

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-536 - DA 58/2020/JP/D
PROPOSAL	Section 4.55(2) Modification to an Approved Residential Flat Building Development
ADDRESS	2-12 Sexton Avenue Castle Hill 24-34 Fishburn Crescent Castle Hill
APPLICANT	Karimbla Properties (No. 68) Pty Ltd
OWNERS	Karimbla Properties (No. 68) Pty Ltd
DA LODGEMENT DATE	26 March 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021 Section 275 of the Environmental Planning and Assessment Regulation 2021
ESTIMATED DEVELOPMENT COST	\$111,267,218.18 (excluding GST)
CLAUSE 4.6 REQUESTS	NA
KEY SEPP/LEP	The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects – Meriton Property Services Architectural Plans – Giles Tribe Design Verification Statement – Giles Tribe Landscape Plan – Urbis Traffic Impact Assessment – Genesis Traffic Stormwater Management Report and Civil Works – AT&L External Civil Works Plan – Smart Structures Australia Waste Management Plan – Elephants Foot

	BASIX Certificate – SLR Consulting
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	NA
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic Determination
PREPARED BY	Cynthia Dugan - Principal Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	16 August 2024

EXECUTIVE SUMMARY

Development Application 58/2020/JP was approved on 6 August 2021 by the Sydney Central City Planning Panel. The application was for 295 dwellings comprising seven 8 – 9 storey residential flat buildings with basement car parking for 368 spaces.

The Section 4.55(2) Modification Application seeks to make architectural design changes to the built form, changes to the unit size, layout and mix resulting in an overall reduction in unit yield from 295 to 285, increases to the floor to floor heights to accommodate services within the ceiling space, the addition of a heated pool and spa within the central courtyard, adjustments to entry lobbies, courtyards, OSD, landscaping and basement design.

The application seeks to further vary Clause 4.3 Height of Buildings of the Hills LEP 2019. The approved development comprises a variation to the height standard by a maximum of 3.9 metres or 14.4%. The proposed maximum height of 31.83m exceeds the height limit of 27m by a maximum of 4.83 metres or 17.9% which is a further exceedance of 930mm or 3.5% to the approved development. The Applicant submits that the variation is required to accommodate servicing and structural requirements whilst maintaining habitable room ceiling heights in accordance with the Apartment Design Guide. It is considered that there are sufficient environmental planning grounds to justify further contravening the development standard, as the variation will not significantly change visual privacy or visual amenity impacts compared to the approved built form and meets the objectives of the height standard and zone objectives. In this regard, the variation can be supported.

The application does not seek further exceedances to variations to the design criteria of the Apartment Design Guide approved under the original application. A design verification statement has been submitted with the application. The application satisfies the provisions under SEPP 65 and the objectives under Apartment Design Guide.

The proposal has been assessed against the relevant controls under The Hills DCP. The application does not propose further variations to the controls, however results in further

exceedances to the site coverage and landscaping control under the Showground Station Precinct DCP as a result of the pool addition in the communal open space are. Notwithstanding, the pool area will not be significantly visible from the street and there are no significant changes proposed to the high-quality landscaping within the front setbacks

his will still meet the objectives of the controls as this area will not be significantly visible from the street and there are no significant changes proposed to the high-quality landscaping within the front setbacks. In this regard, the landscape character of the precinct will be maintained.

The application was notified to adjoining and surrounding properties, and no submissions were received.

The proposed modifications result in an outcome that is substantially the same development as originally approved. The modification application is therefore satisfactory when evaluated against section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979.

The Modification Application requires referral to the Sydney Central City Planning Panel (SCCPP) as the determination of the Section 4.55(2) Modification Application includes a departure to a development standard imposed by an environmental planning instrument by more than 10%. Under Section 275 of the Environmental Planning and Assessment Regulation 2021, the application is referred to the SCCPP for determination.

The application is recommended for approval subject to conditions.

1. THE SITE AND LOCALITY

The site comprises an area of 12,375m² and is bound by Sexton Avenue to the northeast and west and Fishburn Crescent to the south.

The site is within the Showground Station 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. On 15 December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. The Showground Station Precinct is confined to the following boundary:



Figure 1 – Showground Station Precinct (Location of Subject Site Shaded in Blue)

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed modifications for the subject Section 4.55(2) application are detailed below:

Basement Layout

- Revised basement parking and ramp layout.
- Central bin collection room updated from basement 3 to basement 2.
- Basement 4 excavation area reduced.
- Central bin collection updated provided with hoist and bulky waste area separated with a 200mm clearance door.

Ground Floor

- External heated pool and spa added to central communal courtyard and fire stairs from basement relocated to suit pool location.
- Pool plant relocated to approved gym location.
- Gym relocated to Building 2 with sauna and pool amenities.
- Adjustments to courtyards, OSD design and landscaping.
- Revision of fire stairs.

Floor plans

- Reduction in overall unit yield from 295 to 285.
- Reduction in the number of 1 bedroom apartments from 74 to 52.
- Increase in the number of 2 bedroom apartments from 157 to 170.
- Façade outline adjustments to allow for revised unit mix and façade articulation.
- Increase in size of all 2 bedroom units to above 80m².
- Standardised kitchen and bathroom layouts throughout.
- Apartment layouts revised.
- Adjustments to location of entry lobbies for Building 4, 5 and 6 to allow new unit mix.
- Courtyard stair to street relocated to not project into setback area.
- Increased building height by 800mm to allow for 3150mm floor to floor typically and 3250mm at ground floor and roof. Transfer Level 4 will be 3400mm to comply with ADG and BCA requirements.
- Additional riser added to all fire stairs to allow for BCA compliance at revised transfer level height, minor adjustments to core layouts.
- Adjustments to landscaped courtyards to reflect changes 9, 11, 12 and 19.

Elevations

- Redesign of podium façade and more pronounced differentiation between podium and upper levels/ tower form.
- Buildings 1, 3 & 5 are considered marker buildings with a similar podium expression and features colours gold and blue. Articulation zone of Building 3 podium follows the approve articulation zone of Building 1 & 5.
- Architectural play between organic and rectilinear form for the upper levels between the buildings.

- Increased daylight access to podium apartments, larger windows, no solid upstand walls, and maintained privacy through frosted translucent glazing to 940mm above SSL for bedrooms.
- Change in building materials. Removal of CFC cladding and brick, replaced by precast concrete, glass, aluminium and metalwork.
- Kitchen, bathroom and laundry exhausts integrated into balcony sliding door subhead, not visible on main façade to improve external appearance.
- Removal of projecting bay windows between Buildings 1 & 7, 7 & 6 and 5 & 6, and replaced with spayed and straight privacy screens.

2.2 Background

Development Application 58/2020/JP was approved by the Sydney Central City Planning Panel on 6 August 2021 for the following works:

- Demolition of existing detached residential dwellings and associated structures,
- Site preparation works, excavation and tree removal,
- Construction of 7 x residential flat buildings comprising 295 dwellings with the following unit mix: 74 x 1 bedroom units, 157 x 2 bedroom units, and 64 x 3 bedroom units. Each building consists of the following:
 - Building 1 comprising 9 storeys and 54 apartments;
 - Building 2 comprising 9 storeys and 36 apartments;
 - Building 3 comprising 9 storeys and 37 apartments;
 - Building 4 comprising 9 storeys and 39 apartments;
 - Building 5 comprising 9 storeys and 45 apartments;
 - Building 6 comprising 9 storeys and 46 apartments; and
 - Building 7 comprising 8 storeys and 38 apartments.
- Construction of two basement levels comprising 368 car spaces, loading facilities and residential storage;
- Associated landscaping works, including:
 - Ground level central communal courtyard;
 - Rooftop communal open space on Buildings 1, 3 and 6.

The Development is to be constructed in three stages, with buildings 3 and 4 constructed in Stage 1, buildings 5 and 6 constructed in stage 2 and buildings 7, 1 and 2 constructed in Stage 3. The development also involves the dedication of a 2 metre strip of land along Fishburn Crescent for the purposes of road widening.

On 15 February 2023, Section 4.55(1A) modification application 58/2020/JP/A was approved by the Local Planning Panel for minor changes to the internal basement and apartment layouts, an increase in height to screen additional plants on the rooftop and amendments to the on-site detention system design, associated landscaping and the relocation of fire stairs and substation. The application results in a minor reduction in the Floor Space Ratio of the development. No changes are proposed to the number of units, unit mix, building separation or balcony locations. The staging of the development was amended as follows:

- Stage 1 – Building 3, 4 & 5.
- Stage 2 – Building 6 & 7.
- Stage 3 – Building 1 & 2

On 14 September 2023, Section 4.55(1A) modification application 58/2020/JP/B was approved under delegated authority for minor increases to the floor to ceiling height of all level 3 apartments, minor reduction in GFA and FSR to 29,646.6m² and 2.40:1 and the relocation of five air conditioning condenser units from rooftop to basement 2.

On 28 November 2023, Section 4.55(1A) modification application 58/2020/JP/C was approved under delegated authority for minor changes to the facades of buildings and planter box changes to the podium level of all buildings.

On 26 March 2024, the subject Section 4.55(2) modification application 58/2020/JP/D was lodged with Council.

On 16 April 2024, a stop the clock letter was sent regarding landscaping matters.

On 30 April 2024, amended plans were submitted by the Applicant.

On 17 May 2024, a further information request was sent regarding waste management matters.

Additional information was provided on 23 May, 24 May, 31 May, 3 June and 28 June 2024. Further information relating to non-compliance with the unit mix provisions under Clause 9.7 of the LEP and other outstanding planning matters was sent on 8 July 2024. Additional information was provided on 11 July 2024.

A further request for information regarding engineering matters was sent on 26 July 2024. Information was provided by the Applicant on 7 August 2024.

A further request for a Design Verification Statement as required under Section 102 of the Environmental Planning and Assessment Regulations 2021 was sent and provided by the Applicant on 12 August 2024.

3. STATUTORY CONSIDERATIONS

Under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, the consent authority may, in response to an application, modify a consent if the proposed it is satisfied that the development, as modified, is substantially the same development as originally approved.

The proposed modification seeks approval to amend the built form of the approved residential flat building development which includes a reduction in the overall unit yield from 295 to 285, amend the building form, height, unit mix and a minor increase to the gross floor area/FSR.

The built form remains generally consistent with the approved residential flat building development and is in keeping with the character envisaged for the Showground Station Precinct.

The proposed modification is considered to be substantially the same development as originally approved by Council.

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

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

These matters are further considered below.

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

The following Environmental Planning Instruments are relevant to this application

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
- *The Hills Local Environmental Plan 2019;*

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

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
Resilience and Hazards SEPP	Clause 4.6 Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
LEP 2019	<ul style="list-style-type: none"> • Clause 4.3 – Height of Buildings • Clause 4.4 – Floor Space Ratio • Clause 7.2 – Earthworks • Clause 9.3 – Minimum Building Setbacks • Clause 9.5 – Design Excellence • Clause 9.7 – Residential development yield on certain land 	N Y Y Y Y Y

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 6 of the SEPP as the proposal is development that has an estimated development cost of more than \$30 million. Accordingly, the Sydney Central City Planning Panel is the consent authority for the application.

SEPP (Resilience and Hazards) 2021

A Stage 2 Detailed Environmental Site Investigation Report was submitted with the original Development Application which concluded that the site is suitable for the proposed residential development. No objection was raised subject to conditions of consent (refer Conditions 20 and 96) which have been included in the original development consent. The subject application does not alter the assessment under the original application and no changes are required to the development consent. In this regard, the proposal meets the provisions under the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

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

State Environmental Planning Policy (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 revised 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 amended under condition 87 of the development consent.

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building and State Environmental Planning Policy (Housing) 2021.

The proposal has been reviewed under the provisions of SEPP 65 (now repealed) and the Apartment Design Guide. SEPP 65 was repealed by section 3 of the *State Environmental Planning Policy Amendment (Housing) 2023*, on 14 December 2023. A general savings provision exists under Schedule 7A of the Housing SEPP which states that the new Policy does not apply to an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date and that the provisions of a repealed instrument continues to apply. In this regard, SEPP 65 continues to apply.

The required Design Verification Statement was prepared by Kevin Cheong of Giles Tribe Architects (registration number 9975). The Design Quality Principles were assessed under the original Development Application. The proposed modification application does not alter compliance with the relevant principles as approved.

a) 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 original Development Application was approved with variations to building separation, solar access to the ground level principle usable space and percentage of apartments receiving no direct sunlight during mid-winter, maximum habitable room depths and minimum depth for balcony areas.

The following table is an assessment of the proposal against the relevant Design Criteria provided in the Apartment Design Guide.

Clause	Design Criteria	Compliance
Siting		
Communal open space	<p>Minimum 25% of the site area.</p> <p>Minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours mid-winter.</p>	<p>Yes. 28.2% of the development site area is provided for communal open space. The proposal provides rooftop terraces on Buildings 1, 3 and 6.</p> <p>No change to variation approved under original application.</p>
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 17% 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 boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	No, however no change proposed. Variation approved under original application.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. No significant change to approved privacy measures. Screening devices and blade walls set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking.
Car parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is	Yes. The site is located within 400m of the Showground Station. 329 spaces would be required in accordance with the RMS rate. 452 car parking spaces provided in accordance with the LEP and DCP provisions.

	<p>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. 32</p> <p>0.9 spaces per 2 bedroom unit. 153</p> <p>1.40 spaces per 3 bedroom unit. 87</p> <p>1 space per 5 units (visitor parking). 57</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 receive two hours direct solar access for 70.2% (200 of 285) of apartments between 9am and 3pm midwinter.</p> <p>No, however consistent with approval.</p> <p>There are 15.1% (43 of 285) of apartments that receive no direct sunlight between 9am and 3pm midwinter. However, this variation is reduced compared to the approved development (from 15.3% 45 of 295 apartments).</p>
Natural ventilation	<p>1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes. A total of 60.4% (172 of 185) of units will meet the cross ventilation requirements or can be naturally ventilated.</p> <p>No change proposed.</p>
Ceiling heights	For habitable rooms – 2.7m.	Yes. Floor to ceiling height at least 2.7 metres for all apartments.

	<p>For non-habitable rooms – 2.4m.</p> <p>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>N/A.</p> <p>N/A.</p>
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Yes.</p> <p>No studios proposed 1 bedroom 50m² – 81.1m² 2 bedroom 75m² – 115.1m² 3 bedroom 95m² – 136.4m²</p> <p>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>No four bedroom units proposed.</p> <p>Yes. All habitable rooms have windows with a glass area of greater than 10% of the floor area of the dwelling.</p>
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p>	<p>Yes. No habitable room exceeds a maximum depth of 6.75 metres.</p> <p>No further variation proposed.</p>

	<p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments 	<p>All cross-over or cross-through apartments achieve a minimum width of 4 metres.</p> <p>Yes.</p> <p>Yes.</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>No. 20 of 285 (7%) of units do not meet the minimum depth for the full area of the balcony however this is reduced from the approved development which contained 78 of 295 units (26.4%) which did not meet the minimum depth for the full area of the balcony. The development provides adequate useable private open space areas and balconies.</p> <p>No further variation proposed under the subject application compared to the approved development.</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>Yes.</p> <p>Maximum of 8 units provided off a circulation core on a single level.</p> <p>N/A as proposal is less than 10 storeys.</p>

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³</p> <p>For the unit mix proposed, A total storage of 2,314m³ required.</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Yes.</p> <p>Storage schedule provided which demonstrates that adequate storage is provided within each unit. Condition 1 (amendment in red) recommended to ensure sufficient storage is provided for each unit within the basement.</p>
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 2019 and is considered satisfactory.

