a housing diversity clause under The Hills LEP which promotes family friendly dwellings within the Precinct. The proposal meets this housing diversity clause by providing larger apartment sizes and mix and would provide for an additional 272 dwellings to the emerging precinct. In this regard, the proposal is considered to be consistent with the outcomes planned under the The Hills Local Strategic Planning Statement.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

Amendments in red are to include the following:

- All air-conditioning units are to be located on the narrowest depth of the balcony to ensure adequate usable private open space is provided
- The minimum basement storage areas for each unit be at least 3m³ for each 1 bedroom unit, 4m³ for each 2 bedroom unit and 5m³ for each 3 bedroom unit.
- All services and service provision visible from the street, public domain and nearby taller buildings are required to be carefully and substantially screened in a manner to match the aesthetic of the approved development.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-0011-004	Demolition Plan	A	18/11/2019
DA-011-010	Site Plan	A	18/11/2019
DA-110-006	Basement 02	M	18/11/2019
DA-110-007	Basement 01	P	27/02/2020
DA-110 - 008	Ground Level	O	27/02/2020
DA-110 - 010	Level 01	O	19/05/2020
DA-110 - 020	Level 02	N	27/02/2020
DA-110-030	Level 03	N	27/02/2020
DA-110-040	Level 04	K	27/02/2020
DA-110-050	Level 05	K	27/02/2020
DA-110-060	Level 06	M	27/02/2020
DA-110-070	Level 07	K	27/02/2020
DA-110-080	Level 08	M	27/02/2020
DA-110-090	Level 09	M	27/02/2020
DA-110-100	Roof Level 1	A	27/02/2020
DA-110-100	Roof Level 2	K	22/05/2020
DA-210-101	North West Elevation	B	18/11/2019
DA-210-201	North East (Partridge Ave) Elevation	B	18/11/2019

DA-210-301	South East Elevation	B	18/11/2019
DA-210-401	South West (Ashford Ave) Elevation	B	18/11/2019
DA-310-101	Section AA	E	27/02/2020
DA-310-201	Section BB	C	27/02/2020
DA-310-301	Section CC	C	27/02/2020
DA-310-401	Section DD	C	27/02/2020
DA-310-501	Section EE	B	27/02/2020
DA-310-601	Driveway Details	B	27/02/2020
DA-830-001	Materials & Finishes	A	18/11/2019
DA-900-001	3D Views – Perspective 01	A	8/11/2019
DA-900-002	3D Views – Perspective 02	A	8/11/2019
DA-900-003	3D Views – Perspective 03	A	8/11/2019
DA-900-004	3D Views – Perspective 04	A	8/11/2019
L-DA-11	Overall Masterplan - Landscape	D	February 2020
L-DA-12	Overall Masterplan – Landscape with Canopy Coverage	D	February 2020
L-DA-13	Overall Masterplan – Levels and Building	D	February 2020
L-DA-14	Overall Masterplan – Tree Management Plan	D	February 2020
L-DA-25	Planting Plan – Ground Level - Trees	D	February 2020
L-DA-29	Planting Plan – Ground Level - Understorey	D	February 2020
L-DA-30	Planting Palette – Ground Level – Species List	D	February 2020
L-DA-31	Planting Plan – Rooftops – Trees & Understorey	D	February 2020
2001 30 DSUB DW	Plan of Subdivision (Strata) Lot 101 DP (4 pages)	4	19/11/2019

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

2. External Finishes

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

3. Building Work to be in Accordance with BCA

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

4. Construction Certificate

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

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

5. Compliance with NSW Police Requirements

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

Surveillance:

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

Lighting:

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

Territorial Reinforcement:

- All public access points are to be well marked.

Environmental Maintenance:

- Use of anti-graffiti building materials.

Access Control:

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.
- Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.
- High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Park smarter signage to be installed around the car park.
- Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.

6. Compliance with Endeavour Energy requirements

• Network Capacity / Connection

The submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works. The applicant will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the

outcome of the assessment, any required indoor / chamber or padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Note the Design Brief issued by Endeavour Energy on 25 January 2019 (EE Ref: UML8670 – 2018/00567/001) is only valid for three (3) months from the date of issue.

Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

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

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

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

- **Urban Network Design**

The proposal is to comply with Endeavour Energy's Company Policy 9.2.5 'Network Asset Design' and requirements for electricity connections to new urban subdivision/development under Section 5.11 Reticulation Policy.

- **Flooding and Drainage**

Endeavour Energy has noted that the Statement of Environmental Effects indicates the subject site is identified as Medium Flood Risk. The network required to service an area / development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a flood prone site. Risk control has focused typically on avoiding the threat, but where this is not possible, reducing the negative effect or probability of flood damage to assets by implementing good design and maintenance practices.

Distribution substations should not be subject to flood inundation or stormwater runoff ie. the padmount substation cubicles are weatherproof not flood proof and the cable pits whilst designed to be self-draining should not be subject to excessive ingress of water. Drainage in new padmount substation is to comply with Section 7 'Substation and switching stations' of Endeavour Energy's Mains Construction Instruction MCI 0006 'Underground distribution construction standards manual'.

- **Streetlighting**

With the significant increase in both vehicular and pedestrian traffic, given the existing streetlighting is designed for a non-urban environment, the streetlighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with

Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code, January 2006 (Code). Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or email mainsenquiry@endeavourenergy.com.au .

- **Earthing**

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

- **Location of Electricity Easements / Prudent Avoidance**

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. The proposal is to copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields>

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Dial Before You Dig**

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

- **Asbestos**

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

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

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

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

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

- **Demolition**

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

- **Public Safety**

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

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

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

Construction.Works@endeavourenergy.com.au .

- **Emergency Contact**

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

7. Air Conditioner Location

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

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

8. Tree Removal

Approval is granted for the removal of sixty one (61) trees numbered 16,17,18, 20, 21, 32, 33, 34, 35, 36, 37, 38, 39, 40, 62, 63, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 90a, 91, 92, 93, 101, 102, 104, 106, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 122, and 123 as per the Arboricultural Impact Assessment Report prepared Rain Tree Consulting dated 14/11/19 and Arboricultural Statement by Rain Tree Consulting dated 26/02/20.

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

See Tree Removal on Public Land condition for tree removal on the Council Verge.

9. Planting Requirements

All trees planted as part of the approved landscape plan are to be provided in pot sizes as per Planting Palette in approved Landscape Plan prepared by Turf Design Studio, Revision D, dated 27/02/20. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

Planter depths for raised beds within Central Courtyard supporting large trees are to be increased to allow 1.2m soil depth. For all planting on slab and planter boxes ensure the following minimum soil depths:

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

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

10. Irrigation

Automatic watering system to be installed as a minimum to all common areas. 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.

11. Street Trees

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

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

12. Permeable paving

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

13. Property Numbering and Cluster Mail Boxes for Multi Unit Housing Developments

The responsibility for property numbering is vested solely in Council.

The overall Property Address for the development is to be:-

25 Ashford Avenue, CASTLE HILL NSW 2154

The property addresses for residential units is based on the location of pedestrian access to each building from the public road frontage and is to be one of the following: -

25 Ashford Avenue, CASTLE HILL NSW 2154

27 Ashford Avenue, CASTLE HILL NSW 2154

29 Ashford Avenue, CASTLE HILL NSW 2154

17 Partridge Avenue, CASTLE HILL NSW 2154

19 Partridge Avenue, CASTLE HILL NSW 2154

21 Partridge Avenue, CASTLE HILL NSW 2154

Approved unit numbering is as per plans marked up by Land Information, included within consent documentation; and as follows:

Level 25 Ashford 27 Ashford 29 Ashford 17 Partridge 19 Partridge 21 Partridge

Ground	G01 – G02	G03 – G05	G06	N/A	N/A	N/A
One	101 – 105	106 – 111	112 – 118	119	120 – 125	126 - 128
Two	201 – 205	206 – 211	212 – 218	219 – 224	225 – 229	230 - 234
Three	301 – 304	305 - 310	311 – 317	318 – 324	325 – 330	331 - 335
Four	401 – 404	405 – 410	411 – 417	418 – 424	425 – 430	431 - 435
Five	501 – 504	505 – 510	511 – 517	518 – 524	525 – 530	531 - 535
Six	601 – 603	604 – 608	609 – 615	616 – 622	623 – 627	628 - 632
Seven	701 – 703	704 – 708	709 – 715	716 – 722	723 – 727	728 - 732
Eight	N/A	N/A	801 – 806	807 – 812	813 - 817	818 - 821
Nine	N/A	N/A	N/A	901 – 906	907 – 911	912 - 914

Should one strata subdivision not be lodged for all residential buildings, unit numbering will be required to be altered to give each building their own separate unit numbers within each strata plan.

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

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

These approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors. External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mail Boxes

Lodged plans show the positioning of 6 letterbox banks for each pedestrian entrance; however the Applicant must provide to Council in writing approval by Australia Post that they will deliver mail into the 6 separate lobbies.

Australia Post contact is Richard Arraiza of the Seven Hills Delivery Centre – email Richard.Arraiza@auspost.com.au or phone 02 9674 4027.

If approved by Australia Post, one Cluster mail box for each lobby as shown on plans submitted marked as DWG Floor Plan Ground Floor DA-110-008 Rev M and Level 1 DA-110-020 Rev M and marked up by Land Information. The number of mail boxes to be provided within each cluster is to be equal to the number of units that access that lobby.

One (1) additional mail box for the proprietor is to be located in the lobby of 25 Ashford Avenue and be as per Australia Post size requirements.

Strata Developments

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

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

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

14. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Koikas Acoustics Pty Ltd, referenced as 3415R2019119mfcAshordAvePartfidgeAveCastleHillv7_DA.docx, dated 19 November 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

15. Contamination Assessment & Site Remediation

The recommendations of the Preliminary Site Assessment and Report prepared by EI Australia Pty Ltd, referenced as Report E23792.E01_Rev3, dated 19 November 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

16. Engineering Works Approval

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

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

17. 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.

18. 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.

19. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

20. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

21. Construction of Waste Storage Areas (Bin Collection Room & Waste Discharge Rooms)

The waste storage areas must be designed and constructed in accordance with the following requirements. The Bin Collection Room must provide minimum storage facility for 15 x 1100 litre garbage bins and 15 x 1100 litre recycling bins. The Waste Discharge Rooms must provide minimum storage facility for 1 x 2-(1100 litre) bin linear track system with compaction unit for garbage and 1 x 2-(1100 litre) bin linear track system for recyclables.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The Bin Collection Room must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The Bin Collection Room must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the waste storage areas, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.

- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas, it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

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

22. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

23. Communal Composting Areas

An area shall be incorporated in the landscape design of the development for communal composting. Whilst the operation of such a facility will depend upon the attitudes of occupants and their Owners Corporation, the potential to compost should exist.

24. Provision of Waste Chute System

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

25. Provision of Bin Cupboards

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal or a third waste stream. The cupboards must be sized to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

26. 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.

27. Separate Application for Strata Subdivision

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

28. 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.

29. Structures Adjacent to Piped Drainage Easements

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

30. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.

- Open style fencing must be used. New or replacement fencing must be approved by Council.

31. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

In addition, vehicular crossings are not to have kerb returns and the street kerb and gutter is to continue straight and a layback located adjoining the vehicular crossing.

Where blind aisles are included with are 7 or more car spaces in length consideration should be given to allocating this to residents only. If a blind aisle as 7 or more car spaces and is open to visitors (i.e. the public) suitable turning provisions need to be made to ensure a car can turn around and leave in a forward direction, in accordance with AS2890.1.

32. Vehicular Crossing Request

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

33. 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.

34. Flood Protection Requirements

The structure is affected by flooding and needs to be designed and constructed to address this constraint.

Structural elements of structures below the flood planning level (FPL), being 500mm above the 1% AEP Level as shown on DWG 115 Revision F Dated 19/05/2020 by Australian Consulting Engineers must be designed and the as-built works certified by a structural engineer to ensure structural soundness during potential floods. The following criteria must be addressed having regard to the depth and velocity of flood water:

- Hydrostatic pressure;
- Hydrodynamic pressure;
- Impact of debris;
- Buoyancy forces;
- Saturated ground conditions;
- Shear stress and scour forces around and downstream of the structure.

For the purposes of this design the flood levels and associated flood velocities expected to be experienced at the site are as shown on DWG and 115 Rev F dated 19/05/2020, with velocities and depths shown in report Stormwater Overland Investigation Report Project ACE180269 Issue D May 2020.

The following additional requirements apply:

- The design materials and construction of the structure must comply with the principles set out in the publication “Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas” published by the NSW Government.
- See Schedule B of Part C Section 6 – Flood Controlled Land of Council’s DCP for more detail.
- The structure is must be used for the approved use only. Specifically, this relates to any non-habitable structures below the FPL.
- The structure has been orientated parallel to the direction of flows so that impediment to these flows is minimised.
- All structures to have flood compatible building components below FPL3.
- Note that foundations need to be included in the structural analysis.
- All service conduits located below FPL3 are to be made fully flood compatible and suitable for continuous underwater immersion. Conduits are to be self-draining if subject to flooding.

- No external storage of materials below FPL3 which may cause pollution or be potentially hazardous during any flood.
- Demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3.
- No reduction in FFL of any lots adjoining the overland flow path with would impact on the the requirement for a minimum FFL of 500mm above the 1%AEP level or reduce the FFL of the unit against the top of wall level of any flood protection structure
- Walkway within the overland flow path must be minimum 300mm above the 1%AEP level, with suitable edge protection if required due to height of walkway relative to base of overland flow path.

35. Parking Spaces

The development is required to be provided with 382 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

36. Section 7.11 Contribution

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

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 65	No. of 2 Bedroom Units: 152	No. of 3 Bedroom Units: 55	Sum of Units	No. of Credits: 10	Total \$7.11
Open Space - Land	\$4,180.59	\$5,852.81	\$7,246.34	\$9,475.66	\$ 271,738.35	\$ 889,627.12	\$ 398,548.70	\$ 1,559,914.17	\$ 94,756.60	\$ 1,465,157.57
Open Space - Capital	\$2,113.14	\$2,958.40	\$3,662.78	\$4,789.63	\$ 137,354.10	\$ 449,676.80	\$ 201,452.90	\$ 788,483.80	\$ 47,896.30	\$ 740,587.50
Transport Facilities - Land	\$1,039.74	\$1,455.63	\$1,802.21	\$2,356.66	\$ 67,583.10	\$ 221,255.76	\$ 99,121.55	\$ 387,960.41	\$ 23,566.60	\$ 364,393.81
Transport Facilities - Capital	\$1,617.97	\$2,265.16	\$2,804.48	\$3,667.27	\$ 105,168.05	\$ 344,304.32	\$ 154,246.40	\$ 603,718.77	\$ 36,672.70	\$ 567,046.07
Water Management - Capital	\$422.44	\$591.42	\$732.24	\$957.51	\$ 27,458.60	\$ 89,895.84	\$ 40,273.20	\$ 157,627.64	\$ 9,575.10	\$ 148,052.54
Administration	\$55.60	\$77.85	\$96.38	\$126.02	\$ 3,614.00	\$ 11,833.20	\$ 5,300.90	\$ 20,748.10	\$ 1,260.20	\$ 19,487.90
Total	\$9,429.48	\$ 13,201.27	\$ 16,344.43	\$ 21,372.75	\$ 612,916.20	\$ 2,006,593.04	\$ 898,943.65	\$ 3,518,452.89	\$ 213,727.50	\$ 3,304,725.39

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

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

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

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

37. Internal Pavement and Turntable Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

38. 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.

39. Reimbursement/ Works in Kind/ Material Public Benefit Requests

Where a reimbursement, works in kind or material public benefit request is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land; a separate application in writing must be made to Council's Manager – Subdivision and Development Certification. Contact Council to ascertain the information required to accompany such a request.

The reimbursement, works in kind or material public benefit request must be finalised and agreed to, in writing, by Council before a Construction Certificate or Subdivision Works Certificate is issued for the relevant work.

Once the reimbursement, works in kind or material public benefit request has been finalised an application must be submitted to modify the developer contribution identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

40. Erosion and Sediment Control/ Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An SWMP is required for this development.

41. Onsite Stormwater Detention – Hawkesbury River Catchment Area

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

The stormwater concept plan prepared by Australian Consulting Engineers as listed in the table below is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

- a) Building and surface drainage must be designed to ensure 100% of the 1% AEP storm event is captured and directed to the OSD in accordance with Catchment Plan (drawing 112). This may require over sizing building/Surface drainage that is generally only required to capture the 5% AEP storm event. A certificate from a suitably qualified building designer must be obtained verifying the above.
- b) Detailed OSD plans to be provided to ensure HED is achieved as per calculations on Drawing 107. This may require modification to HED and its connection to the storm filter chamber.
- c) Suitable provision must be made for emergency overflow from OSD tank 1, due to its proposed location, in the event of an orifice blockage.
- d) Non-standard structures (i.e. pits) to be designed and certified by a NER (Structural) Engineer. Prior to release of an OC Certification of the as-built structures will be required.

