COUNCIL ASSESSMENT REPORT
SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-553 DA 1418/2024/JP
PROPOSAL	Demolition of Existing Structures and Construction of Three Residential Flat Buildings containing 166 Units and associated works.
ADDRESS	20-34 Ashford Avenue and 97 43Z Middleton Avenue Castle Hill
APPLICANT	Ashford Metro Pty Ltd
OWNERS	Mr G J Palmer and Mrs F Telfer Mr R H Newman and Mrs W G Newman Mrs D Livisianos and Mr M Livisianos Mr L Zivanovic and Mrs O M Zivanovic Mr M J Sherwood and Mrs C M Sherwood Mrs D M Carroll Mr N Figol and Mrs O L Figol Mrs J C Hay
DA LODGEMENT DATE	16 May 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2.19 and Schedule 6 of the SEPP (Planning Systems) 2021
CIV	$89,180,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	The Hills LEP 2019 Clause 4.3 Height of Buildings
KEY SEPP/LEP	SEPP (Housing) 2021 and The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architect – Turner Studio Survey Plan – LTS Lockley Quantity Surveyor Cost Estimate Report – Rider Levett Bucknall Architectural Plans – Turner Studio Architectural Design Report (including Design Verification Statement) – Turner Studio Landscape Plans – Site Image

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	Landscape Design Report – Site Image Civil Engineering Plans – ESG Consulting DCP Compliance Table – Urbis Clause 4.6 Variation Request – Urbis Flood Assessment – ESG Consulting Preliminary Site Investigation – EI Australia Geotechnical Assessment – EI Australia Arborist Report – Birds Tree Consultancy Accessibility Report – Morris Goding Access Consulting Traffic Impact Assessment – Genesis Traffic Crime Prevention Through Environmental Design – Barker Ryan Stewart Pedestrian Wind Environment Statement – Windtech Noise Impact Assessment – Acoustic Logic Operational Waste Management Plan – Elephant's Foot Land Survey – LTS Biodiversity Assessment Report – Travers Bushfire and Ecology Vegetation Management Plan – Travers Bushfire and Ecology BCA Compliance Report – McKenzie Group BASIX & NatHERS Assessment – Efficient Living Ecologically Sustainable Development Report – Efficient Living Sustainability Report – Efficient Living
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic Determination
PREPARED BY	Madison Morris – Senior Town Planner
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	4 June 2025

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures and construction of three residential flat buildings over basement car parking containing 166 units and associated landscape and civil works including revegetation and stormwater works within the riparian corridor.

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The application is accompanied by a request to vary Clause 4.3 Height of Buildlings development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2019 (LEP 2019). Clause 4.3 of LEP 2019 limits the height of the development site to 21 metres. The proposal seeks consent for a maximum building height of 29.55m for Building A, 26.92m for Building B and 26.3m for Building C, which represents a variation of 8.55m (40.7%), 5.92m (28.1%) and 5.3m (25.2%) respectively. The maximum height exceedance relates to lift over runs and communal open space on all three buildings, and habitable floor space to Building A. Building A, whilst the tallest of the three buildings on the site, has been designed to provide an appropriate transition between buildings on the subject site and adjacent site to the north subject to a higher height standard. The resulting overshadowing impacts to adjoining properties and open spaces are minimised and considered negligible when compared to a building that fully complies with the height standard.

The development has been designed having regard to the natural environmental constraints being identified as flood controlled land and ensuring protection of biodiversity value mapped vegetation and provides an appropriate transition to the higher height limit to the north. The built form is consistent with the character of the Showground Station Precinct and the elements above the height limit are not readily perceived from the public domain.

At the ordinary meeting of Council on 13 May 2025, Council considered a report regarding amendments to the planning framework for the Norwest Precinct Strategic Plan which includes The Hills Showground Station Precinct. The report recommended a planning proposal be prepared to amend the LEP to correct a mismatch between maximum FSR and building height standards within the high density areas in the Showground Station Precinct. The proposal is consistent with the recommended amended building heights for developments which utilise the incentive FSR provisions under Clause 9.7 and the proposal complies with the incentive FSR provisions. A well-founded Clause 4.6 written submission has been submitted with the application. It is considered strict compliance is unreasonable and unnecessary in this instance and there are sufficient environmental planning grounds to justify contravening the development standard, as the variation relates to upper-level elements which are setback and recessive and the variation can be supported.

The Development Application satisfies the design excellence provisions under Clause 9.5 of LEP 2019. In particular, subclause (6) requires the development to be reviewed by a design review panel (DRP) and the consent authority is to take into account the findings of the DRP. The development was reviewed by Council's DRP on three occasions. The primary concerns raised throughout the review process included height, bulk mass and scale of development and relationship to desired future character, interface with the riparian corridor, materiality, landscaping and tree retention. The design of the building has adequately addressed the concerns raised by the DRP and provides a built form which is consistent with the intended character of the Showground Station Precinct and responds appropriately to the interface with Cockayne Reserve. The DRP considers the proposal meets the requirements of Clause 9.5 and the scheme is an appropriate solution for the site.

The subject site is identified as flood controlled land. Flood modelling and a flood impact assessment has been submitted with the application which demonstrates that the development meets the provisions under Clause 5.21 of LEP 2019. Subject to recommended conditions, the development will be compatible with the flood function and behaviour on the land, will not adversely affect flood behaviour in a way that results in detrimental impacts of other properties, does not detrimentally affect the safe occupation and efficient evacuation of people and appropriate measures are provided to manage risk to life in the event of a flood and adverse environmental impacts.

A Biodiversity Development Assessment Report (BDAR) was submitted with the application in accordance with the threshold requirements under Section 7.1 of the Biodiversity Conservation

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Act 2016. The Critically Endangered Ecological Community (CEEC) Sydney Turpentine Ironbark Forest (STIF) (PCT 1281) is identified as occurring on the site. Impacts to Sydney Turpentine Ironbark Forest are minimal and do not constitute a serious and irreversible impact. No offset credit obligation is required for this entity.

The subject site adjoins land zoned RE1, part of the Cattai Creek Corridor, known as Cockayne Reserve. The proposed development includes tree removal, landscaping and civil works within the RE1 land to the rear. Revegetation works and ongoing management is proposed under the Vegetation Management Plan prepared for the site having regard to the location of the proposed stormwater outlet. The proposal is consistent with the Draft Master Plan for the Cattai Creek Corridor. Consent for works in the RE1 zoned land has been obtained from Council as the legal land owner for Cockayne Reserve.

The proposal has been assessed against the provisions under State Environmental Planning Policy (Housing) 2021 and complies with the relevant Design principles for residential apartment development contained within Schedule 9. The development will provide for a built form outcome that is appropriate in bulk and scale, consistent with the context and neighbourhood character, and provides for an appropriate landscaping, amenity and aesthetic outcome.

Variations are proposed to the design criteria within the Apartment Design Guide including building separation, solar access to living and private open space areas of apartments, habitable room depths for open plan layout apartments, primary balcony areas and ground floor private open space areas. It is considered that the proposed variations are acceptable in this instance as sufficient amenity is provided for future occupants of the development and adjoining properties.

Variations are proposed to various controls within the DCP. These relate to site specific controls within the Showground Precinct including the structure plan and upper level setbacks and riparian corridor controls including two storey façade elements and residential ground floor levels. It is considered that despite these variations, the proposal provides for a high-quality outcome for the site and meets the intent and desired future character for the Showground Station Precinct.

The application is defined as ‘Nominated Integrated Development’ under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The proposal requires a controlled activity approval under Section 91 of the Water Management Act 2000. The application was referred to the Department of Planning and Environment – Water and General Terms of Approval for Controlled Activity have been provided for the application.

The proposed development was exhibited and notified on two occasions between from 22 May 2024 to 1 July 2024 and 16 April 2025 to 14 May 2025 in accordance with the requirements of the Hills Shire Council Conflict of Interest – Council Related Development Policy (25/2021-2024 – Ordinary Meeting of Council 21/3/2023) and Schedule 1 Clause 9B of the Environmental Planning and Assessment Act 1979. No submissions were received during either notification period.

The application is recommended for approval subject to conditions of consent.

THE SITE AND LOCALITY

The site is irregular in shape, comprises eight residential lots and has a total site area of 8,745m^2. The site topography falls approximately 5.5m from the frontage along the northeast

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to the south of the site and 6.5m from east to northwest. The site is located approximately 320m from the Showground Metro Station. The site adjoins Cattai Creek Reserve to the rear.

The site is within the Showground Precinct which is one of four Precincts identified by the NSW Government to be planned as part of its 'Planned Precinct Program' along the Sydney Metro Northwest corridor. Under LEP 2019, the subject site is zoned R4 High Density Residential, comprises a maximum height of 21m (6 storeys) and directly interfaces land zoned RE1 to the rear. The land immediately to the northwest of the subject site is mapped as a maximum height of 27m (8 storeys).

The site currently contains one and two storey dwelling houses on each residential lot. The properties to the northeast and northwest of the site currently contain a number of residential flat buildings under construction within the emerging precinct. Land to the southwest comprises one and two storey dwelling houses.

The subject sites are mapped as flood controlled land. Flood behaviour is primarily influenced by the flow originating from the upstream catchments of Cattai Creek.

The subject site is also identified on the Biodiversity Values Map. Native vegetation associated with the Sydney Turpentine-Ironbark Forest in the Sydney Basin Bioregion, listed as Critically Endangered (CEEC) under the Biodiversity Conversation Act 2016, has been found on the site.

1. THE PROPOSAL, BACKGROUND AND STRATEGIC CONTEXT

1.1 The Proposal

The proposed development seeks consent for the following:

- The construction of three residential flat buildings, including two basement levels (car parking), lower ground and ground floor levels (car parking, waste, and apartments) and residential levels above as follows:
    - Building A – a six to eight storey building up to a maximum height of 118.90 (RL) comprising of residential accommodation and a roof top communal space
    - Building B – a six storey building up to a maximum height of 116.75 (RL) comprising of residential accommodation, services including waste areas.
    - Building C1 and Building C2 – a six to eight storey building up to a maximum height of 116.95 (RL) comprising of residential accommodation and a rooftop communal space.
- A total of 166 residential apartments located across Buildings A, B and C and lower and upper ground levels containing communal areas and open space comprising 41 x 1 bedroom, 85 x 2 bedroom and 40 x 3 bedroom units.
- An overall gross floor area (GFA) of 18,889m^2 and a maximum FSR of 2.16:1.
- Demolition of the eight existing residential dwellings on the site including the removal of 86 existing trees.
- Excavation of two basement levels with consolidated vehicle access from Ashford Avenue for parking, loading and servicing, storage and associated plant, services and utilities.
- Loading and services facilities located within the car parking levels.
- Site wide landscaping, including ground, podium and rooftop council spaces, and a swimming pool.
- Public domain works, namely along the Ashford Avenue Street frontage.
- Lot consolidation.
- Revegetation and stormwater works under a Vegetation Management Plan to the rear of the site within the riparian corridor.

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The buildings exceeds the maximum height standard of 21m with a maximum height of 29.55m proposed, resulting in a variation of 8.55m or 40.7%. A Clause 4.6 written submission to vary the height standard has been submitted with the Development Application.

1.2 Background

A pre-lodgement meeting (154/2022/PRE) was held prior to the lodgement of the application on 27 May 2022 over 10 residential lots. The pre-lodgement application was reviewed by the Design Review Panel on 27 July 2022.

A second pre-lodgement meeting (84/2023/PRE) was held prior to the lodgement of the application on 2 June 2023 over 8 residential lots. The pre-lodgement application was reviewed by the Design Review Panel on 25 October 2023.

The subject Development Application was lodged on 16 May 2024. Between 22 May 2024 and 1 July 2024, the Development Application was advertised to adjoining and surrounding property owners. No submissions were received during the advertising period.

On 5 June 2024, a stop the clock letter was sent to the Applicant requesting further information in relation to attendance at the Design Review Panel, waterways, landscaping, resource recovery and land information matters. Further correspondence was sent to the Applicant relating to availability at meetings of the Design Review Panel.

On 14 June 2024, the Applicant submitted additional information and supporting documentation including flood modelling, amended landscaping plans and architectural plans incorporating resource recovery and land information matters.

On 10 July 2024, the Development Application was reviewed by the Design Review Panel. On the same day, General Terms of Approval were received from the Department of Planning and Environment – Water.

On 11 July 2024, a request for additional information was sent to the Applicant relating to waterways matters.

On 25 July 2024, a further request for additional information was sent to the Applicant relating to planning, stormwater management, traffic, ecology, landscaping and trees, resource recovery land information and waterways matters.

On 5 September 2024, the Applicant submitted additional information and supporting documentation including flood emergency response plan, civil and stormwater, landscaping and architectural plans.

On 10 December 2024, the Applicant submitted amended supporting documentation including arboricultural impact assessment report, biodiversity and bushfire report and vegetation management plan.

On 13 December 2024, a request for information was sent to the Applicant relating to planning, civil and stormwater, traffic, trees and ecology matters. On 20 December 2024, a further request for information was sent relating to ecology and parks and open space matters.

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On 5 February 2025, a meeting was held between Council Staff, the Applicant and the Applicant's consultants regarding outstanding stormwater, ecology and tree matters.

On 20 February 2025, the Applicant submitted additional information and supporting documentation including civil and stormwater, landscaping and architectural plans. On 20 March 2025, an amended arboricultural impact assessment report was submitted. On 25 March 2025 an amended biodiversity and bushfire report and vegetation management plan were submitted.

On 14 April 2025, a request for information was sent to the Applicant regarding outstanding planning matters. Between 16 April 2025 and 14 May 2025, the Development Application was advertised with the addition of works on Council Land within Cockayne Reserve. No submissions were received during the advertising period.

On 30 April 2025,a meeting was held between Council Assessment Staff, the Applicant and the Applicant's Architect. On 2 May 2025 and 13 May 2025, the Applicant submitted additional documentation and amended plans.

1.3 Strategic Context

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

On 15 December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. As part of the rezoning, the subject sites were rezoned to R4 High Density Residential land. The Showground Station Precinct is confined to the following boundary:

Figure 1: *Showground Station Precinct Boundary (subject site identified in blue)*

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Cattai Creek Corridor – Draft Masterplan

Council at its meeting on 27 July 2021 Council resolved to adopt the Draft Master Plan for the Cattai Creek Corridor and continue to consult with the community as part of further design stages of the project.

The Draft Master Plan was funded by the NSW Government under the Precinct Support Scheme in association with the Hills Shire Council, proposes new pathways, seating and connections for pedestrians and cyclists between Middleton Avenue through to Carrington Road, and onto Showground Road, in Castle Hill.

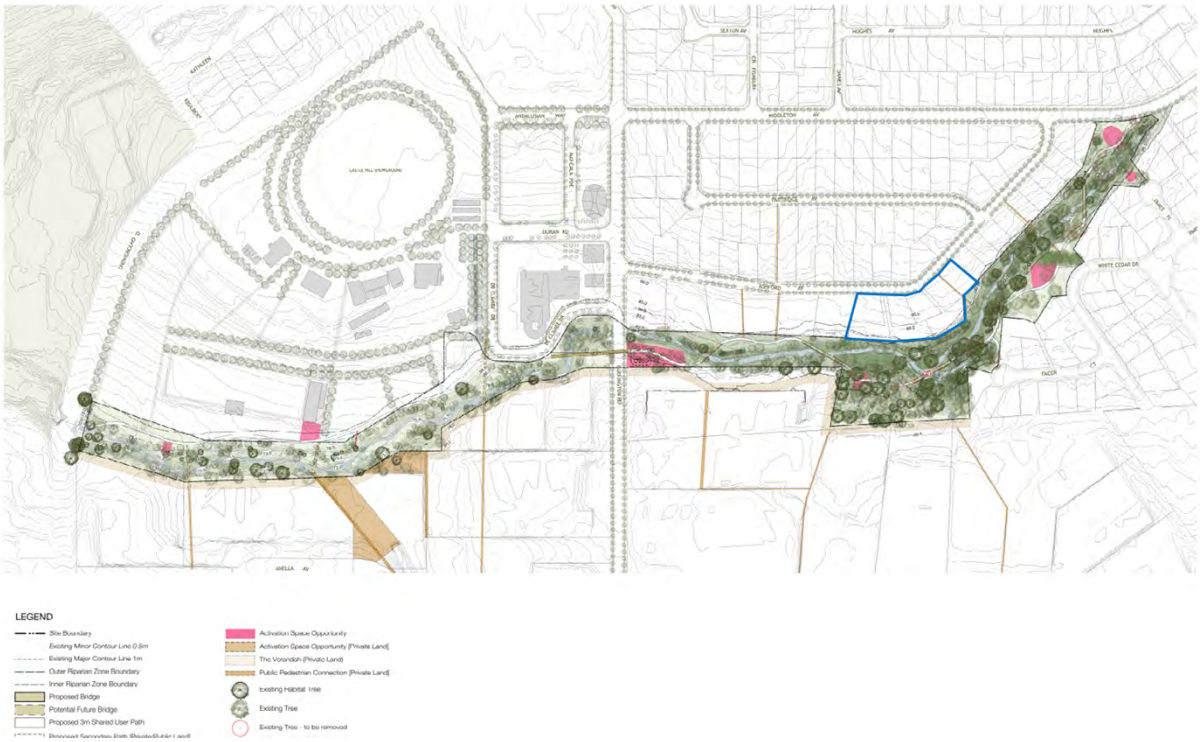

Figure 2: *Cattai Creek Corridor Draft Masterplan (subject site identified in blue)*

The subject application includes revegetation and stormwater drainage works within the reserve in the RE1 zoned land to the rear of the subject site, known as Cockayne Reserve. Revegetation works and ongoing management is proposed under the VMP having regard to the location of the stormwater outlet within the reserve. The works have been assessed by Council's Parks and Open Space, Landscaping and Ecology teams who have no objections subject to conditions.

The masterplan outlines a through site link between No.s 22 and 20 Ashford Avenue. Having regard to the through site link provided to the north under Development Application 488/2021/JP (as amended), a secondary through site link was considered unnecessary in the circumstances of the subject application. The application presented four options to Council's Parks and Open Spaces Team for review, in which it was considered that the additional path would be unnecessarily congested due to the proximity to the buildings and the density of the trees, with the addition of the unmanageable nature of the steep topography of the area. In this regard, the proposal is considered consistent with the objectives of the Draft Master Plan for the Cattai Creek Corridor.

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Precinct Plan for Norwest Strategic Centre

The Precinct Plan for the Norwest Strategic Centre was adopted by Council on 9 July 2024. The Precinct Plan includes sections addressing connectivity, land use, density and built form considerations. The development is located within the Showground Residential area in the Norwest Service Centre Sub Precinct of the Norwest Strategic centre. This precinct is envisaged to become an attractive and well-connected neighbourhood with diverse housing and employment opportunities.

The development will contribute to the desired future character of the precinct which is to be a vibrant, safe and desirable place to live and work, valued for convenient access to the station, shops, cafes, Castle Hill Showground and supported by new road connections, pathways and quality landscaped surrounds. The development is consistent with the aims and objectives of the Precinct Plan.