The Hills Local Environmental Plan 2019

The site is zoned R4 High Density. The land use is defined as a 'residential flat building' and is permissible within the zone.

a. Objectives of the 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.*

The proposal is considered to be 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 considered satisfactory in respect to the LEP 2019 objectives.

b. The Hills LEP 2019 - Development Standards

The following addresses the principal development standards of the LEP relevant to the subject proposal:

CLAUSE	REQUIRED	APPROVED	PROPOSED	COMPLIES
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4.3 Building Height	27m	Building 1 – 30.9m Building 2 – 28.8m Building 3 – 30.7m Building 4 – 29.64m Building 5 – 28.82m Building 6 – 30.6m Building 7 – 27.3m	Building 1 = 31.83m (+0.93m) Building 2 = 29.76m (+0.93m) Building 3 = 31.63m (+0.87m) Building 4 = 30.36m (+0.96m) Building 5 = 29.36m (+0.94m) Building 6 = 31.54m (+0.94m) Building 7 = 27.34m (+0.11m)	No, refer to discussion below.
4.4 Floor Space Ratio	1.9:1	2.4:1 (GFA 29,646m ²)	2.42	N/A – Incentive FSR applied under Clause 9.7
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 – Fishburn Crescent requires a 10m setback.	Satisfactory – 10 metre setback to Fishburn Crescent proposed (pre land dedication)	No changes proposed to approved compliant front building setbacks.	Yes
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	Site Area: 12,375m ² Building 1: 5,210.5m ² Building 2: 4,126.5m ² Building 3: 3,931.7m ² Building 4: 3,541.1m ² Building 5: 4,301.4m ² Building 6: 5,307.5m ²	Site Area: 12,375m ² Building 1: 5,193.1m ² Building 2: 4,105m ² Building 3: 3,912.8m ² Building 4: 3,881.6m ² Building 5: 3,960.8m ² Building 6: 5,249.2m ²	Yes, Refer below for discussion.

	incentivised Floor Space Ratio can be applied as identified on the FSR Mapping instrument:	Building 7: 3,802.4m ²	Building 7: 3,695.2m ²	
	2.7:1	Total FSR: 2.44:1 (30,221m ²)	Total FSR: 2.42:1 (29,997.8m ²)	

a. Variation to Building Height

The site is subject to a maximum building height of 27 metres as shown on the Height of Buildings map under Clause 4.3 of LEP 2019. The proposed development exceeds the standard by a maximum of 4.83 metres or 17.9%. It is noted that the approved development comprises a maximum height variation of 3.9 metres or 14.4%.

The Applicant has provided the following justification for the variation:

The development proposes a minor height increase of between 110mm to 960mm per building. This increase is required to meet the design criteria for minimum floor to ceiling heights under Part 4C of the Apartment Design Guide, whilst ensuring the servicing and structural integrity requirements of the development are met.

The ADG requires a minimum floor to ceiling height of 2.7m for all habitable areas. The approved development had floor to floor heights of 3.1m for typical floors, with 3.2m provided at the ground floor and transfer level.

However, following detailed design development post-approval – including a review of servicing and structural requirements for the buildings – slightly greater floor to floor heights were found to be necessary to accommodate services in the ceiling space between floors, as well as improve the buildability and compliance of the development by, for example, providing appropriate falls to balconies. Additional structural support is also required at the transfer level, and a slight increase in height is required at the roof level to accommodate plant equipment and the lift overrun.

The main building heights have been increased to allow for 3150mm floor to floor typically, 3250mm at ground floor and roof, and 3400mm for the level 4 transfer. This is to ensure compliance with the Design and Building Practitioners Regulation 2021 and the ADG required ceiling height of 2700mm in habitable rooms, and to allow for coordinated services design, integrated mechanical exhaust within the window subhead and adequate waterproofing measures to be employed.

The additional floor to floor levels on ground level, transfer level (level 4) and roof level are also required to respond to insulation requirements under NatHERS and increased structural slab thickness compared to typical levels. Additional increases to lift overruns of up to 140mm are required to allow for adequate lift plant and services.

Therefore, the minor height increase for buildings across the site is required to ensure internal amenity is maintained for residents, whilst allowing for adequate servicing and structural integrity of all buildings.

A Clause 4.6 variation is not required for a modification under Section 4.55(2) of the Environmental Planning and Assessment Act 1979. However, the principles of Clause 4.6 have been addressed to demonstrate that the proposed minor height increase is well justified in this instance.

A maximum height control of 27m applies across the site under The Hills Local Environmental Plan. The approved development sought a maximum departure of 3.9m (14%) from the maximum height control. This maximum exceedance was for Building 1 only with lower heights approved across the site.

*The departure from the height control was justified having regard to the established case law in which an applicant can demonstrate compliance with a development standard is unreasonable or unnecessary having regard to the relevant tests outlined in *Wehbe v Pittwater* [2007] NSWLEC 827.*

The development, as approved was found to be consistent with the objectives of the development standard despite the minor non-compliance. It responded to the transforming character of the surrounding areas with heights of up to 40m permitted on land to the north.

No additional overshadowing, view or privacy impacts resulted from the minor height non-compliance with height exceedance not perceivable at the ground floor or within the public domain. There were sufficient environmental planning grounds to justify the height non-compliance, which allowed for the permissible floor space on the site to be accommodated within a built form that responded from the prelodgement input from Council and the Design Review Panel and achieved high levels of design quality and amenity.

The current modification increases the maximum building height on the site to 31.83m resulting in a minor increase in the height non-compliance by a maximum of 4.83m (18%). This change will not be noticeable on any part of the site and will not result in any additional environmental or amenity impacts compared to the approved development. Therefore, the justification for the departure from the height control approved by Council as part of the original consent for the site remains valid.

Notably, a minor increase in height will support the orderly and economic development of the site in accordance with the objectives of the EP&A Act by allowing for the construction of residential development on the site in accordance with the existing consent. It will support the delivery of additional, well located and diverse housing to meet the needs of the community and consistent with the objectives of the R4 High Density Residential zone.

Comment:

The Applicant's written request has stated the development standard is unreasonable or unnecessary due to the factors identified above.

In accordance with the NSW LEC findings in the matter of *Wehbe v Pittwater Council*, one way in which strict compliance with a development standard is unreasonable or unnecessary is if it can be demonstrated that the objectives of the standard are achieved, despite non-compliance with the development standard. The objectives of Clause 4.3 'Height of Buildings' are:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
- *To minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.*

The development, despite the height increase, will remain compatible with adjoining developments and the streetscape. The site is in the Showground Station Precinct which is under transition from low density dwelling houses to high density residential flat buildings. Whilst the subject site has a maximum height standard of 27m, the maximum height standard to the northwest of the site 40m. Despite the height exceedance, the development would provide an appropriate transition in height with future surrounding built forms and will be consistent with the desired future character for the emerging Precinct.

The development, despite the height increase, will not significantly change amenity impacts compared to the approved built form. No significant increase in overshadowing will occur as demonstrated in the provided shadow diagrams on 21 June. In addition, the visual impact of the development and privacy impacts will not be significantly changed. The Applicant's written submission has satisfactorily demonstrated that the development achieves compliance with the objectives of Clause 4.3 'Height of Buildings'. As such, strict compliance is considered to be unreasonable or unnecessary in the circumstances of the application.

There are sufficient environmental planning grounds to justify the contravention of the height standard as the height increase is primarily due to the need to increase the floor-to-floor heights to accommodate servicing and structural requirements whilst maintaining habitable room ceiling heights in accordance with the Apartment Design Guide. This includes services within the ceiling space between floors and increased slab thickness for the level 4 podium and the roof to provide structural support and meet insulation requirements. In addition, the increased height is required to satisfactorily accommodate plant equipment and lift overruns on the roof. The Applicant's written submission has satisfactorily demonstrated there are sufficient environmental planning grounds to justify the contravention of the height standard.

It is noted that case law demonstrates that for a Section 4.55 application, a Clause 4.6 Exceptions to Development Standards is not required.

The relevant judgments originating with *North Sydney Council v Michael Standley and Associates Pty Ltd 1998* indicates that Section 4.55 is a 'free-standing provision', meaning that "a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application". A Section 4.55 modification authorises the development to be approved notwithstanding any breach of development standards. Section 4.55 is a broad power to approve, subject to its own stand-alone tests (such as the "substantially the same" test, and a requirement to consider all relevant Section 4.15 matters). Section 4.55 does not rely upon having any SEPP 1 objection or Clause 4.6 variation to enliven that power to approve.

The Courts have stated that SEPP 1 cannot be used at Section 4.55 stage, as SEPP 1 expressly only applies 'where a development application is made', not when a modification application is made. The same would apply to Clause 4.6 variations, which expressly only regulates whether 'development consent' may be granted, not whether an existing consent may be modified. As such, a Clause 4.6 variation is not applicable to Section 4.55 modification applications.

In this regard, the further exceedance to the height standard by a maximum of 3.5% or 930mm is considered minor in nature and is supported in this instance.

b. Clause 9.7 Residential development yield on certain land

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

The amended proposal exceeds 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	REQUIRED	PROPOSED	COMPLIANCE
Maximum of 25% of dwellings (to the nearest whole number of dwellings) to be studio or 1 bedroom dwellings	Maximum 72 dwellings to be studio or 1 bedroom dwellings	Satisfactory – 53 x 1 bedroom dwellings (18.6%) are proposed	Yes
Minimum 20% of dwellings (to the nearest whole number of dwellings) to be 3 or more bedroom dwellings	Minimum 57 dwellings to be 3 or more bedroom dwellings	Satisfactory – 62 x 3 bedroom dwellings (21.8%) are proposed	Yes
Minimum 40% of 2 bedroom dwellings will have a minimum internal floor area of 110m ²	Minimum 68 dwellings to have a minimum internal floor area of 110m ²	Satisfactory – 68 of 170 x 2-bedroom dwellings (40%) will have a minimum internal floor area of 110m ²	Yes
Minimum 40% of 3 bedroom dwellings will have a minimum internal floor area of 135m ²	Minimum 25 dwellings to have a minimum internal floor area of 135m ²	Satisfactory – 25 of 62 x 3 bedroom dwellings (40.3%) will have a minimum internal floor area of 135m ²	Yes
Minimum 1 parking space per dwelling, minimum 1 visitor car parking space for every 5 dwellings	285 dwellings proposed, minimum 342 spaces required	Satisfactory – 452 spaces provided.	Yes

In this regard, the maximum incentive FSR of 2.7:1 can be applied to the development. The proposed FSR of 2.42:1 complies with this development standard.

c. Clause 9.5 Design Excellence

Clause 9.5 of LEP 2019 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.

Comment:

The Clause prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. It is noted that the Section 4.55(2) modification application is not for the granting of development consent as development consent has already been granted for the development. The original application was approved subject to compliance with the design excellence clause.

Whilst changes are proposed to the external façades of each building, it is considered that the proposal is consistent with the design, built form and external colours and finishes of the approved development and the modifications do not compromise the design excellence of the development as previously approved.

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

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

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

The proposal has been assessed against the following provisions of DCP 2012;

- Part B Section 2 – Residential
- Part B Section 5 – Residential Flat Buildings
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part D Section 19 – Showground Station Precinct

The proposed modification has been assessed against the provisions of The Hills Development Control Plan. The approved development achieved compliance with the relevant requirements of The Hills Development Control Plan except for site specific controls under Part D Section 19 Showground Station Precinct. Variations were supported under the original approval for inconsistency with the number of storeys as indicated in the Showground Precinct structure plan, site coverage, upper level setbacks for Building 5, a variation of 6% to the landscaping control, maximum facade lengths for Buildings 1 and 5, level of ground floor units and solar access to ground level courtyard.

The proposal does not result in further variations to the controls however the addition of a pool results in a further exceedance to the site coverage and landscaping controls. The variations are addressed below:

a. Site Coverage

Control 6.1 of The Hills DCP 2012 Part D Section 19 – Showground Station Precinct requires site coverage to not exceed 50% of the site area (excluding land to be dedicated or acquired for public purposes). The approved site coverage was 53%. The subject modification application will further increase the site coverage to 65.2% due to the inclusion of a pool and spa area in the ground floor communal open space.

The Applicant has provided the following justification for the variation:

An amended site coverage plan has been prepared in accordance with Council's DCP. Site coverage is shown as 58.6% (7,055.163sqm). The approved site coverage is 53%. It is considered that the proposed site coverage is not excessive given the proposal provides high quality landscaped area plus supplementary rooftop landscaped area of 11.4% (1411.62sqm) and 17.2% (2,130.391sqm) deep soil area which is 10.2% over the ADG requirement.

The relevant objectives of the control are:

- *To encourage the amalgamation of sites and discourage the creation of isolated development sites.*
- *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 development will provide satisfactory access, parking, and building separation in accordance with development consent 58/2020/JP. While the site coverage will be increased, this is to accommodate a pool and spa area within the ground floor communal open space which will provide more amenity for future residents of the site. The additional site coverage will not be significantly visible from the street and there are no significant changes proposed to the high-quality landscaping within the front setbacks. In this regard, the landscape character of the precinct will be maintained.

The development satisfies the objectives of the control. Therefore, the variation is supported.

b. Open Space and Landscaping

Control 6.3 of The Hills DCP 2012 Part D Section 19 – Showground Station Precincts requires a minimum landscaped area of 50% of the site. The approved landscaped area was 43%. The subject modification application will further decrease the landscaped area to 36.5% due to the inclusion of a pool and spa area in the ground floor communal open space.

The Applicant has provided the following justification for the variation:

Landscaped calculation plans submitted with the S4.55 application clearly show the provision of 41.2% landscaped area on ground floor, taking into consideration the addition of the pool, but excludes the footpaths throughout. It should be noted that footpaths are not expressly excluded from the landscaped area calculation under The Hills DCP. Similar to the original approval, the proposal provides additional rooftop landscaping of 11.4%. The proposed modifications result in a negligible reduction in ground floor landscaped area, offset by supplementary rooftop landscaping. The total landscaped area across the site (including roof tops) is 52.6%.

The relevant objectives of the control are:

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

The development will provide a satisfactory landscaped area despite the numerical decrease to accommodate a pool and spa area within the ground floor communal open space. It is noted that existing trees retained under the approved development will screen the pool area so it will not be significantly visible from the street. In addition, the subject application does not result in a significant change to the deep soil areas and landscaping within the front setback. This will allow for a satisfactory landscape character, provision of a high level of amenity, and assist with water quality management.

The development will enhance the communal open space with the provision of a pool and spa for use by residents. The communal open space remains accessible, usable, and safe whilst providing opportunities for social interaction. The communal open space includes the provision of trees and landscaping to provide shade and enhance the attractiveness of the development.

The development satisfies the objectives of the control. Therefore, the variation is supported.

3.4 Developer Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Contributions Plan 19 – Showground Station Precinct*

This Contributions Plan has been considered and a draft amended condition reflecting the revised unit mix and yield has been included at Attachment A.

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

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

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

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

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

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

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

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

The site is located within the Showground Station Precinct which has been zoned for a high density residential development outcome. The proposal is a suitable development for the site consistent with the zone objectives.

The proposal will provide for additional dwellings which respond to the site characteristics and is considered to be a suitable development for the proposed lot.

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

No submissions were received following the notification period.

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

The development will provide for additional dwellings within the Showground Station Precinct. The site is within an area which is serviced by public transports links including the Sydney Metro and bus services. On balance the proposal is consistent with the public interest.

4. Precinct Plan for Norwest Strategic Centre

The Precinct Plan for the Norwest Strategic Centre was adopted by Council on 9 July 2024. The Showground Precinct is within the 'Norwest Service sub-precinct' and includes focus areas for change. Of relevance to this application is Section 6.3.7 'Focus Area 7' which details the height control mismatch within the high density residential area within the Showground Residential Area. The precinct plan states:

The height control mismatch results in poor built form outcomes as the floor area is compressed downwards, placing pressure on other development controls and resulting in:

- *Setback non-compliances.*
- *Reduced building separation.*
- *Bulky buildings with large floor plates.*
- *Inadequate landscaped open space.*
- *Excessive overshadowing of open space and adjoining sites.*
- *Poor solar access for residents. Figure 104. Height Control Mismatch within the High Density Residential area (Source: Nearmap Aerial Imagery, copyright Nearmap) To rectify this, a Council-initiated planning proposal is proposed to amend the height of building controls as follows:*
- *6 storeys to become 7 storeys.*
- *8 storeys to become 9 storeys.*

- 12 storeys will generally remain as 12 storeys, although the height limit (as expressed in metres) will be slightly increased to facilitate higher quality built form outcomes and ensure a 12 storey form can be compliant with the height limit.

These recommended height amendments would better align the height standard with the incentive floor space ratio. Consequential Development Control Plan amendments will also be required. Importantly, this would not increase the permissible yield on this land (as established by the existing floor space ratio control). Rather it would ensure the envisaged outcomes can achieve more desirable built form and urban design outcomes compared to what could be delivered under the current controls.

In this regard, approval of the further height exceedance to the height standard is consistent with the strategic vision for future development of the precinct.

5. REFERRALS AND SUBMISSIONS

5.1 Agency Referrals and Concurrence

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) - NA			
Referral/Consultation Agencies			
Endeavour Energy	Clause 2.48 Determination of development applications of State Environmental Planning Policy (Transport and Infrastructure) 2021	Endeavour Energy were notified of the modification application. No objections or changes made to previous recommended conditions.	Y
Sydney Water	Clause 2.161 Development permitted with consent of State Environmental Planning Policy (Transport and Infrastructure) 2021	Sydney Water was notified of the modification application as the proposal requires connection to Sydney Water's sewer and water supply system. No objections or changes made to previous recommended conditions.	Y
Castle Hill Police	Referral undertaken in accordance with the requirements of the "Safer by Design Guidelines" and the Protocol between The Hills Shire Council and Castle Hill Police.	The Castle Hill Police were notified of the modification application. No objections or changes were made to previous recommended conditions.	Y
Integrated Development (S 4.46 of the EP&A Act) NA			

5.2 Council Referrals (internal)

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

Officer	Comments	Resolved
Engineering	Council's Subdivision Engineer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Waste	Council's Resource Recovery Project Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Trees/Landscaping	Council's Senior Landscape Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Land and Information Systems	Council's LIS Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Contributions	Council's Senior Forward Planner has reviewed the submitted plans and information and raised no objections subject to conditions.	Y

5.3 Community Consultation

The proposal was notified in accordance with Council's DCP from 5 April 2024 to 29 April 2024. No submissions were received.