Plan	Rev	Date
001	C	19/05/2020
101	A	18/11/2019
102	A	18/11/2019
103	B	19/12/2019
104	G	19/05/2020
105	G	19/05/2020
106	E	19/05/2020
107	B	24/03/2020
108	B	24/03/2020
109	B	24/03/2020
110	F	19/05/2020
111	F	19/05/2020
112	C	04/05/2020
113	F	19/05/2020
114	B	24/03/2020
115	F	19/05/2020
115.1	A	19/05/2020
116	F	19/05/2020

Water sensitive urban design elements, consisting of PSORB cartridges, Oceanguard pit inserts and rainwater tanks, are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

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

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

42. Stormwater Pump/ Basement Car Park Requirements

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

43. 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.

44. 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.

45. 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 \$241,696 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (232m) multiplied by the width of the road (8m).

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.

46. Security Bond – External Works

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

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

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

47. 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 concept engineering plan prepared by Australian Consulting Engineers Revision VARIES Dated 19/05/2020 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

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

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

The existing footpath verge measured from the face of kerb must be widened by 2m (and this road widening dedicated to the public). Within this widened verge the required formation must generally be in accordance with Council's Showground Precinct Public Domain Plan, Council's Showground Precinct Verge Treatment Detail/ Plans dated 15 February 2019, the above documents and Council's standard drawings/ details relating to these works.

The pedestrian pavement type and street lighting category must match the Showground Precinct Public Domain Plan.

b) Pathway/ Local Drainage Link

A 12m wide pathway/ local drainage link must be constructed in the locations shown on the approved plan. The design of this pathway/ local drainage link must comply with the above documents and the relevant section of the DCP.

c) Footpath Verge Formation

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

d) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on one side of Partridge Ave in accordance with the DCP and the above documents.

e) Disused Layback/ Driveway Removal

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

f) Service Conduits

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

g) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to that shown on the approved architectural plans as referred to earlier in this consent. No level adjustment is permitted at the property boundaries, as shown in the approved plans

h) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of PSorb cartridges, OceanGuards and Rainwater Tanks, are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

48. Construction Management Plan – Major Subdivision Works

Prior to the issuing of a Subdivision Works Certificate a Construction Management Plan must be submitted to Council's Manager – Subdivision and Development Certification for approval. The Construction Management Plan must specifically address each of the following matters:

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.
- Sediment and erosion control as separately conditioned.
- Stockpiles.

- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

49. Reconstruction of Existing Inter-Allotment Drainage Line

Prior the release of ANY construction certificate for building works, reconstruction of the existing inter-allotment drainage line must be completed. This must include the following:

1. Approval from Council of the new design for the inter-allotment drainage under the Provisions of the Local Government Act 1993 Section 68, and construction of the new inter-allotment drainage line and removal of the existing drainage line.
2. Once the stormwater drainage work is completed a works as executed plan must be prepared in accordance with Councils Design Guidelines Subdivisions/Developments and submitted to Councils Principal Coordinator – Subdivision and Release Areas for written approval. The works as executed plans must be prepared by a civil engineer or registered surveyor on a copy of the original approved plans.
3. A Letter from a registered surveyor must be provided with the works as executed plan certifying that all piped and drainage structures are located within the proposed easement to drain water.
4. The registration of a 3m Wide easement to drain water over 23 Partridge Ave Castle Hill and 23 Ashford Ave Castle or equivalent area if lots a consolidated prior registration of the easement.

50. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

51. Notice of Requirements

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

52. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

53. Tree Protection Fencing

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

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

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

54. 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.

55. 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.

56. Trenching within Tree Protection Zone

Any trenching for installation of 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.

57. 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.

58. Soil and Water Management Plan

A Soil and Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

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

59. Notification of Asbestos Removal

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

60. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve,

a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

61. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

62. Construction and Demolition Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction and/ or demolition phases of the development must be submitted to and approved by the Principal Certifying Authority. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and/ or demolition phases of the development.

63. 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.

64. 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.

65. 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.

66. 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.

67. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the Onsite Stormwater Detention system has been approved by either Council or an accredited certifier.

68. 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.

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

Details

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

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

Signage

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

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

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

70. 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.

71. Consultation with Service Authorities

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

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

72. 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.

73. 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).

74. Sydney Water Building Plan Approval

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

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

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

DURING CONSTRUCTION

75. Working Hours

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

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

76. Survey Report and Site Sketch

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

77. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1059351M is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

78. Critical Stage Inspections and Inspections Nominated by the PCA

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

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

79. 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.

80. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

81. Washing of Vehicles

The washing of cars shall only be undertaken in the designated car wash bay. The car wash bay is to be graded and drained and discharged to the sewer in accordance with any requirements of Sydney Water.

82. 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)*.

83. 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.

84. Asbestos Removal

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

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

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

85. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

86. 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

87. Landscaping Prior to Issue of any Occupation Certificate

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

88. Clearance Certificate

On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

89. Internal Pavement Construction

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

90. Final Inspection of Waste Storage Area(s)

Prior to any Occupation Certificate being issued, a final inspection of the waste storage area(s) and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council and its Domestic Waste Collection Contractor. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

91. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas (Bin Collection Room and Waste Discharge Rooms). Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

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

92. Domestic Waste Collection Risk Assessment

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be

arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

93. Waste Chute System Installation Compliance Certificate

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.

94. Subdivision Works – Submission Requirements

Once the subdivision 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
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plans must be prepared by a civil engineer or registered surveyor.

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.

95. Performance/ Maintenance Security Bond

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

96. Confirmation of Pipe Locations

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

97. Removal/ Amendment of Existing Easements

The existing easement for Drainage 2.44m wide must be removed/ amended. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

98. 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) Dedication – Road Widening

The dedication of the proposed 2m road dedication along Ashford Ave must be included on the final plan in accordance with the undertaking submitted relating to dedication. All land dedication is required to be undertaken at no cost to Council.

b) Restriction/ Covenant – Local Drainage Link/ Pathway

Lot must be burdened with a restriction and a positive covenant over the 12m wide local drainage link/ pathway and must be included on the final plan in accordance with the undertaking submitted relating to dedication. Suitable wording, to the satisfaction of Council must be placed on title to ensure maintenance of this area to ensure vegetation is maintained to a standard to ensure control of flow within this overland flow path in accordance with the hydraulic modelling.

c) Easement – Public Stormwater Drainage

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

d) Restriction/ Covenant – Onsite Stormwater Detention

Lot must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

e) Restriction/ Covenant – Water Sensitive Urban Design

Lot 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.

99. 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.

100. 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.

101. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed 2m road dedication and association works have been dedicated/completed in accordance with the undertaking submitted relating to dedication.

102. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

103. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a hydraulic engineer.

104. Stormwater Management Certification

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

- Works as executed plans prepared on a copy of the approved plans;

- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

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

105. 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.

106. 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.

107. Provision of Telecommunication Services

The developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.

108. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

THE USE OF THE SITE

109. 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*.

110. 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*.

111. Ventilation for Basement Carpark

The basement car park is to be provided with ventilation in accordance with Australian / New Zealand Standard AS/NZS 1668.2 2012.

Certification of compliance shall be submitted to the Certifying Authority.

The exhaust from the basement carpark shall be positioned so as to not cause a nuisance due to odour or noise to an occupier of any residential premises.

112. Waste and Recycling Management

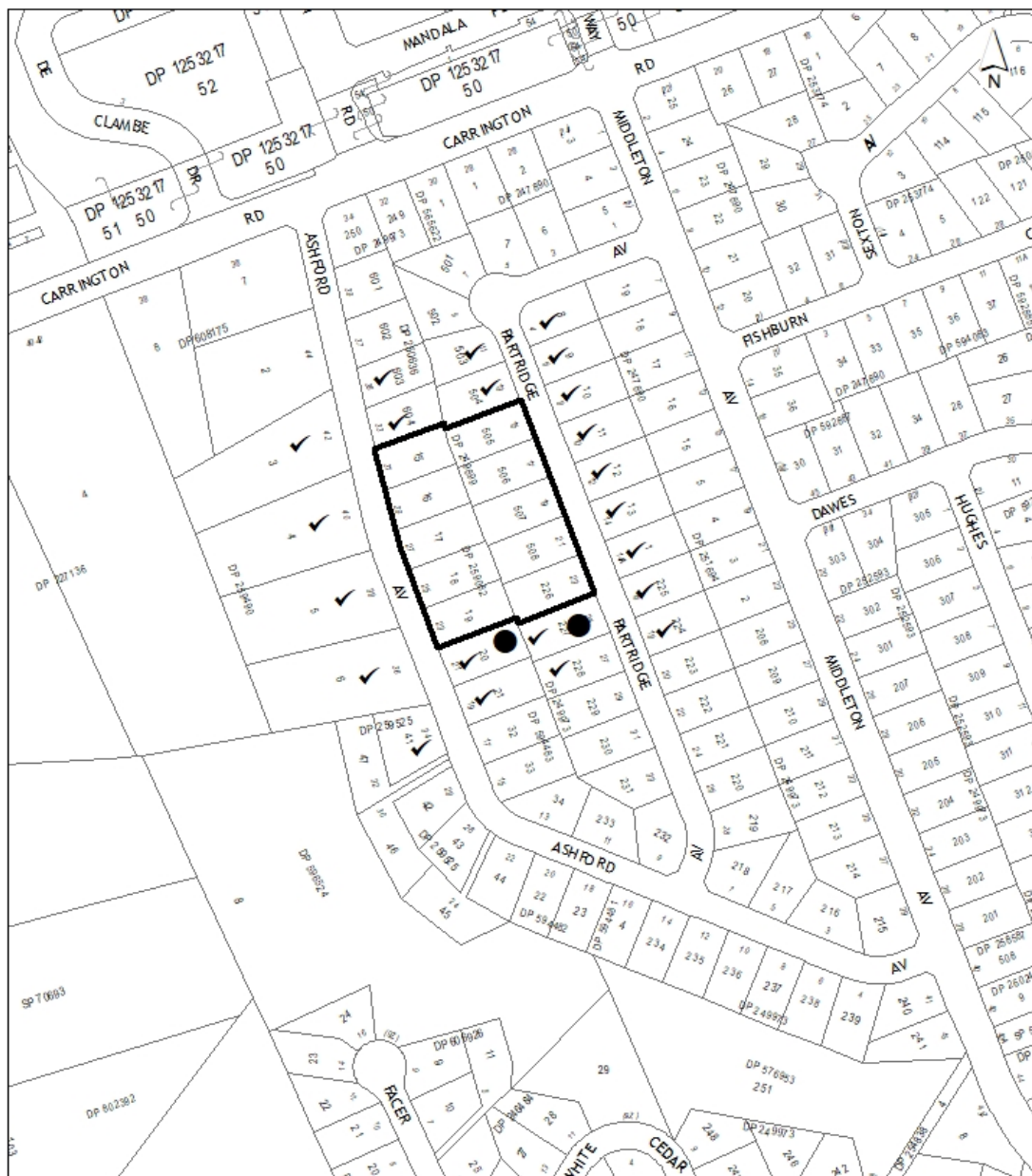
To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP Floor Space Ratio (Base) Map
6. LEP Floor Space Ratio (Incentive) Map
7. Site Plan
8. Floor Plans (13 pages)
9. Elevations (4 pages)
10. Sections (5 pages)
11. Landscape Plans (3 pages)
12. Shadow Diagrams (4 pages)
13. Finishes Schedule
14. Perspectives (2 pages)

15. Clause 4.6 Variation Request
16. Design Review Panel Minutes
17. Existing Flood Mapping

ATTACHMENT 1 – LOCALITY PLAN



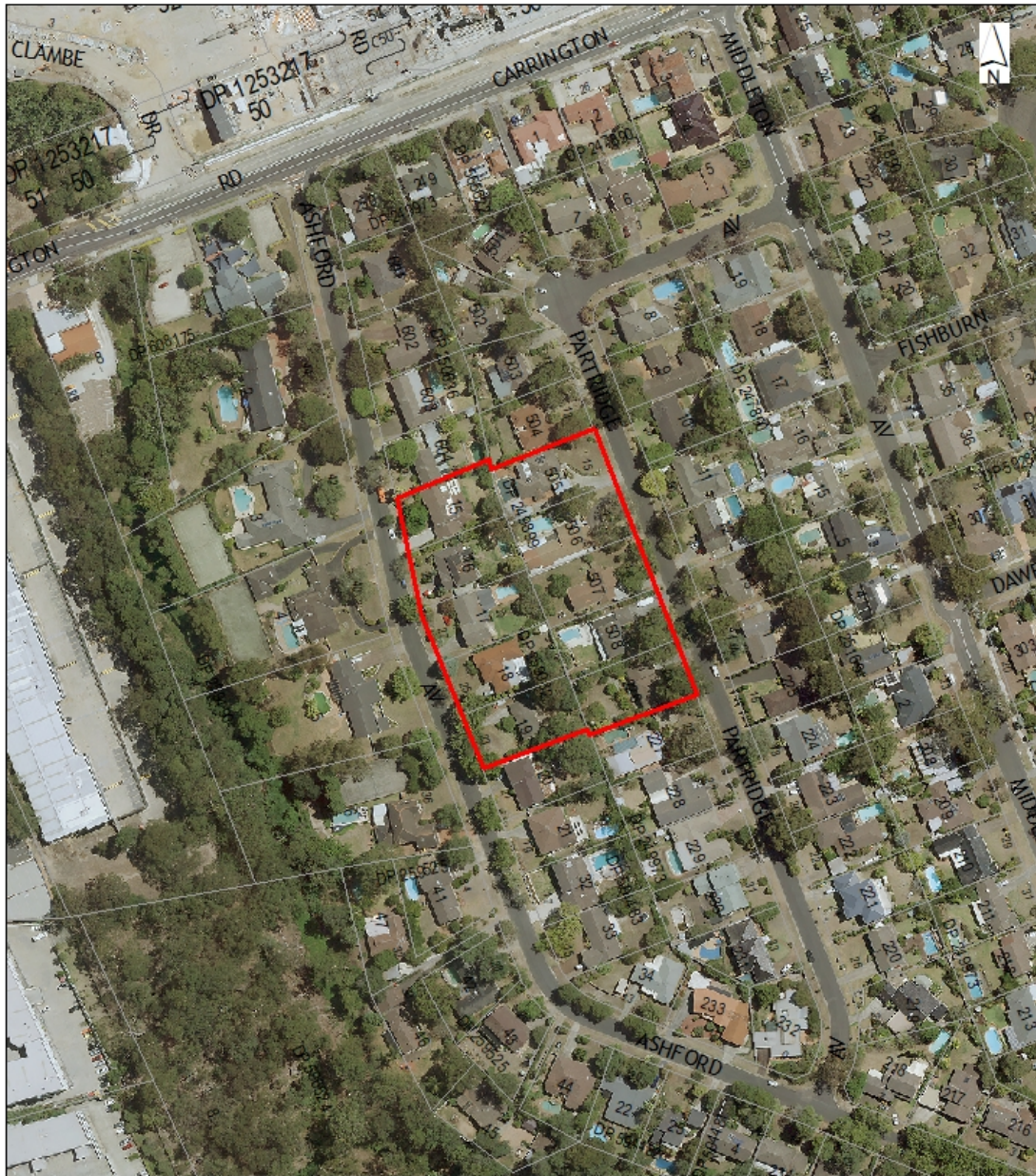
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED


THE HILLS
Sydney's Garden Shire

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ATTACHMENT 2 – AERIAL MAP



 SUBJECT SITE

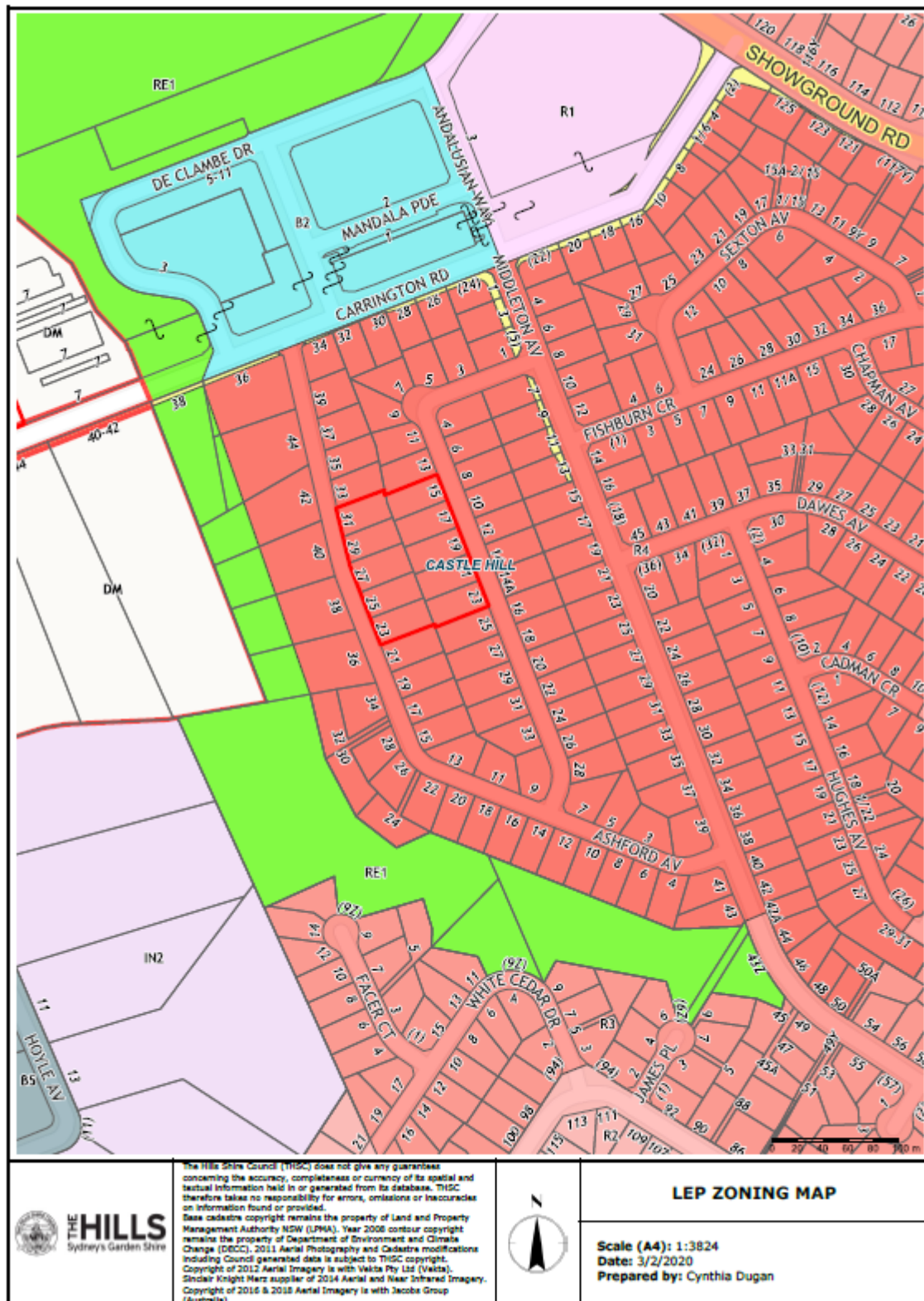
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

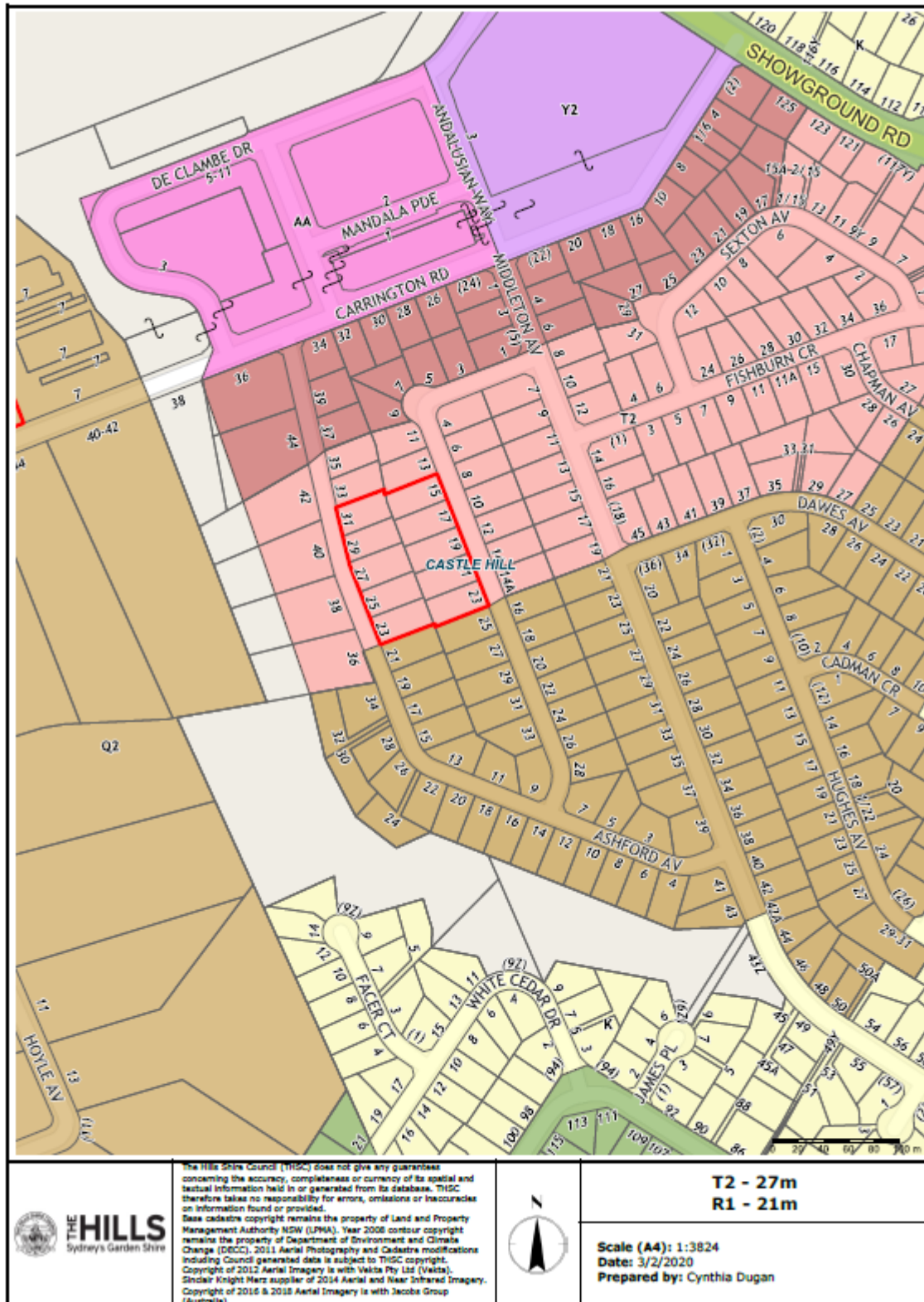
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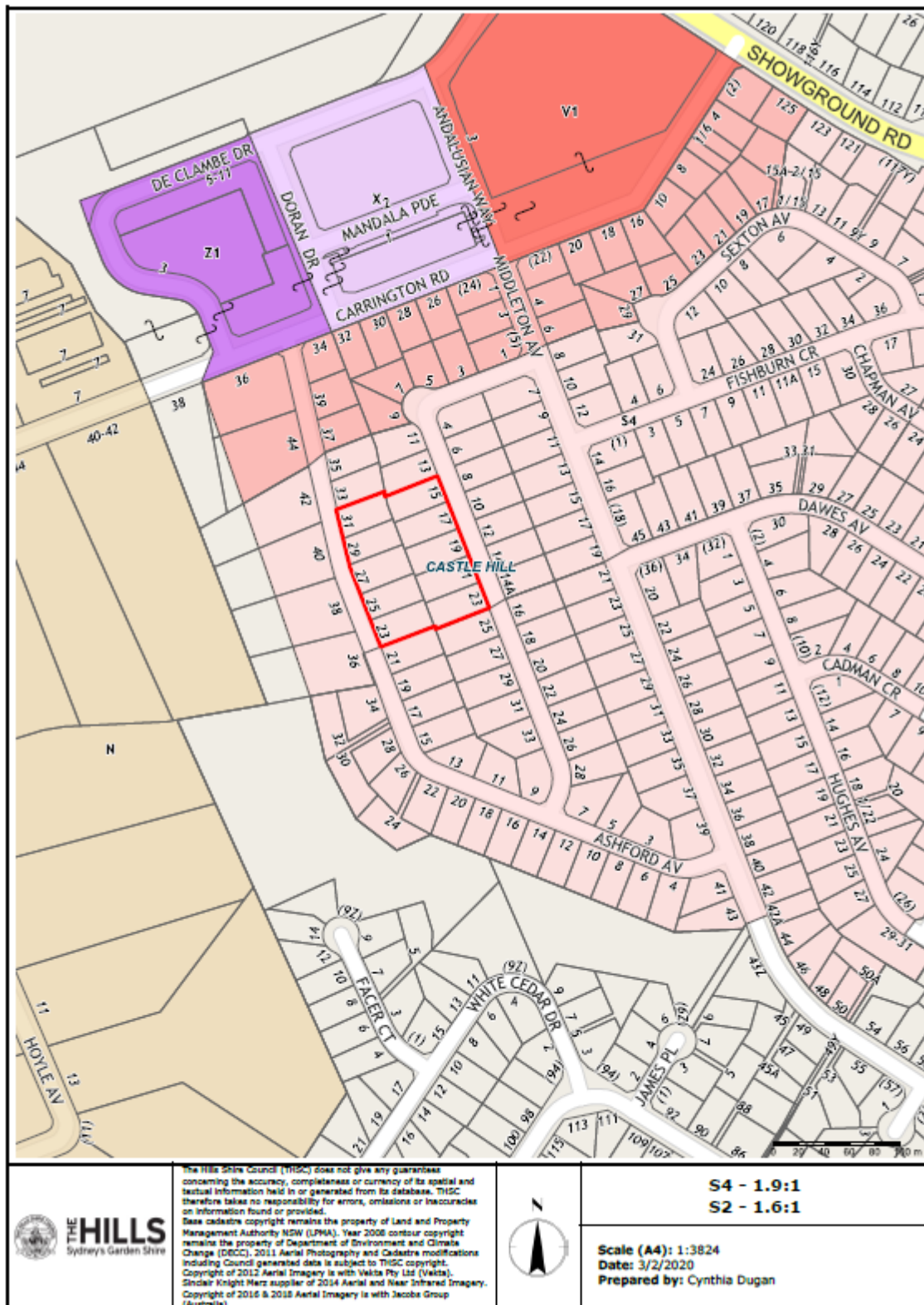
ATTACHMENT 3 – LEP ZONING MAP



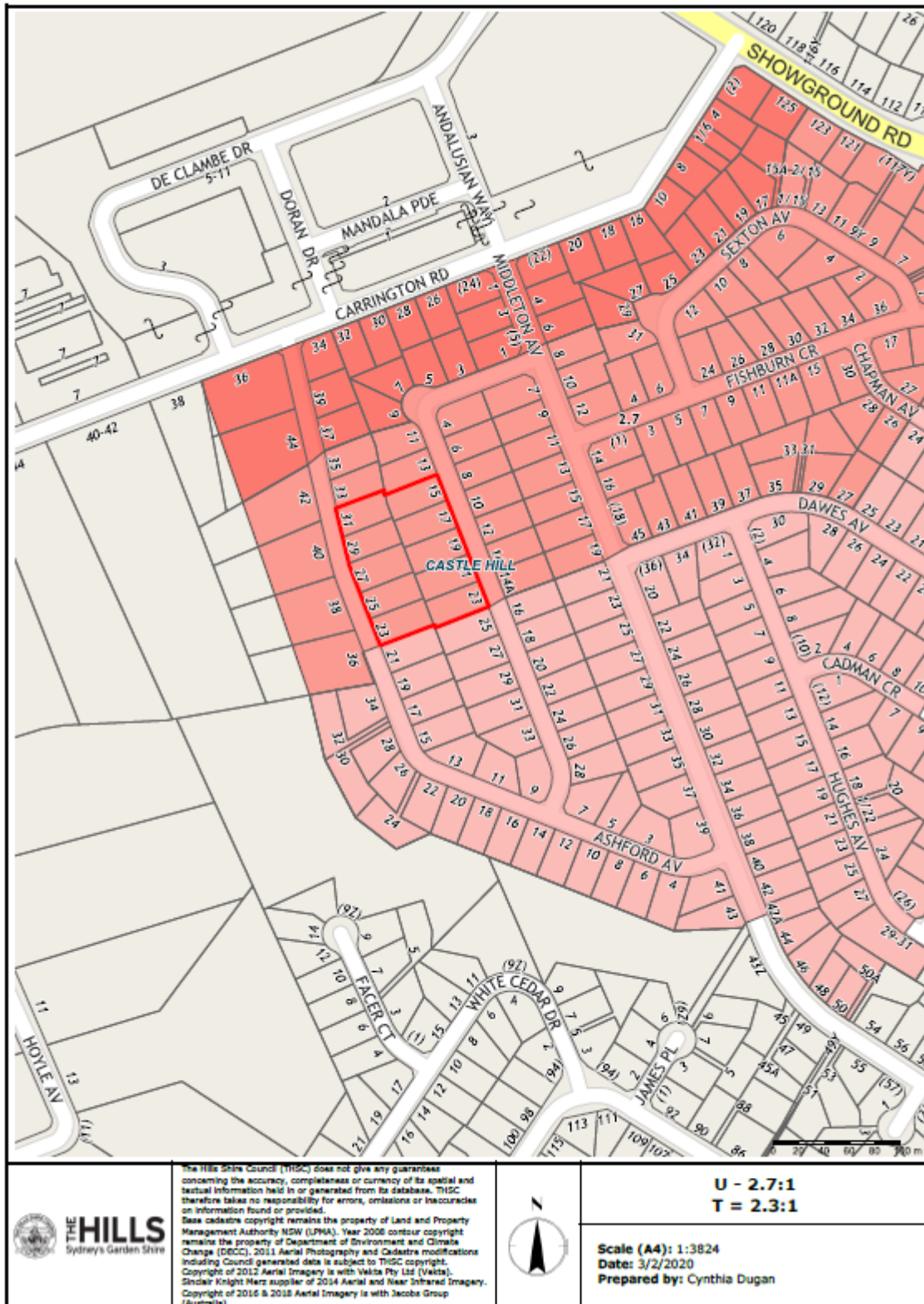
ATTACHMENT 4 – LEP HEIGHT OF BUILDINGS MAP