2. STATUTORY CONSIDERATIONS

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

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

It is noted that the proposal is considered to be Integrated Development (s4.46) requiring Controlled Activity Approval. These matters are further considered below

2.1 Water Management Act 2000

The application is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The proposal requires a controlled activity approval under Section 91 of the Water Management Act, 2000. The proposal was referred to the Department of Planning and Environment – Water on 20 May 2024.

General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval were issued by the Department of Planning and Environment – Water on 10 July 2024, are included in Attachment A and recommended as Condition 4 in the development consent.

2.2 Biodiversity Conversations Act 2016

Clause 7.7 of the Biodiversity Conservation Act 2016 states that applications for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 that are likely to significantly affect threatened species, a Biodiversity Development Assessment Report (BDAR) must be provided.

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Cattai Creek Reserve (Cockayne Reserve) is mapped on the Biodiversity Values Map. Tree removal on the site triggers the requirement for a BDAR to be submitted to assess if the proposal is likely to significantly affect threatened species.

Clause 7.13(2) of the Biodiversity Conservation Act 2016 states:

"The consent authority, when determining in accordance with the Environmental Planning and Assessment Act 1979 any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the biodiversity development assessment report that relates to the application".

The Critically Endangered Ecological Community (CEEC) Sydney Turpentine Ironbark Forest (STIF) (PCT 1281) is identified as occurring on the site in scattered and isolated trees within the site. Impacts to Sydney Turpentine Ironbark Forest are minimal (0.13 ha of scattered isolated trees) and do not constitute a serious and irreversible impact. No offset credit obligation is required for this entity.

Council's Environment Coordinator has reviewed all information and concluded that the current development will not result in a serious and irreversible Impact on Sydney Turpentine Ironbark Forest subject to conditions of consent.

2.3 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 (Housing) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022; and
- The Hills Local Environmental Plan 2019 (LEP 2019).

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in the following table and 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.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y

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Housing SEPP	Chapter 4 Design of residential apartment development and Schedule 9 – Design Principles**.** The proposal is consistent with the design quality principles and consistent with the ADG requirements with the exception of building separation, solar and daylight access, open play layouts, balconies and ground floor private open space areas which are considered satisfactory (these matters are further considered below).	Y
Sustainable Buildings SEPP	Chapter 2 – BASIX Certificate required to accompany Development Application	Y
LEP 2019	• Clause 4.1 – Lot size. • Clause 4.3 – Height of Buildings • Clause 4.4 – Floor Space Ratio • Clause 5.21 – Flood Planning • Clause 7.2 – Earthworks • Clause 9.1 – Minimum lot sizes for residential flat buildings and shop top housing • Clause 9.4 – Development requiring the preparation of a development control plan • Clause 9.5 – Design excellence • Clause 9.7 – Residential development yield on certain land	NA N Y Y Y Y Y Y Y

State Environmental Planning Policy (Planning Systems) 2021

SEPP (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 6 of the SEPP as the proposal is development for *General development over $30 million* with a CIV of $89,180,000. Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The object of chapter 4 is to provide for a statewide planning approval to the remediation of land. Clause 4.6 of the SEPP in particular requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. The submitted preliminary site investigation report concluded that there is a low potential for contamination to exist on the subject site. The Development Application has been reviewed by Council's Senior Environment and Health Officer who raised no objections to the proposal and recommended conditions of consent. In this regard, it has been demonstrated that the site is suitable for the proposed development.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2

The aim of this chapter is to protect biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The proposal has demonstrated that significant trees are to be protected on the subject site and the tree removal required for the development

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will not adversely affect the amenity of the area. The Development Application has been reviewed by Council's Tree Management Officer, Parks and Open Space and Ecology Teams who raised no objections to the proposal and recommended conditions of consent.

Chapter 6
The aim of this chapter 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. The proposal has demonstrated that the development has been designed in accordance with the requirements of Chapter 6, Part 6.2, Section 6.6. The Development Application has been reviewed by Council's Development Engineer who raised no objections to the proposal and recommended conditions of consent.

In this regard, the proposal is consistent with the Biodiversity and Conservation SEPP subject to the recommended conditions of consent.

State Environmental Planning Policy (Sustainable Buildings) 2021
The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No. 1744345M_02 prepared by Efficient Living Pty Ltd dated 12 May 2025 committing to environmental sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the SEPP. The proposal is consistent with the Sustainable Buildings SEPP subject to the recommended conditions of consent.

State Environmental Planning Policy (Housing) 2021

As required under Clause 147 of Chapter 4 of SEPP (Housing) and Clause 29 of the Environmental Planning and Assessment Regulation 2021, a Design Verification Statement prepared by Kevin Driver of Turner (registration number 7347) was submitted with the application. It is assessed that the Development Application achieves the design principles under Schedule 9 'Design Principles for Residential Apartment Development' and the Apartment Design Guide (ADG).

a) Design Quality Principles

The proposed development has been assessed against the relevant design quality principles contained within Schedule 9 of SEPP (Housing) as below:

i) Design Principle 1: Context and neighbourhood character
The proposal is compatible with the desired context and neighbourhood character of the Showground Station precinct. The proposal seeks to respond to and contribute to the desired future character Showground Station precinct which is to become an attractive and well-connected neighbourhood that achieves housing targets, creates vibrant, safe and desirable places, reinforces the garden shire character and lifestyle, and is supported by necessary infrastructure. The subject development is located within a R4 High Density Residential zone. The future desired character for residential areas are to be green and walkable, providing a lifestyle alternative to the traditional suburban context, focused highly on an appropriate scale and an attractive environment for pedestrians. The proposal has addressed comments made by Council's Design Review Panel. It is considered that the amended proposal provides for generous apartment sizes and a diverse unit mix within a highly landscaped setting which reinforces the garden shire character and lifestyle. In this regard, the proposal is compatible with the desired neighbourhood character of the Showground Station precinct.

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ii) Design Principle 2: Built form and scale

The site is located within the Showground Station Precinct for future high density residential flat buildings. The proposal complies with the LEP standards including the maximum floor space ratio for the site. The bulk and scale of the development is generally consistent with the built form controls specified in the site specific DCP and commended by Council's Design Advisory Panel as an appropriate solution for the site. The variety of finishes along the elevations and modulation of façade elements assist in creating an expressive form which enhances the development's relationship with the public domain. The human element scale of the ground floor level treatments respond appropriately to both the interface with Cockayne Reserve to the rear and street frontage.

iii) Design Principle 3: Density

The proposed development will deliver 166 new apartments which is consistent with the development potential for the subject site, being within the Showground Precinct. The buildings contain a diverse mix of 1, 2 and 3 bedroom apartments, including Apartment Design Guide compliant and larger 'family friendly' sized apartments as required under Clause 9.7 of the LEP. The development is located within close proximity to the Showground Metro Station, future business precinct, shops and services and the density proposed is suitable for the site.

iv) Design Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by the Apartment Design Guide. An amended BASIX certificate has been provided with the Development Application. The achievement of these commitment contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

v) Design Principle 5: Landscape

The landscape plan indicates that all open spaces including ground floor and rooftop areas will be appropriately landscaped with native trees and shrubs to provide a high quality outcome. The proposed landscaping integrates with the overall appearance of the development. The communal open space areas have been designed as a focal points within the development. In particular, the common open space areas for Buildings A, B and C take advantage of the interface with the Cattai Creek riparian corridor. The rooftop communal open space areas will receive good solar access throughout the day and year and have been designed to provide opportunities for both informal and formal gatherings. The mix of hard paved areas and open lawn and green space in the common area has been integrated into the landscape design. The design of the revegetation and stormwater drainage works within the RE1 zoned land is consistent with the Cattai Creek masterplan and will provide a high level of amenity for the community.

vi) Design Principle 6: Amenity

The building and landscape design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

The Communal Open Space will incorporate active and passive components, creating opportunities for the residents to interact as well as spaces for quiet enjoyment of the communal space/facilities. Children's play areas, barbeque facilities, open lawns and benches are equitably distributed for the enjoyment of all residents.

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vii) Design Principle 7: Safety

All buildings address the street and the location of communal open space areas and pedestrian paths and through site links assist with passive surveillance. The proposed communal open spaces are accessible, usable, and safe. All entry points to the development will be accessed via the public domain. The majority of residential ground floor apartments fronting Ashford Avenue will have individual gates and entrances accessed directly from the street. A CCTV strategy has been developed to cover blind spots and maximise opportunities for facial recognition. The main entry and control points for visitors to the buildings are provided via intercom at the street frontages and via the riparian corridor. Basement carpark access will be strictly secured and controlled via intercom. Compliance with the submitted CPTED report has been recommended as a condition of consent.

viii) Design Principle 8: Housing Diversity and social interaction

The proposal complies with Council's local housing diversity provision under Clause 9.7 of the LEP and provides for 10% of adaptable units. Landscape areas are provided with the anticipation to cater for a diverse range of occupants with children playgrounds, outdoor gymnasiums, BBQ areas and seated benched areas. Formal private communal open space is provided on all rooftops.

ix) Design Principle 9: Aesthetics

The built form has been reviewed by Council's Design Review Panel. The design of the building has adequately addressed the concerns raised by the DRP and provides a built form which is consistent with the intended character of the Showground Station Precinct and responds appropriately to the interface with Cockayne Reserve.

b) <u>Apartment Design Guide</u>

In accordance with Clause 147, Chapter 4 of SEPP (Housing), a consent authority in determining a Development Application for a residential apartment development is to take into consideration the Apartment Design Guide (ADG). The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide.

CLAUSE	DESIGN CRITERIA	COMPLIANCE
SITING THE BUILDING		
Communal open space	Minimum 25% of the site area.	Yes. 48% or 4212m^2
	Minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours mid-winter.	Yes. The principal usable part of the ground floor and roof top communal open space area of each building will receive at least 50% direct sunlight for 2 hours during midwinter during the morning periods.
Deep Soil Zone	Minimum 7% of site area, with minimum dimensions of 6m	Yes. 25% or 2263m^2
Separation	For habitable rooms, 12m (6m to boundary) for 4 storeys, 18m (9m to	No.

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	boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	Whilst the development generally complies with the building separation criteria, there are minor encroachments to the 5th and 6th storey on the south east elevation of Building C and internally on level 5 between Building B and Building C. Refer discussion below.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been considered with the placement of windows and balconies. The proposal complies with the building separation with the expectations as listed above. Notwithstanding, privacy screens and blank walls are provided to mitigate any potential overlooking impacts for those units. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
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 required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 24.6 0.9 spaces per 2 bedroom unit. 76.5 1.40 spaces per 3 bedroom unit. 56 1 space per 5 units (visitor parking). 34 Or the car parking requirement prescribed by the relevant council, whichever is less.	Yes. The site is located within 800m of the Showground Metro Station. 158 spaces would be required in accordance with the RMS rate. 274 spaces (240 residents and 34 visitor spaces) are provided.

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DESIGNING THE BUILDING		
Solar and daylight access	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. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No. The proposed development will receive two hours direct solar access for 69.9% (116 of 166) of apartments between 9am and 3pm midwinter. Refer to discussion below. Yes. 14.5% (24 of 166) of the apartments receive no direct sunlight between 9am and 3pm midwinter.
Natural ventilation	1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes. 63% (105 of 166) of units will meet the cross ventilation requirements or can be naturally ventilated. Yes.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area.	Yes. Floor to ceiling height at least 2.7 metres for all apartments.
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m^2 1 bedroom – 50m^2 2 bedroom – 70m^2 3 bedroom – 90m^2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m^2 each.	Yes. Studio: N/A 1 bedroom: 51m^2 – 63m^2 2 bedroom: 79m^2 – 131m^2 3 bedroom: 101m^2 – 140m^2 Where additional bathrooms are proposed, an additional 5m^2 has been provided.

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	A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.	No four bedroom units proposed.
	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.	Yes. All habitable rooms have windows with a glass area of greater than 10% of the floor area.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.	Yes. No habitable room exceeds a maximum depth of 6.75 metres.
	In open plan layouts the maximum habitable room depth is 8m from a window.	No. 13 of 166 units have open plan living kitchen dining areas greater than 8m from a window. Refer to discussion below.
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.	Yes.
	Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space).	Yes. All bedrooms comply with the minimum area.
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Yes.
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments	Yes. All apartments are provided with a minimum 4 metre living/dining room width.
Balcony area	The primary balcony is to be: Studio – 4m^2 with no minimum depth 1 bedroom – 8m^2 with a minimum depth of 2m 2 bedroom – 10m^2 with a minimum depth of 2m	No. 15 of 166 units do not meet the required primary balcony areas. Refer to discussion below.

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	3 bedroom – 12m^2 with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m^2 with a minimum depth of 3m is required.	No. 10 of 14 units at ground level do not provide 15m^2 of private open space. Refer to discussion below.
Common Circulation and Spaces	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.	Yes. Up to 9 units provided off a circulation core on a single level.
Storage	Storage is to be provided as follows: Studio – 4m^3 1 bedroom – 6m^3 2 bedroom – 8m^3 3+ bedrooms – 10m^3 At least 50% of the required storage is to be located within the apartment.	Yes. The plans and storage schedule demonstrate that the proposal is capable of complying with the minimum storage within each unit and includes at least 166 storage cages within the basement. As the plans do not indicate the unit allocation to storage cages, condition 15 is recommended in the consent requiring basement storage cages be allocated so that each apartment has access to a quantum of basement storage area as required by the ADG corresponding to the number of bedrooms. Each unit is capable of providing at least 50% pf the storage area within the apartment. Condition 15 is recommended in the consent requiring the minimum in unit storage areas for each unit are to be at least 3m^3 for each 1 bedroom unit, 4m^3 for each 2 bedroom unit and 5m^3 for each 3 bedroom unit.
Apartment mix	A variety of apartment types is to be provided and is to include flexible	Yes.

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	apartment configurations to support diverse household types and stages of life.	The apartment mix accords with the site specific DCP controls and is considered satisfactory.

a. Building Separation/Visual Privacy

The Apartment Design Guide requires that habitable rooms provide a 12 metre building separation between habitable rooms for 4 storeys (or 6 metres to boundaries) and 18 metre separation for 5-8 storeys (or 9 metres to boundaries). The proposal generally complies with this criteria however variations are proposed with an internal building separation of 16m between level 5 balconies on Buildings B and C and the southeastern boundary of Building C level 5 and 6 provides a 6m setback.

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

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

Whilst the building separation distances do not strictly meet the design criteria of the Apartment Design Guide, balconies are angled and contain planter boxes as to minimise direct overlooking. Windows are provided with obscured glass to provide appropriate privacy mitigation measures. Refer to discussion regarding the buildings below.

i) Internal Separation

A variation occurs between Building B and C on level 5 as indicated below:

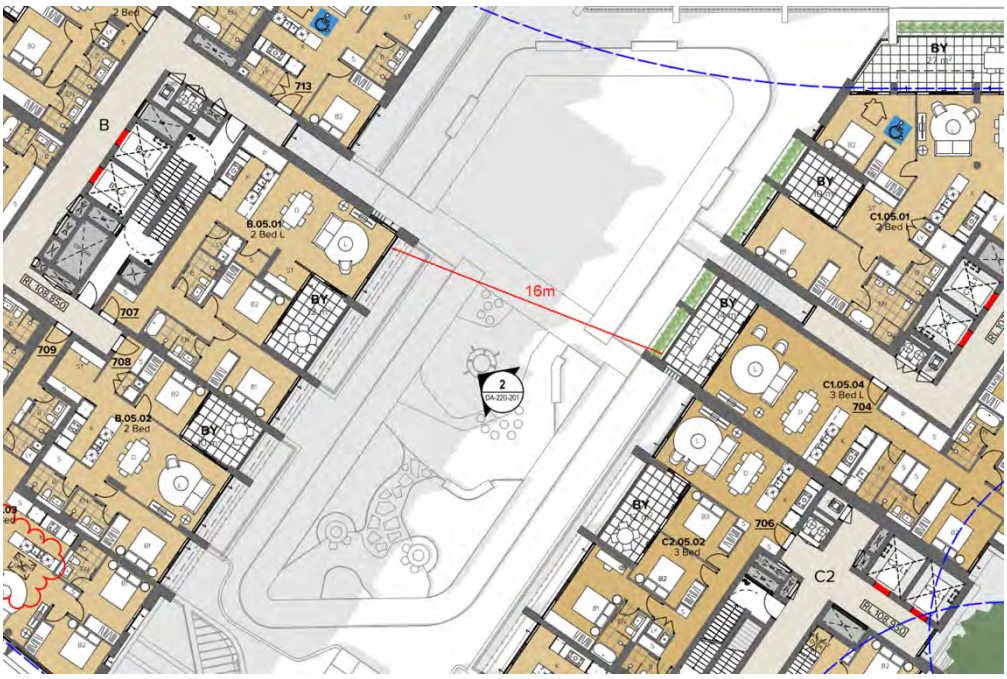

Figure 3: *Internal Building Separation (Level 5)*

Notwithstanding the distance, the balcony on Building C is angled away from the primary living space of Building B. The balcony is provided with a planter box and blade wall to reduce direct sightlines between habitable rooms. In this regard, appropriate privacy mitigation measures will be provided to ensure no overlooking impacts would occur between buildings.

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ii) Side Boundary Separation

A variation occurs on the southeastern boundary of Building C level 5 and 6 as indicated below:

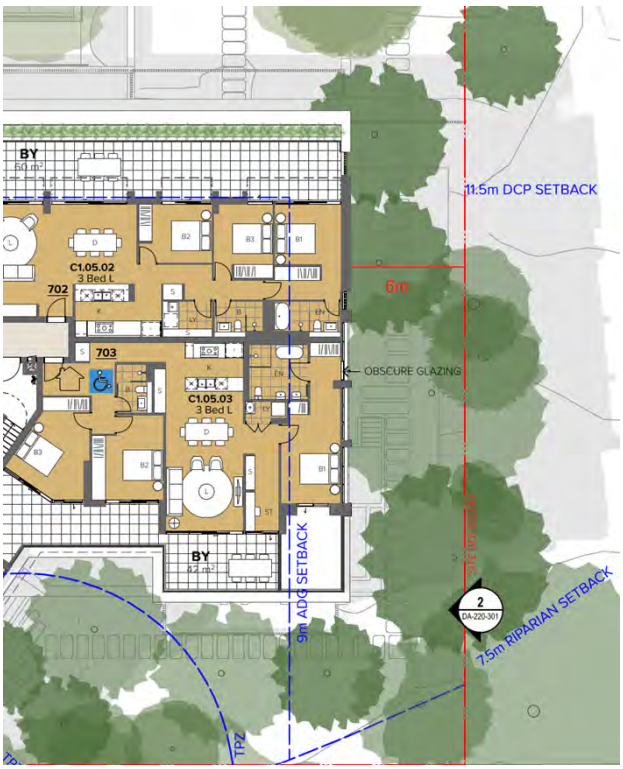

Figure 4: *Building C Side Setback (Levels 5 and 6)*

All glazing to this elevation is either obscured glass (GC2 in green below) or opaque colour-back glass (GD1 in yellow below). No glass is transparent where windows are proposed on levels 5 or 6 of the elevation. Primary windows of habitable rooms are oriented to face the street or rear elevations. In addition, a condition is recommended that the privacy screen on the balcony is a minimum height of 1.5m. In this regard, appropriate privacy mitigation measures will be provided to ensure no overlooking impacts would occur to future development to the southeast.