6. CONCLUSION

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

There are sufficient environmental planning grounds to justify further contravening the height development standard to 17.9%, as the variation will not significantly change visual privacy or visual amenity impacts compared to the approved built form and meets the objectives of the height standard and zone objectives.

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

7. RECOMMENDATION

That the Development Application pursuant to Section 4.16(1)(a) and 4.55(2) of the *Environmental Planning and Assessment Act 1979* subject to the draft amended conditions attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent to be modified

- Attachment B: Original Development Consent and Statement of Reasons for Determination by the SCCPP 58/2020/JP
- Attachment C: Locality Plan
- Attachment D: Aerial Photograph
- Attachment E: The Hills LEP 2019 Zoning Map
- Attachment F: The Hills LEP 2019 Height of Buildings Map
- Attachment G: Proposed Site Plan
- Attachment H: Approved Site Plan
- Attachment I: Proposed Landscape Plan
- Attachment J: Approved Landscape Plan
- Attachment K: Proposed Elevations
- Attachment L: Approved Elevations
- Attachment M: Shadow Diagrams

ATTACHMENT A – DRAFT CONDITIONS TO BE MODIFIED

DRAFT CONDITIONS TO BE MODIFIED UNDER 58/2020/JP/D

The Section 4.55 application for modification of Development Consent Number 58/2020/JP/D be approved as follows:

CONDITIONS OF CONSENT

1. Conditions 1, 7, 36, 41, 42, 47 and 87 to be **deleted** and **replaced** as follows:

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

The development being carried out in accordance with the following approved plans and details, stamped 58/2020/JP and as amended by 58/2020/JP/A, 58/2020/JP/B, 58/2020/JP/C and 58/2020/JP/D and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS - DA58/2020/JP

The amendments in red include:

- 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.
- All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development.
- Air conditioning condenser units are to be located as documented on the roof and are not to be visible from any part of the surrounding streets and public domain.
- All privacy screens are to be maintained for the life of the development.
- Low shrub planting or trees with a canopy not obstructing site lines are proposed in accordance with the submitted Traffic Report and as depicted on the site plan.

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA013	Demolition Plan	A	27/07/2021
DA001	Site Plan	E	16/06/2021
DA099	Basement 4 Plan	E	30/11/2020
DA100	Basement 3 Plan	M	29/01/2021
DA101	Basement 2 Plan	L	29/01/2021
DA102	Basement 1/Lower Ground Plan	J	1/07/2021
DA103	Ground Floor Plan	N	1/07/2021
DA104	Level 1 Plan	J	1/07/2021
DA105	Level 2 Plan	I	1/07/2021
DA106	Level 3 Plan	I	1/07/2021
DA107	Level 4 Plan	I	1/07/2021
DA108	Level 5 Plan	I	1/07/2021
DA109	Level 6 Plan	I	1/07/2021
DA110	Level 7 Plan	I	1/07/2021
DA111	Level 8 Plan	I	1/07/2021
DA112	Roof Plan	H	29/01/2021
DA210	Elevations 1 & 2	H	1/07/2021
DA211	Elevations 3 & 4	H	1/07/2021
DA212	Interior Elevations	E	1/07/2021

DA300	Sections A & B	D	29/01/2021
DA301	Sections C & D	D	29/01/2021
DA302	Longitudinal Driveway Section	E	29/01/2021
DA303	Entrance Sections	B	29/01/2021
DA380	Storage Diagram_1	C	1/07/2021
DA381	Storage Diagram_2	C	1/07/2021
DA382	Storage Diagram_3	C	1/07/2021
DA383	Storage Diagram_4	C	1/07/2021
DA384	Storage Diagram_5	C	1/07/2021
DA385	Storage Diagram_6	C	1/07/2021
DA386	Storage Diagram_7	C	1/07/2021
DA387	Storage Diagram_8	C	1/07/2021
DA388	Storage Diagram_9	C	1/07/2021
DA389	Storage Diagram_10	C	1/07/2021
DA800	Building 1_Colour & Materials Palette	D	1/07/2021
DA801	Building 2_Colour & Materials Palette	D	1/07/2021
DA802	Building 3_Colour & Materials Palette	D	1/07/2021
DA803	Building 4_Colour & Materials Palette	D	1/07/2021
DA804	Building 5_Colour & Materials Palette	D	1/07/2021
DA805	Building 6_Colour & Materials Palette	D	1/07/2021
DA806	Building 7_Colour & Materials Palette	D	1/07/2021
DA920	Fence and Gate Detail	A	29/01/2021
DA922	Typical POS Divider Detail	A	16/06/2021
DA950	Proposed Staging Plan	B	29/01/2021
001	Ground Level Tree Retention Plan	E	29/06/2021
002	Ground Level General Arrangement Plan	E	29/06/2021
004	Ground Level Grading Plan	D	29/06/2021
005	Ground Level General Arrangement Plan	E	29/06/2021
006	Ground Level Typical 3 Bedroom Private Terrace Plan	E	29/06/2021
007	Ground Level Typical 2 Bedroom Private Terrace Plan	E	29/06/2021
008	Ground Level Typical 1 Bedroom Private Terrace Plan	E	29/06/2021
009	Ground Floor Section A	C	30/06/2021
010	Ground Floor Section A Detail	D	30/05/2021
011	Ground Floor Section B	D	30/05/2021
012	Ground Floor Section B Detail	D	30/05/2021
013	Building 1 Communal Rooftop Plan	D	28/05/2021
014	Building 1 Communal Rooftop Section A	D	28/05/2021
015	Building 3 Communal Rooftop Plan	D	28/05/2021
016	Building 3 Communal Rooftop Section B	D	28/05/2021
017	Building 6 Communal Rooftop Plan	D	28/05/2021
018	Building 2,4,5 and 7 Non-Accessible Rooftops	C	30/05/2021
019	Level 4 Private Terraces	C	30/05/2021
020	Ground Floor Section C and D	B	30/06/2021
100	Planting Schedule	E	29/06/2021
101	Ground Floor Planting Plan	E	29/06/2021
102	Tree Layout Schedule	E	29/06/2021
101	Ground Floor Tree Layout Plan	E	29/06/2021
104	Building 1 Communal Rooftop Planting Layout Plan	D	29/05/2021

105	Building 3 Communal Rooftop Planting Layout Plan	D	28/05/2021
106	Building 6 Communal Rooftop Planting Layout Plan	C	28/05/2021
107	Buildings 1, 3 & 6 Communal Rooftop Planting Schedule	D	28/05/2021
108	Level 4 Private Terraces Planting Plan and Schedule	C	30/05/2021

REFERENCED PLANS AND DOCUMENTS – 58/2020/JP/A

Amendment in red:

- To ensure appropriate useable outdoor space is provided for all occupants, the balcony areas for 3 bedroom units G13 and 215 in Building 5 are to be at least 12m².

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA099	Basement 4 Plan	I	15/07/2022
DA100	Basement 3 Plan	Q	15/07/2022
DA101	Basement 2 Plan	P	15/07/2022
DA102	Basement 1/Lower Ground Plan	P	1/08/2022
DA103	Ground Floor Plan	V	1/08/2022
DA104	Level 1 Plan	O	15/07/2022
DA105	Level 2 Plan	N	15/07/2022
DA106	Level 3 Plan	N	15/07/2022
DA107	Level 4 Plan	N	15/07/2022
DA108	Level 5 Plan	N	15/07/2022
DA109	Level 6 Plan	N	15/07/2022
DA110	Level 7 Plan	N	15/07/2022
DA111	Level 8 Plan	N	15/07/2022
DA112	Roof Plan	L	15/07/2022
DA210	Elevations 1 & 2	J	06/04/2022
DA211	Elevations 3 & 4	J	06/04/2022
DA300	Sections A & B	F	06/04/2022
DA301	Sections C & D	F	06/04/2022
DA380	Storage Diagram_1	F	15/06/2022
DA381	Storage Diagram_2	F	15/06/2022
DA382	Storage Diagram_3	F	15/06/2022

DA383	Storage Diagram_4	F	15/06/2022
DA384	Storage Diagram_5	F	15/06/2022
DA385	Storage Diagram_6	F	15/06/2022
DA386	Storage Diagram_7	F	15/06/2022
DA387	Storage Diagram_8	F	15/06/2022
DA388	Storage Diagram_9	F	15/06/2022
DA389	Storage Diagram_10	F	15/06/2022
DA800	Building 1_Colour & Materials Palette	F/G	15/07/2022
DA801	Building 2_Colour & Materials Palette	F/G	15/07/2022
DA802	Building 3_Colour & Materials Palette	F/G	15/07/2022
DA803	Building 4_Colour & Materials Palette	G	15/07/2022
DA804	Building 5_Colour & Materials Palette	F/G	15/07/2022
DA805	Building 6_Colour & Materials Palette	F/G	15/07/2022
DA806	Building 7_Colour & Materials Palette	F/G	15/07/2022
DA950	Proposed Staging Plan	C	06/04/2022
SI-001	Ground Level Tree Retention Plan	B	01/08/2022
SI-002	Ground Level General Arrangement Plan	B	01/08/2022
SI-004	Ground Level Grading Plan	B	01/08/2022
SI-005	Ground Level General Arrangement Plan	B	01/08/2022
SI-601	OSD Tank 1	B	01/08/2022
SI-602	OSD Tank 2	B	01/08/2022
SI 100	Ground Level Planting Schedule	B	01/08/2022
SI 101	Ground Level Planting Plan	B	01/08/2022
SI-102	Tree Layout Schedule	B	28/07/2022
SI 103	Ground Level Tree Layout Plan	B	01/08/2022

REFERENCED PLANS AND DOCUMENTS – 58/2020/JP/B

Amendment in red:

- No structures resulting in a change/increase in height on roof level are approved under subject application 58/2020/JP/B. Refer 58/2020/JP/A for approved roof structures.

DRAWING NO.	DESCRIPTION	REVISION	DATE
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DA101	Basement 2 Plan	R	27/02/2023
DA105	Level 2 Plan	O	15/07/2022
DA106	Level 3 Plan	O	15/07/2022
DA300	Sections A & B	G	07/09/2022
DA301	Sections C & D	G	07/09/2022
DA320	Typical Section Through Level 4 Balcony	A	07/09/2022

REFERENCED PLANS AND DOCUMENTS – 58/2020/JP/C

Amendment in red:

- Landscape plant species to be amended in Planting plan and schedule (Drawing Number SI-106).
- No structures resulting in a change/increase in height on roof level are approved under subject application 58/2020/JP/C. Refer 58/2020/JP/A for approved roof structures.

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA107	Level 4 Plan	P	20/10/2022
DA210	Elevations 1 & 2	K	26/10/2022
DA211	Elevations 3 & 4	K	26/10/2022
DA800	Building 1_Colour & Materials Palette	J	27/02/2023
DA801	Building 2_Colour & Materials Palette	K	27/02/2023
DA802	Building 3_Colour & Materials Palette	K	27/02/2023
DA803	Building 4_Colour & Materials Palette	L	27/02/2023
DA804	Building 5_Colour & Materials Palette	K	27/02/2023
DA805	Building 6_Colour & Materials Palette	K	27/02/2023
DA806	Building 7_Colour & Materials Palette	K	27/02/2023
SI-019	Level 4 Landscape Plan	A	23/01/2023
SI-106	Level 4 Planting Plan and Schedule	A	23/01/2023
501	Level 4 Landscape Details	A	23/01/2023

REFERENCED PLANS AND DOCUMENTS – 58/2020/JP/D

Amendment in red:

- To ensure sufficient storage is provided for residents, the following minimum storage areas are to be provided within the basement:
 - 3m³ for 1 bedroom units
 - 4m³ for 2 bedroom units
 - 5m³ for 3 bedroom units

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA001	Site Plan	AA	16/02/2024
DA099	Basement 4 Plan	AF	26/07/2024
DA100	Basement 3 Plan	AE	22/06/2024
DA101	Basement 2 Plan	AE	22/06/2024
DA102	Basement 1/Lower Ground Plan	AD	10/07/2024
DA103	Ground Floor Plan	AF	10/07/2024
DA104	Level 1 Plan	AC	10/07/2024
DA105	Level 2 Plan	AC	10/07/2024
DA106	Level 3 Plan	AC	10/07/2024
DA107	Level 4 Plan	AD	16/07/2024
DA108	Level 5 Plan	AD	16/07/2024
DA109	Level 6 Plan	AD	16/07/2024
DA110	Level 7 Plan	AD	16/07/2024
DA111	Level 8 Plan	AD	16/07/2024
DA112	Roof Plan	AC	10/07/2024
DA210	Elevations 1 & 2	AA	16/02/2024
DA211	Elevations 3 & 4	AA	16/02/2024
DA300	Sections A & B	AA	16/02/2024
DA301	Sections C & D	AA	16/02/2024
DA380	Storage Diagram_1	AB	10/07/2024
DA381	Storage Diagram_2	AB	10/07/2024
DA382	Storage Diagram_3	AB	10/07/2024
DA383	Storage Diagram_4	AC	16/07/2024
DA384	Storage Diagram_5	AC	16/07/2024
DA385	Storage Diagram_6	AC	16/07/2024
DA386	Storage Diagram_7	AC	16/07/2024
DA387	Storage Diagram_8	AC	16/07/2024
DA388	Storage Diagram_9	AC	16/07/2024
DA389	Storage Diagram_10	AC	16/07/2024
DA800	Building 1_Colour & Materials Palette	AA	16/02/2024
DA801	Building 2 Colour & Materials Palette	AA	16/02/2024
DA802	Building 3 Colour & Materials Palette	AA	16/02/2024
DA803	Building 4_Colour & Materials Palette	AA	16/02/2024
DA804	Building 5 Colour & Materials Palette	AA	16/02/2024
DA805	Building 6_Colour & Materials Palette	AA	16/02/2024
DA806	Building 7 Colour & Materials Palette	AA	16/02/2024
001	Ground Floor Landscape Masterplan	A	14/05/2024
002	General Arrangement Plan	A	14/05/2024
003	General Arrangement Plan	A	14/05/2024
004	General Arrangement Plan	A	14/05/2024
005	General Arrangement Plan	A	14/05/2024
006	General Arrangement Plan	A	14/05/2024
007	General Arrangement Plan	A	14/05/2024
008	General Arrangement Plan	A	14/05/2024
010	Ground Floor Planting Schedule	I	14/05/2024
011	Ground Floor Planting Schedule	J	14/05/2024
012	Ground Floor Planting Schedule	J	14/05/2024
013	Ground Floor Planting Schedule	J	14/05/2024
014	Ground Floor Planting Schedule	J	14/05/2024
015	Ground Floor Planting Schedule	J	14/05/2024
016	Ground Floor Planting Schedule	J	14/05/2024

017	Ground Floor Planting Schedule	J	14/05/2024
018	Ground Floor Planting Schedule	J	14/05/2024
019	Ground Floor Planting Schedule	J	14/05/2024
020	Ground Floor Planting Schedule	J	14/05/2024
021	Ground Floor Planting Schedule	J	14/05/2024
022	Ground Floor Planting Schedule	J	14/05/2024
023	Ground Floor Planting Schedule	J	14/05/2024
024	Ground Floor Planting Schedule	J	14/05/2024
102	Building 1 Communal Rooftop Planting Layout Plan	F	7/03/2024
103	Building 3 Communal Rooftop Planting Layout Plan	F	7/03/2024
104	Building 6 Communal Rooftop Planting Layout Plan	F	7/03/2024
105	Communal Rooftop Planting Schedule	J	7/03/2024
106	Level 4 Private Terraces Planting Plan and Schedule	F	7/03/2024
DA102 - DA111	Numbering Plans (10 Pages – for numbering purposes only)	AA	16/02/2024

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.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size.

All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

For all planting on slab and planter boxes the following minimum soil depths must be achieved:

- 1.2m for large trees, 1m for medium and 800mm for small trees
- 400-600mm for shrubs
- 200-450mm for ground covers; and
- 200mm for turf.

On-site stormwater detention (OSD) are not to be exposed within street setbacks. Soil mounding to the above depths must be utilised to ensure OSD walls are not visible from the street.