ATTACHMENT 5 – LEP FLOOR SPACE RATIO (BASE) MAP

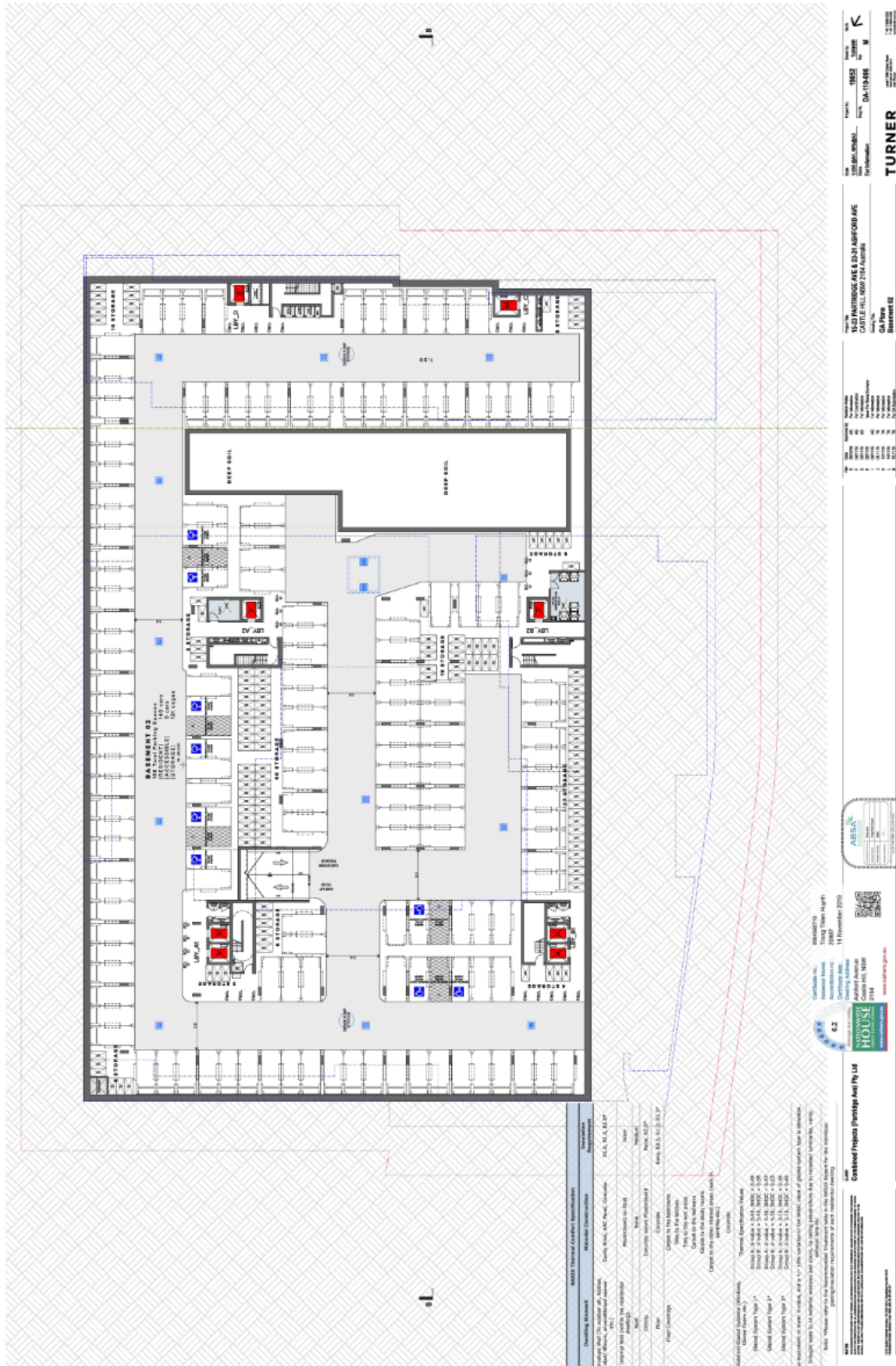


ATTACHMENT 6 – LEP FLOOR SPACE RATIO (INCENTIVE) MAP



North





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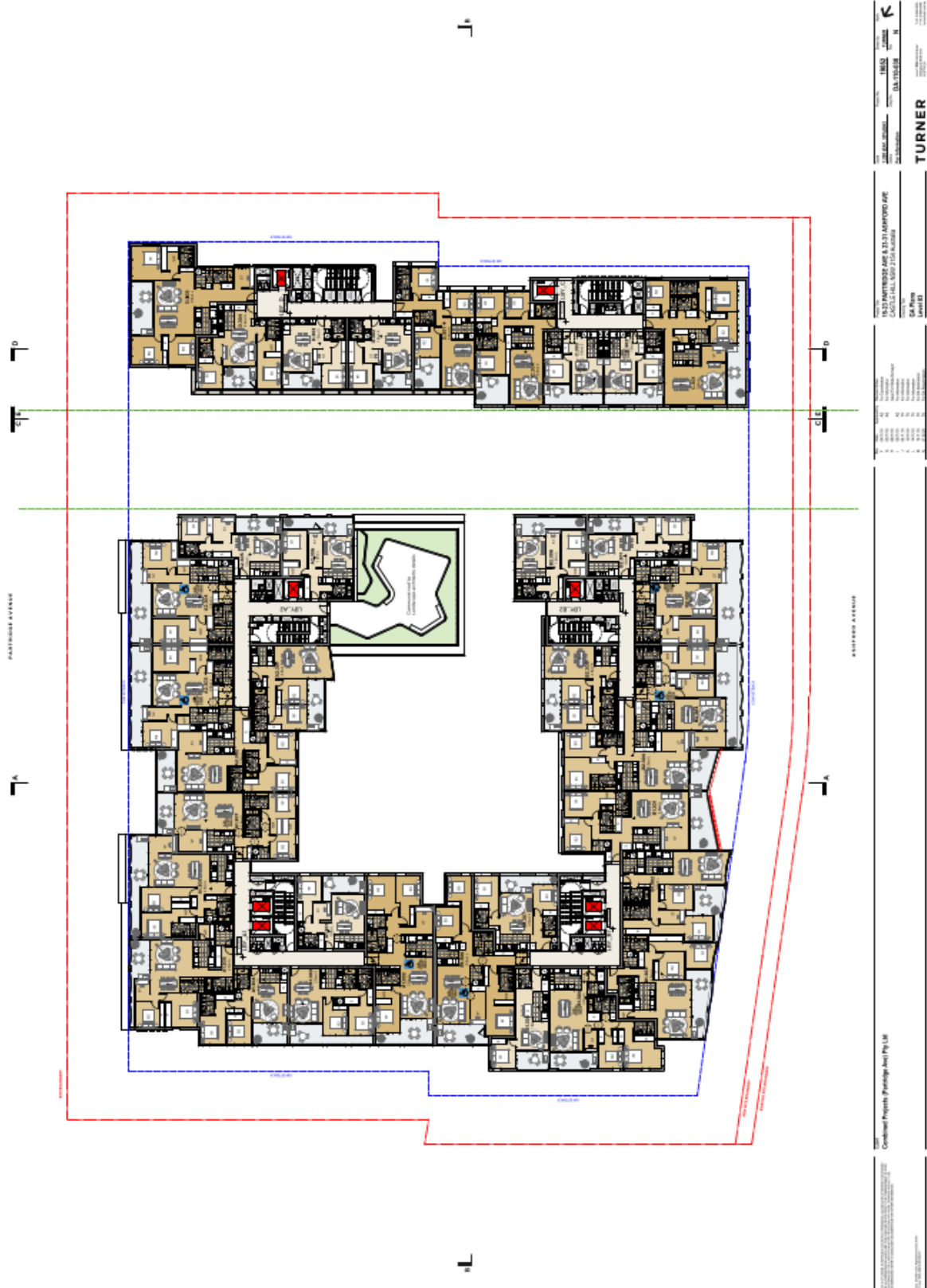
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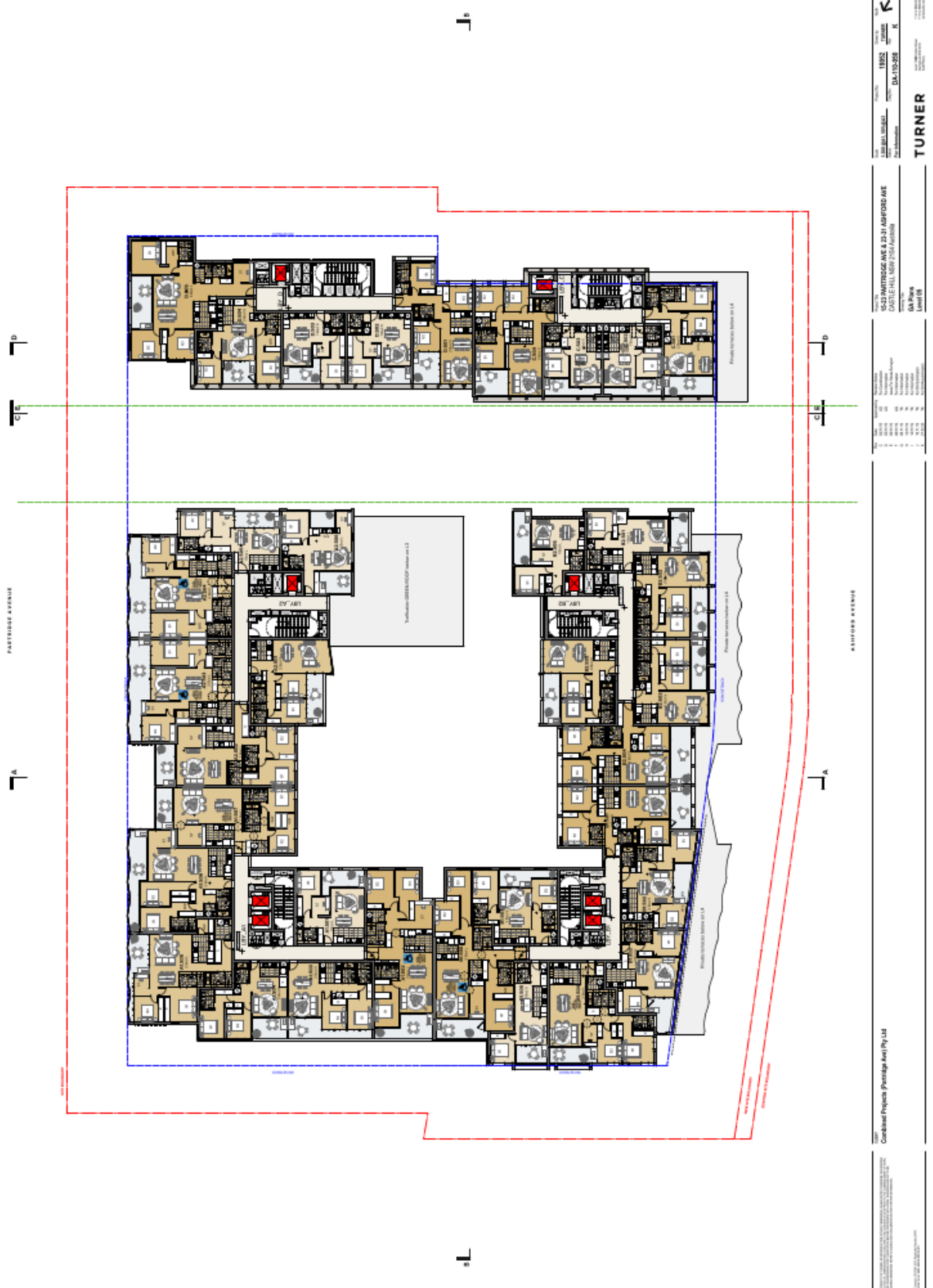
ATTACHMENT 8 – FLOOR PLANS – LEVEL 3



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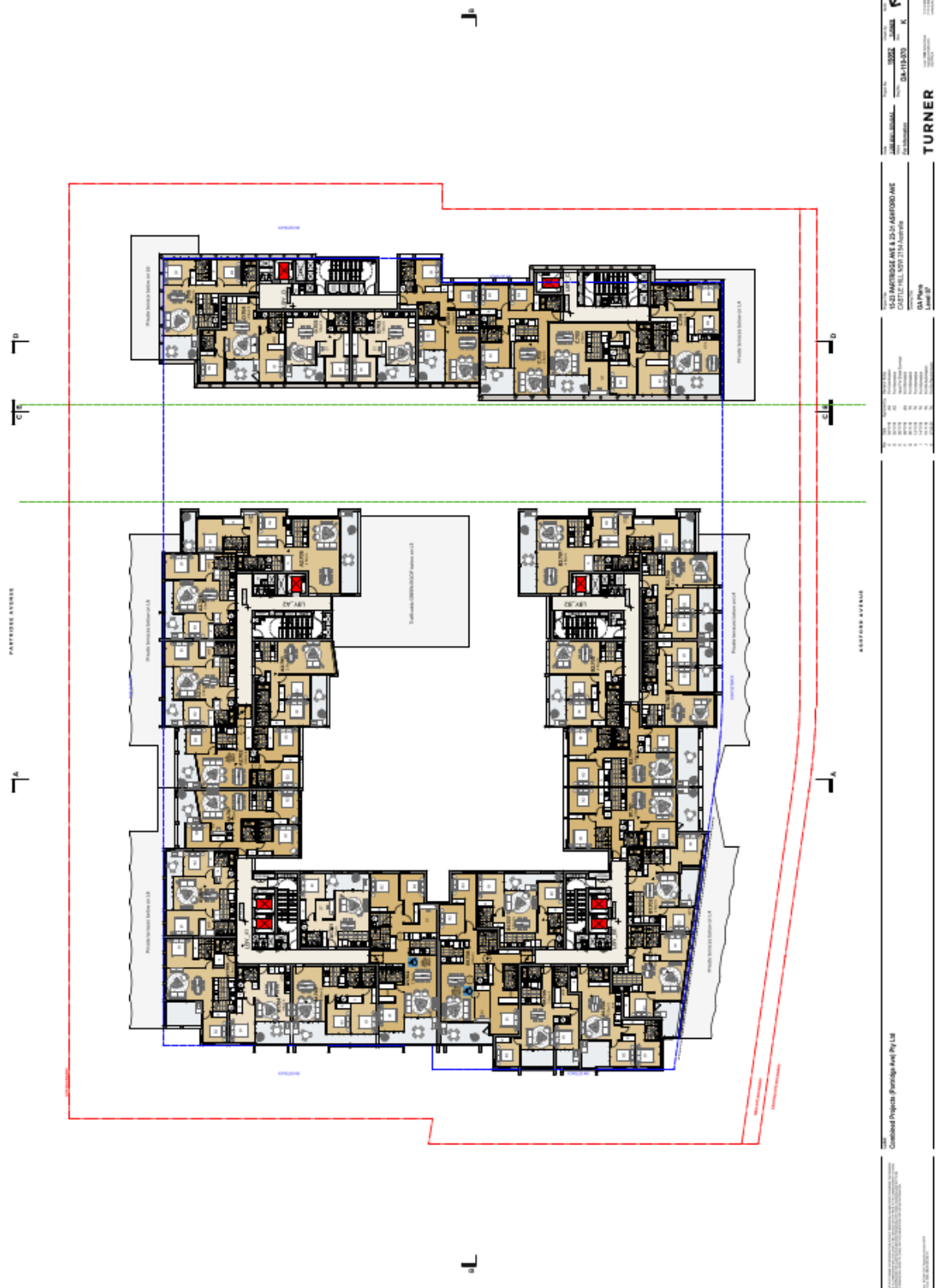
ATTACHMENT 8 – FLOOR PLANS – LEVEL 5



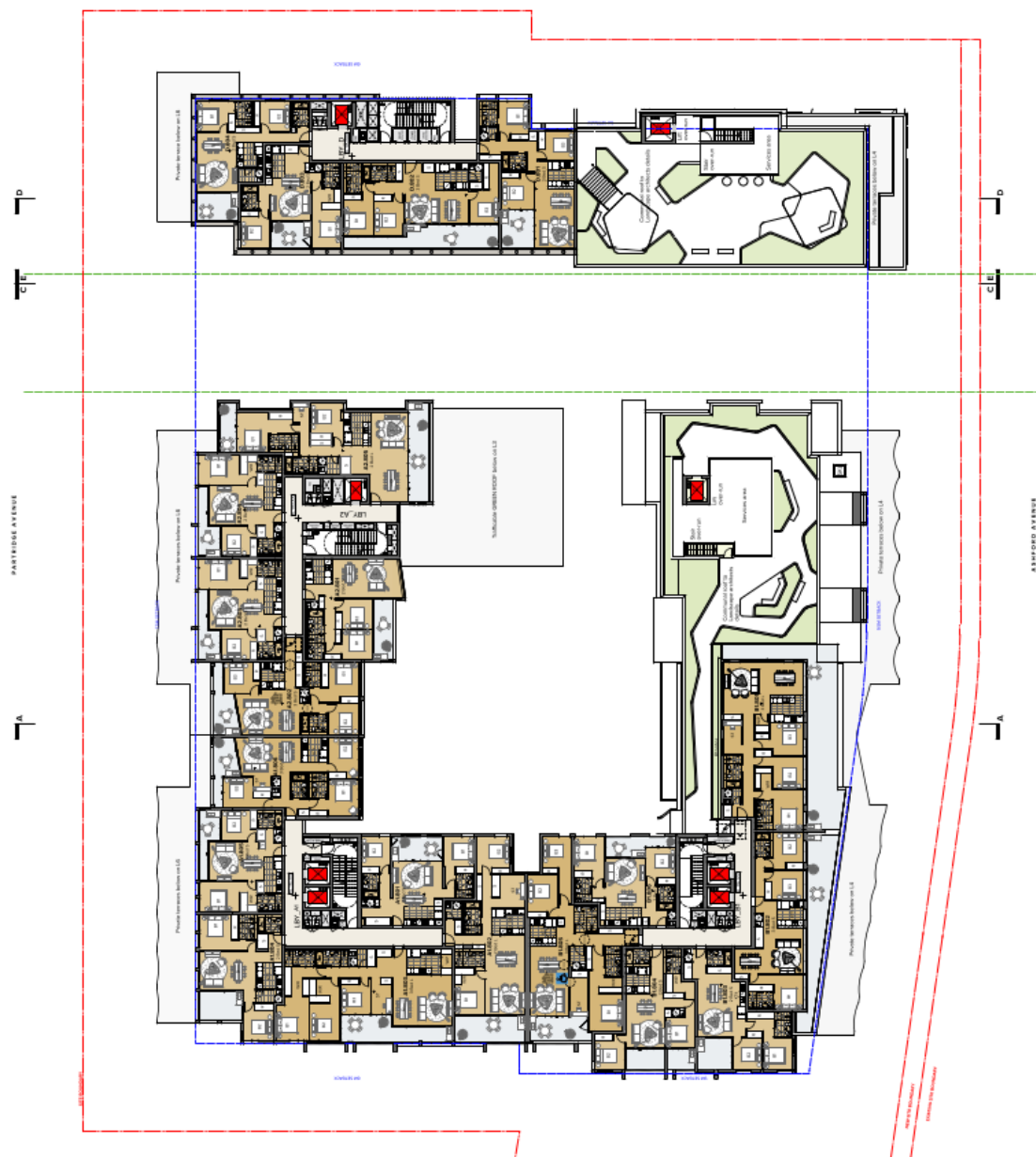
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ATTACHMENT 8 – FLOOR PLANS – LEVEL 7