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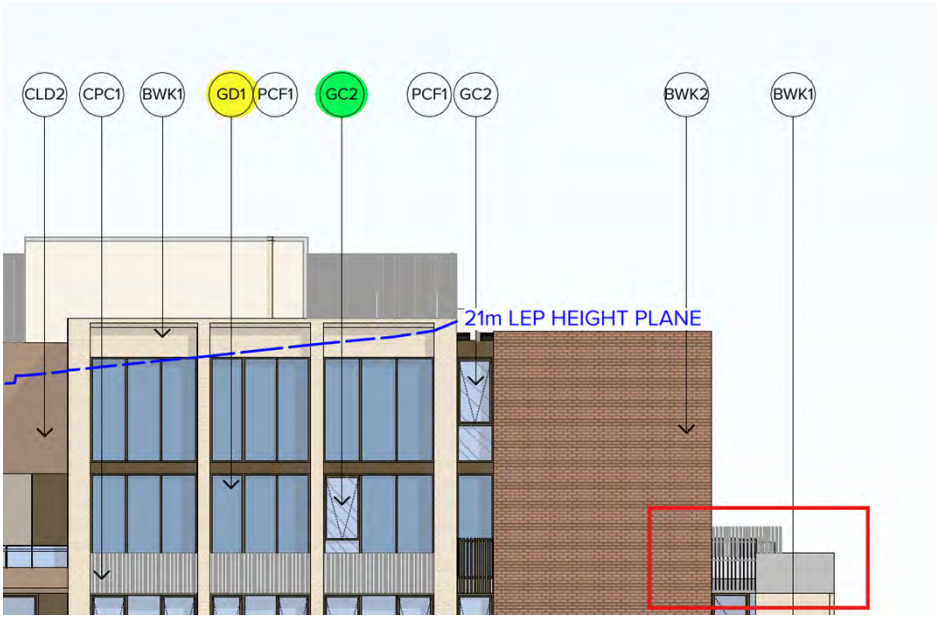

Figure 5: *Building C South Eastern Elevation*

Subject to conditions, the proposed development will afford a reasonable degree of privacy for future residents. The proposal still provides for a development that is consistent with the desired future character of the Showground Precinct, assists in providing residential amenity, natural ventilation and solar access and provides for suitable areas for communal open space, deep soil zones and landscaped area. A variation to the design criteria is considered acceptable in this instance.

b. Solar and Daylight Access

The Apartment Design Guide requires 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. The proposed development will receive two hours direct solar access for 69.9% (116 of 166) of apartments between 9am and 3pm midwinter.

The Apartment Design Guide provides the following objective relating to solar and daylight access:

- *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*

Whilst the number of units receiving two hours direct solar access does not strictly meet the design criteria of the Apartment Design Guide, the development has been designed having regard to the site constraints to maximise the number of apartments receiving sunlight. Due to the north south alignment, protection of vegetation, and flooding characteristics, the building footprints are irregularly shaped. As a result, the floor plates of some units are irregular. For these units, the window and room placement has been designed to maximise amenity for future occupants and maintain the outlook to Cattai Creek Reserve. The development has minimised over shadowing impacts internally and results in a high quality built form that does not result in adverse amenity impacts to future occupants. A variation to the design criteria is considered acceptable in this instance.

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c. Apartment Layouts

The Apartment Design Guide requires in open plan layouts, the maximum habitable room depth is 8m from a window. 13 out of 166 units exceed the maximum depth for the living areas (living, dining and kitchen) as follows:

Building A	A.04.07
Building B	B.UG.04, B.01.04, B.02.04 and B.03.04
Building C1	C1.01.06, C1.02.06, C1.03.06, C1.04.06, C1.05.03, C1.05.06 and C1.06.05
Building C2	C2.LG.03

The Apartment Design Guide provides the following objective relating to apartment layouts:

- *Environmental performance of the apartment is maximised.*

The majority of the units that exceed the apartment depth are up to 8.9m to the back wall of a kitchen, resulting in minimal amenity impacts on the apartment. Furthermore, it is noted that the majority of these units would receive at least 2 hours of solar access during the winter solstice and are naturally cross ventilated. The proposed open layouts are considered functional, well organised and provides maximum environmental performance. A variation to the design criteria is considered acceptable in this instance.

d. Balcony Areas

The Apartment Design Guide requires that developments provide a primary balcony area of $8m^2$ with a minimum depth of 2m for 1 bedroom units, $10m^2$ with a minimum depth of 2m for 2 bedroom units and $12m^2$ with a minimum depth of 2.4m for 3 bedroom units.

15 out of 166 units do not provide the minimum primary balcony area as follows:

	2 Bedroom Units	**3 Bedroom Units**
Building A	A.LG.01, A.UG.03, A.01.06, A.02.06 and A.03.06	A.LG.02 and A.UG.04
Building B	B.LG.02	B.UG.04, B.01.04, B.02.04 and B.03.04

The Apartment Design Guide provides the following objective relating to apartment layouts:

- *Apartments provide appropriately sized private open space and balconies to enhance residential amenity.*

9% (15 of 166) units do not provide a primary balcony which complies with the minimum area. All balconies comply with the minimum dimensions and are capable of providing a outdoor seating arrangement such as table and chairs. Supplementary balconies are provided off master bedrooms, which in some cases can also be accessed from a secondary opening in the primary living area. All 15 units are provided with a total area of private open space exceeding the minimum requirement. The secondary balconies compliment the overall function and layout plan for units with abnormal floor plates. Appropriate residential amenity is maintained, and sufficient area is provided for private open space of future occupants. A variation to the design criteria is considered acceptable in this instance.

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e. Ground Floor Private Open Space Areas

The Apartment Design Guide requires that for units at ground or podium levels, a private open space area of 15m^2 with a minimum depth of 3m. 10 of 14 ground floor units provide less than 15m^2. All podium level units provide the minimum area requirement.

Building A	A.LG.01, A.LG.02, A.LG.03 and A.UG.02
Building B	B.LG.01 and B.LG.02
Building C1	C1.UG.02 and C1.01.01
Building C2	C2.LG.01 and C2.LG.02

The Apartment Design Guide provides the following objective relating to apartment layouts:

- *Apartments provide appropriately sized private open space and balconies to enhance residential amenity.*

The building footprint of the development has been designed having careful consideration to the site constraints. In this regard, additional encroachments on the ground level would result in impacts to the Cattai Creek Vegetation Management Plan and have additional incursions within the Tree Protection Zones of significant trees proposed for retention. Private open space areas for these units on the northwestern and southeastern elevations therefore cannot be extended without causing impacts on the natural environment.

Units to the south and southwestern elevations are raised above natural ground level as a result of the flood characteristics. The FFL of ground floor units on Building B and C are 2.1m and 900mm above the ground level respectively having regard to the flood planning levels.

Unit C1.01.01 on the street frontage is located adjacent to the ramp required for accessible access to Building C and considered appropriate in the context of the overall sites built form. Additional screen planting is provided between the ramp and the private open space of the unit to maintain privacy.

Notwithstanding the non-compliances, all units provide a total area of private open space that accords with the minimum balcony area requirements of the ADG. Refer to Part d above for discussion on units with primary balcony areas below the minimum area requirement. Appropriate residential amenity is maintained, and sufficient area is provided for private open space of future occupants. A variation to the design criteria is considered acceptable in this instance.

<u>The Hills Local Environmental Plan 2019 (LEP 2019)</u>

a) <u>Permissibility</u>

The subject site is zoned R4 High Density Residential under LEP 2019. The proposed residential flat building development is permissible with consent. The proposal satisfies LEP 2019 in this regard.

b) <u>Zone Objectives</u>

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.*

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- *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.

c) <u>Development Standards</u>

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

DEVELOPMENT STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.3 Height of Buildings	Maximum 21 metres	Building A = 29.55m Building B = 26.92m Building C = 26.3m	No, however a Clause 4.6 written submission has been provided. Refer to discussion below.
Clause 4.4 Floor Space Ratio	1.6:1	2.16:1 GFA 18,889m^2	The proposal seeks to utilise the incentive floor space ratio provision under Clause 9.7 of LEP 2019. Refer to discussion below.
Clause 4.6 Exceptions to Development Standards	Exceptions will be considered subject to appropriate assessment	A variation to Clause 4.3 Height of Buildings is proposed and is addressed below.	Yes, refer to discussion below.
Clause 5.21 Flood Planning	Development consent must not be granted unless the development is compatible with the flood function of the land and does not result in adverse impacts.	A Flood Impact Assessment has been provided concluding the development is compatible with the flood function and does not result in adverse impacts subject to recommendations being implemented.	Yes, refer to discussion below.
Clause 9.1 Minimum Lot Sizes for Residential Flat Buildings and Shop Top Housing	Residential flat building with a height of 11 metres of more – R4 High Density Residential – 3,600m^2	Satisfactory – 8,745m^2	Yes.
Clause 9.5 Design Excellence	Development consent must not be granted unless the	Satisfactory – proposal referred to Design Review Panel and	Yes, refer to discussion below.

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	development exhibits design excellence	amended to address concerns raised by the Panel.	
Clause 9.7. Residential Development Yield on Certain Land	If the development involves erection of one or more buildings containing dwellings within the Showground Station Precinct, the site comprises lots 41, 42, 43, 44, 45, 46 and 47, DP 259525 and will promote the orderly development of the precinct, and provides a specific mix, family friendly unit sizes and parking, an incentivised Floor Space Ratio of 2.3:1 can be applied.	Overall unit schedule submitted with the latest plans demonstrate that that unit mix and sizes meet the provisions. FSR = 2.16:1 GFA 18,889m^2	Yes, refer to discussion below.

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

i) Clause 5.21 Flood Planning

Clause 5.21(2) of LEP 2019 prescribes that *development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

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

The application is accompanied by a Flood Impact Assessment prepared by C&S Engineering Services dated 5 December 2023 and Site Flood Emergency Response Plan (SFERP) prepared by C&S Engineering Services dated 28 August 2024. The report concluded the proposed development is not expected to cause an increase in flood levels for surrounding properties or alter the existing flood behaviour, and that no additional area becomes newly flooded due to the proposed development. In accordance with DCP 2012 Part C Section 6 – Flood Controlled Land, a site-specific flood study has to be conducted to assess the impact of the proposed development. The proposed development ensures the flood risk associated with development, comprising danger to life and damage to property, is minimised and not increased beyond the level acceptable to the community.

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In addition, the flood report recommended minimum development levels in accordance with Councils minimum requirements for habitable floor levels. The proposed development achieves the minimum design levels for the lower ground level, upper ground level, level 1 and the driveway gradient crest.

During a 1% Annual Exceedance Probability (AEP) event, the peak flood level is expected to be at least 1 m below the Finished Floor Level (FFL) across the entire site (refer to Figure 6 below). Furthermore, in a Probable Maximum Flood (PMF) event, Building A is expected to experience up to 0.25 m of flooding above its FFL, and a portion of Building C may be impacted by up to 0.1 m of flooding. Building B, however, with its FFL set 0.5 m above the PMF level, is not anticipated to be affected by the flood. Condition 81 has been recommended that the recommendations of the flood report for solid walls to Building A and Building C are implemented.

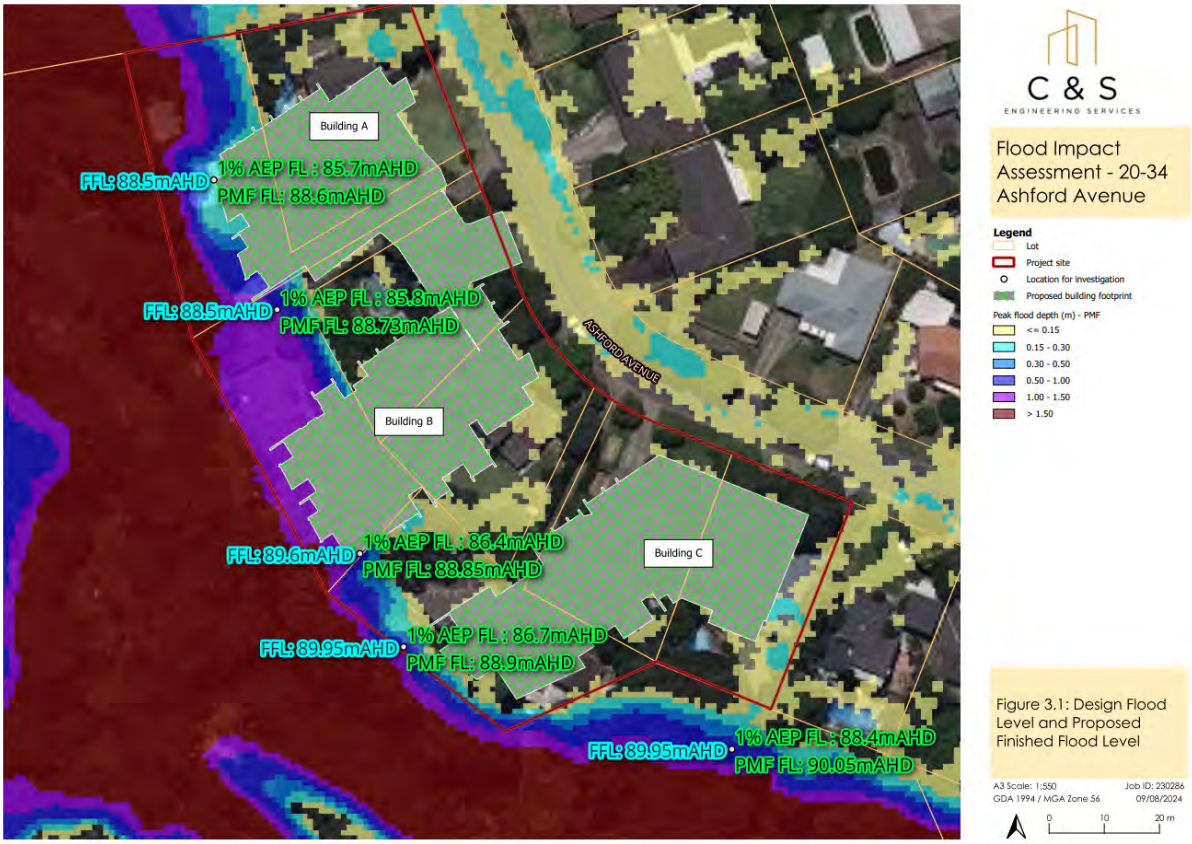

Figure 6: *Applicant's Design Flood Levels and Proposed Finished Flood Levels (Extract from Flood Impact Assessment)*

Conditions of consent have been recommended that the detailed flood protection recommendations of the flood impact assessment report are implemented, including minimum design levels and SFERP (refer to recommended conditions 81 and 82). It is satisfied the matters of Clause 25.21(3) have been satisfactorily addressed and the proposed development is consistent with the objectives of Clause 5.21 of LEP 2019. In this regard development consent can be granted.

ii) Clause 4.6 – Variation to Development Standards

Clause 4.3 of LEP 2019 limits the height of the development site to 21 metres. The proposal seeks consent for a maximum building height of 29.55m for Building A, 26.92m for Building B and 26.3m for Building C, which represents a variation of 8.55m (40.7%), 5.92m (28.1%) and

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5.3m (25.2%) respectively. The Applicant has provided a Clause 4.6 Variation which is provided at Attachment N.

Clause 4.6(3)(b) of LEP 2019 requires that *development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that –*

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

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

- *The land adjoining the northern boundary of the site is subject to a HOB development standard under THLEP of 27m, permitting approximately 8-storeys on the adjoining land. However, the Central Sydney Planning Panel recently granted development consent for the construction of a 9-storey residential flat building on this land (689/2020/JP).*
- *The proposal is compatible, albeit lower, than the approved development immediately north. The street facade of Building A sits above the height plane by up to one storey (total 7-storeys) to act as a transition to the 9- storey building approved on the adjacent site.*
- *The proposal remains largely compliant with the applicable HOB control when viewed from Ashford Avenue.*
- *Buildings B and C present to Ashford Avenue as 6-storey buildings, which is consistent with the prevailing height control for the site and the surrounding properties to the south of the site.*
- *The proposal is compatible with the adjoining height of adjacent vegetation to the west and south. The context of the site to the west is Cattai Creek, which contains very tall trees of around 25m in height.*
- *As much of the exceedance is to the centre of the buildings and the creek facade, the effects on the open spaces and living spaces of the neighbours has been considered and minimised in terms of visual amenity and shadowing.*
- *The development has sought to reduce impacts of a wider floor plate by increasing the building height which on balance has a lesser environmental impact. The design has done this by accommodating a series of additional setbacks to achieve a better urban outcome than could otherwise be achieved by the planning controls:*
    - *To the north there are two high-value existing trees within the site that are proposed to be retained. This has evolved as the design has progressed, noting early studies sought to remove these trees. As the boundary setback to the north has increased to enable these trees to be retained, a greater strain has been put on achieving a workable FSR on the site.*
    - *The proposed design also achieves large view corridors through the site between the buildings to provide visual amenity to adjacent residents on Ashford Avenue.*
    - *There are also setback requirements to the riparian zone of the creek that have been accommodated to the western site boundary.*
- *The non-compliant aspect of the proposal does not result in an intensity of use beyond that envisaged for the site, noting the proposed FSR is well below the relevant FSR development standard.*