36. Provision of Bin Cupboards

A separate bin cupboard must be provided 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.

41. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

The primary property address for this development is: 10 Fishburn Crescent Castle Hill

Building 1 – 10 Sexton Ave Castle Hill

Building 2 – 8 Sexton Ave Castle Hill

Building 3 – 6 Sexton Ave Castle Hill

Building 4 – 4 Sexton Ave Castle Hill

Building 5 – 14 Fishburn Crescent Castle Hill

Building 6 – 12 Fishburn Crescent Castle Hill

Building 7 – 10 Fishburn Crescent Castle Hill

Approved unit numbering is as per plans submitted marked as DWG No:DA102 – DA111, Dated:16/02/2024 marked up within consent documentation; and as follows: Unit numbering commences at Building 3, left of the lifts for all levels.

Buildings

Level	One	Two	Three	Four	Five	Six	Seven
Lower Ground	N/A	N/A	N/A	N/A	LG01-03	LG04-07	N/A
Ground	G28-35	G36-G38	G01-G04	G05-G09	G10-G16	G17-G22	G23-G27
1	130-137	138-143	101-106	107-111	112-118	119-124	125-129
2	231-238	239-244	201-206	207-211	212-218	219-224	225-230
3	331-338	339-344	301-306	307-311	312-318	319-324	325-330
4	418-421	422-424	401-403	404-406	407-409	410-414	415-417
5	518-521	522-524	501-503	504-506	507-509	510-514	515-517
6	618-621	622-624	601-603	604-606	607-609	610-614	615-617
7	718-721	722-724	701-703	704-706	707-709	710-714	715-717
8	807-810	811-813	801-803	804-806	N/A	N/A	N/A

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

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

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mail Boxes

Cluster mail boxes are to be located as shown on plans submitted marked as DWG No:DA103, Rev: AA, Dated: 16/02/2024 marked up within consent documentation.

Cluster mail boxes are to be located within the site, perpendicular to the street on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at **Building 7 - 10 Fishburn Crescent Castle Hill**.

Strata Developments

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

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

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

42. 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:-

Stage 1

Stage 1 (Building 3,4 & 5)	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	\$ 4,392.23	\$ 6,149.11	\$ 7,613.19	\$ 9,955.37
Open Space - Capital	\$ 2,220.12	\$ 3,108.17	\$ 3,848.21	\$ 5,032.11
Transport Facilities - Land	\$ 1,092.38	\$ 1,529.32	\$ 1,893.45	\$ 2,475.97
Transport Facilities - Capital	\$ 1,699.88	\$ 2,379.83	\$ 2,946.46	\$ 3,852.93
Water Management - Capital	\$ 443.83	\$ 621.36	\$ 769.31	\$ 1,005.98
Administration	\$ 58.40	\$ 81.79	\$ 101.26	\$ 132.40
Total	\$ 9,906.84	\$ 13,869.58	\$ 17,171.87	\$ 22,454.75

No. of 1 Bedroom Units: 27	No. of 2 Bedroom Units: 66	No. of 3 Bedroom Units: 22	Sum of Units	No. of Credits: 13	Total S7.11
\$ 118,590.27	\$ 405,841.16	\$ 167,490.09	\$ 691,921.53	\$ 129,419.75	\$ 562,501.78
\$ 59,943.18	\$ 205,139.15	\$ 84,660.58	\$ 349,742.91	\$ 65,417.37	\$ 284,325.55
\$ 29,494.17	\$ 100,935.20	\$ 41,655.83	\$ 172,085.21	\$ 32,187.56	\$ 139,897.65
\$ 45,896.75	\$ 157,069.03	\$ 64,822.05	\$ 267,787.83	\$ 50,088.03	\$ 217,699.80
\$ 11,983.30	\$ 41,009.80	\$ 16,924.81	\$ 69,917.92	\$ 13,077.79	\$ 56,840.13
\$ 1,576.92	\$ 5,398.22	\$ 2,227.70	\$ 9,202.84	\$ 1,721.20	\$ 7,481.64
\$ 267,484.60	\$ 915,392.56	\$ 377,781.07	\$ 1,560,658.24	\$ 291,911.69	\$ 1,268,746.54

Stage 2

Stage 1 (Building 6 and 7)	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	\$ 4,392.23	\$ 6,149.11	\$ 7,613.19	\$ 9,955.37
Open Space - Capital	\$ 2,220.12	\$ 3,108.17	\$ 3,848.21	\$ 5,032.11
Transport Facilities - Land	\$ 1,092.38	\$ 1,529.32	\$ 1,893.45	\$ 2,475.97
Transport Facilities - Capital	\$ 1,699.88	\$ 2,379.83	\$ 2,946.46	\$ 3,852.93
Water Management - Capital	\$ 443.83	\$ 621.36	\$ 769.31	\$ 1,005.98
Administration	\$ 58.40	\$ 81.79	\$ 101.26	\$ 132.40
Total	\$ 9,906.84	\$ 13,869.58	\$ 17,171.87	\$ 22,454.75

No. of 1 Bedroom Units: 14	No. of 2 Bedroom Units: 38	No. of 3 Bedroom Units: 30	Sum of Units	No. of Credits: 13	Total S7.11
\$ 61,491.25	\$ 233,666.12	\$ 228,395.58	\$ 523,552.96	\$ 129,419.75	\$ 394,133.21
\$ 31,081.65	\$ 118,110.42	\$ 115,446.25	\$ 264,638.32	\$ 65,417.37	\$ 199,220.95
\$ 15,293.28	\$ 58,114.21	\$ 56,803.41	\$ 130,210.89	\$ 32,187.56	\$ 98,023.33
\$ 23,798.32	\$ 90,433.68	\$ 88,393.70	\$ 202,625.70	\$ 50,088.03	\$ 152,537.67
\$ 6,213.56	\$ 23,611.70	\$ 23,079.29	\$ 52,904.56	\$ 13,077.79	\$ 39,826.77
\$ 817.66	\$ 3,108.06	\$ 3,037.78	\$ 6,963.50	\$ 1,721.20	\$ 5,242.31
\$ 138,695.72	\$ 527,044.20	\$ 515,156.00	\$ 1,180,895.93	\$ 291,911.69	\$ 888,984.24

Stage 3

Stage 1 (Building 1 and 2)	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	\$ 4,392.23	\$ 6,149.11	\$ 7,613.19	\$ 9,955.37
Open Space - Capital	\$ 2,220.12	\$ 3,108.17	\$ 3,848.21	\$ 5,032.11
Transport Facilities - Land	\$ 1,092.38	\$ 1,529.32	\$ 1,893.45	\$ 2,475.97
Transport Facilities - Capital	\$ 1,699.88	\$ 2,379.83	\$ 2,946.46	\$ 3,852.93
Water Management - Capital	\$ 443.83	\$ 621.36	\$ 769.31	\$ 1,005.98
Administration	\$ 58.40	\$ 81.79	\$ 101.26	\$ 132.40
Total	\$ 9,906.84	\$ 13,869.58	\$ 17,171.87	\$ 22,454.75

No. of 1 Bedroom Units: 12	No. of 2 Bedroom Units: 66	No. of 3 Bedroom Units: 10	Sum of Units	No. of Credits: 13	Total S7.11
\$ 52,706.79	\$ 405,841.16	\$ 76,131.86	\$ 534,679.81	\$ 129,419.75	\$ 405,260.06
\$ 26,641.41	\$ 205,139.15	\$ 38,482.08	\$ 270,262.65	\$ 65,417.37	\$ 204,845.28
\$ 13,108.52	\$ 100,935.20	\$ 18,934.47	\$ 132,978.19	\$ 32,187.56	\$ 100,790.64
\$ 20,398.56	\$ 157,069.03	\$ 29,464.57	\$ 206,932.15	\$ 50,088.03	\$ 156,844.12
\$ 5,325.91	\$ 41,009.80	\$ 7,693.10	\$ 54,028.81	\$ 13,077.79	\$ 40,951.02
\$ 700.85	\$ 5,398.22	\$ 1,012.59	\$ 7,111.66	\$ 1,721.20	\$ 5,390.47
\$ 118,882.05	\$ 915,392.56	\$ 171,718.67	\$ 1,205,993.28	\$ 291,911.69	\$ 914,081.59

In accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020, the contribution is to be paid before the issue of the first Occupation Certificate in respect of any building work to which this consent relates. However, if no Construction Certificate in respect of the erection of a building to which the consent relates has been issued on or before 25 September 2022, the contribution is to be paid before the issue of the first Construction Certificate after that date for any such building.

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

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

47. 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 at & I, Drawing no. 24-1200-DAC100 – DAC 170, Revision C dated 5/8/24 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) Maximum by pass for site is 15%. Stormwater plans to be amended to reduce the bypassing areas.
- b) Overflow from OSD to be clearly shown to ensure in the event of a blockage of the orifice water will be directed to street drainage
- c) The stormwater plan shall be amended to be consistent with the landscape plans and the architectural plans.
- d) The stormwater pits over the OSD tanks must remain unobstructed/remain accessible. Any proposed planter boxes/garden beds over the OSD tank shall be designed to comply with this requirement.
- e) Only RCP pipes are permitted within council's road reserve.
- f) OSD tanks shall be fitted with orifices of the following dimensions:

Tank number	Size of orifice (mm)
1	129
2	146

Water sensitive urban design elements, consisting of PSorb Cartridges, Oceanguard filters 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 the relevant 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.

87. 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. 1026011M_04 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

2. The deletion of the following conditions:

43. Permeable Paving - Deleted

54. Amended Landscape Plan - Deleted

3. The addition of the following conditions:

40a. Provision of an In-shaft Goods Personnel Hoist – Bins

The development must incorporate an in-shaft goods personnel hoist to facilitate the transportation of bins across basement levels. It is required that the in-shaft goods hoist has a minimum platform of 3m x 2.35m (approx. 3m x 3m shaft).

114a. 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.

114b. In-shaft Goods Personnel Hoist Compliance Certificate – Bins

Before the issue of an Occupation Certificate, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the in-shaft goods personnel hoist installed complies with AS1418.8. It is required that the in-shaft goods hoist has:

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

ATTACHMENT B – ORIGINAL DEVELOPMENT CONSENT AND STATEMENT OF REASONS FOR DETERMINATION 58/2020/JP



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

10 August 2021

KWG Group Holdings
C/- Urbis Pty Ltd
Angel Place Level 8 123 Pitt St
SYDNEY NSW 2000

Ref No.:58/2020/JP
SCCPP: 6 August 2021

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 **NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 4.18(1) of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by the Sydney Central City Planning Panel of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by the Sydney Central City Planning Panel, pursuant to Part 4, Division 4.3, Section 4.17 of the Environmental Planning and Assessment Act, 1979.

Lapsing of Consent

This consent will lapse unless work is physically commenced within five years from the determination date in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020 which commenced on 25 March 2020 and made a number of amendments to the Environmental Planning and Assessment Act 1979 in response to COVID-19 during the "prescribed period" defined by Section 10.17 of the Environmental Planning and Assessment Act 1979.

Right of Review

Division 8.2 of the Environmental Planning and Assessment Act 1979 allows an applicant the right to review a determination subject to such a request being made within six months of the determination date except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

Right of Appeal

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to appeal to the NSW Land and Environment Court within six months after receipt of this determination except as amended by the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020.

APPLICANT	KWG Group Holdings
OWNER:	Kwg Townshend No.1 Holdings Pty Limited
PROPERTY:	Lot 2 DP 879417, Lot 1 DP 879417, Lot 117 DP 250610, Lot 116 DP 250610, Lot 115 DP 250610, Lot 114 DP 250610, Lot 3 DP 253774, Lot 4 DP 253774, Lot 5 DP 253774, Lot 122 DP 250610, Lot 121 DP 250610, Lot 120 DP 250610, Lot 119 DP 250610 2A-12 Sexton Avenue and 24-34 Fishburn Cr. Castle Hill
DEVELOPMENT:	Construction of seven residential flat buildings between 8 and 9 storeys in height containing 295 dwellings. The development will comprise a two-level basement car park as well as associated communal open space and landscaping.
ENDORSED DATE OF CONSENT:	6 August 2021

CONDITIONS OF CONSENT

GENERAL MATTERS

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

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

The amendments in red include:

- 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.
- All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development.
- Air conditioning condenser units are to be located as documented on the roof and are not to be visible from any part of the surrounding streets and public domain.
- All privacy screens are to be maintained for the life of the development.
- Low shrub planting or trees with a canopy not obstructing site lines are proposed in accordance with the submitted Traffic Report and as depicted on the site plan.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA013	Demolition Plan	A	27/07/2021
DA001	Site Plan	E	16/06/2021
DA099	Basement 4 Plan	E	30/11/2020
DA100	Basement 3 Plan	M	29/01/2021
DA101	Basement 2 Plan	L	29/01/2021
DA102	Basement 1/Lower Ground Plan	J	1/07/2021
DA103	Ground Floor Plan	N	1/07/2021
DA104	Level 1 Plan	J	1/07/2021
DA105	Level 2 Plan	I	1/07/2021
DA106	Level 3 Plan	I	1/07/2021

DA107	Level 4 Plan	I	1/07/2021
DA108	Level 5 Plan	I	1/07/2021
DA109	Level 6 Plan	I	1/07/2021
DA110	Level 7 Plan	I	1/07/2021
DA111	Level 8 Plan	I	1/07/2021
DA112	Roof Plan	H	29/01/2021
DA210	Elevations 1 & 2	H	1/07/2021
DA211	Elevations 3 & 4	H	1/07/2021
DA212	Interior Elevations	E	1/07/2021
DA300	Sections A & B	D	29/01/2021
DA301	Sections C & D	D	29/01/2021
DA302	Longitudinal Driveway Section	E	29/01/2021
DA303	Entrance Sections	B	29/01/2021
DA380	Storage Diagram 1	C	1/07/2021
DA381	Storage Diagram 2	C	1/07/2021
DA382	Storage Diagram 3	C	1/07/2021
DA383	Storage Diagram 4	C	1/07/2021
DA384	Storage Diagram 5	C	1/07/2021
DA385	Storage Diagram 6	C	1/07/2021
DA386	Storage Diagram 7	C	1/07/2021
DA387	Storage Diagram 8	C	1/07/2021
DA388	Storage Diagram 9	C	1/07/2021
DA389	Storage Diagram 10	C	1/07/2021
DA800	Building 1 Colour & Materials Palette	D	1/07/2021
DA801	Building 2 Colour & Materials Palette	D	1/07/2021
DA802	Building 3 Colour & Materials Palette	D	1/07/2021
DA803	Building 4 Colour & Materials Palette	D	1/07/2021
DA804	Building 5 Colour & Materials Palette	D	1/07/2021
DA805	Building 6 Colour & Materials Palette	D	1/07/2021
DA806	Building 7 Colour & Materials Palette	D	1/07/2021
DA920	Fence and Gate Detail	A	29/01/2021
DA922	Typical POS Divider Detail	A	16/06/2021
DA950	Proposed Staging Plan	B	29/01/2021
001	Ground Level Tree Retention Plan	E	29/06/2021
002	Ground Level General Arrangement Plan	E	29/06/2021
004	Ground Level Grading Plan	D	29/06/2021
005	Ground Level General Arrangement Plan	E	29/06/2021
006	Ground Level Typical 3 Bedroom Private Terrace Plan	E	29/06/2021
007	Ground Level Typical 2 Bedroom Private Terrace Plan	E	29/06/2021
008	Ground Level Typical 1 Bedroom Private Terrace Plan	E	29/06/2021
009	Ground Floor Section A	C	30/06/2021
010	Ground Floor Section A Detail	D	30/05/2021
011	Ground Floor Section B	D	30/05/2021
012	Ground Floor Section B Detail	D	30/05/2021
013	Building 1 Communal Rooftop Plan	D	28/05/2021
014	Building 1 Communal Rooftop Section A	D	28/05/2021
015	Building 3 Communal Rooftop Plan	D	28/05/2021
016	Building 3 Communal Rooftop Section B	D	28/05/2021
017	Building 6 Communal Rooftop Plan	D	28/05/2021
018	Building 2,4,5 and 7 Non-Accessible Rooftops	C	30/05/2021
019	Level 4 Private Terraces	C	30/05/2021

020	Ground Floor Section C and D	B	30/06/2021
100	Planting Schedule	E	29/06/2021
101	Ground Floor Planting Plan	E	29/06/2021
102	Tree Layout Schedule	E	29/06/2021
101	Ground Floor Tree Layout Plan	E	29/06/2021
104	Building 1 Communal Rooftop Planting Layout Plan	D	29/05/2021
105	Building 3 Communal Rooftop Planting Layout Plan	D	28/05/2021
106	Building 6 Communal Rooftop Planting Layout Plan	C	28/05/2021
107	Buildings 1, 3 & 6 Communal Rooftop Planting Schedule	D	28/05/2021
108	Level 4 Private Terraces Planting Plan and Schedule	C	30/05/2021

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

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of thirty-two (32) trees located and numbered 1-3, 9, 15, 16, 20, 21, 23, 25-29, 31, 32, 38-40, 46, 57-63, 68-71, and 73 within Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 and Ground Level Tree Protection Plan prepared by Urbis Revision E dated 29/06/2021.