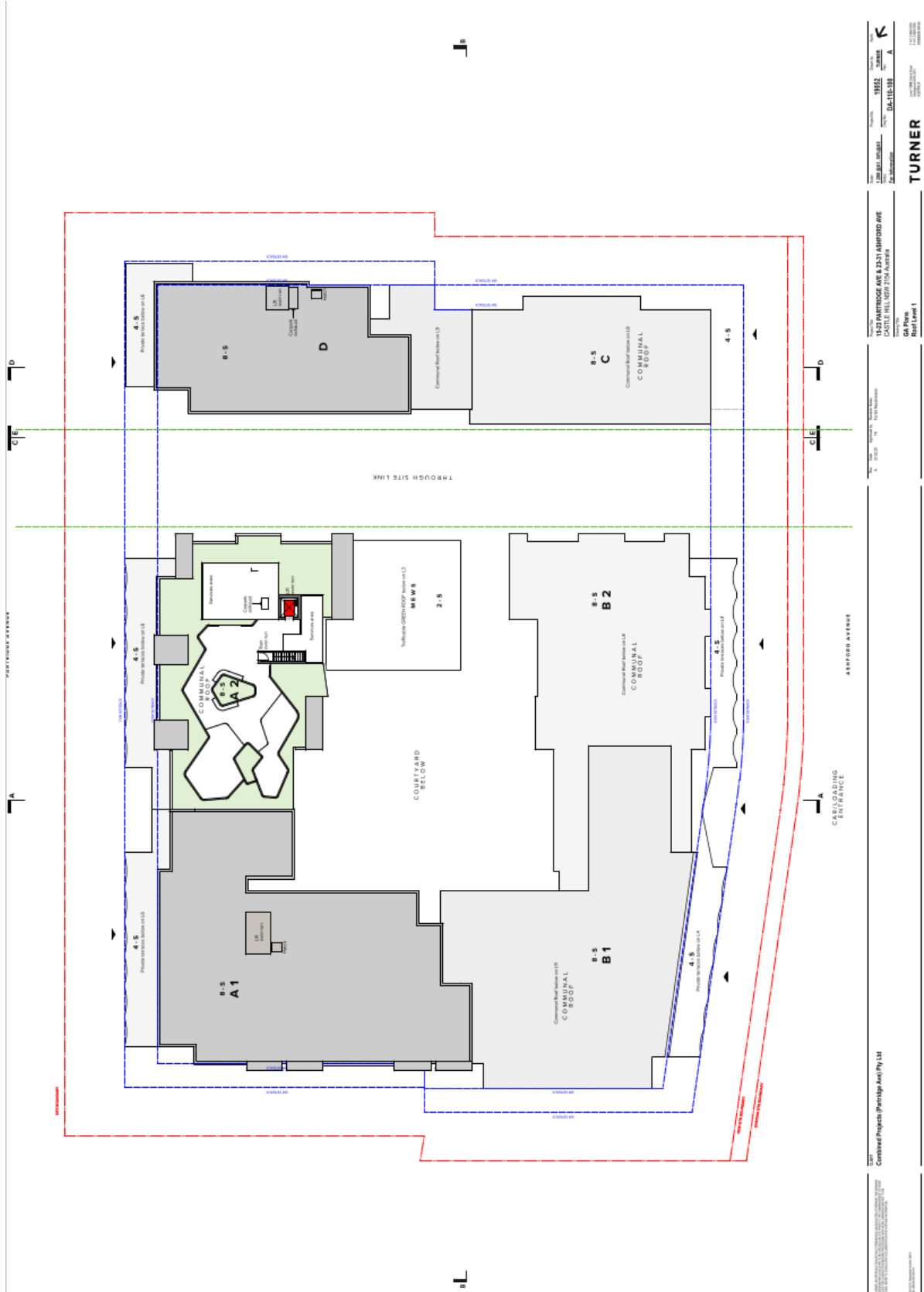


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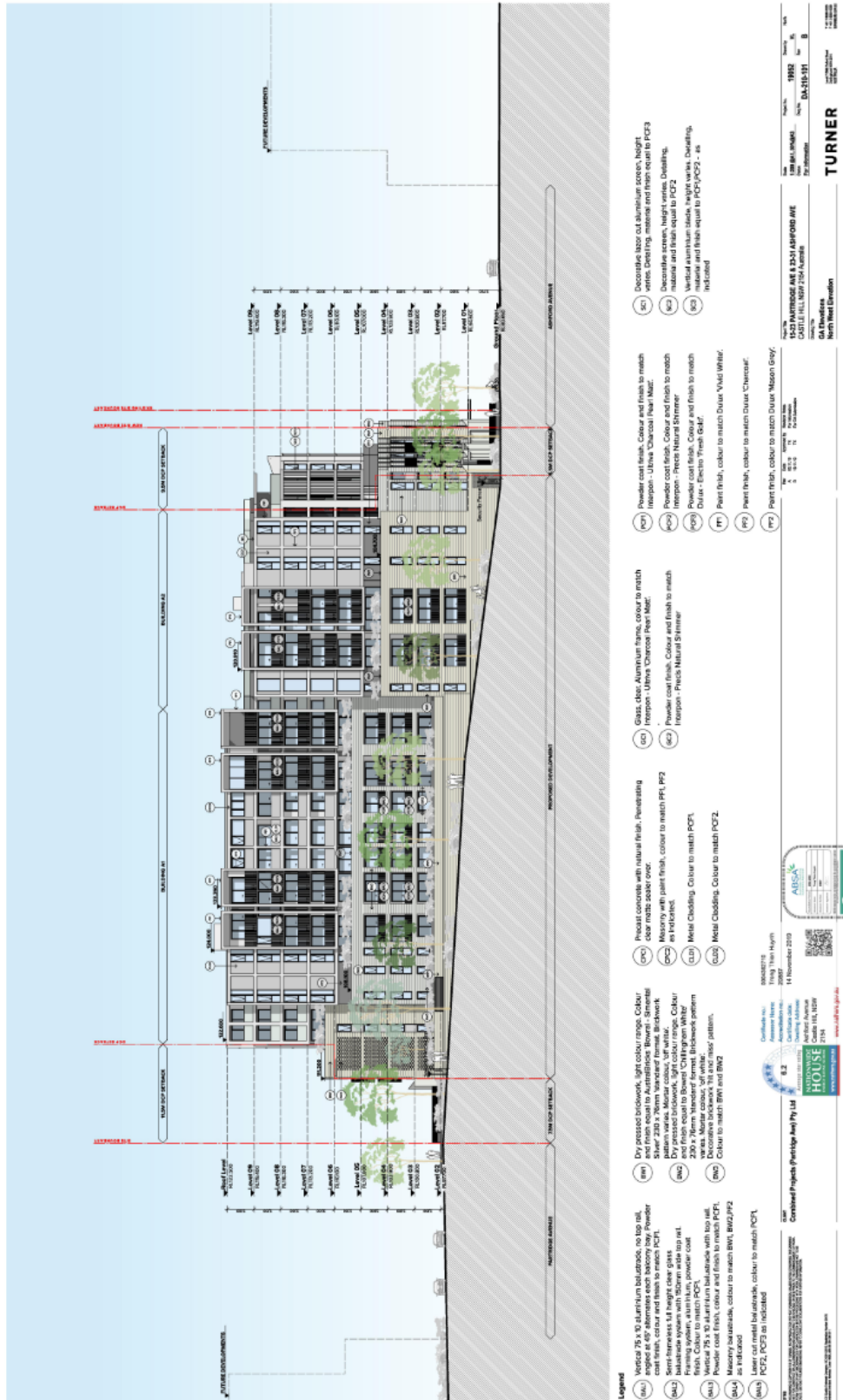
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ATTACHMENT 8 – FLOOR PLANS – ROOF LEVEL 1

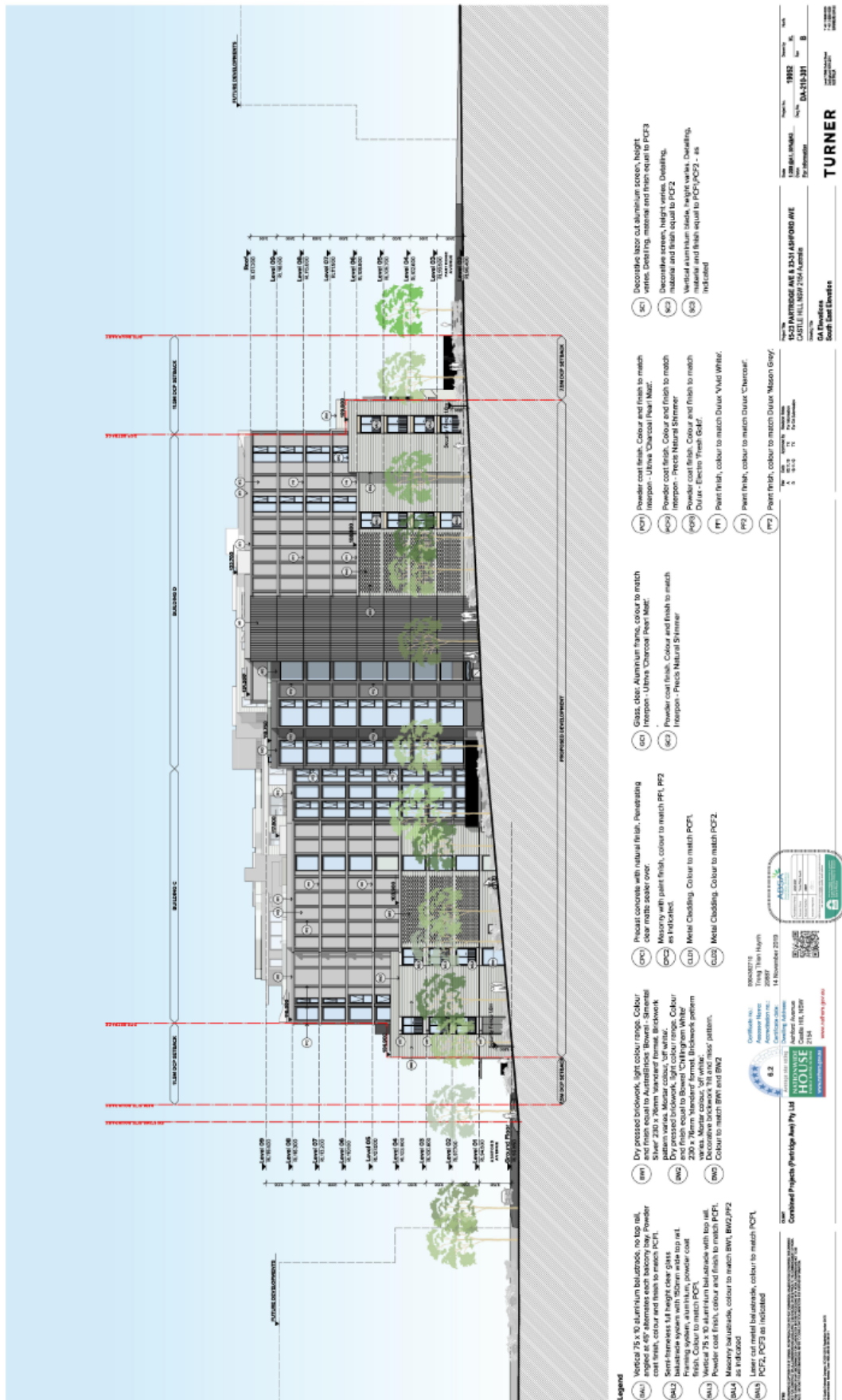


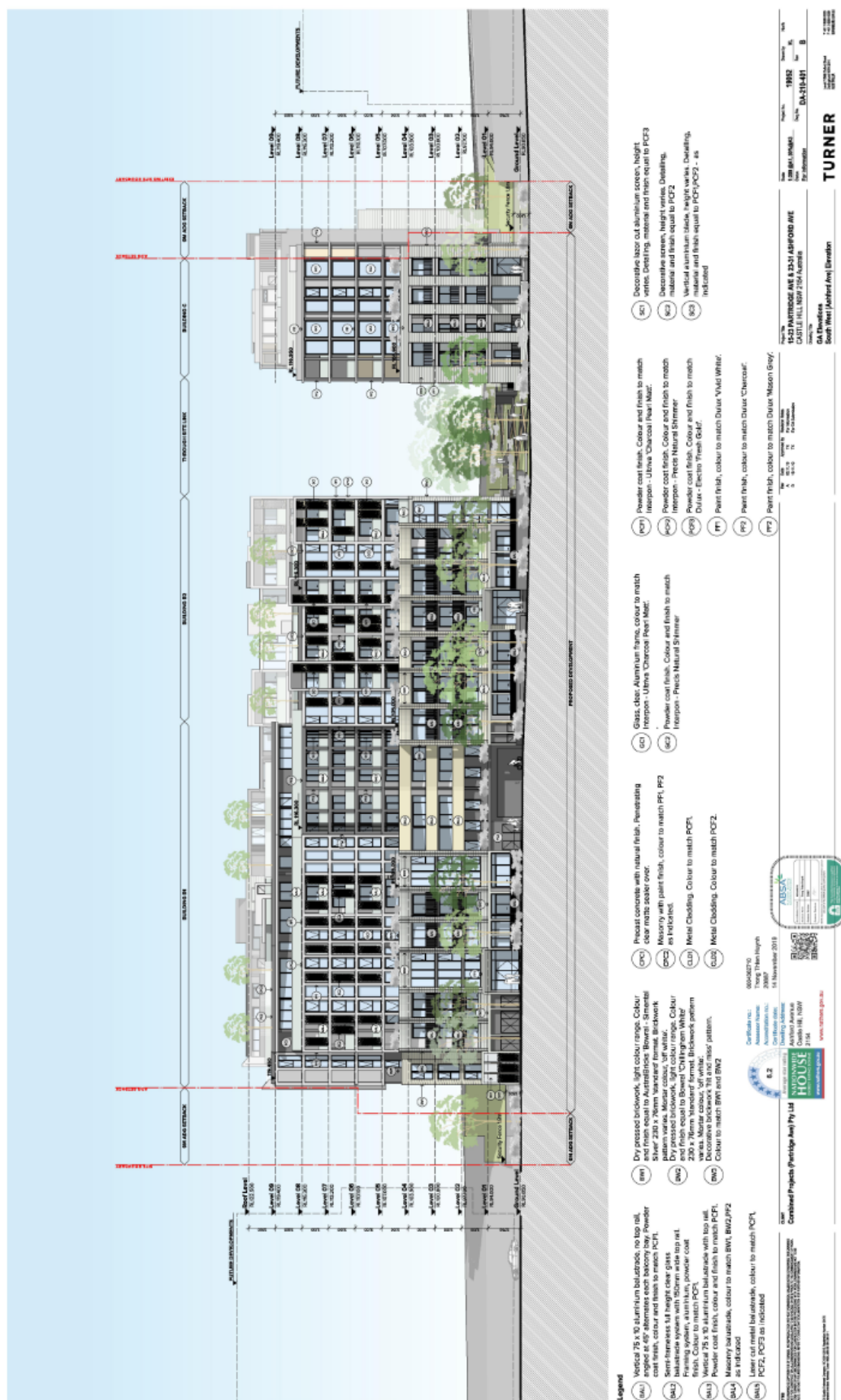
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Version: 12, Version Date: 03/06/2020