<u>Comment:</u>

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

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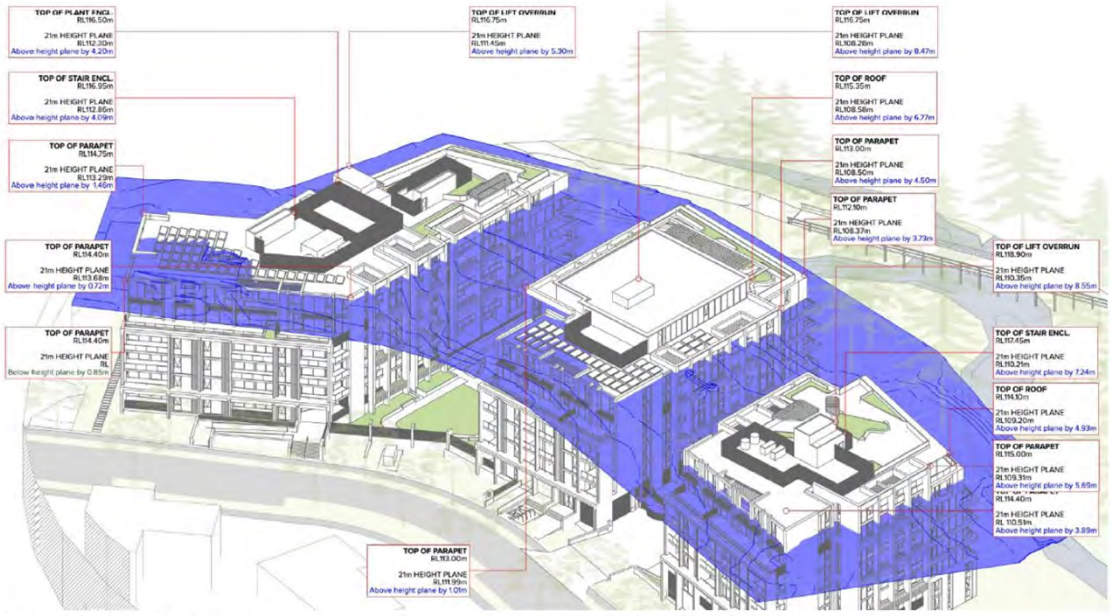
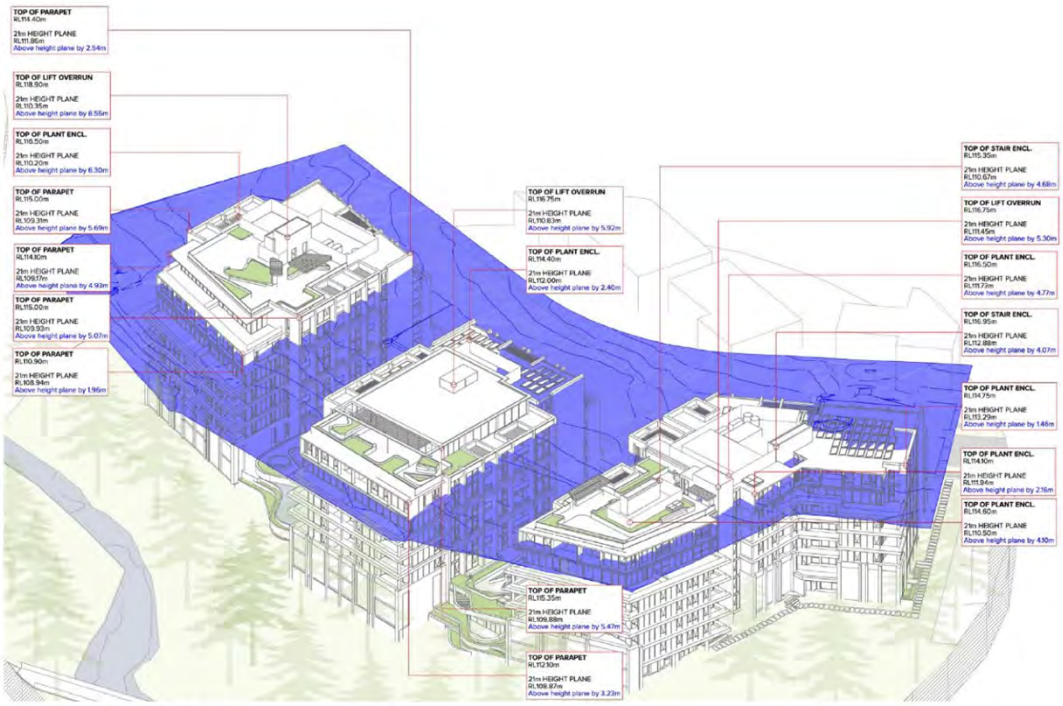
Building	Maximum LEP Height	Maximum Height from Existing Ground Level		Proposed Height Exceedance and Extent of Variation	
		Roof Parapet	*Lift Overrun*	*Roof Parapet*	*Lift Overrun*
A	21m	26.69m	29.55m	5.69m (27%)	8.55m (40.7%)
B	21m	26.47m	26.92m	5.47m (26%)	5.92m (28.1%)
C	21m	23.16m	26.3m	2.16m (10.2%)	5.3m (25.2%)



,,, *Source: Turner Studio, 2024*

Figure 7: *Applicant's Height Plane Diagram's including Exceedance to Height Standard (Northwest View)*



Source: Turner Studio

Figure 8: *Applicant's Height Plane Diagram's including Exceedance to Height Standard (Southwest View)*

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

The proposed departures to the height of building control vary across all three buildings proposed. The largest exceedance to the height standard is the lift overrun to Building A providing access to roof top communal open space area. In addition, Building A comprises habitable floor area above the height of buildings control. The most significant portion of floor area is located to the rear western elevation, facing Cattai Creek Reserve. Buildings B's height exceedance includes the rear western elevation of habitable floor area, roof top communal open space and lift overrun. The majority of Building C's habitable floor area complies with the height limit with the exception of the south west elevation facing Cattai Creek. The remainder of the exceedances are limited to lift overruns, stair and mechanical equipment enclosures and roof top pergolas. The variations will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale.

The development has been designed to ensure the overall streetscape character of Ashford Avenue is maintained notwithstanding the height exceedances. The centrally located lift over runs and roof top structures are set back and consistent with recent development approvals within the precinct for roof top structures. When viewed from Ashford Avenue, the height exceedance for habitable floor areas is not readily perceived, as demonstrated in Figure 9 below. The topography along Ashford Avenue assists in the perceived relative heights of the buildings. Building C is at the highest point of the site, with a fall along the street frontage of 5.5m down to Building A. This means that, while Building A is taller, the RLs of the parapet are the same as Building C, and the height variation is generally imperceptible.

Source: Turner Studio, 2024

Figure 9: *Applicant's Elevations quantifying non-compliance (in red) when viewed from Ashford Avenue (top) and Cattai Creek (bottom)*

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The areas of the development which exceed the height standard have been designed to provide an appropriate transition with the adjoining 27m height limit to the north. Development Application 488/2021/JP (as amended) was approved by the Sydney Central City Planning Panel on 18 May 2023 for three mixed use and four residential flat buildings between 8 - 13 storeys. The building immediately adjoining the subject site to the north, known as Building C of DA 488/2021/JP, was approved with a maximum height of 32.4 metres for the lift over run, and 28.5m for the roof portion, identified in orange below. The building was approved as a nine storey built form noting the “stepped” design of the south eastern façade of Building C was considered to reduce the overshadowing impact to the adjoining properties and riparian corridor.

Figure 10: *Development Application 488/2021/JP height exceedance (Building C circled in orange).*

Building A of the subject Development Application has been designed to present as seven storeys to the street to provide a suitable transition between the adjacent nine storey built form and envisaged six storey buildings proposed on the remainder of the site. Building A of the subject development has been designed to be compatible with Building C of the adjoining development to the north. Building A has a top of roof level of RL 114.1 and Building C has a top of roof level RL of 117, being a difference of 2.9m. Building A has a top of lift overrun RL of 118.8 and Building C has a top of lift overrun RL of 120.6. In this regard, Building A, whilst the tallest of the three buildings on the site, has been designed to provide an appropriate transition between buildings and different height controls.

In addition, the proposal seeks to retain two significant trees within the northern setback between the two development sites. Tree 108 is identified as an Eucalyptus pilularis Blackbutt 26m in height and tree 73 is identified as a Syncarpia glomulifera Turpentine 28m in height. The side setback increases from 10m to a maximum of 23m as the site slopes towards Cattai Creek Reserve. This setback is sufficient to mitigate any overshadowing impacts and reduce the bulk and scale when viewed from the neighbouring property.

The Design Review Panel noted the exceedance to the height control and additional amenity provided to residents as a result of roof top communal open spaces and the complementary design measures taken to support the height exceedance, in particular the increased setbacks

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of the upper levels. The Design Review Panel further advised that whilst the variation to the building height was subject to a planning assessment and written clause 4.6 submission, from a design perspective the increased building height is satisfactory. The Panel believes the design is a good scheme for such a site and amendments made through the design process have allowed the landscape to dominate, consistent with the desired character of the precinct.

Shadow diagrams submitted with the Development Application demonstrate there is negligible additional direct impact on adjoining neighbouring residential properties, or publicly accessible land used for recreational purposes at mid-winter. The additional overshadowing is wholly contained to the Cattai Creek riparian corridor, most prominent in the morning period. As demonstrated in Figure 11 below, the additional shadows cast as a result of the height variation are at their greatest extent at 9am in the morning. The additional shadows cast as a result of the additional height are negligible when compared to a compliant scheme.

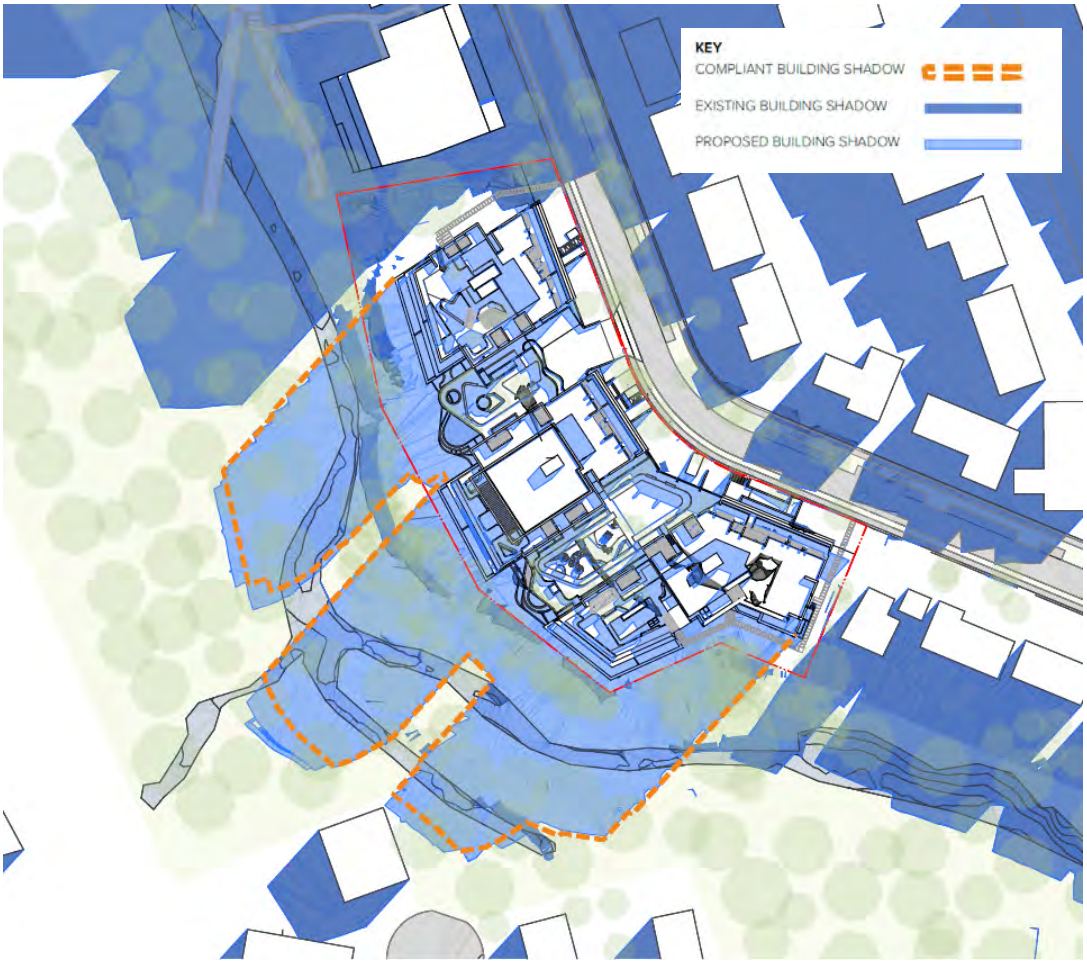

Figure 11: *9am Shadow Diagrams submitted with the Development Application*

As the shadows continue throughout the day, the extent of shadowing from 12pm until 3pm are imperceptible when compared to a compliant scheme (refer to figure 12 below).

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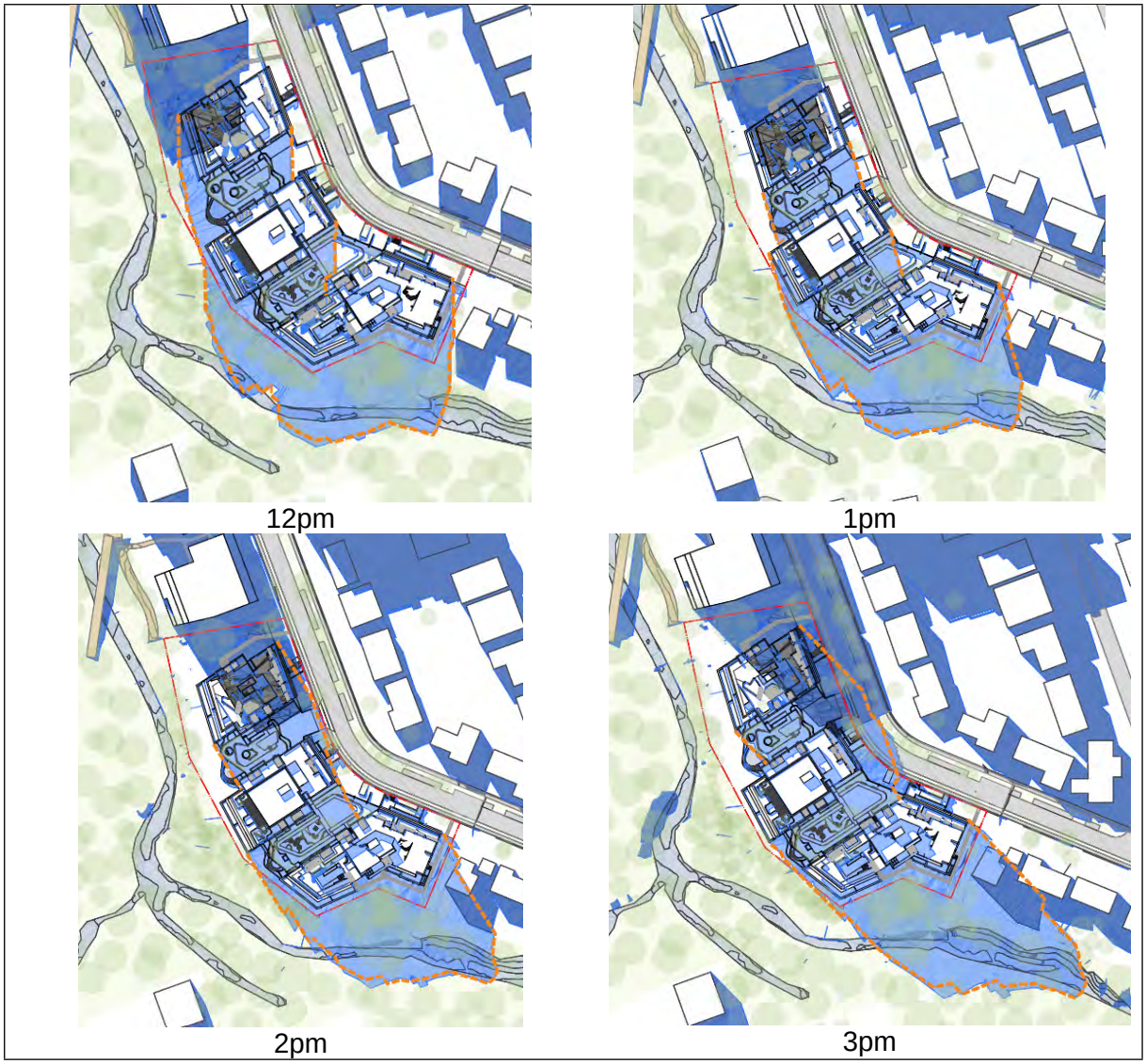

Figure 12: *Additional Shadow Diagrams submitted with the Development Application*

It is noted that given the orientation of the lots and the height standards set under the established planning framework, it is inevitable that some overshadowing will occur to the adjoining southern lots. The adjoining southern lots are not overshadowed by the proposed development in the morning periods. It is considered that the building setbacks and orientation will reduce the impact on the riparian corridor. The resulting overshadowing impacts to adjoining properties and open spaces are minimised and considered negligible when compared to a building that fully complies with the height standard.

The potential building envelope is limited having regard to the natural environmental constraints being identified as flood controlled land, ensuring protection of biodiversity value mapped vegetation and riparian corridor. The development has been designed to respond to the site constraints and sloping topography, maintain minimum required flood levels to habitable structures and ensure all public domains are appropriately addressed. The GFA is under the maximum permitted incentive FSR of 2.3:1 for the site. In this regard, the height of buildings are not considered to be resultant of an overdevelopment, but rather a careful consideration to the site characteristics. The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints, being 530m south from the Showground Station, complies with the incentive FSR standard for the site and is compatible with the scale and character of the Showground Station Precinct. This is consistent

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with the objectives of the R4 High Density zone which encourages high density residential development in locations that are close to population centres and public transport routes.

When the Showground Station Precinct was rezoned by the NSW Government on 15 December 2017, LEP 2019 was amended to include a maximum height development standard established with the base FSR. To encourage housing diversity and family friendly apartments, Clause 9.7 of the LEP was also inserted into the LEP which permits an incentive FSR if the development meets a certain unit mix, size and car parking requirements. However, a corresponding incentive height limit was never included in the LEP. At its meeting on 13 May 2025, Council considered a report regarding amendments to the planning framework for Norwest Service and Hills Showground Station Precinct in accordance with Council's Norwest Precinct Strategic Plan. The report recommended a planning proposal be prepared to amend the LEP to correct a mismatch between maximum FSR and building height standards within the high density areas in the Showground Station Precinct. This new height limit is based on modelling undertaken to enable the incentive FSR whilst also complying with key design criteria within the Apartment Design Guide and Council's Development Control Plan to achieve a more desirable built form and urban design outcome compared to what can be delivered under the current controls. Council resolved to adopt the recommendations made in the report.

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

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

- The Applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Buildings and the R4 High Density Residential zone objectives; and
- Compliance with the standard is unnecessary or unreasonable in this instance and there are sufficient environmental grounds to justify the contravention.

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

iii) 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.

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(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,

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

<u>Comment:</u>

The design excellence of the proposal was considered by a Design Review Panel (DRP) on three occasions. The proposal was reviewed twice at pre-lodgement stage on 27 July 2022 and 2 June 2023. The subject Development Application was reviewed on 10 July 2024. Refer to Attachment O for Design Review Panel reports.

The primary concerns raised throughout the review process included height, bulk mass and scale of development and relationship to defined future character, interface with the riparian corridor, materiality, landscaping and tree retention.

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At its review of the subject Development Application, the Panel concluded the following:

The Panel commends the design team and the owner/developer for the work undertaken to date in response to the previous comments. The Panel is of the view that the scheme is an appropriate solution for this site and that amendments to the scheme respond to the issues that have been raised in previous Panel advice. The Panel considers that the proposal meets the requirements of Clause 9.5 – Design Excellence of the LEP and the proposal need not return to the Panel, subject to the DA officer satisfaction that the scheme remains consistent with that presented to the Panel throughout the assessment process.