The following 22 trees are exempt from Council's tree management guidelines and can be removed without approval: 4, 10, 11, 14, 17, 18, 30, 33-37, 41-45, 47, 50, and 52-54.

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

4. Compliance with Endeavour Energy Requirements

Compliance with the requirements of Endeavour Energy as follows:

• Network Capacity / Connection

Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regards to whether utility services are available and adequate for the development.

The following is an extract of Endeavour Energy's submission made to Council on 20 February 2018 regarding Exhibition of Draft Development Control Plan, Draft Contributions Plan and Draft Public Domain Plan for the Showground Planned Precinct (Formerly 'Priority Precinct' Within The Sydney Metro Northwest Corridor) (FP223) which contained the following advice which is also relevant to this Development Application:

Endeavour Energy's Asset Strategy & Planning Branch whilst not having undertaken a detailed analysis of the Planning Proposal have provided the following advice:

The increased dwelling numbers are significant and will require developers to extend and augment the 11,000 volt / 11 kV high voltage network to facilitate connection as per Endeavour Energy's normal customer connection processes.

Endeavour's present policy is to progressively underground all new residential developments. All new cabling infrastructure must be of an underground

construction type. Where existing overhead construction is present in the planned Showground Precinct, it will require undergrounding as the development proceeds.

Cheriton Avenue Zone Substation (ZS) located at 35-37 Showground Road Castle Hill, will supply this new load. Cheriton Avenue ZS was designed with space for augmentation to install a third transformer which will increase firm capacity from 45 megavolt amperes (MVA) to 90 MVA.

Endeavour Energy will continue to monitor the load growth on Cheriton Avenue ZS and will augment the zone substation at the appropriate time.

The upgrade of the zone substation is not a prerequisite for rezoning and new development proceeding.

In regards to the electricity supply to the site, the availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Padmount can accommodate loads from 315 kilovolt amperes (kVA) up to 1,500 kVA ie. there is a significant variation in the number and type of premises able to be connected to a substation. Padmount substation no. 3129 located to the site currently has 90 customer connection points servicing 94 premises. It is not intended to or capable of supplying the additional electrical load for a significant urban development

Applicants should not automatically assume that the presence of existing electricity infrastructure or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. The existing padmount substations in the locality are not capable of or intended to service a significant urban residential development. Given the large size of the proposed development (294 dwellings replacing 13 existing dwellings), an extension and/or augmentation of the existing local network will be required. However the full extent of the work required to the local network to facilitate the proposed development will not be determined until the final load assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as redevelopment of urban areas continues to occur.

Endeavour Energy has noted that from the Architectural Plans that provision has been made for two padmount substations on the south eastern corner of the site.

Endeavour Energy's general requirements is for a single padmount substation easement to have a minimum size of 2.75 x 5.5 metres, should be at ground level and have direct access from a public street (unless provided with a suitable easement for right of access). There is also a restriction for fire rating (which usually extends 3 metres horizontally from the base of the substation footing, and 6 metres vertically from the same point and also has regard to any structures etc. attached to the building that may spread a fire). In addition there may also be a restriction required for swimming pools and spas (which extends 5 metres from the easement).

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. As a condition of the Development Application consent Council should request 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.

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application. In this instance given the apparent proposal to decommission the existing padmount substation on the site consideration must be given to the retention of the supply to the other customers serviced from the substation.

In due course the applicant for the proposed development 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 padmount or indoor / chamber substation 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. 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, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

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://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service> .

- **Urban Network Design**

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development:

- **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.

• **Easement Management / Network Access**

The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

- o Not install or permit to be installed any services or structures within the easement site.
- o Not alter the surface level of the easement site.
- o Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved / certified by Endeavour Energy's Network Connections Branch as part of an enquiry / application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer, , Jeffrey Smith, on direct telephone 9853 7139 or alternately email Jeffrey.Smith@endeavourenergy.com.au or Easements@endeavourenergy.com.au.

For further information please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Please also find attached for the applicant's reference a copy of Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the

community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

- **Prudent Avoidance**

The electricity network is operational 24/7/365 ie. all day, every day of the year. 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 (both overhead power lines and transformers can produce an audible sound or buzz as a side effect of carrying electricity) 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 locating them where exposure to the more sensitive uses is reduced and increasing separation distances. These emissions are generally not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, new development can impact on existing electricity infrastructure. Even then noise levels can vary and people perceive sounds differently so to minimise any potential exposure to intrusive noise, the siting towards the electricity infrastructure of less susceptible uses such as garages, non-habitable or rooms not regularly occupied in the dwelling / building is recommended. This will also assist in reducing exposure to EMF.

Where development is proposed in the vicinity of electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. Endeavour Energy believes that likewise applicants and Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a 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> and provides the following advice:

Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.

The level of a magnetic field depends on the amount of the current (measured in amps), and decreases rapidly once we move away from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- **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:

- o customer meter boards;
- o conduits in ground;
- o padmount substation culvert end panels; and
- o 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.

- **Removal of Electricity Supply**

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- o The disconnection and removal of an underground service cable or overhead service line,
- o Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms

provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. 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. streetlight columns, power poles, overhead power lines 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 Endeavour Energy's electricity infrastructure to the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of 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.

5. Compliance with NSW Police Requirements

Compliance with the requirements of the NSW Police attached to this consent.

6. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water attached to this consent.

7. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

For all planting on slab and planter boxes the following minimum soil depths must be achieved:

- 1.2m for large trees, 1m for medium and 800mm for small trees
- 400-600mm for shrubs
- 200-450mm for ground covers; and
- 200mm for turf.

On-site stormwater detention (OSD) are not to be exposed within street setbacks. Soil mounding to the above depths must be utilised to ensure OSD walls are not visible from the street.

A minimum of half of the five hundred and ninety-nine (599) *Monstera deliciosa* plants are to be substituted for less invasive alternative such as one of the following:

- *Philodendron selloum* - Split Leaf Philodendron
- *Alocasia macrorrhizos* - Giant Taro
- *Alpinia zerumbet* - Shell Ginger
- *Fatsia japonica* - Japanese aralia

All *Raphiolepis indica* plants are to be a cultivar bred to be less invasive such as any of the following:

- 'Cosmic White'
- 'Cosmic Pink'
- 'Oriental Pearl'
- 'Snow Maiden'

Additional shrub planting alongside the *Banksia robur* is to be provided forward of the substations to the south west between the substations and the boundary outside of the required easement. A minimum of six (6) of any of the following are to be provided:

- *Doryanthes excelsa* - Gynea Lily
- *Westringia fruticosa* - Coastal Rosemary
- *Grevillea rosmarinifolia* - Rosemary Grevillea

8. Air Conditioning Condenser Units

Air conditioning condenser units must be located on the roof and are not visible from any part of the surrounding streets and public domain.

9. Provision of Parking Spaces

The development is required to be provided with a minimum of 367 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

10. Separate application for signs

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

11. 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.

12. 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.

13. 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.

14. 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.

15. Minor 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.

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. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Driveway Requirements

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

The proposed driveway/s must be built to Council's heavy duty standard.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

c) Concrete Footpath Paving

A 1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with the above documents.

d) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing cycleway/ shared path adjacent in accordance with the above documents.

e) 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.

f) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

g) 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.

16. 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.

17. Road Opening Permit

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

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

18. Construction Certificate

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

19. 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.

20. Contamination

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

21. Air Conditioner Location

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

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

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

22. Litter Control

A sufficient number of litter bins must be provided on the premises for litter disposal.

23. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as 20130066.1/3005A/R0/AR, dated 30 May 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

24. Retention of Trees

Trees numbered 5, 6, 22, 48, 49, 51, 64, 65, 66, and 74 within the site and on the adjoining Council Nature Strip are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 and the following additional requirements:

- All hard surfaces to be installed within the Tree Protection Zones (TPZs) of Trees 5, 6, 22, 64 and 66 must be installed above grade to minimise excavation and root disturbance.
- Any amendments to stormwater plans must ensure pits and pipes are located outside of the TPZs of trees to be retained and protected.
- Tree Protection Fencing in accordance with the Tree Management Plans within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 is to be installed and certified to have been supervised by the Project Arborist prior to demolition.
- The relocation of any tree protection fencing is only to be undertaken under direct supervision of the project Arborist. All works to be undertaken when fencing has been moved must be supervised by the Project Arborist and be certified to have been undertaken under Arborist supervision.

25. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

26. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

27. Secure Properties and Maintain Vegetation

The houses that are currently located on the development site are to be made secure so that the public cannot access the house or dump rubbish on the land. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the properties is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and / or unhealthy environment.

28. Imported 'Waste Derived' Fill Material

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

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

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

29. 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.

30. Tree Removal on Public Land

Approval is granted for the removal of three (3) trees numbered 23, 62, and 63 in the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021 located on the Council nature strip that will be impacted by works associated with the development.

Additional street tree/shrubs not identified on the survey or in the Arborist Report that are approved for removal are:

- 1 located within the nature strip fronting 26 Fishburn Avenue (note there is also 1 street tree number 74 to be retained fronting this lot)
- 3 located within the nature strip fronting 34 Fishburn Avenue
- 4 located within the nature strip of 6 Sexton Avenue (note there are also street trees numbered 64, 65, and 66 to be retained fronting this lot)
- 1 located within the nature strip fronting 10 Sexton Avenue

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

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

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

31. Adherence to Waste Management Plan

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

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

www.wastelocate.epa.nsw.gov.au.

32. 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 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.

33. 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.

34. 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.

35. Provision of Waste Chute System

The development must incorporate 2 x twin chute systems which allow separate chute disposal of both garbage and recycling. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the waste storage rooms. Garbage must discharge into 1100 litre bins housed on 2-bin conveyor with compactor (2:1 compaction ratio) and recyclables must discharge into 1 x 1100 litre bin positioned directly underneath the chute (no carousel or linear conveyor system). The waste chute system must be maintained in accordance with manufactory standards.

36. 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.

37. 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.

38. 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.

39. Construction of Waste Storage Areas

The waste storage areas must be designed and constructed in accordance with the following requirements. The seven waste discharge chute rooms must comfortably contain a 2 bin (1100 litre) linear track with compactor for garbage and 1 x 1100 litre recycle bin placed underneath the chute with no compaction. Garbage must be compacted at a ratio of 2:1, which no compaction permitted for recycling.

- 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 garbage rooms must have a waste servicing door, with a minimum clear floor width of 1.5m.
- All doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

1100L: 1245 (d) 1370 (w) 1470 (h)

40. Construction of Waste Holding Room

The waste storage area, also known as the central bin collection room, must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 17 x 1100 litre garbage and 17 x 1100 litres recycle bins.

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage area 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 area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).

- The waste storage area must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred). The waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- The waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the waste storage area.
- All doors of the waste storage area, when fully opened, must be flush with the outside wall 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 area 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 area 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 area, it is not to conflict with the space designated for the placement of bins.
- The waste storage area 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 area(s) must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

Example Bin Measurements (mm)

1100L: 1245 (d) 1370 (w) 1470 (h)

41. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

The primary property address for this development is: 10 Fishburn Crescent Castle Hill

Building 1 – 10 Sexton Ave Castle Hill

Building 2 – 8 Sexton Ave Castle Hill

Building 3 – 6 Sexton Ave Castle Hill

Building 4 – 4 Sexton Ave Castle Hill

Building 5 – 14 Fishburn Crescent Castle Hill

Building 6 – 12 Fishburn Crescent Castle Hill

Building 7 – 10 Fishburn Crescent Castle Hill

Approved unit numbering is as per plans submitted marked as DWG No:DA102 – DA111, Dated:2/5/2019 marked up within consent documentation; and as follows: Unit numbering commences at Building 3, Stage 1, left of the lifts for all levels.

Buildings

Level	One	Two	Three	Four	Five	Six	Seven
Lower Ground	N/A	N/A	N/A	N/A	LG01-03	LG04-07	N/A
Ground	G29-36	G37-39	G01-04	G05-10	G11-17	G18-22	G23-28
1	131-138	139-144	101-106	107-112	113-119	120-124	125-130
2	234-242	243-248	201-206	207-212	213-220	221-226	227-233
3	334-342	343-348	301-306	307-312	313-320	321-326	327-333
4	418-421	422-424	401-403	404-406	407-409	410-414	415-417
5	518-521	522-524	501-503	504-506	507-509	510-514	515-517
6	618-621	622-624	601-603	604-606	607-609	610-614	615-617
7	718-721	722-724	701-703	704-706	707-709	710-714	715-717
8	807-810	811-813	801-803	804-806	N/A	N/A	N/A

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

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

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mail Boxes

Cluster mail boxes are to be located as shown on plans submitted marked as DWG No:DA103, Rev: K, Dated: 02/05/2019 marked up within consent documentation.

Cluster mail boxes are to be located within the site, perpendicular to the street on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building 7 - 10 Fishburn Crescent Castle Hill.

Strata Developments

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

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

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

42. 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:-

Stage 1 –

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 19	No. of 2 Bedroom Units: 23	No. of 3 Bedroom Units: 11	Sum of Units	No. of Credits: 12	Total \$7.11
Open Space - Land	\$ 4,392.23	\$ 6,149.13	\$ 7,613.19	\$ 555.91	19	23	11	55	12	\$ 228,438.16
Open Space - Capital	\$ 2,220.12	\$ 3,108.17	\$ 3,848.21	\$ 1,810.12	19	23	11	55	12	\$ 182,425.94
Transport Facilities - Land	\$ 1,092.38	\$ 1,529.32	\$ 1,893.45	\$ 1,029.40	19	23	11	55	12	\$ 55,445.00
Transport Facilities - Capital	\$ 1,699.88	\$ 2,379.83	\$ 2,946.46	\$ 1,409.23	19	23	11	55	12	\$ 121,191.20
Water Management - Capital	\$ 443.83	\$ 621.36	\$ 769.31	\$ 1,028.00	19	23	11	55	12	\$ 24,388.96
Administration	\$ 58.40	\$ 81.79	\$ 101.26	\$ 1,028.00	19	23	11	55	12	\$ 1,711.17
Total	\$ 9,906.84	\$ 13,869.58	\$ 17,171.87	\$ 24,415.70	188,238.91	\$ 438,980.49	\$ 188,980.49	\$ 1,415,121.12	\$ 281,911.80	\$ 2,285,224.81

Stage 2

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 37	No. of 2 Bedroom Units: 41	No. of 3 Bedroom Units: 22	Total \$7.11
Open Space - Land	\$ 4,392.23	\$ 6,149.13	\$ 7,613.19	\$ 101,021.34	\$ 252,113.45	\$ 205,556.02	\$ 558,690.81
Open Space - Capital	\$ 2,220.12	\$ 3,108.17	\$ 3,848.21	\$ 51,062.73	\$ 127,434.93	\$ 103,901.62	\$ 282,399.26
Transport Facilities - Land	\$ 1,092.38	\$ 1,529.32	\$ 1,893.45	\$ 25,124.67	\$ 67,702.17	\$ 51,123.07	\$ 138,949.91
Transport Facilities - Capital	\$ 1,699.88	\$ 2,379.83	\$ 2,946.46	\$ 39,097.23	\$ 97,573.18	\$ 75,554.33	\$ 216,224.75
Water Management - Capital	\$ 443.83	\$ 621.36	\$ 769.31	\$ 10,208.00	\$ 25,475.79	\$ 20,771.36	\$ 56,455.15
Administration	\$ 58.40	\$ 81.79	\$ 101.26	\$ 1,343.30	\$ 3,353.44	\$ 2,734.00	\$ 7,430.74
Total	\$ 9,906.84	\$ 13,869.58	\$ 17,171.87	\$ 227,857.36	\$ 568,652.96	\$ 463,640.40	\$ 1,260,150.61

Stage 3

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 37	No. of 2 Bedroom Units: 70	No. of 3 Bedroom Units: 26	Total \$7.11
Open Space - Land	\$ 4,392.23	\$ 6,149.13	\$ 7,613.19	\$ 140,551.44	\$ 430,437.60	\$ 397,942.84	\$ 768,931.87
Open Space - Capital	\$ 2,220.12	\$ 3,108.17	\$ 3,848.21	\$ 71,043.77	\$ 217,571.83	\$ 200,053.41	\$ 388,669.01
Transport Facilities - Land	\$ 1,092.38	\$ 1,529.32	\$ 1,893.45	\$ 34,956.06	\$ 107,052.49	\$ 46,226.62	\$ 191,234.17
Transport Facilities - Capital	\$ 1,699.88	\$ 2,379.83	\$ 2,946.46	\$ 54,396.15	\$ 166,588.36	\$ 70,207.88	\$ 297,592.39
Water Management - Capital	\$ 443.83	\$ 621.36	\$ 769.31	\$ 14,202.43	\$ 43,495.24	\$ 20,002.05	\$ 77,699.73
Administration	\$ 58.40	\$ 81.79	\$ 101.26	\$ 1,858.94	\$ 5,725.38	\$ 2,632.74	\$ 10,217.07
Total	\$ 9,906.84	\$ 13,869.58	\$ 17,171.87	\$ 317,018.79	\$ 970,879.90	\$ 446,468.54	\$ 1,734,358.23

In accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020, the contribution is to be paid before the issue of the first Occupation Certificate in respect of any building work to which this consent relates. However, if no Construction Certificate in respect of the erection of a building to which the consent relates has been issued on or before 25 September 2022, the contribution is to be paid before the issue of the first Construction Certificate after that date for any such building.