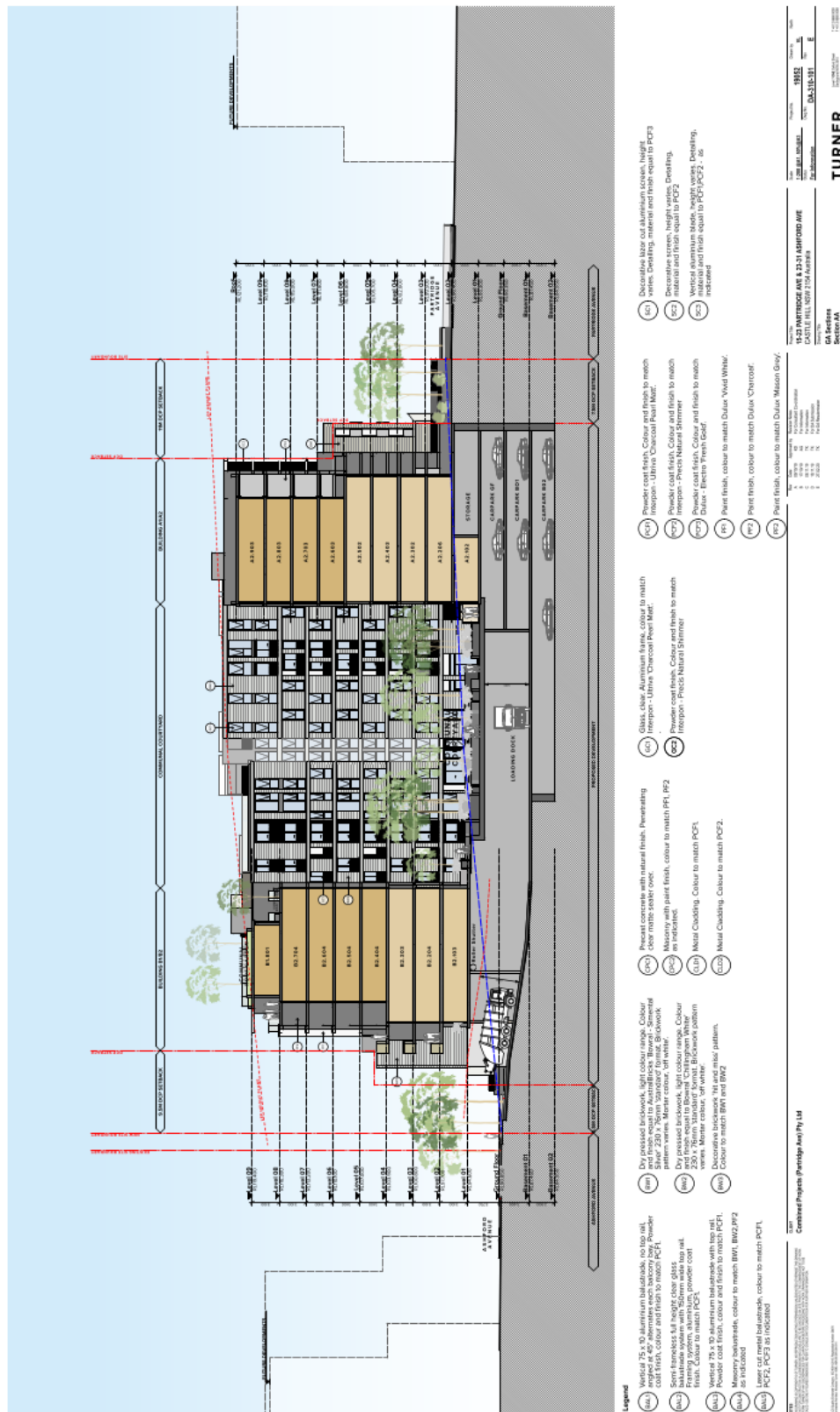
ATTACHMENT 9 – ELEVATIONS – NORTH EAST (PARTRIDGE AVE) ELEVATION

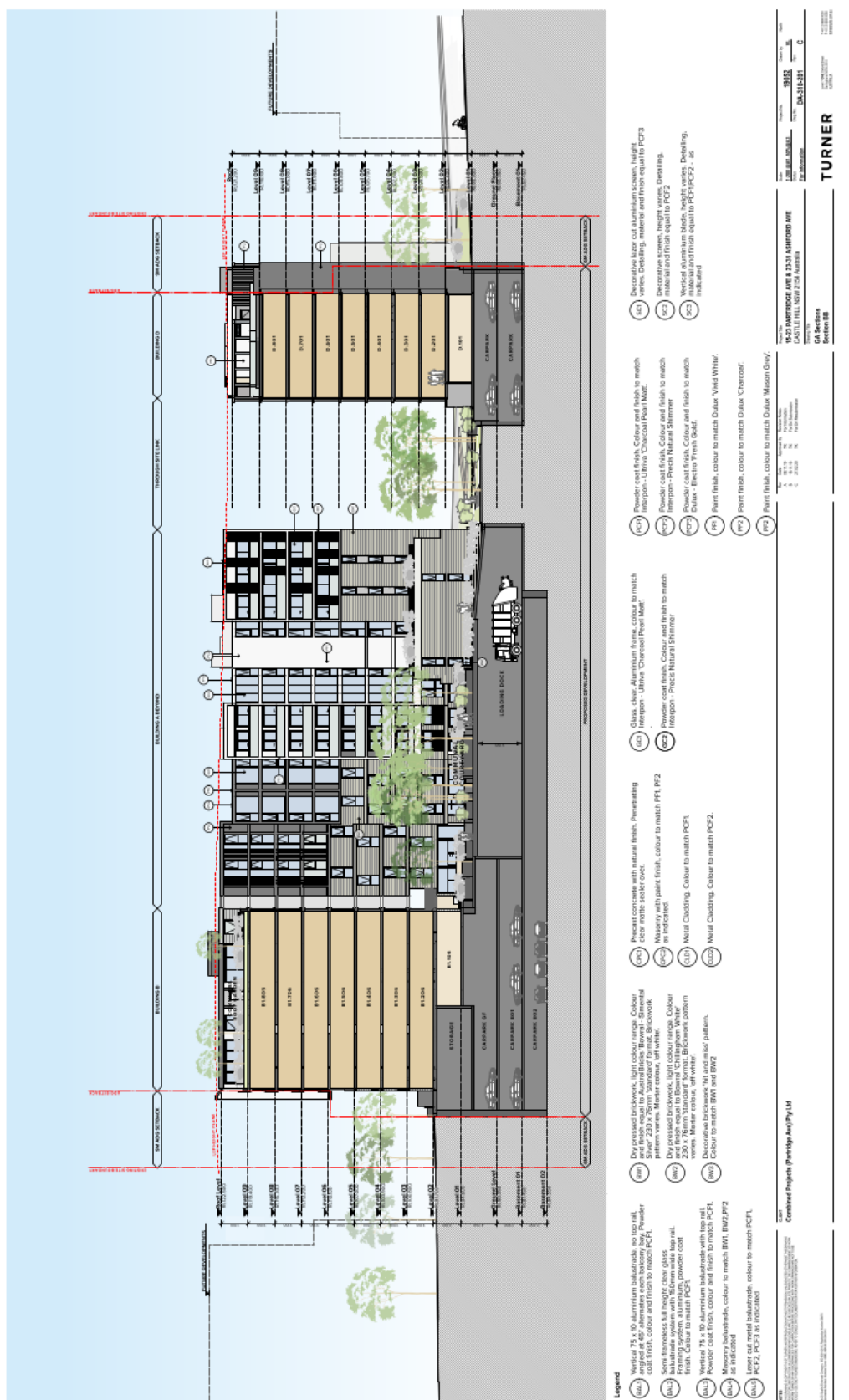




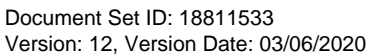


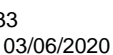
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Document Set ID: 18811533
Version: 12, Version Date: 03/06/2020



ATTACHMENT 10 – SECTIONS – EE

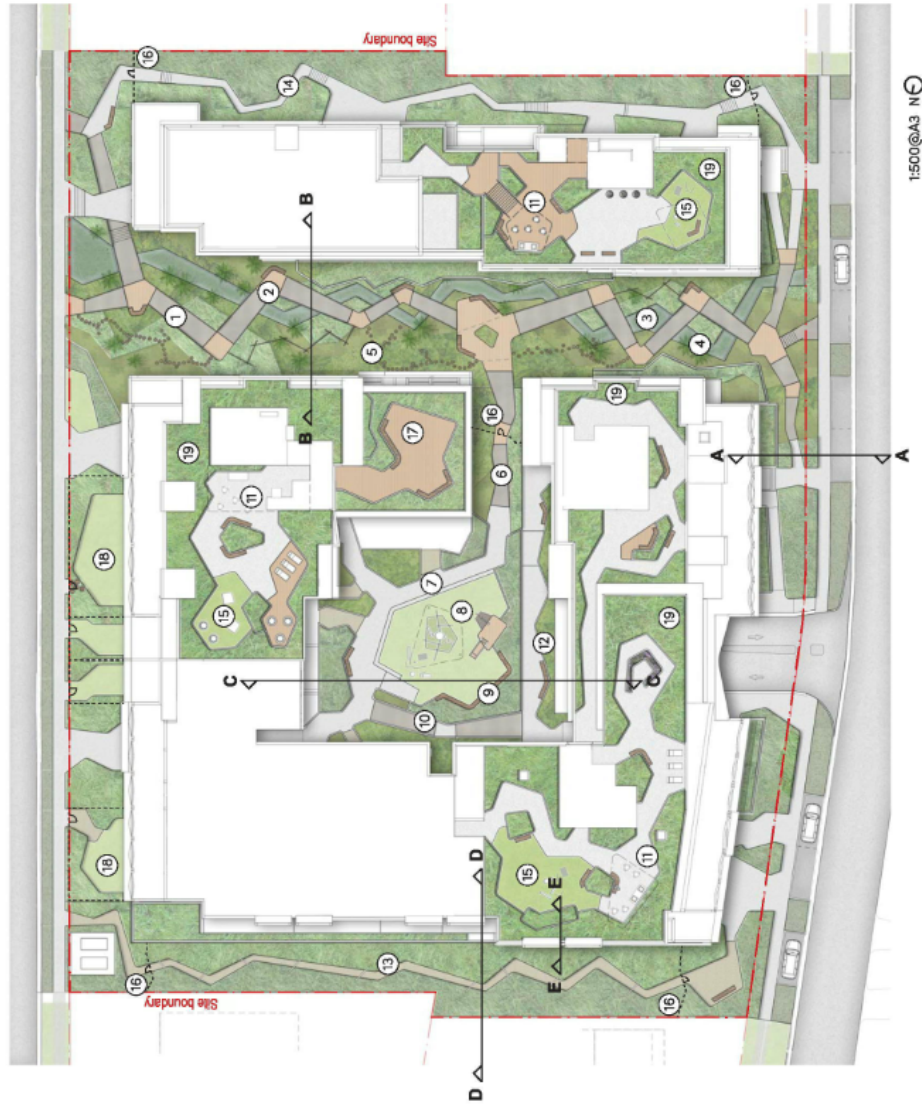


ATTACHMENT 11 – LANDSCAPE PLANS - MASTERPLAN

OVERALL MASTERPLAN | LANDSCAPE

KEY

1. Elevated, permeable 'boardwalk' ramps including handrails
2. Elevated, permeable timber 'landings' and seating knuckles. Nature play accessed from these landings.
3. Approximate location of the central overland flow swale. Incorporate sandstone rock spalls of various sizes to prevent erosion in flood event.
4. Garden areas. Rich native 'gully' vegetation type. Lush green, broad foliage, tree ferns, burrawangs, Gynera Lily's, stream lily.
5. Nature play elements for children including stepping stones, balance beams, rocks.
6. Ramp connection into private central courtyard.
7. Courtyard circulation pathways & seating. Access to private courtyards via cracked stone and gravel pathways.
8. Elevated soft fall play zone including fixed and movable play elements, swing, rope ladder, balancing beams. Retractable shade structure to cater for summer and winter conditions.
9. Seeding to perimeter raised planter.
10. Access ramp to upper courtyard level.
11. Communal BBQ or dining facilities with shade structure overhead.
12. Garden trim to improve terrace privacy.
13. Forest zone with meandering gravel path access and seating node on Ashford ave.
14. Forest zone with meandering concrete path and access to fire escapes.
15. Artificial lawn, communal seating and raised planters on rooftop terrace.
16. Fencing and access gates between public/private areas.
17. Lower rooftop terrace with flexible space.
18. Natural turf lawn areas inside private courtyards.
19. Low growing, diverse indigenous planting on rooftops.



ATTACHMENT 11 – LANDSCAPE PLANS - MASTERPLAN

OVERALL MASTERPLAN | LANDSCAPE WITH CANOPY COVERAGE



1:500@A3 N

ATTACHMENT 11 – LANDSCAPE PLANS – TREE MANAGEMENT PLAN

OVERALL MASTERPLAN | TREE MANAGEMENT PLAN

It is recommended that the sites landscape zones are utilised to replenish the local urban forest through planting of small, medium, and large canopy trees.

Tall trees are incorporated along all facades in deep soil to mask building bulk and scale whilst providing solar heat mitigation against facades, reducing heat loading and reliance on air conditioning.

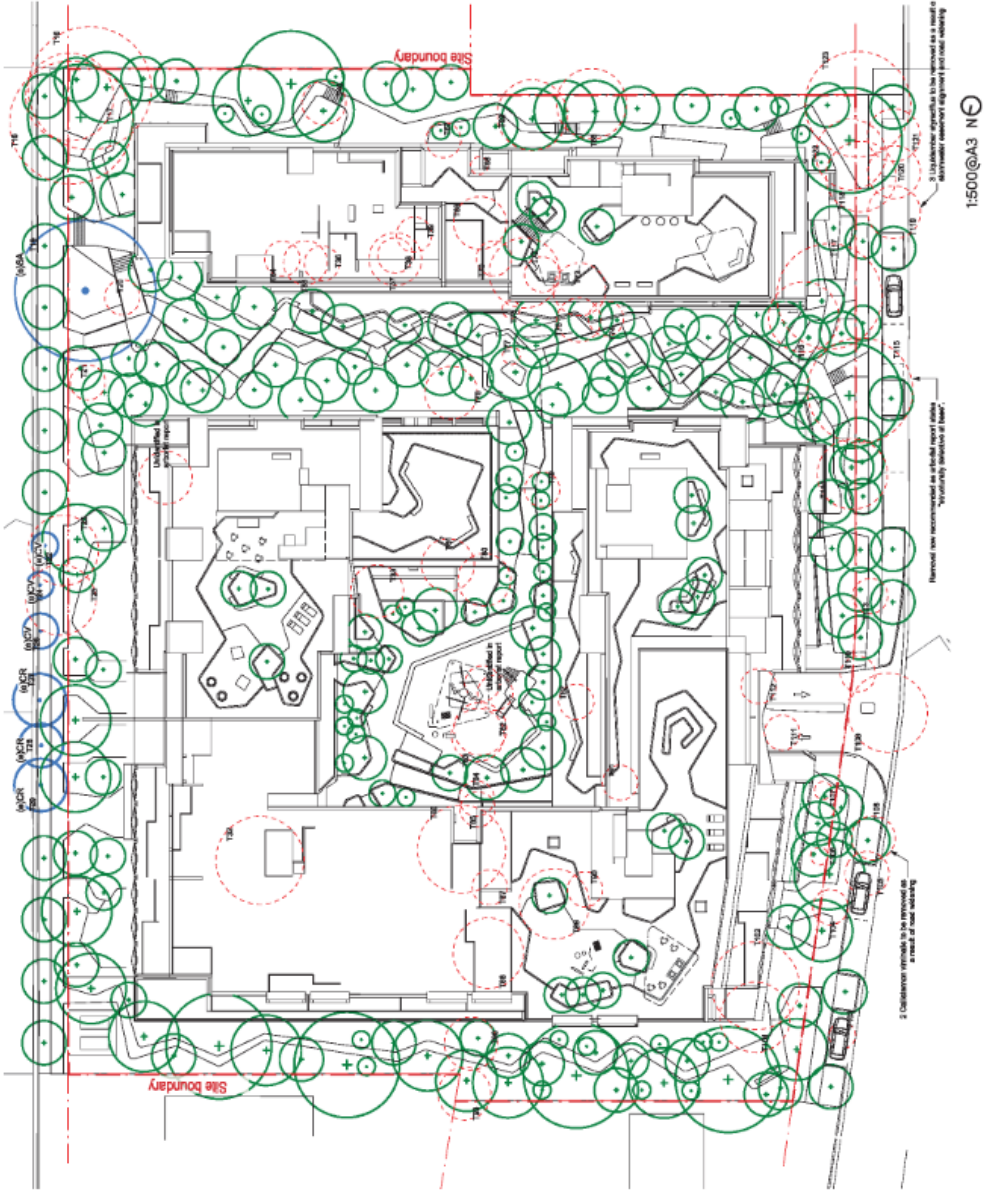
A range of locally indigenous, native and exotic trees are recommended to capture the garden suburb character whilst replenishing local species for native wildlife.

Evergreen trees are to predominate with deciduous species utilised for key winter solar access requirements.

KEY (tree quantities)

- Trees to be retained (7)
- Trees to be removed (70)
- Tree to be planted (233)

NOTE
Tree number in accord with arborist report. Refer to arborist report for tree identification.