The other matters required to be addressed under Clause 9.5 have been assessed as satisfactory by the Design Review Panel or addressed in other sections of this report. In this regard, the proposal has addressed the provisions under Clause 9.5 of the LEP.

iv) Clause 9.7 Residential Development Yield on Certain Land

Clause 9.7 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 comprises lots 41, 42, 43, 44, 45, 46 and 47, DP 259525 and will promote the orderly development of the precinct, and provides a specific mix, family friendly unit sizes and parking.

The proposal includes the seven identified lots within the Showground Station Precinct and meets the unit mix and diversity and car parking requirements as demonstrated in the below table:

Apartment Mix	**LEP Standard**	**Proposal**	**Compliance**
One bedroom dwellings	25% (Maximum) 42 units)	24.6% (41 units)	Yes
Three or more bedroom dwellings	20% (Minimum) (34 units)	24% (40 units)	Yes

Apartment Diversity	**LEP Standard**	**Proposal**	**Compliance**
Minimum internal floor area of 2 Bedroom dwellings is 110m²	≥40% (≥34 units)	40% (34 of 85 units)	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m²	≥40% (≥16 units)	45% (18 of 40 units)	Yes

Parking Type	**LEP Standard**	**Proposal**	**Compliance**
1, 2, 3 & 4 Bedroom	1 car space per dwelling and 1 space per 5 units	166 residents spaces and 34 visitors spaces required. Total: 200 spaces. 240 residents car spaces and 34 visitor spaces provided. Total 274 spaces.	Yes

It is considered that the proposal meets the required provisions under Clause 9.7 and the FSR incentive of 2.3:1 (Gross Floor Area of 20,113.5m^2) can be applied to the site. The proposal

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provides for an FSR of 2.16:1 (Gross Floor Area of 18,889m²) which is consistent with the mapping instrument.

v) Other Provisions

The proposal has been considered against the following provisions of the LEP:

- Clause 2.6 Subdivision
- Clause 2.7 Demolition
- Clause 5.9 Preservation of trees or vegetation
- Clause 6.2 Public utility infrastructure; and
- Clause 7.2 Earthworks

The proposed development has been considered against these provisions and satisfies each of the standards and objectives related to each of the clauses.

2.4 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.

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

The following Development Control Plan is relevant to this application:

- Part B Section 2 – Residential
- Part B Section 5 – Residential Flat Buildings
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 6 – Flood Controlled Land
- Part D Section 19 – Showground Station Precinct

The proposed development achieves compliance with the relevant requirements of the above DCPs except for the following built form character controls under Part D Section 19 Showground Station Precinct:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED	COMPLIANCE
Part D Section 19 Showground Station Precinct			
Showground Precinct Structure Plan	The structure plan indicates the subject site is for residential development up to 6 storeys in height.	The proposal is a maximum of eight storeys in height.	No, however the proposal is considered an acceptable outcome within the Showground Precinct. Refer discussion below.
Development Adjoining Cattai Creek Riparian Corridor	A maximum height of six storeys shall be provided, with the first two storeys clearly articulated to be the main feature in the façade.	The proposal is a maximum of eight storeys in height and provides a three storey main façade articulation to Building B.	No, however the built form responds appropriately to the site constraints and riparian corridor. Refer discussion below.

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Development Adjoining Cattai Creek Riparian Corridor	Ground floor residential apartments are to be elevated from the ground level by a minimum of 300mm and a maximum of 600mm subject to flood control levels.	Building B and C apartments at the rear are 2.1m and 900mm above ground level respectively.	No, however approved flood modelling indicates FFL of Building B is at least RL 89.6 AHD and Building C is at least RL 89.95 AHD. Refer discussion below.
Upper-Level Building Setbacks	Storeys above the fourth storey are to be setback a minimum of 4m behind the front building line.	The fifth storey of building A is setback 7.5m (0m behind the front building line.	No; however the streetscape character is maintained. Refer to discussion below.

a) Showground Station Precinct Structure Plan

The DCP requires development to comply with the Showground Precinct Structure Plan which indicates residential development of up to six storeys for the subject site. The proposal includes residential development of up to eight storeys for the subject site.

The DCP provides the following objectives relating to the control:

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

<u>Comment:</u>

The Showground Station Structure Plan is indicative only and has not taken into consideration the additional heights required if the incentive FSR is applied to sites which meet the provisions under Clause 9.7 of LEP 2019. The site has a significant cross fall from the southeastern corner to the north western corner of 8.5m. The site is also identified as flood controlled land. The development has been designed to respond to the topography of the site and site constraints, maintain minimum required flood levels to habitable structures and ensuring the street frontage and ripparian corridor interface are appropriately addressed. The proposal meets the provisions for housing diversity as required under the Clause and seeks to utilise the incentive FSR. A Clause 4.6 written variation to the height development standard has been submitted and is supported as the variation is consistent with the LEP objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives; compliance with the standard is unreasonable in this instance and there is sufficient environmental grounds to justify the contravention; and the proposal is in the public interest. Refer to LEP Section above for detailed discussion. In this regard, the variation to the structure plan is considered satisfactory.

b) Development Adjoining Cattai Creek Riparian Corridor

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The DCP contains specific controls for the riparian corridor as it will provide a direct pedestrian/cycleway link across the Showground Precinct linking residents from the southern periphery to the northern boundary adjacent to the Showground.

The objectives of these controls are:

> *a. To enhance, reinstate and manage a unique environmental setting which can enable a continuous pedestrian link across the Showground Precinct.*
>
> *b. To encourage built form elements and uses that will enable a vibrant interface with the riparian corridor and shared pedestrian cycleway.*
>
> *c. Future development uses and built form will provide an appropriately scaled and attractive interface with the riparian corridor.*
>
> *d. The public domain shall provide an attractive setting and desirable location for new development.*

The subject is located within Interface Area (c) in the below figure:

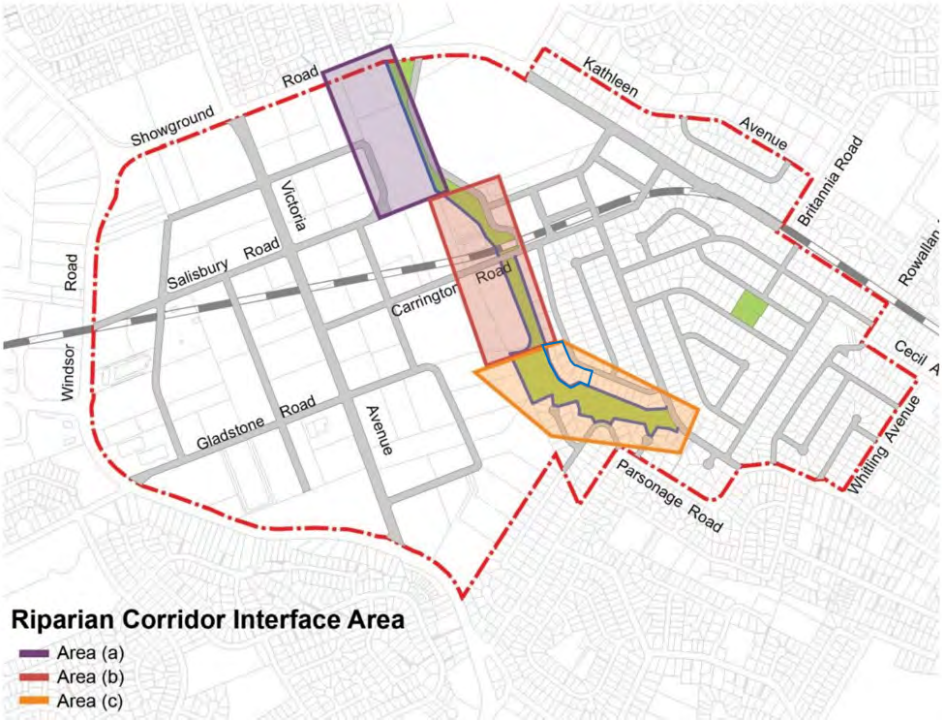

Figure 13: *Riparian Corridor Interface Areas identified in DCP 2012*

The proposal results in variations to the following Interface Area (c) controls:

a. Built Form and Articulation of Buildings

The DCP requires for development adjoining Cattai Creek Riparian Corridor, a maximum height of six storeys shall be provided, with the first two storeys clearly articulated to be the main feature in the façade. The proposal provides a height of eight storeys and three storey main façade articulation to Building B. Building B presents as a technical non-compliance to the control having regard to the basement below being defined as a ‘storey’. This is a result of the minimum FFL required for flood control levels to the habitable space above. The variation can be supported.

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b. Residential Uses on Ground Floors

The DCP requires for development adjoining Cattai Creek Riparian Corridor, ground floor residential apartments be elevated from the ground level by a minimum of 300mm and a maximum of 600mm subject to flood controls. Building A complies with this control. Building B and C do not comply with this control. The ground level units on Building B are 2.1m above the ground level. The ground level units on Building C are 900mm above the ground level.

The properties are identified as flood control lots due to the Cattai Creek traversing the western boundaries. The FFL of Building B and C have been raised by approximately 2.1m to RL89.6m AHD and 900mm to RL 89.95m AHD respectively. This will ensure there is no flooding impact during the 1% AEP event. Subject to flood control levels, the required ground floor elevated level control cannot be provided. In this regard, the variation to the ground floor levels can be supported.

c) Upper Level Setback

The DCP requires storeys above the fourth storey be setback a minimum of 4m behind the front building line. The fifth storey of Building A is setback 7.5m. The storeys above the fifth storey are setback 4m behind the building line. Buildings B and C comply with the control.

The DCP provides the following objectives relating to the control:

- *To provide strong definition to the public domain and create a consistent streetscape.*
- *To set taller building elements back from the street to reduce building scale and bulk and enable adequate sunlight access to the public domain.*
- *To provide articulation zones to complement building mass and emphasise key design elements such as entrance points and respond to environmental conditions including solar access, noise, privacy and views.*
- *To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.*
- *To facilitate a landscaped streetscape that can accommodate larger trees.*

<u>Comment:</u>

The streetscape presentation of the development responds appropriately to the sloping nature of Ashford Avenue and provides a consistent streetscape. The façade of Building A has been designed to present as a primarily four storey façade. The fifth storey massing and colours and finishes clearly distinguishes the four storeys below whilst simultaneously integrating with the overall built form. The architectural treatment provides a distinct podium level, whilst also being respectful to the three storeys above and transitioning between the higher height limit to the north. Refer to Figure 14 below for the streetscape presentation. In this regard, the variation to the upper level setback of level 5 can be supported.

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Figure 14: *Streetscape (Ashford Avenue) presentation*

d) Development 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):

- *Contribution Plan 19 Showground Station Precinct*

This Contributions Plan has been considered. Refer to condition 17.

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

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

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

The Development Application includes tree removal and stormwater and civil works within Cattai Creek Reserve (Cockayne Reserve). The land is identified as No 97 43Z Middleton Avenue Castle Hill and legally known as Lot 8 DP 596524. In accordance with Clause 23 of the EP&A Regs, the Applicant is required to provide Owners Consent from the owner of the land to which the Development Application relates.

As Lot 8 DP 596524 is owned by The Hills Shire Council, written Owners Consent has been provided from The General Manager to the lodgement of the Development Application. In this regard, the application is consistent with Clause 23 of the Regulations.

The Development Application also includes demolition of existing structures. Proposed condition 52 requires compliance with AS 2601-2001: The Demolition of Structures.

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

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

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

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

The site is located within the Showground Station Precinct which is in the Norwest Service Centre Sub Precinct of the Norwest Strategic centre. The built form proposed is consistent with the built form envisaged within the emerging precinct. The proposed development is suitable for the site and is consistent with the zone objectives.

The proposal will provide for a high density residential development that will provide for diverse housing within the locality. The design of the building responds to the site characteristics and provides for sufficient amenity to residential properties as envisaged. In this regard, the development is considered suitable for the site.

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

No submissions were received following the notification periods.

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

The development will provide diverse housing and services for senior residents within the locality. The site is located within an area which is serviced by the Sydney Metro. On balance, the proposal is consistent with the public interest.

3. REFERRALS AND SUBMISSIONS

3.1 Agency Referrals and Concurrence

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

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

Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) N/A			
Referral/Consultation Agencies			
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.	Comments have been provided regarding construction and on-going requirements. Conditions have been recommended.	Y

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Design Review Panel	Advice of the Design Review Panel ('DRP')	The advice of the DRP has been considered in the proposal and is further discussed in the LEP 2019 assessment section of this report.	Y
Endeavour Energy	Clause 2.48 – Transport and Infrastructure SEPP Development likely to affect electricity transmission or distribution network.	Advice has been provided regarding construction and on-going requirements. Conditions have been recommended.	Y
Integrated Development (S 4.46 of the EP&A Act)			
DPIE – Water	S89-91 – *Water Management Act 2000* water use approval, water management work approval or activity approval under Part 3 of Chapter 3	GTA's have been issued and is further discussed in the Integrated Development assessment section of this report	Y

3.2 Council Referrals

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

Consideration of Council Referrals

Officer	Comments	Resolved
Contributions	Council's Forward Planning Contributions Officer has reviewed the submitted plans and information. No objections are raised, subject to condition 17.	Y
Ecology and Environment	Council's Environment Coordinator has reviewed the submitted plans and information. Initial concerns were raised to the extent of works proposed within Cattai Creek Reserve. Further information was submitted from the Applicant to address the impacts of the stormwater outlet and proposed rehabilitation of the area. No objections are raised, subject to conditions.	Y
Engineering	Council's Subdivision Engineer has reviewed the submitted plans and information. Initial concerns were raised regarding the location of the stormwater outlet pipe/ headwall being below the 1% AEP Flood Level. Further information was submitted from the Applicant and conditions have been recommended for the application.	Y
Environment and Health	Council's Senior Environment and Health Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y

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Land and Spatial Information	Council's Land and Spatial Officer has reviewed the submitted plans and information. No objections are raised, subject to condition 2.	Y
Landscaping/Tree Management	Council's Senior Landscape Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y
Parks and Open Space	Council's Principal Co-ordinator Open Space and Recreation has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y
Property and Assets	Council's Principal Co-ordinator Property has reviewed the submitted plans and information. No objections are raised, subject to condition 66.	Y
Traffic	Council's Senior Traffic Engineer Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y
Waste	Council's Resource Recovery Project Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y
Waterways	Council's Principal Coordinator Stormwater & Waterways Management has reviewed the submitted Stormwater Management Report and flood models and has concluded that the proposed works will not have any significant flooding impacts on the neighbouring properties, subject to conditions. Initial concerns were raised that flood modelling had not been undertaken for the PMF scenario. Further modelling was submitted from the Applicant and conditions have been recommended for the application.	Y

3.3 Community Consultation

The proposal was notified in accordance with The Hills Shire Council Community Participation Plan and DCP 2012 from 22 May 2024 to 1 July 2024. A second notification period was undertaken from 16 April 2025 to 14 May 2025 in accordance with the requirements of the Hills Shire Council Conflict of Interest – Council Related Development Policy (25/2021-2024 – Ordinary Meeting of Council 21/3/2023) and Schedule 1 Clause 9B of the Environmental Planning and Assessment Act 1979.

- Notification letters sent to adjoining and adjacent properties (31 properties)
- Notification on the Council's website.

No submissions were received during either notification periods.

4. 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.

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The Applicant's Clause 4.6 written request to vary Clause 4.3 Height of Building development standard under The Hills Local Environmental Plan 2019 can be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

The Development Application has been assessed against the relevant heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, 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 (Housing) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and considered satisfactory.

Approval is recommended subject to draft conditions at Attachment A.

5. RECOMMENDATION

That the Development Application 1418/2024/JP for Demolition of Existing Structures and Construction of Three Residential Flat Buildings containing 166 Units at 20-34 Ashford Avenue and No 97 43Z Middleton Avenue Castle Hill be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

It is recommended that the Applicant's Clause 4.6 written request to vary Clause 4.3 Height of Buildings development standard of The Hills Local Environmental Plan 2019 is supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and there are sufficient environmental planning grounds to justify the contravention. The development is consistent with the objectives of the standard and the objectives for development within the zone.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: LEP Zoning Map
- Attachment E: LEP Height of Buildings Map
- Attachment F: LEP FSR (Base) Map
- Attachment G: LEP FSR (Incentive) Map
- Attachment H: Site Plan
- Attachment I: Elevations and Sections
- Attachment J: Landscape Plans
- Attachment K: Vegetation Management Works Plan
- Attachment L: Shadow Diagrams
- Attachment M: Colours and Finishes
- Attachment N: Clause 4.6 Written Submission

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- Attachment O: Design Review Panel Reports
- Attachment P: General Terms of Approval (DPIE - Water)
- Attachment Q: Perspectives
- Attachment R: Requested changes to draft conditions not agreed to by Council staff

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ALL DEVELOPMENT TYPES

GENERAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
Architectural Plans				
DA-051-002	S01	Demolition Plan	Turner	30.04.25
DA-101-030	S01	Site Works Site Plan with Future Context	Turner	09.04.24
DA-110-005	S02	GA Plans Basement 02	Turner	20.08.24
DA-110-006	S02	GA Plans Basement 01	Turner	20.08.24
DA-110-007	S05	GA Plans Lower Ground Level	Turner	30.04.25
DA-110-008	S06	GA Plans Upper Ground Level	Turner	06.05.25
DA-110-010	S06	GA Plans Level 01	Turner	06.05.25
DA-110-020	S06	GA Plans Level 02	Turner	06.05.25
DA-110-030	S05	GA Plans Level 03	Turner	06.05.25
DA-110-040	S05	GA Plans Level 04	Turner	06.05.25
DA-110-050	S04	GA Plans Level 05	Turner	10.01.25
DA-110-060	S05	GA Plans Level 06	Turner	30.04.25
DA-110-070	S04	GA Plans Roof Level	Turner	30.04.25
DA-210-101	S02	GA Elevations North Elevation	Turner	10.01.25
DA-210-301	S03	GA Elevations South Elevation	Turner	30.04.25
DA-220-101	S04	GA Elevations Building A Elevations	Turner	30.04.25