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

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

43. Permeable Paving

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

44. Use of Communal Rooms

The areas identified as communal rooms within Buildings 2, 3 and 6 shall not be used or converted to be used for habitation purposes.

45. Irrigation

An 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

46. 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.

47. 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 Smart Structures Australia, Project No. 180264, Drawing D00-D20, D25 and D26 Revision Various dated 25.01.21 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) Maximum by pass for site is 15%. Stormwater plans to be amended to reduce the bypassing areas.
- b) Overflow from OSD to be clearly shown to ensure in the event of a blockage of the orifice water will be directed to street drainage
- c) The stormwater plan shall be amended to be consistent with the landscape plans and the architectural plans.
- d) The stormwater pits over the OSD tanks must remain unobstructed/remain accessible. Any proposed planter boxes/garden beds over the OSD tank shall be designed to comply with this requirement.
- e) Only RCP pipes are permitted within council's road reserve.

Water sensitive urban design elements, consisting of PSorb Cartridges, Oceanguard filters 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.

48. Stormwater Pump/ Basement Car Park Requirements

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

49. 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 \$462480 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 (615m) 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.

50. 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.

51. 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 External Civil Works Plan prepared by Smart Structures Australia Revision Various Dated 14.05.2020 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 Fishburn Crescent must be reconstructed including footpath paving, stormwater drainage adjustments and any other ancillary work to make this construction effective.

The existing footpath verge 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.

52. 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.

53. 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 INSERT is required for this development.

54. Amended Landscape Plan

An amended Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or designer if changes to either or both of the On-site Stormwater Detention (OSD) is undertaken which affects any of the following:

- The extent or location of the OSDs
- The depth of the OSDs
- Changes to pit locations, or levels

Stormwater plans and landscape plans must be consistent, such as the RL of pits within garden beds.

The amended Landscape plans are required to be submitted to the satisfaction of Council's Manager - Environment and Health prior to the issue of Construction Certificate.

55. Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)

An acoustic statement is required to be submitted to Council's Manager - Environment and Health prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the DA Acoustic Report prepared by Acoustic Logic, with reference number 20190066.1/3005A/R0/AR and dated 30 May 2019, have been included in the construction plans of the development.

56. Erosion & Sediment Control Plan

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

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

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

57. Internal Pavement Design Certification

Prior to a Construction Certificate being issued, a Certified Practising 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.

58. Construction Management Plan (Staged Applications)

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. 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

59. 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 Certifier 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.

60. Tree Protection Fencing

Prior to any works commencing on site, including demolition, Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing and ground protection shall be in accordance with the Tree Management Plan within the Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 08/07/2021.

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.

Tree protection Fencing is to be installed and certified to have been supervised by the Project Arborist prior to demolition.

The relocation of any tree protection fencing is only to be undertaken under direct supervision of the project Arborist. All works to be undertaken when fencing has been moved must be supervised by the Project Arborist and be certified to have been undertaken under Arborist supervision.

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. Dust Management Plan – Major Subdivision Works

A site specific dust management plan must be developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Speed control on haul routes.
- Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Jute matting of the core riparian zone within any creeks/ riparian corridors.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.

- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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. The controls shall be in accordance 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).

72. 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).

73. Details and Signage - Principal Contractor and Principal Certifier

Details

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

No later than two days before work commences, Council is to have received written details of the Principal Certifier 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 Principal Certifier 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.

74. 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.

75. Engagement of a Project Arborist

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

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

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

76. 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.

77. Site Water Management Plan

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

78. Erosion & Sediment Control Plan Kept on Site

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

79. 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.

80. 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.

81. Construction and/or 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.

DURING CONSTRUCTION

82. 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.

83. 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.

84. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

85. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

86. Survey Report and Site Sketch

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

87. 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. 1026011M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the Principal Certifier 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 Principal Certifier is not carried out. Inspections can only be carried out by the Principal Certifier unless agreed to by the Principal Certifier beforehand and subject to that person being a registered certifier.

89. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

90. 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.

91. 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.

92. Dust Management Plan

Due to the size of the area being disturbed by the works and the fact that the development site is surrounded by residential properties, a site specific Dust Management Plan (DMP) is to be prepared by a suitably qualified and experienced construction management consultant and submitted to Council for review. The dust management plan shall address/ include the following matters at a minimum:

- Water carts must be used to regularly wet down exposed areas. The number of water carts on site at all times (and additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- A sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Vehicle speed control on access routes.

- Stockpile management such as location, orientation, volume and height must be carefully considered to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- The DMP must also demonstrate how the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

93. 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.

The relocation of any tree protection fencing is only to be undertaken under direct supervision of the project Arborist. All works to be undertaken when fencing has been moved must be supervised by the Project Arborist and be certified to have been undertaken under Arborist supervision.

94. 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.

95. 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)*.

96. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

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

97. Construction Management Plan

The recommendations of the Construction Management Plan, prepared by Ceerose Pty Limited, referenced as The Island Construction Management Plan and dated July 2019 are to be implemented as part of this approval.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

98. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate (of each stage where applicable). 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.

99. 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.

100. 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.

101. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed 2m of road widening across the Fishburn Cres site frontage has been dedicated to the public as road at no cost to Council in accordance with the undertaking submitted relating to the 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. Creation of Restrictions/ Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

a) Restriction/ Positive Covenant – Onsite Stormwater Detention

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

b) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

c) Positive Covenant – Stormwater Pump

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

d) Positive Covenant – Onsite Waste Collection

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

e) Restriction – Bedroom Numbers

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

106. 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.

107. 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.

108. 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.

109. 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.

110. Privacy Screening

Privacy screening is to be provided to the habitable rooms of the dwelling, as shown on the approved plans, prior to the issue of an Occupation Certificate. All privacy screens shall be maintained for the life of the development.

111. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

The regulated system is to be registered with Council by submitting an Application for Registration of Regulated Water Cooling/Warm Water Systems, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

112. 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.

113. Internal Pavement Construction

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

114. 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.

115. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; www.thehills.nsw.gov.au.

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

116. 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.

117. Installation of Master Key System to Waste Collection Room

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

THE USE OF THE SITE

118. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

119. 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*.

120. 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*.

121. Offensive Noise - Acoustic Report

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

122. 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 area(s), 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 area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

123. Access to Communal Areas

All communal areas (including rooftop communal open space and communal rooms) shall be accessible to all residents of the development. Keying / access control must permit all residents to reach the communal areas.

ATTACHMENT 1: DEVELOPMENT ADVISORY NOTES

ATTACHMENT 2: SCCPP DETERMINATION AND STATEMENT OF REASONS

ATTACHMENT 3: NSW POLICE REQUIREMENTS

ATTACHMENT 4: SYDNEY WATER REQUIREMENTS

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Cynthia Dugan on 9843 0334.

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMENT 2: SCCPP DETERMINATION AND STATEMENT OF REASONS



Planning
Panels

DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	6 August 2021
PANEL MEMBERS	Abigail Goldberg (Chair), Noni Ruker, Ken McBryde, Chandl Saba and Mark Colburt
APOLOGIES	David Ryan
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 30 July 2021.

MATTER DETERMINED

PPSSCC 17 - 58/2020/JP – The Hills Shire, 2A 12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill, Construction of seven residential flat buildings between 8 and 9 storeys in height containing 295 dwellings. The development will comprise a two-level basement car park as well as associated communal open space and landscaping (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6 and the material listed at items 7 and 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of The Hills Local Environmental Plan 2012 (LEP), that has demonstrated that:

- compliance with cl. 4.3 is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 of the LEP and the objectives for development in the R4 High Density Residential zone; and
- the concurrence of the Secretary has been assumed.

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council Assessment Report. The decision was **unanimous**.

In reaching its decision, the Panel highlights the following:

- The proposal is in the Showground precinct, which has been rezoned for high and medium density development.
- The application has been referred to Council's Design Review Panel (DRP) and is considered to have achieved design excellence.
- The application includes a Clause 4.3 request to vary building height, which is supported by Council.
- An incentivised Floor Space Ratio (FSR) for residential development is permitted by Clause 9.7 of the LEP 2012.

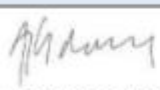



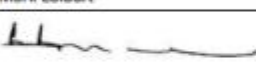
- Several variations are proposed that relate to the Apartment Design Guide (ADG) and The Hills Development Control Plan 2012 (DCP), but these are considered to be acceptable for the site and in relation to the desired future character of the precinct.
- The Panel supports Council's Condition of Consent that since the extent of solar access in communal open space on Ground Level is less than recommended by the ADG, equitable access to all communal open space areas will be provided.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

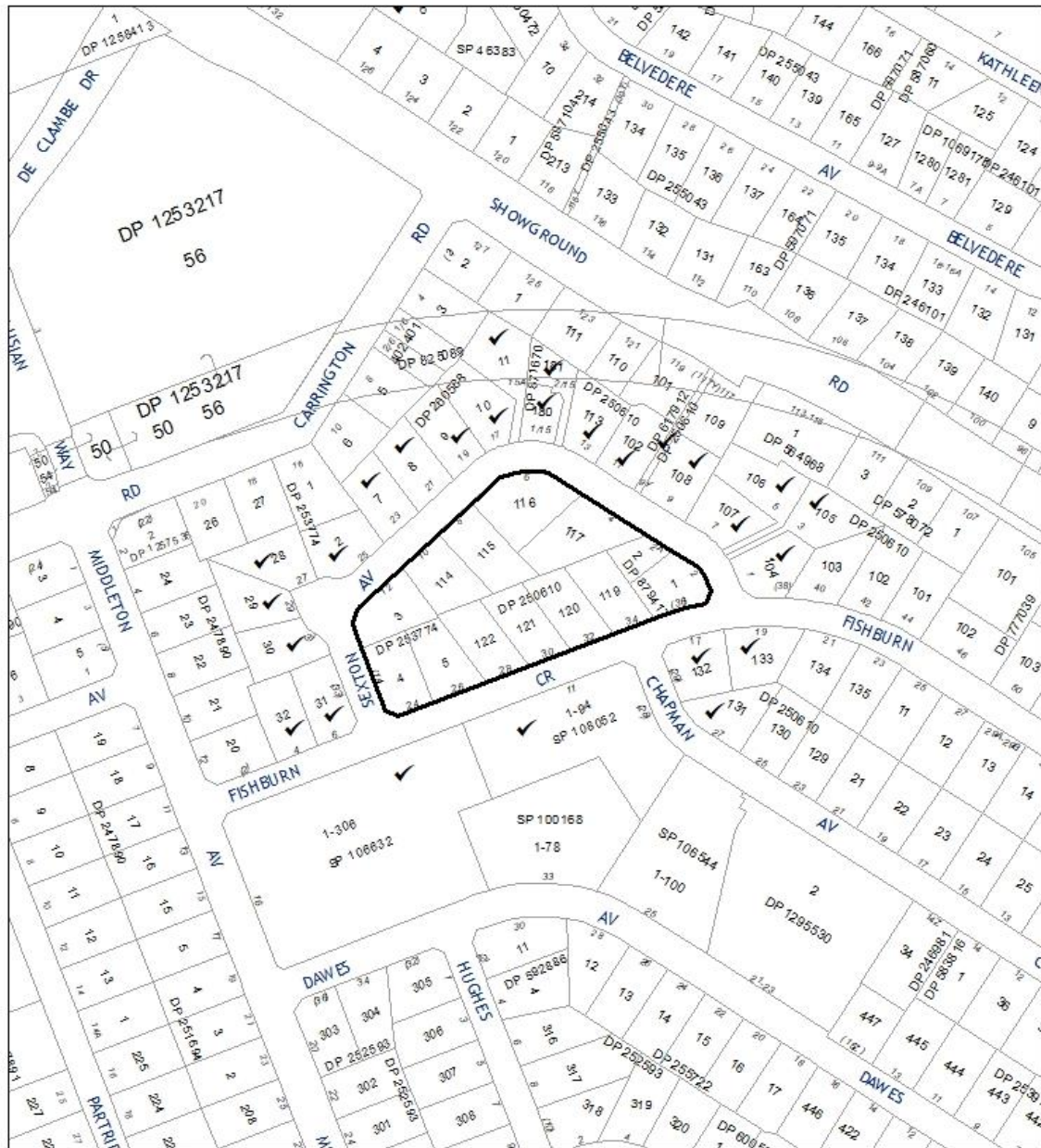
In coming to its decision, the Panel notes that no written submissions were received during the public exhibition period.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Noni Ruker
 Mark Colburt	 Ken McBryde
 Chandi Saba	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-17 - 58/2020/JP – The Hills Shire
2	PROPOSED DEVELOPMENT	Construction of seven residential flat buildings between 8 and 9 storeys in height containing 295 dwellings. The development will comprise a two-level basement car park as well as associated communal open space and landscaping
3	STREET ADDRESS	2A-12 Sexton Avenue and 24-34 Fishburn Crescent, Castle Hill
4	APPLICANT/OWNER	KWG Group Holdings
5	TYPE OF REGIONAL DEVELOPMENT	CIV exceeding \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land

		<ul style="list-style-type: none"> • The Hills Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> • The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the Environmental Planning and Assessment Regulation 2000 • Coastal zone management plan: [Nil] • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations • The public interest, including principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report – July 2021 • Plans related to the DA • Statement of Environmental Effects • Clause 4.6 application • Written submissions made during the public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • 1st Briefing – 21 November 2019 • 2nd Briefing – 20 August 2020 • Site inspection - site inspections have been curtailed due to COVID-19 precautions. Where relevant, Panel members undertook site inspections individually. • Papers were circulated electronically on 30 July 2021.
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

ATTACHMENT C – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT D – AERIAL PHOTOGRAPH