ATTACHMENT 12 – SHADOW DIAGRAMS – 21 JUNE (FUTURE CONTEXT)



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ATTACHMENT 12 – SHADOW DIAGRAMS – 21 DECEMBER (EXISTING CONTEXT)

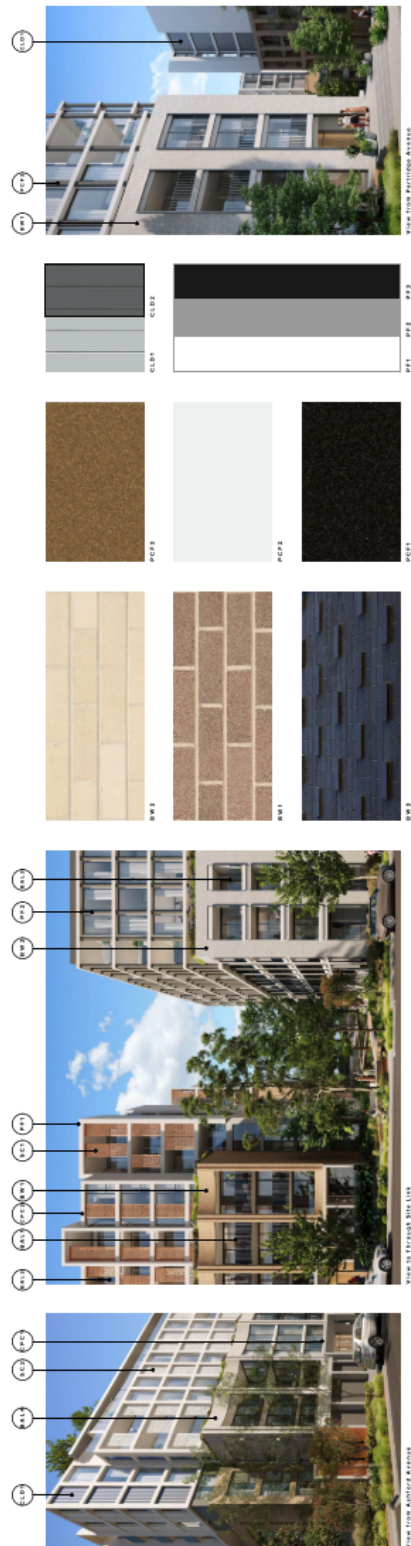


10:00 12:00 14:00 16:00
1523 PANTHOGE AVE & 2551 ASHFORD AVE
CASTLE HILL NSW 2154 Australia
December 21st Existing Context

10:00 12:00 14:00 16:00
1523 PANTHOGE AVE & 2551 ASHFORD AVE
CASTLE HILL NSW 2154 Australia
December 21st Existing Context

10:00 12:00 14:00 16:00
1523 PANTHOGE AVE & 2551 ASHFORD AVE
CASTLE HILL NSW 2154 Australia
December 21st Existing Context

TURNER



- [illegible]

[illegible]

ATTACHMENT 14 – PERSPECTIVES



View from Ashford Avenue to the cross-through link



View from Ashford Avenue

ATTACHMENT 14 – PERSPECTIVES



Client: Combined Projects (Partridge Ave) Pty Ltd	Project: 15-21 PARTRIDGE AVE & 23-31 ASHFORD AVE CASTLE HILL NSW 2158 Australia	Scale: 1:500	Sheet: 15-21 PARTRIDGE AVE & 23-31 ASHFORD AVE CASTLE HILL NSW 2158 Australia
3D VIEWS Perspective 03	TURNER	DATE: 03/06/2020	BY: [Signature]

View from Partridge Avenue

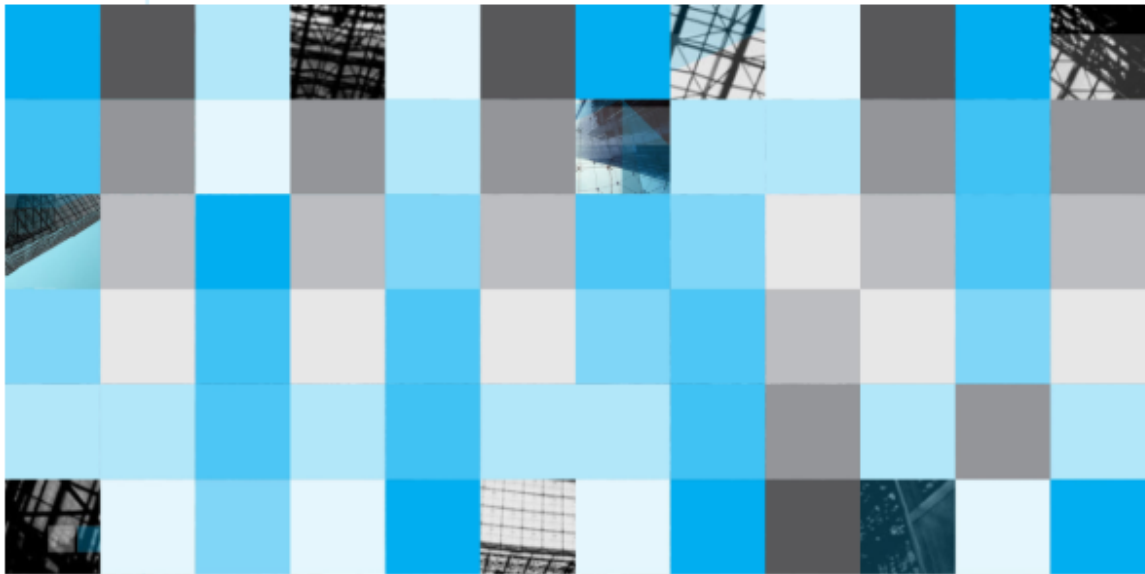


Client: Combined Projects (Partridge Ave) Pty Ltd	Project: 15-21 PARTRIDGE AVE & 23-31 ASHFORD AVE CASTLE HILL NSW 2158 Australia	Scale: 1:500	Sheet: 15-21 PARTRIDGE AVE & 23-31 ASHFORD AVE CASTLE HILL NSW 2158 Australia
3D VIEWS Perspective 04	TURNER	DATE: 03/06/2020	BY: [Signature]

View of Mews Apartments from pedestrian cross-through link

ATTACHMENT 15 – CLAUSE 4.6 WRITTEN SUBMISSION

**SUTHERLAND
& ASSOCIATES
PLANNING**



23-31 Ashford Avenue and 15-23 Partridge Avenue, Castle Hill

Clause 4.6 – Building Height
Development Standard

Clause 4.6 – Building Height Development Standard

**23-31 ASHFORD AVENUE AND 15-23 PARTRIDGE
AVENUE, CASTLE HILL**

November 2019

Prepared under instructions from
[Combined Projects \(Partridge Avenue\) Pty Ltd](#)

by

[Aaron Sutherland](#)
B Town Planning UNSW

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Tel: 0410 452 371
PO BOX 814 BOWRAL NSW 2576

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1.4	Extent of Variation to the Development Standard	5
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1.0 CLAUSE 4.6 REQUEST – BUILDING HEIGHT

1.1 Introduction

This request for an exception to a development standard is submitted in respect of the height of buildings development standard contained within Clause 4.3 of The Hills Local Environmental Plan 2012 (THLEP). The request relates to an application for the demolition of existing structures and construction of a 2 to 9 storey residential flat development containing 272 apartments over 2 storey basements, associated public domain works including road widening and a through site link, consolidation and stratum subdivision of the remaining development lot into 3 stratum allotment at 23-31 Ashford Avenue and 15-23 Partridge Avenue, Castle Hill.

1.2 Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the THLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the THLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be grant for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with clause 4.6(3) the applicant requests that the height of buildings development standard be varied.

1.3 Development Standard to be varied

Clause 4.3 states:

- (1) The objectives of this clause are as follows:
 - (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
 - (b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building height (or height of building) is defined in the dictionary of THLEP as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

There are two height controls on the subject site being 21 metres (Zone R1) in the southern portion of the site and 27 metres (Zone T2) in the northern portion of the site as shown in Figure 1.

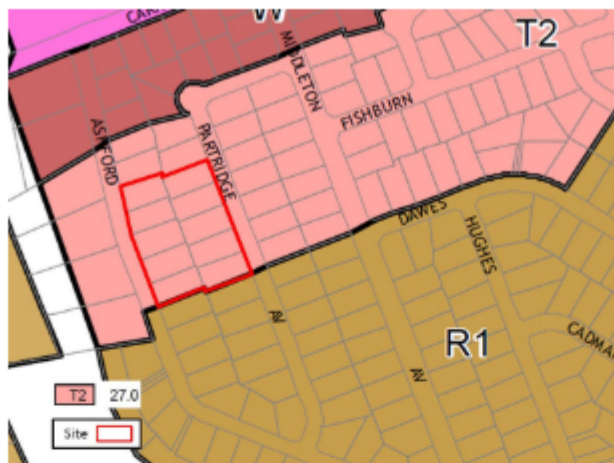


Figure 1:

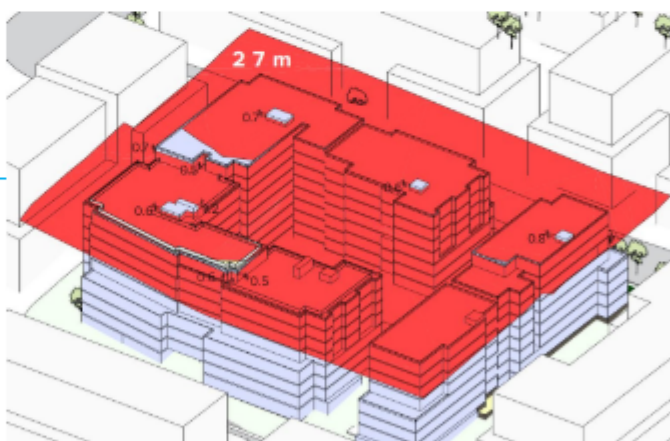
Extract from the
THLEP Height of
Buildings Map

1.4 Extent of Variation to the Development Standard

The majority of the buildings are below the height control with the exception of some minor point encroachments for parapets and lift overruns as illustrated in Figure 2 below

Figure 2:

Height plane
drawing which
illustrates the
components
which are
above the
height control



A comparison of the proposed heights against the development standard applicable to the site is illustrated below:

Element	Proposed Maximum Height	Variation to height control
Building A1-A2	27.7 metres	+0.7m (2.6% over)
Building B1-B2	27.6 metres	+0.6m (2.2% over)

Element	Proposed Maximum Height	Variation to height control
Building C/D	27.8 metres	+0.8m (3% over)

1.5 Clause 4.6(3)(a) is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

In addition, in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Justice held that “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

This request addresses the five part test described in *Wehbe v Pittwater Council*, [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The specific objectives of Clause 4.3 of the THLEP are identified below. A comment on the proposal's consistency with each objective is also provided.

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,

Careful consideration has been given to the location, size and design of the proposed development to ensure that a high quality outcome will be achieved which will sit comfortably within the forthcoming streetscape.

The proposed departure from the height control on the site occurs only as a result of the significant fall across the site with some minor protrusion of parapets and lift overruns. There is no habitable floor space above the height control. The proposal presents an 8 storey scale to the adjacent streets as anticipated by the DCP and therefore achieves an appropriate contextual fit which is compatible with the future adjoining development and the future streetscape, notwithstanding the height non-compliance.

(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

Overshadowing

The areas of additional height for the parapets are particularly minor, whilst the lift overruns are centrally located on the roof of the development, such that the variation does not result in any meaningful difference in shadow to the adjacent properties to the south beyond a compliant scheme.

Visual Impact

The visual impact of the proposed height variation is considered to be acceptable as discussed above in relation to Objective (a) as the area of increased height for the parapets is especially minor and the

increase in height for the lift overruns is located centrally on the roof such that they will not be readily perceptible from the public domain. The proposal fits appropriately within the future desired character of the area.

Privacy

The proposed development provides ADG compliant separation from the adjacent properties (or sufficient privacy measures), such that the proposed variation in height does not result in any adverse privacy impacts to adjacent properties.

Open Space

There are no public open space areas affected by the proposal and the proposed variation to the height control.

2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The underlying objectives and purpose of the height control are relevant to the proposed development. However, the proposed development is consistent with those objectives on the basis that the proposed height is compatible with the existing and future scale of the surrounding buildings and will sit comfortably with the context of the site with no significant adverse impacts to adjacent properties.

3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objectives and purpose of the standard relates to compatibility and impact and are relevant to the proposed development. The underlying objective and purpose would be satisfied by a compliant proposal, but is also demonstrated to be satisfied in this instance notwithstanding the proposed height variation.

4. the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The development standard has not been virtually abandoned.

5. the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Strict compliance with the maximum 27m height of buildings development standard is considered to be unnecessary and unreasonable in the circumstance of this site as discussed below:

- The proposed departure from the height control on the site occurs only as a result of the significant fall across the site with some minor protrusion of parapets and lift overruns. There is no habitable floor space above the height control. The proposal presents an 8 storey scale to the adjacent streets as anticipated by the DCP and therefore achieves an appropriate contextual fit which is compatible with the future adjoining development and the future streetscape, notwithstanding the height non-compliance.

- The elements which protrude the greatest extent through the height plane, being the lift overruns, are set well back from the street edges such that they are recessive and result in no visual impact to the surrounding streets.
- The proposal has elected to adopt the larger apartment sizes encouraged by the LEP bonus FSR provisions. These larger apartment sizes are significantly larger than the minimum SEPP 65 requirement and the Council have strongly advocated for these larger apartment sizes as highly desirable in order to meet the specific requirements of the Hills Shire community. Notwithstanding that there is a bonus FSR permitted by the THSLEP for the provision of the larger apartments, there is no corresponding relief provided in relation to the height control. Strict compliance with the height control in this instance would discourage the provision of the larger apartments, contrary to the Council's objective for larger apartments and an appropriate mix.
- The proposed area of height non-compliance does not result in any additional overshadowing to the adjacent properties to the south.
- There are no adverse impacts in terms of privacy impacts to adjacent sites resulting from the proposed variation to the height development standard which would warrant strict compliance.
- The greatest extent of the proposed height variation is the result of lift overruns which provide access to a roof top common open spaces. As a result of the roof top common open space, the proposal provides common open space which is the equivalent of 41.3% of the site area which significantly exceeds the minimum 25% requirement. In addition, the roof top areas enjoys excellent amenity as a result of district views and generous solar access.
- The proposed variation allows for the most efficient and economic use of the land.
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.

1.6 Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court matter of Initial Action Pty Ltd v Woolahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- In order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

There are only some very minor areas of height non-compliance for the parapets and slightly greater variation for the lift overruns. The environmental planning grounds that justify this component of the development are:

- The proposed development provides for an 8 storey scale to each adjacent street as anticipated by the DCP and therefore the proposal provides for a compatible outcome with the forthcoming context of the site notwithstanding the height non-compliance.
- The height non-compliance is as a result of the significant fall across the site and is balanced by other areas of the development which are equally below the height control.
- The proposed areas of height non-compliance do not result in any meaningful difference in shadow impact both to adjacent properties and also within the development itself when compared to a compliant height.
- Part of the reason for the height non-compliance is the desire to have lift overruns which provide access to the roof top which increases the common open space percentage within the development up to 41% which is well in excess of the minimum 25% requirement.
- The Council have strongly advocated for larger apartment sizes as highly desirable in order to meet the specific requirements of the Hills Shire community. The LEP provides an FSR bonus for providing these larger apartments and part of the reason for the height variation is to accommodate the FSR bonus for providing larger apartments. Strict compliance with the height control in this instance would discourage the provision of the larger apartments, contrary to the Council's objective for larger apartments and an appropriate mix.
- The proposed development demonstrates a high quality outcome for the site which will result in the delivery of an integrated community of buildings with preferred apartment size and mix, significant separation around a central courtyard, as well as significant open space opportunity and amenities which will contribute significantly to the amenity afforded to future occupants. This approach is only possible with a variation to the height control as proposed.

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

‘to encourage:

- i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- ii) the promotion and co-ordination of the orderly and economic use and development of land.’

The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:

- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.
- Strict compliance would prevent the attainment of the floor space incentive for providing a certain mix and a proportion of larger apartment sizes to meet the specific demands of the local market. This incentive translates to additional built form that needs to be accommodated within additional mass somewhere on the site and the additional proposed height means that the buildings can be sited and separated to maximise amenity and particularly, to provide a considerably greater level of internal amenity at the core of the site and without impacting on the public domain or adjacent future development sites.
- The proposed variation allows for the most efficient and economic use of the land, enabling utilisation of the floor space incentive without impacting on amenity.

On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.

1.7 Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in *Wehbe v Pittwater Council* [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the matters specific to the proposal and site, sufficient to justify contravening the development standard.

1.8 Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Objective of the Development Standard

The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the R4 High Density Residential zone.

The objectives of the R4 High Density Residential zone are:

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

Clause 9.7 of the THLEP is intended to facilitate the first two objectives of the R4 zone by incentivising the delivery of housing specific to the needs of the community in The Hills (i.e. larger apartments) as well as a much greater variety of apartment typology and size. In this instance, a height compliant development would not be utilising the floor space incentive under this clause which would result in a development that is less consistent with the objectives of the R4 zone. The height non-compliance in the proposed development enables the delivery of larger apartments and greater mix of apartment

typologies, resulting in a better response to the housing needs of the Showground Precinct community. Strict compliance with the height standard would undermine the intent of Clause 9.7

The proposed residential development will deliver additional housing choice that is in close proximity to Showground Station, a range of recreational opportunities and services and facilities and will maximise public transport patronage, cycling and walking.