		DA-220-201	S02	GA Elevations Building B Elevations	Turner	10.01.25	
		DA-220-301	S03	GA Elevations Building C Elevations	Turner	10.01.25	
		DA-310-101	S03	GA Sections Section AA	Turner	10.01.25	
		DA-310-201	S02	GA Sections Section BB	Turner	10.01.25	
		DA-310-301	S02	GA Sections Section CC	Turner	10.01.25	
		DA-310-401	S03	GA Sections Section DD	Turner	10.01.25	
		DA-310-501	S01	GA Sections Section EE	Turner	09.04.24	
		DA-310-601	S02	GA Sections Section FF	Turner	10.01.25	
		DA-320-101	S02	Detailed Sections Ramp 01-03 Section	Turner	10.01.25	
		DA-320-201	S02	Detailed Sections Ramp 04 Section	Turner	10.01.25	
		DA-320-301	S02	Detailed Sections Car Park Entry Section	Turner	10.01.25	
		DA-320-401	S01	Detailed Sections Building A Skylight Sections	Turner	30.04.25	
		DA-320-402	S01	Detailed Sections Building B Skylight Sections	Turner	30.04.25	
		DA-810-001	S01	Adaptable Plan Layouts (DA Stage) Adaptable Apartments Sheet 01	Turner	09.04.24	
		DA-810-002	S01	Adaptable Plan Layouts (DA Stage) Adaptable Apartments Sheet 02	Turner	09.04.24	
		DA-810-003	S01	Adaptable Plan Layouts (DA Stage) Adaptable Apartments Sheet 03	Turner	09.04.24	
		DA-811-001	S01	Liveable Plan Layouts (DA Stage) Liveable Apartments Sheet 01	Turner	09.04.24	
		Landscape Plans					
		000	A	Landscape Cover Sheet	Site Image	05.04.24	
		001	C	Tree Removal and Retention Plan	Site Image	23.01.25	
		002	C	Plant Schedule	Site Image	23.01.25	
		003	D	Public Domain Landscape Plan	Site Image	23.01.25	

010	D	Landscape Masterplan – Lower Ground Floor	Site Image	23.01.25
011	C	Landscape Plan – Lower Ground Floor	Site Image	27.08.24
012	D	Landscape Plan – Lower Ground Floor	Site Image	23.01.25
100	D	Landscape Masterplan – Upper Ground Floor	Site Image	23.01.25
101	D	Landscape Plan – Upper Ground Floor	Site Image	23.01.25
102	D	Landscape Plan – Upper Ground Floor	Site Image	23.01.25
110	D	Landscape Masterplan – Level 1	Site Image	23.01.25
111	D	Landscape Plan – Level 1	Site Image	23.01.25
112	D	Landscape Plan – Level 1	Site Image	23.01.25
120	C	Landscape Masterplan – Level 2	Site Image	27.08.24
121	C	Landscape Plan – Level 2	Site Image	27.08.24
130	C	Landscape Masterplan – Level 3	Site Image	27.08.24
131	C	Landscape Plan – Level 3	Site Image	27.08.24
132	C	Landscape Plan – Level 3	Site Image	27.08.24
140	C	Landscape Masterplan – Level 4	Site Image	27.08.24
141	C	Landscape Plan – Level 4	Site Image	27.08.24
150	C	Landscape Masterplan – Level 5	Site Image	27.08.24
151	C	Landscape Plan – Level 5	Site Image	27.08.24
152	C	Landscape Plan – Level 5	Site Image	27.08.24
160	C	Landscape Masterplan – Level 6	Site Image	27.08.24
161	C	Landscape Plan – Level 6	Site Image	27.08.24
170	C	Landscape Masterplan – Roof Top	Site Image	27.08.24
171	C	Landscape Plan – Roof Top	Site Image	27.08.24
501	A	Landscape Details	Site Image	05.04.24
502	A	Landscape Details	Site Image	05.04.24
601	A	Landscape Sections	Site Image	05.04.24
602	B	Landscape Sections	Site Image	12.06.24
Numbering Plans (*for numbering purposes only*)				
DA-110-007	S02	GA Plans Lower Ground Level	Turner	07.06.24
DA-110-008	S02	GA Plans Upper Ground Level	Turner	07.06.24
DA-110-010	S02	GA Plans Level 01	Turner	07.06.24
DA-110-020	S02	GA Plans Level 02	Turner	07.06.24
DA-110-030	S02	GA Plans Level 03	Turner	07.06.24
DA-110-040	S02	GA Plans Level 04	Turner	07.06.24
DA-110-050	S02	GA Plans Level 05	Turner	07.06.24

DA-110-060	S02	GA Plans Level 06	Turner	07.06.24

Approved documents			
Document title	Version number	Prepared by	Date of document
Vegetation Management Plan		Travers Bushfire & Ecology	21 March 2025
Biodiversity Assessment Report		Travers Bushfire & Ecology	21 March 2025
Arboricultural Development Impact Assessment Report	D	Birds Tree Consulting	19 March 2025
Flood Impact Assessment	A	C&S Engineering Services	December 2023
Site Flood Emergency Response Plan	B	C&S Engineering Services	August 2024
General Terms of Approval		Department of Planning and Environment – Water	10 July 2024

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Property Numbering and Cluster Mailboxes for Residential Flat Buildings**

The overall property address for this development is: -
Building A – 32 - 34 Ashford Avenue, Castle Hill NSW 2154
Building B – 28 - 30 Ashford Avenue, Castle Hill NSW 2154
Building C – 24 – 26 Ashford Avenue, Castle Hill NSW 2154

Approved unit numbering is as per approved Numbering Plans (insert Condition S11101) and as follows:

Level	**Building A**	**Building B**	**Building C**
Lower Ground	LG01 – LG03	LG04 – LG05	LG06 – LG08
Ground	G01 – G06	G07 – G12	G13 – G17
One	101 – 111	112 – 120	121- 129
Two	201 – 211	212 – 220	221 – 229
Three	301 – 311	312 – 320	321 – 329
Four	401 – 410	411 – 418	419 – 425
Five	501 – 506	507 – 513	514 – 519
Six	601 – 605		606 – 610

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. 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 lobbies.
External directional signage is to be erected on site to ensure all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.
<u>Mailboxes</u>
Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible.

	Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels. Locations as provided on plans DWG No DA-110-008 Rev S02 Dated 07.06.24 & DA-110-010 Rev S02 Dated 07.06.24 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council. The number of mailboxes to be provided is to be equal to the number of units 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 Ground (noted as Upper Ground in drawing Title Block) Building B - 28 – 30 Ashford Avenue CASTLE HILL NSW 2154. 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.
	Condition reason: To ensure consistent addressing as per Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council and Geographical Names Board guidelines. Final development can be located in the event of an emergency and for mail delivery.

3.	**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.
	Condition reason: To make the applicant/ developer aware that separate approval is required for the strata subdivision of the development.

4.	**Compliance with DPIE Water - General Terms of Approval**
	Before building work commences, applicants are advised the proposed development shall be in accordance with the General Terms of Approval issued by the Department of Planning and Environment - Water dated 10 July 2024, referenced as Attachment A in the relevant documents.
	Condition reason: To ensure compliance with the general terms of approval.

5.	**Compliance with Endeavour Energy Requirements**
	Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy re their Agency Concurrence and Referral reference CNR-69109 dated 20/05/2024, referenced as Attachment B in the relevant documents.
	Condition reason: To ensure compliance with relevant service provider's requirements.

6.	**Compliance with NSW Police Requirements**
	The following is required or as otherwise agreed by NSW Police of Council in writing:

	• Surveillance
	  o Vegetation
	  ▪ Should always be kept neat to ensure sightlines can be kept and to minimise opportunities for concealment.
	  ▪ Lower tree limbs should be above average head height.
	  ▪ Shrubs should not provide easy concealment.
	  ▪ It is recommended 3-5m of cleared space be located either side of pathways and bicycle routes to maximise sightlines.
	  o Lighting and Technical Supervision
	  ▪ Communal areas are to be well supervised by allowing natural surveillance.
	  ▪ Landscaping should not impinge on sight lines.
	  ▪ Paths should be well lit.
	  ▪ Lighting should meet the minimum Australian Standards.
	  o CCTV
	  ▪ CCTV with continuous recording capabilities should be used to monitor the common open spaces and entry/exits to the complex.
	  ▪ CCTV footage is effective when the images display shots of an alleged offender from the shoulder upwards.
	  ▪ CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality.
	• Territorial Reinforcement
	  o Access points are to be well marked and inviting.
	  o The ground floor and roof-top communal area are to be inviting, well maintained, and encourage people to gather for legitimate purposes.
	  o Environmental Maintenance
	  ▪ A maintenance schedule to remove any graffiti or repair damaged property should be implemented.
	• Access Control
	  o Security/Entry Control System
	  ▪ The section of the security roller shutter near the manual door release should be solid and have a good locking mechanism.
	  o Fire Exits and Stairs
	  ▪ All fire doors should be alarmed so that no unauthorised access is permitted.
	  ▪ A magnetic strip is recommended to ensure fire doors will shut closed.
	  ▪ Signage should be provided on all fire doors to show the doors are alarmed and only to be used in emergencies.

	▪ External doors that can be used to enter the car park or into the complex should have a plate installed to the door. ▪ Tenants should be strongly discouraged from placing anything in the fire doors so they can be easily accessed. ▪ Stairways should be checked frequently and items that could be used to hold doors open should be removed. ▪ The handles, hinges, latch, and striker plate should be checked for foreign objects that may hinder the effectiveness of these mechanisms, allowing the door to remain open of not be locked. o Natural Ladders ▪ The development should avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. ▪ Fencing palings are to be placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder. ▪ If spaces are left between each fence paling, it should be at a width that limits physical access. • Other Matters o During Construction ▪ Tools should be locked and secured with regular checks conducted in relation to the security of the site. ▪ Large reels containing electrical cabling or copy should be secured and hidden when not in use. ▪ It is recommended CCTV with motion activated alerts are used. ▪ Large equipment should be tracked, and smaller tools should have serial numbers or identifying marks recorded. ▪ Access points should have contact details for a site manager clearly visible. o Letter Boxes ▪ High quality letter boxes that meet the Australian Standards – ISO9001:2008 should be installed. ▪ Letter boxes should be only able to be accessed via within the unit complex by residents. ▪ The letter boxes should be under CCTV surveillance. ▪ It is recommended circular letter box locks be installed. ▪ Letter boxes should be constructed with solid metal to restrict screwdrivers from being able to be pushed under and have a slanted design under and angled extruded weather cover to prevent wire, sticks or hands from being inserted. Another option is to installation of a letter box flap and anti-theft restrictor. o Parcel Delivery Options ▪ It is recommended a parcel chute or similar be installed (similar to a post box) at the front of the building where deliveries can be left secured.

	▪ The parcel chute could drop items into a secured room monitored by the building manager, or a secured room monitored by CCTV and accessed by a swipe card or fob. ▪ It is also recommended that residents are informed of the risk of having parcels left outside and advise residents to have items delivered to a post office for collection. o Storage Cages ▪ If caged storage units are used, the cage should be built so that offenders cannot climb over the caged areas and have a door that is reinforced instead of a cage with a lock. ▪ A plate is suggested to stop offenders who may get into garaged areas. ▪ It is suggested that an extra lock such as a dead lock or a latch lock be installed. o Car Park ▪ The car park should be well lit and bright. ▪ The entry to the car park should be well lit. ▪ Where possible, refrain from the use of sensor lights especially in areas less travelled. If sensor lights are used, ensure these areas provide adequate light to decrease the chance of a person being able to hide and gain access to the complex by taking advantage of a vehicle or person entering or exiting. ▪ It is recommended park smarter signage be installed in the car park to educate people to not leave valuable items in their cars and to secure their vehicles. ▪ Access to the car park should be controlled by a swipe card (or similar) or key pad where a visitor can 'buzz' the tenancy they are visiting for access
	Condition reason: To ensure compliance with the Police requirements.

7.	**Provision of Parking Spaces**
	Before the issue of an occupation certificate, the development is required to be provided with 274 off-streetcar parking spaces (240 resident spaces, 34 visitor spaces and 1 car wash bay) and shall be labelled which spaces are for visitors and occupants/residents prior to occupation of the premises. These car parking spaces shall be available for off street parking at all times.
	Condition reason: To ensure compliance with parking requirements.

8.	**Secure Properties and Maintain Vegetation**
	Before and while work is occurring on the site, the site and any structures are to be made secure to prevent unauthorised access and the dumping of waste. All vegetation is to be maintained so that it does not become overgrown and unsafe or unhealthy.
	Condition reason: To protect the amenity of the local area.

9.	**Contamination Assessment & Site Remediation**
	The recommendations of the *Preliminary Site Investigation* referenced as E26198.E01_Rev0 prepared by EI Australia Pty Ltd dated 11 January 2024 are to be implemented.
	Condition reason: To protect health safety and environment

10.	**Tree Removal**

	Approval is granted for the removal of the trees numbered 4, 6, 8-10, 12, 14-30, 32-40, 42-45, 50-54, 76-89, 93, 109-134 and 171-174 as detailed in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy Rev D dated 19/03/25. All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction. All tree removal on public land 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.
	Condition reason: To provide details of trees approved for removal.

11.	**Protection of Existing Trees and Native Vegetation**
	Native vegetation (trees and understorey) not identified on the approved plan for removal is to be kept unless prior consent of Council is obtained.
	Condition reason: To ensure retained trees and native vegetation are adequately protected.

12.	**Construction Certificate**
	Before building works commence for 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.
	Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.

13.	**Building Work to be in Accordance with BCA**
	During building work, all building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure compliance with the legislative requirements.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

14.	**Notice of Requirements**
	Before the issue of a construction certificate, submit documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities. Following an application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water /

	sewer extensions can be time consuming and may impact on other services and building, driveway, and landscape design.
	Condition reason: To ensure compliance with Sydney Water requirements.

15.	**Design Amendments**
	Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: a) A privacy screen is provided to a minimum height of 1.5m on the south eastern elevation of the street fronting balcony of unit C1.05.02. b) The minimum in unit storage areas for each unit are to be at least 3m³ for each 1 bedroom unit, 4m³ for each 2 bedroom unit and 5m³ for each 3 bedroom unit. c) Basement storage cages are to be allocated so that each apartment has access to a quantum of basement storage area as required by the ADG corresponding to the number of bedrooms. d) The VMP/Revegetation Matrix is deleted out of the Landscape Plan Plant Schedule. e) The hatched areas from the "VMP Planting Zone" on the Lower Ground Floor Plan of the Landscape Plan set are not subject to VMP maintenance under this development.
	Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

16.	**Housing and Productivity Contribution - Development Consents**

The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with part b), is required to be made:

Housing and productivity contribution	**Amount**
Housing and productivity contribution (base component)	$1,692,283.174
Total housing and productivity contribution	$1,692,283.174

The amount payable at the time of payment is the amount shown in part a) as the total housing and productivity contribution adjusted by multiplying it by:

highest PPI number
consent PPI number

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made,

and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and PPI have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.*

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	**Time by which HPC must be paid**
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate

High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, *HPC Order* means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

The HPC must be paid using the NSW planning portal (https://pp.planningportal.nsw.gov.au/).

If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:

the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,

the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with part b) at the time of payment.

Despite part a), a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

Condition reason: To ensure the required monetary contribution has been paid.

17. **Section 7.11 Contribution**

Before the issuing of a Construction Certificate, the following contributions must be paid to Council:

	Purpose: 1 bedroom unit	*Purpose: 2 bedroom unit*	*Purpose: 3 bedroom unit*	*Purpose: Credit*	*No. of 1 Bedroom Units: 41*	*No. of 2 Bedroom Units: 85*
Open Space - Land	$ 4,614.59	$ 6,460.41	$ 7,998.60	$ 10,459.36	$ 189,198.15	$ 549,134.61
Open Space - Capital	$ 2,332.51	$ 3,265.52	$ 4,043.02	$ 5,286.86	$ 95,632.96	$ 277,569.20
Transport Facilities - Land	$ 1,147.68	$ 1,606.74	$ 1,989.30	$ 2,601.31	$ 47,054.82	$ 136,573.17
Transport Facilities - Capital	$ 1,785.94	$ 2,500.31	$ 3,095.62	$ 4,047.98	$ 73,223.38	$ 212,526.59
Water Management - Capital	$ 466.29	$ 652.82	$ 808.26	$ 1,056.91	$ 19,118.08	$ 55,489.45
Administration	$ 61.36	$ 85.93	$ 106.39	$ 139.10	$ 2,515.81	$ 7,304.21
Total	$ 10,408.37	$ 14,571.73	$ 18,041.19	$ 23,591.52	$ 426,743.20	$ 1,238,597.22

No. of 3 Bedroom Units: 40	*Sum of Units*	*No. of Credits: 8*	*Total S7.11*
$ 319,944.14	$ 1,058,276.90	$ 83,674.85	$ 974,602.05
$ 161,720.95	$ 534,923.11	$ 42,294.84	$ 492,628.27
$ 79,572.11	$ 263,200.09	$ 20,810.49	$ 242,389.60
$ 123,824.85	$ 409,574.82	$ 32,383.84	$ 377,190.98
$ 32,330.24	$ 106,937.77	$ 8,455.30	$ 98,482.47
$ 4,255.42	$ 14,075.44	$ 1,112.82	$ 12,962.62
$ 721,647.70	$ 2,386,988.12	$ 188,732.14	$ 2,198,255.99

The contributions above are applicable at the time this consent was issued. The amount may be adjusted at the time of payment in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.

Prior to payment, it is advised to phone or email Council to confirm the amount. Payments will be accepted via Debit or Credit Card. Cash payments will not be accepted. This condition has been imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Contributions Plan No 19.

Condition reason: To contribute towards public infrastructure for the area.

18.	**Tree Protection Plan**
	Before the issue of a construction certificate, a Tree Protection Plan for the site is to be prepared by a qualified Australian Qualification Framework Level 5 Arborist and submitted to the satisfaction of Council's Manager - Environment and Health. The plan must contain all tree protection measures required for the retention of trees including the location of tree protection fencing and recommended sensitive construction methods. Trees 54 and 93 are to be indicated for removal.
	Condition reason: To ensure tree protection measures are in place to retain trees.

19.	**Construction Site Management Plan**
	Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the Principal Certifier. The plan must include the following matters: a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: i. Proposed truck movements to and from the site; ii. Estimated frequency of truck movements; and iii. Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent. A copy of the construction site management plan must be kept on-site at all times while work is being carried out.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

BEFORE WORK COMMENCES

20.	**Erosion and Sediment Controls in Place**
	Before site work commences, the certifying authority must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place

	until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

21.	**Waste Management Plan requirements**
	Before site work commences, a waste management plan for the development must be prepared and provided to the principal certifying authority. The plan must be prepared a) in accordance with i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and b) include the following information— i. the contact details of the person removing waste, ii. an estimate of the type and quantity of waste, iii. whether waste is expected to be reused, recycled or sent to landfill, iv. the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction

22.	**Engagement of a Project Arborist**
	Before site works commence, 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.
	Condition reason: To protect vegetation.

23.	**Project Ecologist**
	Before works commence, a Project Ecologist 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 Ecologist is replaced, The Hills Shire Council's Manager – Environment & Health is to be notified in writing of the reason for the change and the details of the new Project Ecologist within 7 days.
	Condition reason: To protect vegetation.

24.	**Consultation with Service Authorities**
	Before building work commences, applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required. Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment. In the interest of health and safety, applicants are to contact before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the dial before you dig service in advance of any construction or planning activities.
	Condition reason: To ensure compliance with relevant service provider's requirements.

25.	**Builder and Principal Certifier Details**
	Before building work commences, the builders name, address, telephone and email information must be submitted to the Principal Certifier. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations.
	Condition reason: To ensure compliance with the legislative requirements.