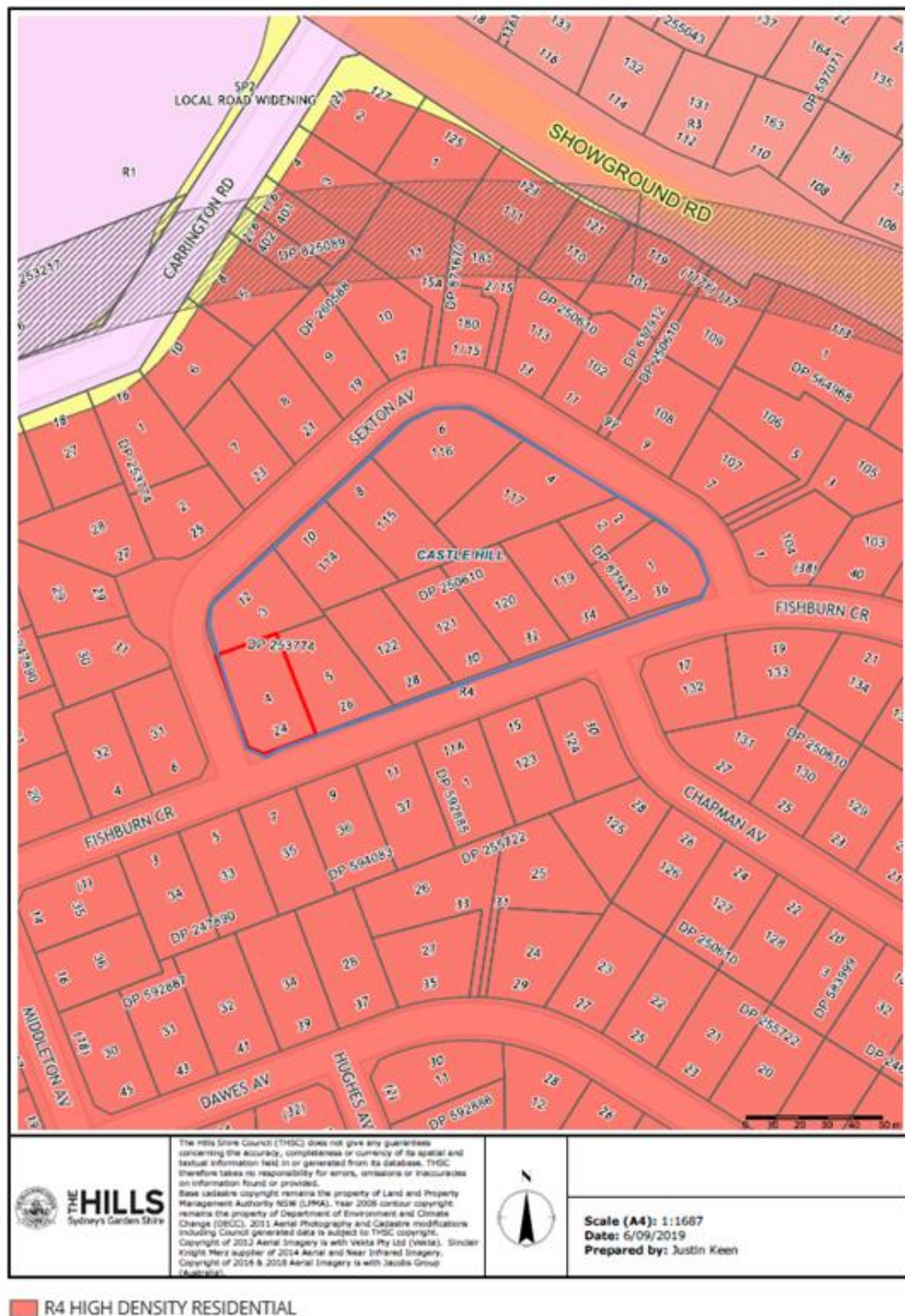
SUBJECT SITE

THE HILLS
Sydney's Garden Shire

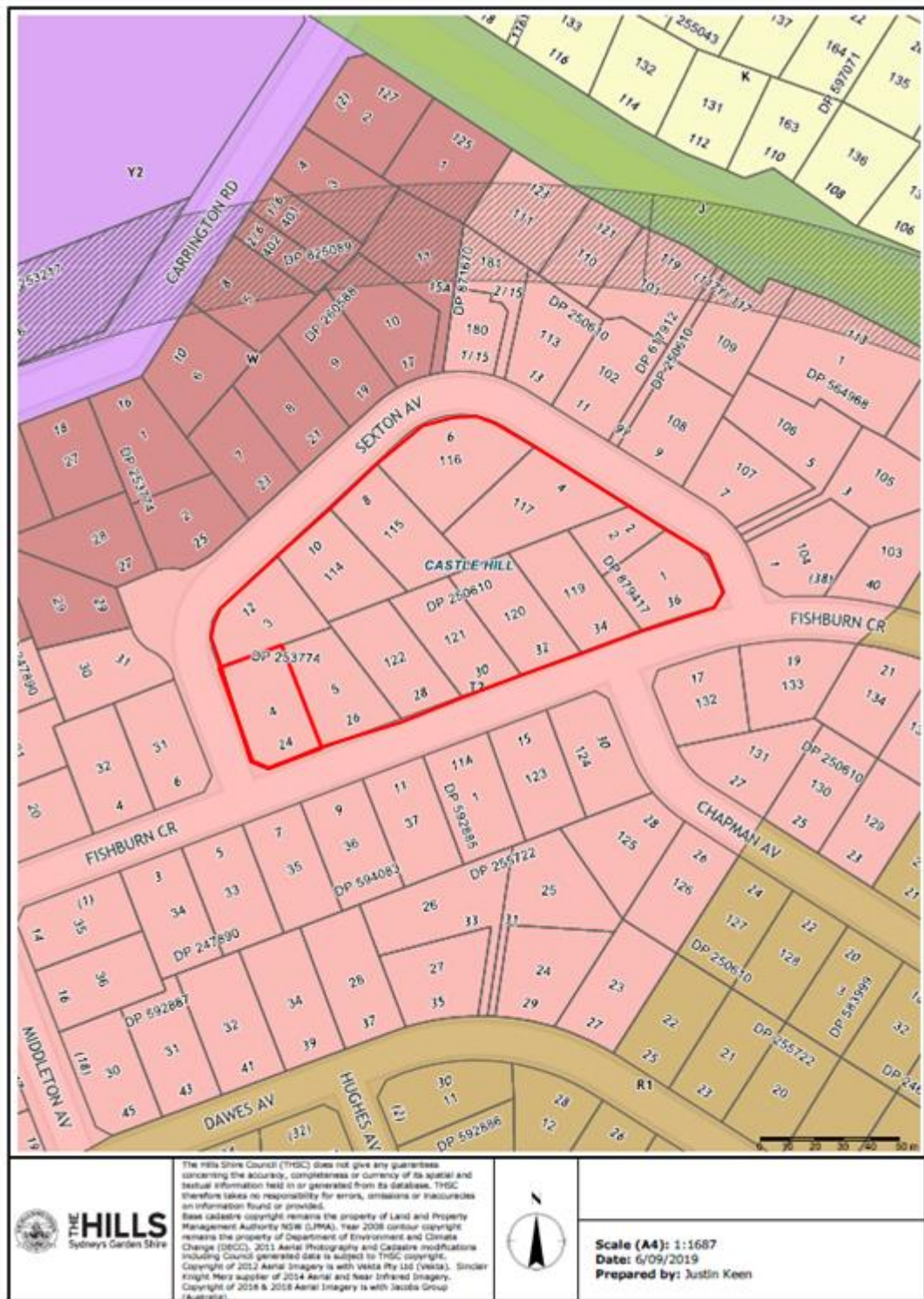
THE HILLS SHIRE COUNCIL

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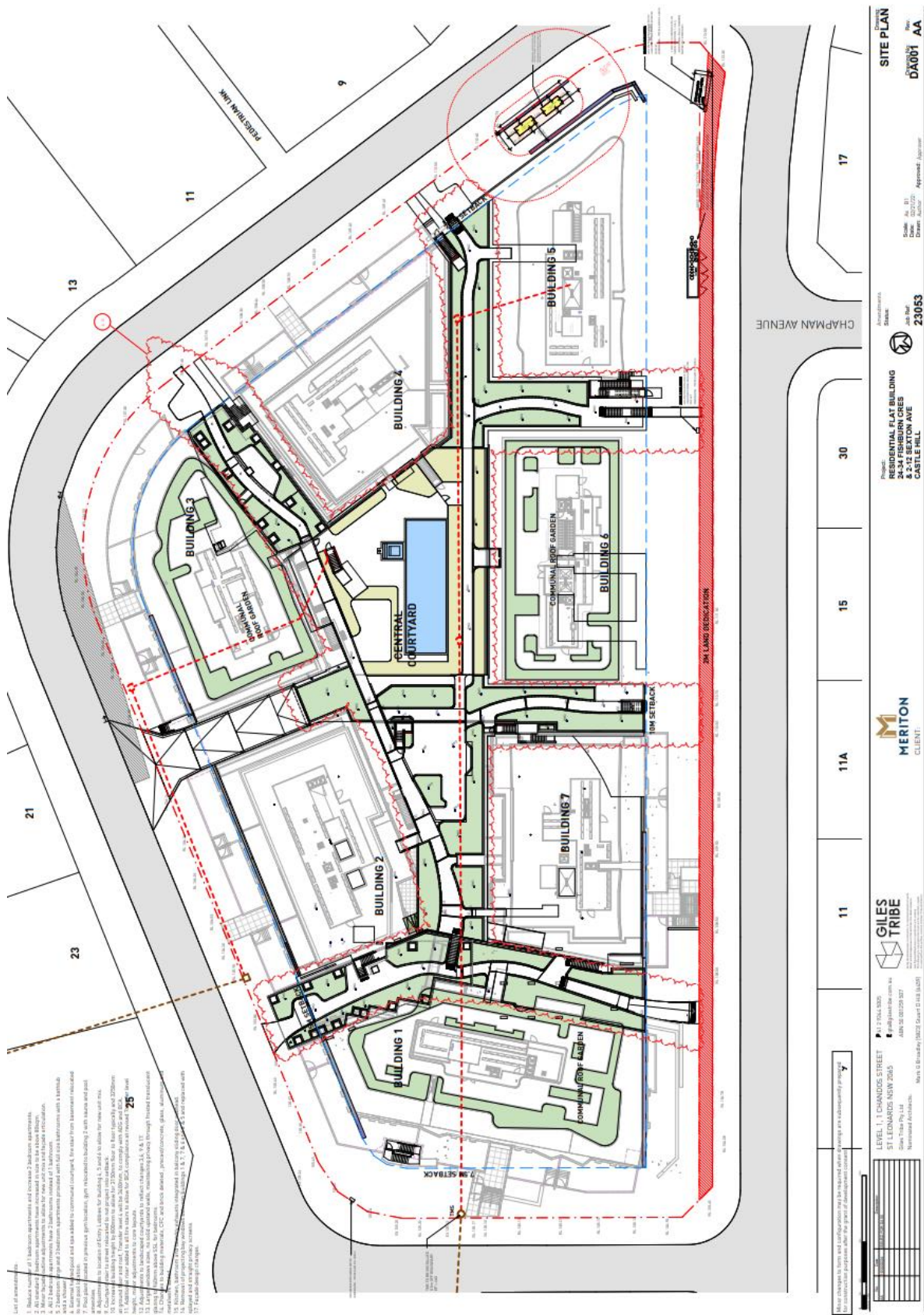
ATTACHMENT E – THE HILLS LEP 2019 ZONING MAP



ATTACHMENT F – THE HILLS LEP 2019 HEIGHT OF BUILDINGS MAP



ATTACHMENT G – PROPOSED SITE PLAN



[illegible]

ATTACHMENT I – PROPOSED LANDSCAPE PLAN



The rendering shows a proposed development with three main buildings: Building 1, Building 2, and Building 3. Building 1 is a multi-story residential building with a mix of brick and light-colored panels. Building 2 is a taller, more modern building with a glass facade and a central tower. Building 3 is a multi-story residential building with a mix of brick and light-colored panels. A basement footprint outline is shown at the bottom of the rendering. The rendering includes a north arrow, a scale bar (0 to 100 feet), and a legend for building types (Residential, Commercial, Office, etc.).

The drawing illustrates the proposed building footprint outline for four buildings, labeled BUILDING 1, BUILDING 6, BUILDING 7, and BUILDING 5. The buildings are shown in a perspective view, with their respective floor levels and setbacks indicated. The setbacks are labeled as follows:

- BUILDING 1: SETBACK 1 (10.00'), SETBACK 2 (10.00')
- BUILDING 6: SETBACK 1 (10.00'), SETBACK 2 (10.00')
- BUILDING 7: SETBACK 1 (10.00'), SETBACK 2 (10.00')
- BUILDING 5: SETBACK 1 (10.00'), SETBACK 2 (10.00')

The drawing also includes a north arrow and a scale bar (0' to 100'). The buildings are shown with various floor levels, including the ground floor, second floor, third floor, fourth floor, fifth floor, sixth floor, seventh floor, eighth floor, ninth floor, tenth floor, eleventh floor, twelfth floor, thirteenth floor, fourteenth floor, fifteenth floor, sixteenth floor, seventeenth floor, eighteenth floor, nineteenth floor, twentieth floor, twenty-first floor, twenty-second floor, twenty-third floor, twenty-fourth floor, twenty-fifth floor, twenty-sixth floor, twenty-seventh floor, twenty-eighth floor, twenty-ninth floor, thirtieth floor, thirty-first floor, thirty-second floor, thirty-third floor, thirty-fourth floor, thirty-fifth floor, thirty-sixth floor, thirty-seventh floor, thirty-eighth floor, thirty-ninth floor, and fortieth floor.

[illegible]

- LIFT UP MATERIALS:
- PLANTER BOXES TO AM EXPRESSING WITH MIXED PROPORTIONS DIFFERENTIATION BETWEEN PODIUM AND UPPER LEVELS / TOWER
- PLAY BETWEEN ORGANIC AND RECTANGULAR FORM FOR THE UPPER LEVELS BETWEEN THE BUILDINGS
- PROPORTIONATELY SCALED MATERIALS TO BUILDING HEIGHTS AND PROPORTIONS
- INCREASED DAYLIGHT ACCESS TO PODIUM APARTMENTS, BRIDGE WINDOWS, NO SOLID UPTOWN WALLS, MAINTAINING PORENCY
- PROPORTIONATELY SCALED MATERIALS TO BUILDING HEIGHTS AND PROPORTIONS
- IMPROVEMENTS TO BUILDING MATERIALS, NO SOLID UPTOWN WALLS, MAINTAINING PORENCY
- KITCHEN, BATHROOM AND LIVING CHAIRS INTEGRATED SUBALCONY DOORS SUBHEAD, NOT VISIBLE ON MAIN FACADE
- REDUCTION OF PROPORTIONATELY SCALED MATERIALS BETWEEN BUILDINGS 1 & 1.1 & 1.2 & 1.3 & 1.4 & 1.5



EAST ELEVATION



WEST ELEVATION

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/2020
2	ISSUED FOR PERMIT	10/10/2020
3	ISSUED FOR PERMIT	10/10/2020
4	ISSUED FOR PERMIT	10/10/2020
5	ISSUED FOR PERMIT	10/10/2020
6	ISSUED FOR PERMIT	10/10/2020
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8	ISSUED FOR PERMIT	10/10/2020
9	ISSUED FOR PERMIT	10/10/2020
10	ISSUED FOR PERMIT	10/10/2020

LEVEL 1, 1 CHANDLER STREET
ST LEONARDS NEW ZEALAND
Giles Tribe Pty Ltd
Normanville Architects
Mark G. B. Building 10001 (Sheet 12 of 12)



Project: RESIDENTIAL FLAT BUILDING
24-34 FISHBURN CRES
& 2-12 SEXTON AVE
CASTLE HILL

Scale: 1:2000
Date: 10/10/2020
Drawn: M
Approved: MUDY

Drawings: ELEVATIONS 3 & 4
Job Ref: DA211 AA

- [illegible]



INTERIOR ELEVATION 1



INTERIOR ELEVATION 2


GILES TRIBE
 Level 11, 1 Chandos Street
 St Leonards NSW 2255
 1800 634 634
 02 9390 9000
 info@gilestribe.com.au
 www.gilestribe.com.au

- STRONGER POLYMER CORROSIONS WITH MORE PRONOUNCED DIFFERENTIATION BETWEEN POLYMER AND METAL SURFACES. THE POLYMER CORROSIONS WERE MORE PRONOUNCED IN BUILDINGS PLAYED BY THE IRONIC AND TECHNIQUE FORM FOR THE UPPER LEVELS BETWEEN THE BUILDINGS. GREATER VARIATION OF POLYMER CLADDING IN LINE WITH THE USE OF THE HILLS DO: POLY1, POLY2, POLY3, POLY4, POLY5, POLY6, POLY7, POLY8, POLY9, POLY10, POLY11, POLY12, POLY13, POLY14, POLY15, POLY16, POLY17, POLY18, POLY19, POLY20, POLY21, POLY22, POLY23, POLY24, POLY25, POLY26, POLY27, POLY28, POLY29, POLY30, POLY31, POLY32, POLY33, POLY34, POLY35, POLY36, POLY37, POLY38, POLY39, POLY40, POLY41, POLY42, POLY43, POLY44, POLY45, POLY46, POLY47, POLY48, POLY49, POLY50, POLY51, POLY52, POLY53, POLY54, POLY55, POLY56, POLY57, POLY58, POLY59, POLY60, POLY61, POLY62, POLY63, POLY64, POLY65, POLY66, POLY67, POLY68, POLY69, POLY70, POLY71, POLY72, POLY73, POLY74, POLY75, POLY76, POLY77, POLY78, POLY79, POLY80, POLY81, POLY82, POLY83, POLY84, POLY85, POLY86, POLY87, POLY88, POLY89, POLY90, POLY91, POLY92, POLY93, POLY94, POLY95, POLY96, POLY97, POLY98, POLY99, POLY100, POLY101, POLY102, POLY103, POLY104, POLY105, POLY106, POLY107, POLY108, POLY109, POLY110, POLY111, POLY112, POLY113, POLY114, 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BUILDING 1 - NORTH ELEVATION



BUILDING 1 - WEST ELEVATION



BUILDING 1 - EAST ELEVATION



BUILDING 1 - SOUTH ELEVATION

PODIUM BASE MATERIALS

PAINT FINISHES

METAL FRAMING



WINDOW COLOR FRAME



PAINT FINISHES

METAL FRAMING AND SCREENS

WINDOW COLOR FRAME



GLAZING

[illegible]