For the reasons given the proposal is considered to be consistent with the objectives of the R4 High Density Residential zone.

The proposal has been demonstrated to be consistent with both the objectives of the building height development standard as well as the objectives of the zone and therefore the consent authority can be satisfied that the proposal is in the public interest. Furthermore, the public interest is appropriately served by maximising the provision of housing provided by the development, within the identified environmental capacity of the site, to ensure that it optimises the value of the public investment in transport infrastructure within this strategically important location.

1.9 Clause 4.6(5) Secretary Considerations

The matters for consideration under Clause 4.6(5) are addressed below:

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,

The contravention of the standard does not raise any matters of significance for state or regional environmental planning. The development does not impact upon or have implications for any state policies in the locality or impacts which would be considered to be of state or regional significance.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(b) the public benefit of maintaining the development standard,

This Clause 4.6 request has demonstrated there are significant environmental planning benefits associated with the contravention of the standard. There is no material impact or benefit associated with strict adherence to the development standard and in my view, there is no compelling reason or public benefit derived from maintenance of the standard.

1.10 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

As demonstrated above the proposal is consistent with the objectives of the zone and the objectives of Clause 4.3 notwithstanding the proposed variation to the maximum height of buildings development standard.

Requiring strict compliance with the height of buildings development standard on the subject site would result in an inferior built form that would contextually be essentially no different from the proposed development and would not result in any meaningful benefit to the streetscape or the amenity of adjoining properties. Strict compliance would force a reduced floor to ceiling height or a lowering of ground floor apartments and would also diminish amenity as a result of the need to remove common open space on the roof where it enjoys excellent solar access.

Allowing the flexible application of the maximum height of buildings development standard in this instance is not only reasonable but also desirable given the context of the site and desire to deliver a positive result for the site which will provide increased housing choice within the Showground Station Precinct.


Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the minimum height of buildings development standard and will achieve a better urban design outcome in this instance in accordance with objective 1(b).

1.11 Conclusion

Strict compliance with the minimum height of buildings development standard contained within clause 4.3 of The Hills Local Environmental Plan 2014 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition there are sufficient environmental planning grounds to justify the variation. Finally, the proposed development and height variation is in the public interest because it is consistent with the objectives of the standard and the zone. In this regard it is reasonable and appropriate to vary the building height development standard to the extent proposed.

ATTACHMENT 16 – DESIGN REVIEW PANEL MINUTES

DESIGN REVIEW PANEL DESIGN ADVISORY MEETING REPORT – 22nd January 2020

Item 4.1	11.00am – 12.35pm	
DA Number	DA 689/2020/JP	
DA officer	Cynthia Dugan	
Applicant	Combined Projects Partridge Avenue PTY LTD	
Planner	Sutherland Associates	
Property Address	23-31 Ashford Ave and 15-23 Partridge Ave, Castle Hill	
Proposal		Residential flat development comprising two residential blocks and 272 dwelling units over basement car parking.
Design review	First review DA (Reviewed pre-DA stage)	
Background	The site was inspected by the panel on 22/01/19 between 9am-10am	
Applicant representative address to the design review panel	Nick Turner Registration number: 6695	
Key Issues	Summary of key issues discussed: <ul style="list-style-type: none"> • Changes made since the pre - DA • Cross site link and overland flood path. • Building heights. • Landscape design and retention of existing trees. 	
Panel Location	THSC Community Rooms 1+2	
Panel Members	Chairperson - Tony Caro Panel Member - Paul Berkemeier Panel Member - Marc Deuschle	
Declaration of Interest	None	
Councillors	None present	
Council Staff	Cynthia Dugan, Marika Hahn, Samuel Austin, Gideon Tam	
Other attendees	Greg Colbran - Deicorp Poonam Chauhan - Deicorp Aaron Sutherland – Sutherland Associates Nick Turner – Turner Studio Theo Krallis – Turner Studio	Jacob Holman - Turf (Arch Designer) Mike Horne – Turf (Landscape Arch) Aron Jaggannath BRS (traffic) Robert Day - BRS (traffic) Joe Schim – ACE (Civil Eng.)

SUBJECT SITE BACKGROUND SUMMARY

The subject site is in the western portion of the Showground Planned Precinct and roughly parallel with the Cattai Creek riparian corridor.



Location plan (THSC)

DOCUMENTATION

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

- Response to Council, 19 Dec 2019, by Deicorp
- Architectural Plans, dated 18/12/19, by Turner Studio
- Architectural Design Report, submitted for 22/01/20 DRP, by Turner Studio
- Landscape DA report, dated 18 Dec 19 Issue C, by Turf Design Studios
- Statement of Environmental Effects, dated Nov 19, by Sutherland Associates
- Public Domain Works, dated 07/12/19, by Australian Consulting Engineers

PANEL COMMENT

The Panel has previously reviewed the project as a pre-DA on 25/09/19

The Panel commenced at 11.00am

For clarity, this meeting report structure is based on previous Panel comments (*repeated when appropriate below in italics*). The new comments do not necessarily supersede previous advice

1. Precinct planning, appreciation and response to context

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

COMMENT: Within the constraints imposed by the current LEP and DCP controls, the Panel is satisfied that the proposal responds appropriately to desired future character and vision for the precinct.

2. Site planning and built form strategy

- The revised strategy is an improvement on the former proposal.*
- Engineering advice will inform the design development of the cross-site link and the public domain interface.*

COMMENT: The Panel acknowledges the well considered effort that the Architect and consultant team have undertaken to achieve compliance with statutory controls and achieve a good design outcome.

The stepping of building blocks following the topography has enabled a better and more responsive design outcome.

Bulk, Scale and Massing

- *The maximum façade lengths set out in the DCP should be reviewed, and the built form further articulated to satisfy this objective.*
- *The applicant is advised to carefully consider the scale and the impact of the buildings mass and bulk on shadowing of the central court and the internal facades of the development.*
- *The scale of the court is important. It will make a significant contribution to the success of the project.*

COMMENT: The applicant has provided a 30m x 30m courtyard space that is accessible for residents from the 12m wide cross site link. It is noted that whilst the courtyard area is mostly in shade throughout winter, opportunities to provide a well-shaded cool area with appropriate species and water-play designed for the summer months are supported.

The Panel also noted that opportunities to open up the lobbies to allow for the passage of airflow into the court will aid the comfort and amenity of this area, which could be otherwise oppressive on hot summer days.

The scale of the court and provision of a substantial canopy tree will aid in providing visual amenity for residents looking into the court and those using the court.

Site Coverage/ Landscaped Open Space

- *Provide clear annotated site coverage diagrams to demonstrate compliance with DCP controls and ADG design criteria.*
- *The internal court should have one to two significant tall canopy trees to improve privacy, enhance the visual quality of the outlook and to provide environmental amenity.*

COMMENT: The calculation of site coverage and ADG compliance was appropriate however all metrics should be confirmed with the DA officer. Whilst the side setback areas do not fall under the ADG definition of Communal Open Space, the cross-site link is a welcome shared open space for use by residents and the public. The proposal appears to demonstrate compliance without the inclusion of these areas.

The Panel noted the large tree deciduous planned for the central court.

3. Compliance

Height

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

COMMENT: At the meeting the Panel re-iterated this view. Because of the precinct topography, high density and relatively low allowable heights, the Panel supports provision of a portion of sunny communal open space on roofs, comprised of lift access, a universal WC, BBQ facilities and shaded seating areas. In the Panel's view, such elements may be considered above the height plane provided that:

- no private enclosed space is provided.
- All elements are set back from parapets so not visible from surrounding public domain.
- No additional overshadowing or overlooking of neighbouring properties is created.
- Opportunities for connection to alternative lift core/s is achieved to assist with access when lifts are out of order or unavailable.

Density

- *Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction.*

COMMENT: It is understood that compliance is achieved. No further comment, to be confirmed with Council officer.

Setbacks

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

COMMENT: It is understood that compliance is achieved. No further comment, to be confirmed with Council officer.

Apartment Mix and Building Design

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

COMMENT: It is understood that compliance is achieved. No further comment.

- *When designing the larger apartments, as required by Council, applicants should consider providing more amenity than simply "scaled-up" minimum SEPP 65 apartments. The additional area required for these large family-oriented 2- and 3-bedroom units should be planned to provide more flexibility and choice for the inhabitants: a second living area, a dedicated office/media room, an enlarged dedicated laundry area, and expanded storage are some possibilities to consider.*

The Panel commends the inclusion and arrangement of a diversity of housing typologies.

4. Landscape Design

Public Domain

- *The Panel is concerned that a number of existing trees adjoining and within the public domain will be removed. Significant established trees should be retained where practicable and described in an arborist report.*

COMMENT: The applicant is proposing to redirect the stormwater pipe away from the significant established trees and is confident the trees will not be affected by future works. This is subject to council approval.

The Panel recommends the larger street trees notated in the Public Domain Plan be provided in consultation with Council.

- *Two options for the cross-site link were discussed. The less formalised landscape treatment of the cross-site link is preferable. The preferred solution also offers potential to demonstrate the water management of this overland flow on the site as part of the landscape selection and public domain. Design of useable spaces into the corridor will assist in the design of the ramping and path arrangement.*
- *Co-ordination with a Landscape architect should occur prior further detailed design.*

COMMENT: The Panel notes the co-ordination of the architectural and landscape design in the approach to the cross-site link has the potential to result in a successful integration of water management, and landscape design with the built form resulting in a unique and delightful space.

The Panel questioned lighting within the cross-site link (potential CPTED and glare issues) and the materiality of the "knuckles". Consideration of permeable materials in lieu of concrete was raised for the areas termed "knuckles" to allow deep soil planting under to receive adequate air and water.

The Panel questioned the arrangement of the ramps noting that some "bunching" could result in larger flat/useable areas within the walk between more compressed steeper areas. The cross-site link is otherwise lacking in usable space and could benefit by such a move. Bunching would also concentrate the handrails where level changes are greatest as opposed to needing them throughout the entire cross-site link.

The Panel recommends a rationalisation of ramps to the lobbies from Ashford Avenue as this would provide more area for landscaping and remove circulation paths from dominating the street frontage. This would allow for more landscaping and trees in the street.

- *Ventilation exhausts from basement car-parking are to be incorporated into the building envelope.*

COMMENT: This was not addressed but is to be demonstrated to the DA planner's satisfaction.

- *Indented car-parking is to comply with the Public Domain Plan. Documentation details are found on Council's website under Subdivision and Engineering Specifications refer to Showground Precinct Verge Treatment Details.*

COMMENT: The Panel notes the entry drive presents as being excessive in comparison to other proposals of a similar or larger size reviewed in the precinct. The driveway envelope is to be minimised as per approved DA 192/2019/JF, which is comparable in size. (Confirm with Councils traffic engineer).

- *Visible roof tops such as the mews should be green roofs or patterned with an appropriate material for visual amenity.*

COMMENT: Addressed.

- *Gates and fencing are to ensure the opportunity for visual connections whilst maintaining security.*
- *The Panel recommends that a high number of large, high canopy trees be provided around the edges of the site, to meet the requirements of a high density residential environment in a strong, verdant landscape setting.*

COMMENT: –A substantial tree canopy is now proposed and is supported. Given the large number of trees it must be ensured that visual access is maintained throughout the cross-site link to avoid CPTED issues.

The Panel noted that resident only access into the large communal court is to be provided. No further comments.

At the meeting there was discussion in relation to footpath species selection and spacing. The Panel considers this to be a key issue for the precinct public domain, having regard to desired future character and provision of shade, carbon sequester, privacy and fauna habitat. As the applicant is required to provide this, the Panel recommends that they prepare a concept plan with recommendations for consideration by Council officers.

Private Domain

- *For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.*

COMMENT: The Panel noted that the communal open spaces provided would potentially benefit by the rationalisation of circulation paths leaving more area for landscaped treatments.

The program of the roof top spaces was unclear and equitable access to the roof top areas was challenging for some residents such as those in blocks A1 and A2.

- Noting the likely demographic mix of apartment development in the LGA, the Panel recommends:
- provision of substantial areas that will accommodate child's play. This need not be formal play, ie equipment, but could include larger open spaces and informal play. The Panel notes the opportunity for natural play elements in the cross-site link.
- the communal roof top area between building blocks C and D be expanded.
- consideration of a roof top communal space between A1 and A2.
- consideration of providing access to the Green Roof over the Mews.

The Panel notes provision of roof top access to areas not previously considered may result in the height being breached. (refer Item 3 above).

The Panel recommends the provision of sections illustrating the impact of any proposed height non-compliant elements as viewed from the street be provided in the DA. This can be reviewed by Council's Urban Designer.

- *Provide typical plans for the different types of private yards to show varied scale, arrangements and planting areas.*

COMMENT: Addressed –

- *Design of fencing, gates and walling treatments to be illustrated in these to ensure that the design character is carried through the DA.*
- *Detail to be provided to the DA officer prior to consent. The detail should also include the handrails / kickrails throughout the cross-site link.*

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

- ADG compliance be clearly demonstrated with a particular emphasis on compliance with the following design criteria:
- 3C Public Domain Interface
- 3E Deep soil zones
- 3F Visual privacy
- 4a solar and daylight access
- 4B Natural ventilation
- 4C ceiling heights

COMMENT: The Panel noted that a number of apartments designated as achieving cross ventilation do not comply with the ADG definition. The applicant advised this is subject to confirmation with a wind consultant. A report verifying compliance is to be provided to the DA officer to assist with assessment. The Panel noted the wind consultant should also provide advice on the opening up of the lobby areas to provide air circulation into the central court areas in this report to improve residential and pedestrian amenity.

6. Sustainability and Environmental amenity

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

COMMENT: This was not addressed however the provision of partially vegetated roof areas and the landscape treatment of the cross-site link are regarded as appropriate environmental strategies. The Panel encourages as much planting as practicable on all roof top garden areas where non-accessible but visible to residents within or beside the development.

Real lawn should be considered in lieu of synthetic turf where practical. Shade, in the form of trees (or structures if applicable) should ensure any roof areas with artificial lawn are comfortable and usable.

7. Architecture and Aesthetics

- Particular attention is to be paid to the lower 2 to 4 levels with an emphasis on a fine grained address to the street as per DCP controls.
- All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.
- The Panel requests a statement from the architects describing how their design proposal has considered and responds to the specific social, cultural and environmental character of regional north-western Sydney. **Addressed**
- Particular attention is to be paid to the lower levels of Ashford Avenue where a number of service access points, fire escapes and small number of apartments compete for street frontage. It is essential to reinforce the residential scale and amenity of the street edge and reduce impact of service areas. **Addressed**

COMMENT: The Panel commends the application of DCP objectives in providing a fine-grained façade to the street frontages and the provision of individual lobbies per defined building block on both frontages. The modulation of the street wall and articulation of different building blocks will provide a varied and interesting street edge reinforcing the pedestrian scale and residential nature of the precinct.

SUMMARY OF PANEL RECOMMENDATIONS

- Provide a statement of the scheme's design response to its precinct and broader regional context. **Addressed.**
- Avoid subterranean units and sunken terraces. **Addressed.**
- Ensure common facilities and related spaces are appropriate to the size of the development. **As per Panel comment.**
- Provide external solar shading to exposed windows. **Addressed**

- *Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations. **To be provided to DA officer prior determination.***
- *Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting. **Addressed***
- *Provide sun eye diagrams between the hours of 9am to 3pm at ½ hourly intervals on June 21st to demonstrate solar access. **Addressed***
- *Provide shadow diagrams at hourly ½ hourly intervals between the hours of 9am to 3pm on June 21st. Include the surrounding future-built context. **Addressed***
- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation Works is required for the removal of any trees over 3m in height in the street and building setback areas. **To be provided to DA officer prior determination.***
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council. **To be provided to DA officer prior determination.***
- *Vehicular access should be consolidated and wholly contained within a building footprint. **Addressed. Note: Driveway envelope to match width of approved DA 192/2019/JP.***

ADDITIONAL RECOMMENDATIONS

- Consider natural airflows in central courtyard, as noted.
- Consider design of central courtyard as a cool retreat in summer with appropriate landscape and potential for children's water play and other water elements.
- Address issues raised in relation to cross-site link design and amenity, as noted.
- Consider improved access to current communal open spaces and provide additional roof top communal open spaces for improved equity of access.
- Ensure design of required elements above the height plane are minimised in their impacts, as noted.
- Provide ADG compliant natural cross ventilation or alternate solutions to Council officers satisfaction.
- Public domain street tree concept plan as noted.

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

PANEL CONCLUSION

It is recommended that the applicant address any unresolved issues identified in this report. If the DA officer is satisfied that the applicant has addressed the concerns of the panel, the project need not return to the panel for further consideration.

ATTACHMENT 17 – EXISTING FLOOD MAPPING