26.	**Management of Building Sites**
	Before building work commences, 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 is to be provided. 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.
	Condition reason: To protect workers, the public and the environment.

DURING WORKS

27.	**Soil Management**
	While site work is being carried out, the certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the certifying authority b) All fill material imported to the site must be: i. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or

	ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

28.	**Notification of New Contamination**
	During all site works ground conditions must be monitored and when new evidence including, but not limited to, imported fill, buried building materials, asbestos, odour and/or staining, works are to immediately cease and Council's Manager- Environment and Health is to be notified. A site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021* and submitted to Council's Manager – Environment and Health for review. Approval from Council's Manager – Environment and Health must be obtained in writing prior to works recommencing on site.
	Condition reason: To ensure controls are in place for contamination management

29.	**Dust Control**
	During site works, dust suppression techniques must be used to minimise nuisance to surrounding properties. In the absence of any alternative measures, the following measures must be taken to control the emission of dust: a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the demolition and construction work; b) All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
	Condition reason: To prevent the movement of dust outside the boundaries of the development.

30.	**Stockpiles**
	During site work, stockpiles of topsoil, sand, aggregate or other material capable of being moved by water must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.
	Condition reason: To protect waterways

31.	**Waste Management**
	While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifying authority, detailing the following: i. The contact details of the person(s) who removed the waste; ii. The waste carrier vehicle registration; iii. The date and time of waste collection;

	iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; v. The address of the disposal location(s) where the waste was taken; vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. c) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

32.	**Protection of Tree Canopy and Ground Protection within Tree Protection Zone**
	Whilst site works are being carried out, damage to tree canopies (foliage and branches) are to be avoided when operating excavation machineries, cranes, drilling rigs and similar equipment near tree (s). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of a Project Arborist must be sought. In the event of any tree (s) becoming damaged for any reason during the construction period a Project Arborist shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the Project Arborist. The removal of a small portion of the crown (foliage and branches) is generally tolerable provided that the extent of pruning required is within 10% of the total foliage volume of the tree and the removal of branches does not create large wounds or disfigure the natural form and habit of the tree. All pruning cuts must be undertaken in accordance with the Australian Standard (AS 4373-2007) Pruning of Amenity Trees. If any construction access or works is required within the TPZ of any tree (s) identified for retention ground protection measures shall be required. Ground protection shall include temporary access for machinery, vehicular and foot traffic within the TPZ of tree (s) on the site and/or on adjoining site (s). The measures may include a permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites. Ground protection shall be installed prior to any site works and maintained in good condition for the duration of the construction period. On completion of the works, ground protection shall be removed without damage or disturbance to the underlying soil profile.
	Condition reason: To protect tree canopy.

33.	**Tree Removal & Fauna Protection**
	During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. All injured fauna is to be appropriately cared for and released on site when re-habilitated. Trees must be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine. Tree hollows must be salvaged from removed trees and placed within the RDA (vegetation management plan area) area of the lot. This is to be done by a qualified and experienced arborist, under the direction of the Project Ecologist;
	Condition reason: To protect Fauna

34.	**Noise and Vibration Requirements**

	While site work is being carried out, noise generated from the site must not exceed an L_{Aeq} (15 min) of 5dB(A) above background noise, when measured at the boundary of the site.
	Condition reason: To protect the amenity of the neighbourhood during construction.

35.	**Hours of Work**
	Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.

36.	**Surveys by a Registered Surveyor**
	While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a) All footings / foundations in relation to the site boundaries and any registered and proposed easements; and b) At other stages of construction – any marks that are required by the principal certifier.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

ON COMPLETION OF WORKS

37.	**Removal of waste upon completion**
	After completion of all site work: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the principal certifying authority.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

38.	**Vegetation Management Works within RE1 Zoned Land**
	The applicant is responsible for the revegetation and maintenance works within the RE1 zoned land as detailed on the Vegetation Management Plan, prepared by Travers Bushfire & Ecology dated 21/03/25 and condition 87. A Construction Certificate for the development cannot be issued until the Vegetation Management Plan and associated timing and performance targets have been submitted to and approved, in writing, by Council's Manager – Environment and Health. The person/s responsible for that work must have a $20,000,000 public indemnity insurance policy relating to work on public land.
	Condition reason: To ensure the works within Cattai Creek are carried out in accordance with approved documents.

39.	**Provision of Telecommunication Services**
	Before the issue of an occupation certificate 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.
	Condition reason: To ensure the relevant service provider's requirements are provided to the certifier.

40.	**Provision of Electricity Services**
	Before the issue of an occupation certificate, a compliance certificate from the relevant service provider must be submitted confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.

41.	**Vegetation Management Plan (VMP) Implementation**
	All performance criteria for the establishment phase of the VMP (5 years) must be complied with prior to the issue of a Occupation Certificate. A statement certifying such compliance must be provided by the author of the VMP or an equally qualified and experienced person.
	Condition reason: To ensure that establishment VMP works are implemented

42.	**Section 73 Certificate must be Submitted to the Principal Certifier Prior to Issue of Occupation Certificate**
	Before the issue of an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92. **The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision.**
	Condition reason: To ensure the development will be satisfactorily serviced by Sydney Water and that the requirements of Sydney Water have been complied with.

43.	**Irrigation**
	Before the issue of an occupation certificate, an automatic watering system is to be installed as a minimum to all common areas and rooftop planters. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier.
	Condition reason: To ensure irrigation is provided.

44.	**Biodiversity Compliance**
	Before the issue of an occupation certificate, a report from the project ecologist must be provided to the principal certifier providing the following information: **Tree Removal & Fauna Protection** – Details demonstrating compliance with the Tree Removal and Fauna Protection condition/s of this consent.
	Condition reason: Protection of local biodiversity

OCCUPATION AND ONGOING USE

45.	**Ongoing Management of works within the RE1 Zoned Land**
	The developer is responsible for all ongoing maintenance and replacement/ reconstruction costs associated with the civil and landscape works within the RE1 zoned land referred to in Condition 38 and commitments detailed on the approved Vegetation Management Plan for this area (not the future owners). This arrangement needs to be formalised within a planned deed and/ or licence agreement or similar, the details of which must be approved, in writing, by Council's Manager – Environment and Health before an Occupation Certificate can be issued. The arrangements must be explained in the strata management plan (or plans if each development lot is expected to be subject to a separate management plan), with the wording within those plans agreed by Council before the plan can be finalised. The developer is responsible for any costs associated with the preparation, legal review and lodgement of these documents.
	Condition reason: To ensure the area is maintained for the life of the development.

DEMOLITION WORK

GENERAL CONDITIONS

46.	**Notice of Commencement for Demolition**
	At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include: a) Name; b) Address; c) Contact telephone number; d) Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor; e) The contact telephone number of Council; and The contact telephone number of SafeWork NSW (4921 2900).

	Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

BEFORE WORK COMMENCES

47.	**Notification of Asbestos Removal**
	Before commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and WorkCover NSW must be given a minimum five days written notification of the works.
	Condition reason: To ensure compliance with legislation and ensure public and work safety.

48.	**Asbestos Removal Signage**
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition reason: To alert the public to any danger arising from the removal of asbestos.

49.	**Hazardous material survey before demolition**
	Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: a) the location of all hazardous material throughout the site b) a description of the hazardous material c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials f) identification of the disposal sites to which the hazardous materials will be taken
	Condition reason: To require a plan for safely managing hazardous materials

50.	**Site Preparation**
	Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures;

	d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid.
	Condition reason: To protect workers, the public and the environment.

51.	**Disconnection of Services Before Demolition Work**
	Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.
	Condition reason: To protect life, infrastructure and services.

52	**Demolition Management Plan**
	Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, The Hills DCP 2012 and must include the following matters: a) The proposed demolition methods b) The materials for and location of protective fencing and any hoardings to the perimeter of the site c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites The Hills DCP 2012) f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines i) Details of any bulk earthworks to be carried out j) Details of re-use and disposal of demolition waste material in accordance with The Hills DCP 2012 k) Location of any reusable demolition waste materials to be stored on-site (pending future use) l) Location and type of temporary toilets onsite m) A garbage container with a tight-fitting lid.
	Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

DURING DEMOLITION WORKS

53.	**Handling of Asbestos During Demolition**
	While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

	a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.
	Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

54.	**Trenching within Tree Protection Zone**
	Whilst site works are being carried out, any trenching for installation of retaining walls, drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to the Certifier or Council (where a certifier is not required) or under supervision of a project arborist. If supervision by a project arborist is selected, certification of supervision must be provided to (the Certifier or Council (where a certifier is not required) within 14 days of completion of trenching works.
	Condition reason: To protect trees during the carrying out of site work.

55.	**Site Maintenance**
	While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures; d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid.
	Condition reason: To protect workers, the public and the environment.

BUILDING WORK

GENERAL CONDITIONS

56.	**Protection of Public Infrastructure**
	During works, Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.
	Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.

57.	**Vehicular Access and Parking**
	Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction that the formation, surfacing and drainage of all driveways, parking modules, circulation roadways, sight distance and ramps/circular ramps have been design and construction complying are in accordance with: a) AS/ NZS 2890.1 b) AS/ NZS 2890.6 c) AS 2890.2 d) DCP Part C Section 1 – Parking e) Council's Driveway Specifications Where conflict exists, the Australian Standard must be used. The following must be provided: f) 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. g) All driveways and car parking areas must be separated from landscaped areas by a low-level concrete kerb or wall. h) 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. i) All driveways and car parking areas must be graded, collected, and drained by pits and pipes to a suitable point of legal discharge. j) The principal certifying authority is to ensure that the headroom complies with Clause 2.7 of AS2890.6: 2022 Part 6: Off – street parking for people with disabilities. These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.
	Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

58.	**Vehicle Crossing Application**
	Before the issue of any construction certificate, the consent holder must lodge a vehicular crossing application with council. Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority. NOTE: The receipt shall be provided to the Certifier as evidence of lodgement.
	Condition reason: To ensure that the site has adequate access, and the vehicular crossing is not classing with other services.

59.	**Section 138 Works**
	A S138 Roads Act application, including the payment of application and inspection fees, is required to be lodged with, and approved by The Hills Shire Council (being the Roads Authority under the Roads Act). Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments, Austroad Guidelines and best engineering practice. Before the issue of a construction certificate, the consent holder must provide a copy of the approved S138 Roads Act to the certifier. Note: Where The Hills Shire Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
	Condition reason: To ensure that council will assess and approve public roads or any other land under the care and control of Council.

60.	**Excavation/ Anchoring Near Boundaries**
	Before the issue of a construction certificate, a suitably qualified Structural engineer must review Excavation/Anchoring Near Boundaries design and provide written certification on the approved plans to satisfy the certifier that: a) 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 sustain excavation near the property boundary, the following requirements apply: i. Written owner's consent for works on adjoining land must be obtained. ii. For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road. iii. 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. iv. All anchors must be temporary. Once works are complete, all loads must be removed from the anchors. v. A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed. vi. The anchors must be located clear of existing and proposed services. Details demonstrating compliance with the requirements above must be submitted to the Certifier and included as part of any Construction Certificate been issued.
	Condition reason: To protect the road/private properties from the excavation and anchoring works.

61.	**Finished Floor Level – Flooding**
	The finished floor level of the Lower Ground levels/Ground Floor Level must reflect the approved plans and are to be no lower than the applicable FPL as estimated by Flood Impact Assessment prepared by C & S ENGINEERING SERVICES, Project No CSES230286, Issue A dated August 2024 of the finished floor level of the adjacent existing structure, for each respective flood level. The certifier shall ensure these requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.
	Condition reason: To ensure that the building is protected against flooding.

62.	**Road Opening Permit**
	Should the 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.
	Condition reason: To protect the roads.

63.	**External Finishes**
	During occupation and ongoing use of the development, the external finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.
	Condition reason: To ensure quality built form of development.

64.	**Management of Surface Drainage**
	Stormwater, surface water or seepage from the development shall be collected by a subsurface/surface drainage system which is to be connected to a suitable system of disposal. The development, either during construction or upon completion, must not impede or divert natural surface water and the system of drainage must not cause a nuisance to adjoining properties.
	Condition reason: To ensure the development adequately manages stormwater runoff.

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65.	**Groundwater Requirements**
	The subsurface structure/basement shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the watertable plus 300mm. The subsurface structure/basement is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure/basement must allow free movement of groundwater around the structure. The Subsoil drainage around the subsurface structure/basement must not be connected to the internal drainage system. The design of subsurface structure/basement, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered structural Engineer. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate. Prior to the issue of the Construction Certificate, the consent holder must submit a design compliance certificate prepared by suitably experienced Chartered structural Engineer satisfying the requirements above to the Registered Principal Certifier. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure compliance with legislative requirements.

66.	**Registration of Drainage Easement**
	A drainage easement must be created over the downstream property (Lot 8 DP 596524) prior to a Construction Certificate being issued in accordance with the letter of authority from the downstream

	property owner. The width of the drainage easement must comply with Council's Design Guidelines – Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated documents must be submitted to Council.
	Condition reason: To provide a legal point of stormwater discharge.

67.	**Works on Adjoining Land**
	Before the issue of a construction certificate, the consent holder must obtain and submit a written owner consent from all affected adjoining property owners, where the engineering works included in the scope of this approval extend into the adjoining lands. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the adjoining owners are aware of the works on their land and to protect the existing stormwater easement that the adjoining properties are aware of the work and to obtain any access/consent.

68.	**Design Verification**
	Before the issue of a 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 SEPP (Housing) 2021.
	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.

69.	**External Lighting**
	Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements: a) comply with AS 1158: Lighting for Roads and Public Spaces; b) comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting; c) lighting must be placed at all entrances to, and exits from the premises; d) lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas; e) lighting must not interfere with traffic safety; f) lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; g) external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance. h) Relevant council development control plan. The lighting plan must be submitted to the certifier. Note – All above documents refer to the version in effect at the time the consent is granted.
	Condition reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

70.	**Acoustic Requirements**
	Before the issue of a construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of the *Noise Impact Assessment* by Acoustic Logic Pty Ltd referenced as 20231035.1/2901A/R2/SJ dated 29 January 2024.
	Condition reason: To protect the acoustic amenity of the local area and of the development.

71.	**Preparation of Mechanical Ventilation Plans**
	Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier: a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not: i) cause a nuisance to persons within or nearby to the premises, or ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997
	Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.

72.	**Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)**
	Before the issue of a Construction Certificate, an acoustic statement is to be provided to the certifying authority providing methods of noise attenuation (if any) ensuring the following noise levels are achieved: a) 35 dB (A) in any bedroom between 10pm and 7am. b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.
	Condition reason: To ensure the acoustic amenity of the building.

73.	**Provision of Bulky Goods Storage Area**
	Before the issue of a construction certificate, construction plans that demonstrate a bulky goods storage area must be approved by the certifier. The area must: a) Be a separate room or caged area; b) Open directly onto the designated waste service bay; c) Have a minimum floor area of $4m^2$ per 50 apartments. Floor space must be rounded up to the nearest 50 apartments; d) Have floors that are to be constructed of concrete with a smooth non-slip finish; e) Have a resident access door, with a minimum clear floor width of 2m; f) Have a resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened; and g) Be provided with lighting.
	Condition reason: To ensure that adequate space is provided within Residential Flat Buildings for the storage of any unwanted bulky items to help in preventing illegal dumping and promote resource recovery.

74.	**Access and Loading for Waste Collection**
	Before the issue of a construction certificate, construction plans satisfied by the Certifier must demonstrate waste vehicle access and loading facilities designed and provided on site in accordance with AS2890.2 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied: a) All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per AS 2890.1. b) All manoeuvring and loading areas for waste collection vehicles must be clearly and permanently line marked, signposted, and maintained. c) Pedestrian paths around the designated waste collection areas must be clearly and permanently line marked, signposted, and maintained. d) The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three-point turn). e) The designated waste service bay must allow additional space servicing of bins. f) 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”. g) Entry to sites with restricted access (i.e., via roller shutter doors, boom gates or similar) must be provided via the installation of a lockbox (supplied through Council’s locksmith) containing Council’s Waste Management Master Key System ‘P3520’ on an accessible external wall. The lockbox must store the site-specific keys or remote so that Council’s Waste Collection Contractor can access the site for ongoing waste collection.
	Condition reason: To ensure safe and adequate loading facilities are provided for the waste vehicle to enter the site and service all waste collections.

75.	**Communal Composting Areas**
	Before the issue of a construction certificate, a communal composting area must be included within the building footprint or landscaping plans.
	Condition reason: To ensure the future possibility of communal composting can be achieved within the building footprint or externally in common landscaped areas.

76.	**Provision of Bin Cupboards**
	Before the issue of a construction certificate, construction plans must be submitted to the certifier that demonstrate a separate bin cupboard next to the chute openings on every residential floor that allows for the disposal of items unsuitable for chute disposal.
	Condition reason: To promote resource recovery and the storage of a potential third waste stream. It also allows for disposal of unsuitable items down the waste chute.

77.	**Construction of Central Bin Collection Room**
	Before the issue of a construction certificate, construction plans are to be submitted to the certifier that demonstrate the central bin collection room are designed and constructed in accordance with the following requirements: a) The room must provide minimum storage facility for 10 x 1100L sized garbage bins, 31 x 1100L sized recycling bins and 11 x 240L sized FOGO bins. b) The layout of the central bin collection room must ensure that each bin is easily accessible and manoeuvrable in and out of the room. All internal walkways must be at least 1.5m wide.

	c) The walls of the central bin collection room must be constructed of brickwork. d) The floor of the central bin collection room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The room must not contain ramps and must be roofed (if located external to the building). e) The central bin collection room must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. f) All doors of the central bin collection room, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened. g) The central bin collection room must be ventilated. Mechanically ventilated waste storage areas must not be connected to the same ventilation system supplying air to the units. h) The central bin collection room must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the room, it must not conflict with the space designated for the placement of bins. i) The central bin collection room must be provided with internal lighting. j) The maximum grade acceptable for moving bins for collection purposes is 5%. k) The central bin collection room must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.
	Condition reason: To ensure all residential developments with a shared bin system provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.

78.	**Construction of Waste Chute Termination Rooms & FOGO Bin Room**
	Before the issue of a construction certificate, construction plans are to be submitted to the certifier that demonstrate the waste chute termination rooms are designed and constructed in accordance with the following requirements: a) The rooms must provide minimum storage facility to hold at least 2 days' worth of waste. b) The chute termination rooms must have storage facility for 2-bin linear track systems sized for 1100 litre bins underneath the garbage and recycling chute termination points. The rooms must also have storage facility for ceiling mounted compaction units for garbage bins (2:1) compaction ratio. c) The layout of the rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the areas. All internal walkways must be at least 1.5m wide. d) The walls of the rooms must be constructed of brickwork. e) The floor of the rooms 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). f) The rooms must have a waste servicing door, with a minimum clear floor width of 1.5m. g) All doors of the rooms, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened. h) The rooms must be ventilated. Mechanically ventilated waste storage areas must not be connected to the same ventilation system supplying air to the units.

	i) The rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the rooms, it must not conflict with the space designated for the placement of bins. j) The rooms must be provided with internal lighting. k) The maximum grade acceptable for moving 1100L sized bins is 5%. l) The maximum grade acceptable for moving 240L sized bins is 7%. m) The rooms must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.
	Condition reason: To ensure all residential developments with a shared bin system provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.