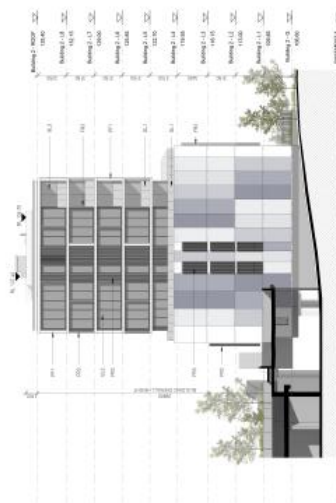
- TRANSFER OF HEAT BY CONDUCTION WITH NEARLY PREDOMINANT DIFFERENTIATION BETWEEN PEDESTAL AND WALLS
- TRANSMISSION OF HEAT BY CONVECTION THROUGH THE AIR GAP BETWEEN BUILDINGS
- PLAYS BETWEEN ORGANIC AND RECTANGULAR FORM FOR THE UPPER LEVELS OF THE BUILDING
- ORIENTED SUBDIVISION OF PEDIMENT FACADE IN LINE WITH FIGURE 4-8 OF THE BUILDING CODE 2017, POINT 16
- SHOWN AND FREQUENT RECURRING ELEMENTS TO FORM AN ENVIRONMENT, BECAUSE HUMANITY HAS NO COLLECTIVE WALLS
- MAINTAINING PRINCIPLE THROUGH POST TRANSPARENT GLAZING, BLINDING TO HIDE AVOIDANCE FOR BEDROOMS
- IMPROVEMENT OF BUILDING MATERIALS, NO USE ONLY PRECAST-CONCRETE, GLASS, ALUMINUM AND METAL FINISH
- ADDITION OF WINDOW AND LAMINATE BALUSTES INTEGRATED IN BALCONY SLIDING DOOR SUBSTRUCT NOT VISIBLE ON MAIN FACADE
- REMOVAL OF PROJECTING BAY WINDOWS BETWEEN BUILDINGS 1, 2, 7 & 8 AND 9, 6



BUILDING 2 - NORTH ELEVATION



BUILDING 2 - WEST ELEVATION



BUILDING 2 - EAST ELEVATION



BUILDING 2 - SOUTH ELEVATION

PODIUM BASE MATERIALS

PAINT FINISHES

METAL FRAMING



WINDOW COLOR FRAME



PAINT FINISHES

METAL FRAMING AND SCREENS

WINDOW COLOR FRAME



GLAZING



**LEVEL 1, 1 CHANCOS STREET
ST LEONARDS NEW 2068**

GILES TRIBE

Project
RESIDENTIAL FLAT BUILDING
24-34 FISHERUN CRES
8-2-12 SEXTON AVE
CASTLE HILL

Approved/Issued
23053

Scale
Date: 05/01/22
Author: Approved: Approved

BUILDING 2_COLOUR & MATERIALS PALETTE

DA801 AA



AISC
Australian Institute of Steel Construction
1000 Springvale Rd
Springvale VIC 3171
Tel: 03 9594 2000
Fax: 03 9594 2001
Email: info@aisc.org.au
Website: www.aisc.org.au



Certificate No. 000003726
Approved under the Building Act 1993 for the use of steel.
Approval date: 05/01/22
Approval number: 10188
Approval authority: 10188
Approval date: 05/01/22
Approval number: 10188
Approval authority: 10188
Approval date: 05/01/22
Approval number: 10188
Approval authority: 10188



QR code linking to the project information.

Meriton Client

GILES TRIBE

**Level 1, 1 Chancos Street
St Leonards New 2068**

Project
RESIDENTIAL FLAT BUILDING
24-34 FISHERUN CRES
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Meriton Client

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Project
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24-34 FISHERUN CRES
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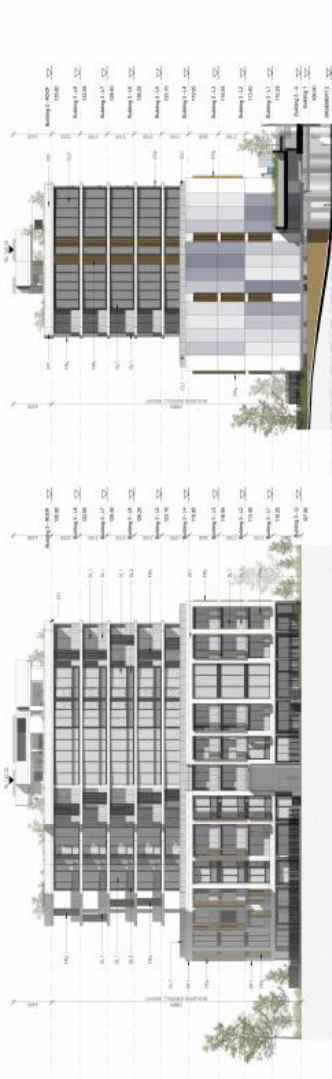


Certificate No. 000003726
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Approval authority: 10188



QR code linking to the project information.

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BUILDING 3 - NORTH ELEVATION



BUILDING 3 - EAST ELEVATION



- [illegible]



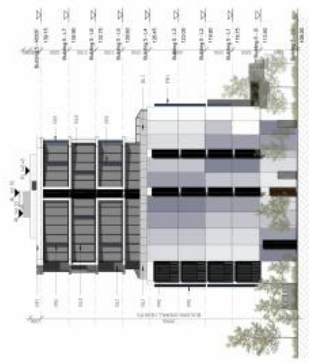
BUILDING 5 - NORTH ELEVATION



BUILDING 5 - SOUTH ELEVATION



BUILDING 5 - EAST ELEVATION



BUILDING 5 - WEST ELEVATION

PODIUM BASE MATERIALS

PAINT FINISHES

METAL FRAMING



WINDOW COLOR FRAME



UPPER LEVELS MATERIALS

PAINT FINISHES

METAL FRAMING AND SCREENS

WINDOW COLOR FRAME



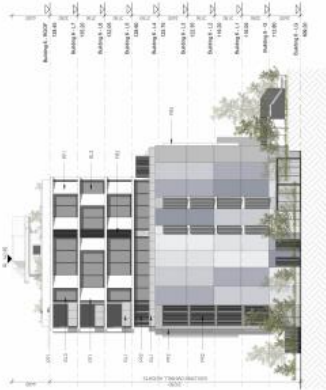
GLAZING

[illegible]

- LIST OF MATERIALS
- STROKES PODIUM EXPRESSING WITH MORE PROTRUSIVE DIFFERENTIATION BETWEEN PODIUM AND UPPER LEVELS
- CLAY TITANUM COATING AND RECTANGULAR FORM FOR THE UPPER LEVELS BETWEEN THE BUILDINGS
- DECREASED DISTRIBUTION OF PODIUM FACADE IN LINE WITH FIGURE 4A OF THE HALLS DEP. 2017, 2019
- INCREASED DAYLIGHT ACCESS TO PODIUM APARTMENTS, BIGGER WINDOWS, NO SOLID UPWARD WALLS, NO SOLID DOWNWARD WALLS
- IMPROVED MATERIALITY, NO SOLID ONLY FRAGMENTS, NO SOLID ALUMINUM AND HOT-TOUCH, MATTERING AND LAMINATE CHANGES INTEGRATED IN BALCONY SLIDING DOOR SUBFACIL NOT
- VISIBLE IN HUMAN SCALE
- PROTRUSION OF PROTRUSIVE BAL WINDOWS BETWEEN BUILDINGS 6, 7, 8, A AND B, S.



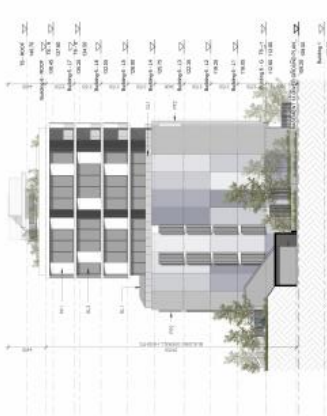
BUILDING 6 - NORTH ELEVATION



BUILDING 6 - WEST ELEVATION



BUILDING 6 - SOUTH ELEVATION



BUILDING 6 - EAST ELEVATION

PODIUM BASE MATERIALS

PAINT FINISHES



PF1 - PAINT FINISHES,
CLAY TITANUM COATING

METAL FRAMING



MF1 - METAL FRAMING,
BRUSHED ALUMINUM WINDOW

WINDOW COLOR FRAME



WF1 - WINDOW COLOR FRAME,
DULUX QUARTZ 2005, APPLIANCE WHITE

UPPER LEVELS MATERIALS



UL1 - GREY GLASS - CLEAR



UL2 - GREY GLAS - FROSTED

WINDOW COLOR FRAME



WF1 - WINDOW COLOR FRAME,
DULUX QUARTZ 2005, APPLIANCE WHITE

GLAZING

GL1 - GREY GLASS - CLEAR

GL2 - GREY GLAS - FROSTED

GL3 - GREY GLASS - COLOURBACK

GL4 - CLEAR GLASS

GILES TRIBE
ARCHITECTS

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MERITON
CLIENT

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QR CODE

FOR APPROVAL
JOB NO. 23053

BUILDING 6_COLOUR & MATERIALS PALETTE

DATE: 2023/03
DRAWN: J. HILL
APPROVED: J. HILL

PODIUM BASE MATERIALS

PAINT FINISHES

PET - PAINT FINISHES
COLOUR TALISMAN "BRILLIANT WHITE"

METAL FRAMING

FR0 - DARK GREY ALUMINIUM WINDOW
DULUX DURATEC ETERNITY FENSTER PEARL

WINDOW COLOR FRAME

LIGHT TO MEDIUM GRAY

UPPER LEVELS MATERIALS

PAINT FINISHES

PET - PAINT FINISHES
COLOUR TAUBMAN "BRILLIANT WHITE"

METAL FRAMING AND SCREENS

FR2 - WHITE ALUMINUM WINDOW
DULUX DURATEC ZEUS 'APPLIANCE WHITE'

WINDOW COLOR FRAME

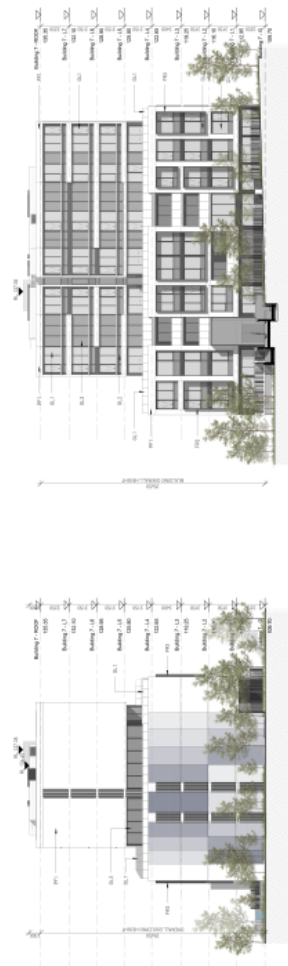
LIGHT TO MEDIUM GRAY

GLAZING

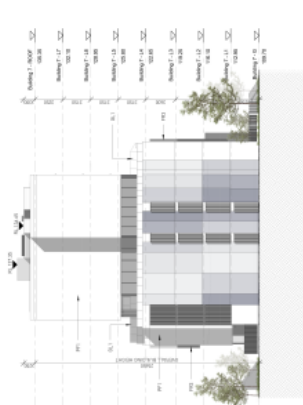
	GL1 - GREY GLASS - CLEAR
	GL2 - GREY GLAS - FROSTED
	GL3 - GREY GLASS - COLOURBACK
	GL4 - CLEAR GLASS



BUILDING 7 - NORTH ELEVATION



BUILDING 7 - EAST ELEVATION



BUILDING 7 - WEST ELEVATION




BUILDING 7 - SOUTH ELEVATION

[illegible]

LEVEL 1, 1, CHANDOS STREET
ST LEONARDS NSW 2065

1 2 9344 3025
giles@stltd.com.au

Giles Tribe Pty Ltd
Nominated Architects

 GILES
TRIBE

Mark G Broadway (SAC) Stuart H Hild (SAC)

Mark G Broadway is a Chartered Architect and a member of the NSW Institute of Architects. Stuart H Hild is a Chartered Architect and a member of the NSW Institute of Architects.

CLIENT:
MERITON



Project: RESIDENTIAL FLAT BUILDING 24-34 FISHERN CRES & 2-15 SEXTON AVE CASTLE HILL	Drawn By: PALETTE Checked By: DABONE Approved: Approver DA806 AA
--	--

FOR APPROVAL

☐ **23053**

Building 7_COLOUR & MATERIALS

ATTACHMENT L – APPROVED ELEVATIONS





AMENDMENT LIST

- 1 MATERIAL PALETTE UPDATED
- 2 BALCONY BALLUSTRADE UPDATED
- 3 TIMBER LOOK FENCE ADDED ON BUILDING 3
- 4 SLOTTED GARDEN FOR SECURITY

THE FIELD NAME COURSE
APPROVES
DEVELOPMENT-CONSISTENT
MOBILITY



EAST ELEVATION

*No structures resulting in a change/increase in height on roof level are approved under subject application 58/2020/JP/C. Refer 58/2020/JP/A for approved roof structures.



SOUTH ELEVATION



- AMENDMENT LIST**
1. MATERIAL PALETTE UPDATED
 2. BALCONY BALUSTRADE UPDATED

THE NILE BASIN COUNCIL
APPROVED
28/06/2020
Please refer to conditions of Development Consent
for details of matters which must be
complied with.



EAST ELEVATION



NORTH ELEVATION

*No structures resulting in a change/increase in height on roof level are approved under subject application 58/2020/JPC. Refer 58/2020/JPA for approved roof structures.



WEST ELEVATION



SOUTH ELEVATION

EXTERNAL MATERIALS



WPT - EXTERNAL BRICK CLADDING 1
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 2
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 3
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 4
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 5
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 6
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 7
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 8
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 9
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 10
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 11
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

WPT - EXTERNAL BRICK CLADDING 12
CLADDING MATERIAL
CLADDING MATERIAL - CLADDING AND SOFFIT
CLADDING

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ST LEONARDS NSW 2204
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DLN
LEAD DESIGNERS

KWIF
CLIENT

FOR APPROVAL
22004

BUILDING 4_COLOUR & MATERIALS PALETTE
DAB03 L

Page 104

1. MATERIAL PALETTE UPDATED
2. BAL CONY BALLUS TRACE UPDATED

THE HILL SHIRE COUNCIL
APPROVED
DEVELOPMENT CONSENT
18/2010/JPC



NORTH ELEVATION

*No structures resulting in a change/increase in height on roof level are approved under subject application 58/2020/JPC. Refer 58/2020/JPA for approved roof structures.



SOUTH ELEVATION



ATTACHMENT M – SHADOW DIAGRAMS



JUNE 21- SHADOW DIAGRAM - 9AM
SOLAR ACCESS IN CENTRAL PORTION - 382.75m² (29.2%)



JUNE 21- SHADOW DIAGRAM - 10AM
SOLAR ACCESS IN CENTRAL PORTION - 370.91m² (28.2%)



JUNE 21- SHADOW DIAGRAM - 11AM
SOLAR ACCESS IN CENTRAL PORTION - 164.99m² (12.6%)



JUNE 21- SHADOW DIAGRAM - 12PM
SOLAR ACCESS IN CENTRAL PORTION - 24.340 m² (2%)

DA APPROVED SHADOW
SOLAR SHADOWS

- List of amendments:
1. Reduce number of 1 bedroom apartments and increase 2 bedroom apartments.
 2. Increase the number of 2 bedroom apartments to 10 from 8.
 3. Reduce the number of 3 bedroom apartments to 10 from 12.
 4. Reduce the number of 4 bedroom apartments to 10 from 12.
 5. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 6. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 7. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 8. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 9. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 10. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 11. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 12. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
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 16. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 17. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
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 21. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 22. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 23. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 24. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.
 25. Add 2 parking spaces and 2 bicycle spaces to the central portion of the site.

Notes: Changes to form and content may be required when the project is substantially prepared for construction. The project is subject to the provisions of the Development Act.

LEVEL 1, 1 CHANDOS STREET ST LEONARDS NSW 2205 10/11/2020 10/11/2020 10/11/2020	10/11/2020 10/11/2020 10/11/2020
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GILES TRIBE
1/17/2021 10:00
giles@tribe.com.au
10/11/2020 10:00
10/11/2020 10:00
10/11/2020 10:00

MERITON
CLIENT

**RESIDENTIAL FLAT BUILDING
10/11/2020 10:00
10/11/2020 10:00
10/11/2020 10:00**

FOR APPROVAL
23053

SHADOWS_JUNE 21_1
DA402 AA