79.	**Internal Pavement Structural Design Certification**
	Before the issue of a Construction Certificate, a Certified Practicing Engineer (CPEng) must certify that the internal pavement design will withstand the loads imposed by a loaded 8.8m long Medium Rigid Vehicle from the boundary to the waste collection point including any manoeuvring areas.
	Condition reason: To ensure internal pavement design is adequate.

80.	**Erosion and Sediment Control Plan**
	Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier. a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

81.	**Site Flood Emergency Response Plan**
	Before the issue of the relevant construction certificate, a suitably qualified civil engineer must review the Construction plans and supporting documentation which relate to Site Flood Emergency Response Plan and provide written evidence, to the certifier's satisfaction, that it complies with Part C Section 6 – Flood Controlled Land of Council's DCP and incorporates the recommendations of Site Flood Emergency Response Plan C & S ENGINEERING SERVICES, Project No CSES230286, Issue B dated August 2024.
	Condition reason: To protect the occupants and provide a safe evacuation plan.

82.	**Flood Protection Requirements**
	Before the issue of the relevant construction certificate, a suitably qualified Structural engineer must review and prepare a Flood Protection report and provide written certification on the approved plans to satisfy the certifier that:

1. Structural elements of the structure below the flood planning level (FPL) prepared by C & S ENGINEERING SERVICES, Project No CSES230286, Issue B dated August 2024 AHD must be designed and the as-built works certified by a structural engineer to ensure structural soundness during potential floods. The following criteria must be addressed having regard to the depth and velocity of flood water:

    a) Hydrostatic pressure;

    b) Hydrodynamic pressure;

    c) Impact of debris;

    d) Buoyancy forces;

    e) Saturated ground conditions;

    f) Shear stress and scour forces around and downstream of the structure.

2. For the purposes of this design the flood levels and associated flood velocities expected to be experienced at the site are:

    a) 100 year ARI flood level (FPL2) as estimated by the Flood Impact Assessment C & S ENGINEERING SERVICES, Project No CSES230286, Issue A.

    b) 100 year ARI flood level plus a further 0.5m freeboard (FPL3) as estimated by the Flood Impact Assessment C & S ENGINEERING SERVICES, Project No CSES230286, Issue A

3. 100 year ARI flood velocity as estimated by the Flood Impact Assessment C & S ENGINEERING SERVICES, Project No CSES230286, Issue A

4. The following additional requirements apply:

    a) The design materials and construction of the structure must comply with the principles set out in the publication "Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas" published by the NSW Government.

    b) See Schedule B of Part C Section 6 – Flood Controlled Land of Council's DCP for more detail.

    c) The structure must be used for the approved use only. Specifically, this relates to any non-habitable structures below the FPL.

    d) The structure has been orientated parallel to the direction of flows so that impediment to these flows is minimised.

    e) The openings in the structure have been located in line with the direction of flows. These are to be opened prior to the onset of a flood to allow for the through-flow of floodwater.

    f) All structures to have flood compatible building components below FPL3.

    g) Note that foundations need to be included in the structural analysis.

    h) All service conduits located below FPL3 are to be made fully flood compatible and suitable for continuous underwater immersion. Conduits are to be self-draining if subject to flooding.

    i) No external storage of materials below FPL3 which may cause pollution or be potentially hazardous during any flood.

    j) Demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3.

	k) For development within the Hawkesbury River floodplain, all walls, up to FPL3, are to be constructed of flood resistant building materials, suitable for retaining structural integrity during and following long periods of continuous underwater immersion. l) For development within the Hawkesbury River floodplain, all walls are to have additional strength to resist collapse. The number of engaged piers are to be increased from that typically required under the Building Code of Australia. m) A restriction is to be placed on the title of the land where the lowest habitable floor area is elevated above finished ground level, confirming that the under croft area is not to be enclosed.
	Condition reason: To ensure that the building is protected against flooding and that the building is structurally sound.

83.	**Stormwater Management – Hawkesbury River Catchment Area**
	Before the issue of a construction certificate, whichever precedes first/earlier, a suitably qualified civil engineer must prepare Onsite Stormwater Detention/Stormwater plan and provide written certification on the approved plans to satisfy the certifier that: Onsite Stormwater Detention (OSD) has been designed 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 plans as per the plans stamped in condition 1 is for development application purposes only and is not to be used for construction. Water sensitive urban design elements, 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 OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate: a) Design/ construction plans prepared by an accredited OSD designer. b) A completed OSD Drainage Design Summary Sheet. c) 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. d) A completed OSD Detailed Design Checklist. e) A maintenance schedule.

	Condition reason: To ensure runoff from the development do not impact local stormwater systems and waterways.

84.	**Stormwater Pump/ Basement Car Park Requirements**
	Before the issue of a construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that: The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.
	Condition reason: To protect the Basement Car Park from surface runoff.

85.	**Security Bond – Road Pavement and Public Asset Protection**
	The applicant must provide a security bond of $214,368.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of $132.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side 232 multiplied by the width of the road 7m. A single bond payment with the amount specified above shall be lodged with Council, partial bond payments will not be accepted. The square metre rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website. 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. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.
	Condition reason: To ensure any damage to public infrastructure is rectified

86.	**Security Bond – External Works**
	The consent holder must provide 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 minimum bond amount is $10,000.00. The bond amount must be confirmed with Council prior to payment. The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.
	Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction

87.	**Engineering Works and Design**
	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 stormwater engineering plan as per plans stamped in condition 1 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. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that: **a) Public Domain Works (Showground Precinct)** The entire site frontage to Ashford Avenue must be reconstructed including footpath paving, stormwater drainage adjustments and any other ancillary work to make this construction effective. Within this verge the required formation must generally be in accordance with Council's Showground Precinct Public Domain Plan, Council's Showground Precinct Verge Treatment Detail/ Plans dated 15 February 2019, the above documents and Council's standard drawings/ details relating to these works. The pedestrian pavement type and street lighting category must match the Showground Precinct Public Domain Plan. **b) Signage and Line Marking Requirements/ Plan** A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required. Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over. Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee. Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road". With respect to "local street" and "park street" roads in North Kellyville specifically, the parking lane on either side must be line marked to ensure the full width of the single trafficable lane is kept clear at all times. **c) Footpath Verge Formation** The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level. **d) Disused Layback/ Driveway Removal** All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

	e) 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. **f) Earthworks/ Site Regrading** Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent. **g) Alignment of the Headwall and Pipe** A minimum pipe size of 375mm diameter PVC pipe draining to creek must be a minimum above the 10 year ARI and Pit 1 cannot surcharge in that event. The alignment must be in line with the plans stamped in condition 1. **h) Stormwater Drainage – Creek Outlets** Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Natural Resources Access Regulator (even where the receiving waterbody is not a natural watercourse) and Sydney Water, in the case of stormwater management land. **i) Water Sensitive Urban Design Elements** Water sensitive urban design elements, 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.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

88.	**Amended Vegetation Management Plan**
	Before the issue of a construction certificate, The Vegetation Management Plan, prepared by Travers Bushfire & Ecology dated 21/03/25 is to be amended to be strictly in accordance with Council's Vegetation Management Plan Guideline (available on Council's website www.thehills.nsw.gov.au) as well as the following changes: a) Figure 1 is to include the area hatched as the Revegetated Drainage Line on RE1 land. b) Management Zones are to be provided for areas with different levels of expected overshadowing from the residential flat buildings of this development and those under construction to the north The Plan is to be submitted to The Hills Shire Council's Manager – Environment and Health for approval.
	Condition reason: To ensure that a Vegetation Management Plan is prepared in accordance with Council's vegetation Management Plan Guideline and takes into consideration urban constraints.

BEFORE WORK COMMENCES

89.	**Pavement Design**
	Before the commencement of works, the applicant must have a pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) prepared by a geotechnical engineer submitted to Council for approval.
	Condition reason: To ensure a pavement specific pavement design is approved for construction and documented before works commence..

90.	**Sydney Water Building Plan Approval**
	Before building work commences, 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.
	Condition reason: To ensure compliance with Sydney Water requirements.

91.	**Discontinuation of Domestic Waste Services**
	Before the commencement of works, an arrangement for the discontinuation of all current domestic waste services on the site must be organised with Council's Customer Service Centre. This service must be cancelled before demolition works commence or where the site ceases to be occupied during works, whichever comes first. 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.
	Condition reason: To ensure that any domestic waste service that is active onsite is cancelled and returned to Council prior to works commencing. Bins must be returned to prevent the misuse and presence of contamination.

92.	**Tree Protection Fencing**
	Before any work begins on the site, tree protection fencing must be in place around trees or groups of trees nominated for retention throughout the duration of the project. The location of fencing shall be as per the approved Tree Protection Plan. Stockpiling of materials, placement of fill, parking of vehicles, compaction of soil, or washing of cement, other chemicals or fuel contaminants shall not occur within the designated tree protection zone. The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.
	Condition reason: To protect trees during the carrying out of site work.

93.	**Tree Protection Signage**
	Before any work begins on the 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.
	Condition reason: To protect trees during the carrying out of site work.

94.	**Mulching within Tree Protection Zone**

	Before any work begins on the site, all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.
	Condition reason: To protect trees during the carrying out of site work.

95.	**Dilapidation report**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier that all reasonable steps were taken to obtain access to the adjoining properties. No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

96.	**Public Infrastructure Inventory Report**
	Before works commencing on site the Principal Contractor must get a public infrastructure inventory report 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: a) Planned construction access and delivery routes; and b) Dated photographic evidence of the condition of all public assets.
	Condition reason: To document the condition of public infrastructure prior to works commencing.

97.	**Dust Management Plan**
	Before works commencing on site the Principal Contractor must get a site specific dust management plan 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
	Condition reason: To ensure appropriate dust control in is in place for large subdivision works.

98.	**Traffic Control Plan**
	Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the plan must be submitted to and approved by Council Manager- Subdivision and Development Certification 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.
	Condition reason: To Ensure safe movement of vehicles around/past the site

99.	**Erection of Signage – Supervision of Work**
	Before works commencing on site the Certifier is to ensure a sign is erected in a prominent position displaying the following information: • The name, address and telephone number of the Principal Certifying Authority; • The name and telephone number (including after hours) of the person responsible for carrying out the works; • That unauthorised entry to the work site is prohibited. This signage must be maintained while the work is being carried out and must be removed upon completion.
	Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021.

100.	**Separate OSD Detailed Design Approval (Combined DA/ CC Applications)**
	No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier. The stormwater concept plans stamped in condition 1 is for development application purposes only and is not to be used for construction. The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD 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 an accredited OSD designer. • 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.
	Condition reason: to ensure any concept plans are updated with any necessary detail design changes and all Council parameters have been met. The requirements set out in The Upper Parramatta River Catchment Trust OSD manual must be adhered to where applicable.

101.	**Stabilised Access Point**
	Before building work commences, a stabilised all weather access point is to be provided 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).
	Condition reason: To ensure construction sites are managed properly.

102.	**Toilet Facilities**
	Before building work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided: a) must be a standard flushing toilet, and b) must be connected: i. to a public sewer, or ii. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or iii. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
	Condition reason: To ensure there are amenities provided to workers on site.

DURING BUILDING WORKS

103.	**Washing of Vehicles**
	During building work, the car wash bay is to be roofed and bunded to exclude rainwater. All wastewater from car washing must be discharged to the sewer under a Trade Waste Agreement from Sydney Water.
	Condition reason: To protect the environment

104.	**Disposal of Surplus Excavated Material**

	During works, in accordance with the waste management plan, the disposal of surplus excavated material is to be transported to a licensed facility. Receipts of all waste/ recycling tipping must be always kept onsite and produced in a legible form to any authorised officer of the Council who asks to see them.
	Condition reason: To ensure disposal of surplus excavated material is completed safely and in accordance with the Protection of the Environment Operations Act 1997.

105.	**Temporary Fencing of Pools**
	During building works, on excavation and before installation of the pool shell or placement of the steel re-enforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it. The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation or an appropriate restriction of access which meets the requirements of the Swimming Pools Act 1992 and the Swimming Pools Regulation 2018 has been provided to the pool.
	Condition reason: To manage safety of the site.

106.	**Resuscitation Warning Notice**
	Before the issue of an occupation certificate, in accordance with the Swimming Pools Regulation 2018, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words: (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES", and all other details required by the Regulation.
	Condition reason: To protect the safety of people on site during construction.

107.	**Control of early morning noise from trucks**
	During works, trucks associated with the construction at the site that will be waiting to be loaded must not arrive at the site before 7am.
	Condition reason: To protect the acoustic amenity of the local area and of the development.

108.	**Control of Noise from Trucks**
	During works, the number of trucks waiting in adjacent streets to enter the site for the removal of fill shall not exceed 1 Trucks waiting shall not obstruct driveways and shall have their motors off if expected to wait more than 5 minutes.
	Condition reason: To protect the acoustic amenity of the local area and of the development.

109.	**Construction Noise**
	During building work, 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).*
	Condition reason: To protect residential amenity

110.	**Rock Breaking Noise**

	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays. Details of noise mitigation measures and likely duration of the activity must be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.
	Condition reason: To minimise noise impacts on neighbouring properties

111.	**Soil and Water Management Plan**
	During construction, a Soil and Water Management Plan is to be prepared and implemented. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request. The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.
	Condition reason: To protect the environment

112.	**Acoustic Requirements**
	During the building works the recommendations of the *Noise Impact Assessment* by Acoustic Logic Pty Ltd referenced as 20231035.1/2901A/R2/SJ dated 29 January 2024 and submitted as part of the development application are to be implemented as part of this approval.
	Condition reason: To protect the amenity of the local area.

113.	**Provision of Waste Chute System**
	Before the issue of a construction certificate, there must be a dual waste chute system included on the construction plans and approved by the Certifier. The waste chute system must include: a) Chute openings on every residential floor within the building corridors; b) Waste chutes that must terminate into basement chute termination rooms; c) Garbage discharge into 1100 litre sized bins housed on 2-bin linear track conveyor system with ceiling mounted compaction unit (2:1 compaction ratio) d) Recycling discharge into 1100 litre sized bins housed on 2-bin linear track conveyor system (no compaction for recycling).
	Condition reason: To ensure sufficient waste management on site.

114.	**Retention of Trees**
	While works are being carried out, only trees specifically identified for removal on the approved plans may be removed. All other trees (including neighbouring trees and street trees) are to be retained with remedial work to be carried out in accordance with the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy Rev D dated 19/03/25 and the approved Tree Protection Plan.
	Condition reason: To ensure retained trees are adequately protected during works.

115.	**Project Arborist**
	During site works, the Project Arborist must be on site to supervise any works within the Tree Protection Zone (TPZ) of trees to be retained. Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Principle Certifying Authority within 14 days of completion of the works.

	Condition reason: To protect trees during carrying out of site work.

116.	**Implementation of the Site Management Plans**
	While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.

117.	**Contaminated Waste**
	During works, in accordance with the waste management plan, the generation, storage, transport, treatment or disposal of hazardous, industrial or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Climate Change and Water (DECCW) waste tracking requirements.
	Condition reason: To ensure contaminated waste is safely stored, transported, and lawfully disposed of while protecting the surrounding environment and local amenity.

118.	**Compliance with BASIX Certificate**
	During works, all commitments listed in BASIX Certificate No. 1744345M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.
	Condition reason: To ensure compliance with the BASIX Certificate requirements.

119.	**Roof Water Drainage**
	During building works, gutters and downpipes and/or rainwater tank overflows are to be provided and connected to an approved discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.
	Condition reason: To minimise stormwater impacts on adjoining properties.

120.	**Landscaping Works**
	During building works, any required landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.
	Condition reason: To ensure compliance with the approved landscaping plans.

121.	**Location of Works**
	During building works, any of the approved works / dwelling house (inclusive of any services, equipment and/or utilities), footings, walls, roof barges and guttering are to be constructed and contained wholly within the property boundaries. A survey report from a registered land surveyor may be required for confirmation of its location.
	Condition reason: To ensure no encroachment occurs onto the adjoining property.

122.	**Procedure for Critical Stage Inspections**

	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.

ON COMPLETION OF WORKS

123.	**Validation Report**
	On completion of works, and if remediation of any contamination is required, a validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following: a) The degree of contamination originally present; b) The type of remediation that has been completed; and c) A statement which clearly confirms that the land is suitable for the proposed use
	Condition reason: To ensure controls are in place for contamination management.

124.	**Post-Construction Dilapidation Report**
	After completion of all site work a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the principal certifier, detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).
	Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.

125.	**Repair of Infrastructure**
	After completion of all site work: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE

126.	**Restricted Development Area Plan**

	Before the issue of an occupation certificate, a scaled plan delineating the Restricted Development Area (RDA) for the Vegetation Management Plan (VMP) works within the Lot boundary to is to be prepared and provided for approval to The Hills Shire Council - Manager Environment and Health. The area within the RDA cannot be built upon in the future and must be managed in accordance with the approved Vegetation Management Plan. s
	Condition reason: To ensure the location of the restricted development area is accurately identified. .

127.	**Confirmation of Pipe Locations**
	Before the release of a Subdivision Certificate a letter from a registered surveyor certifying that all pipes and drainage structures are located within the proposed drainage easements must be submitted to the Principal Certifier.
	Condition reason: To ensure all relevant drainage infrastructure built under the consent is within easements where required.

128.	**Post Construction Ground Water Requirements**
	Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified Chartered structural Engineer stating that subsurface structure/basement has been designed and constructed as a waterproof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table plus 300mm, and that the subsoil drainage around the subsurface structure/basement was not connected to the internal drainage system, in accordance with the approved Construction Certificate plans and the conditions included within this consent. Prior to the issue of the Occupation Certificate, the consent holder must submit a design compliance certificate prepared by suitably qualified Chartered structural Engineer satisfying the requirements above to the Registered Principle Certifier. These requirements shall be reflected on the Occupation Certificate and supporting documentation.
	Condition reason: To ensure compliance with legislative requirements.

129.	**Completion of Landscape and Tree Works**
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

130.	**Registration of Swimming Pool/Spa**
	Before the issue of an occupation certificate for the swimming pool/spa, it is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the Principal Certifier to confirm the registration.
	Condition reason: To ensure a record is kept of Swimming Pools and Spas within the area.

131.	**Construction of Swimming Pool Barrier**
	Where an existing swimming pool barrier is affected by the proposed works (inclusive of associated No Climb Zones or its Effective Height), or a new barrier is required as a result of the proposed works, the required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings on the site before the issue of any occupation certificate for the completion of such works.

	Condition reason: To ensure the safety of occupants on site.

132.	**Design Verification Certificate**
	Before the issue of an 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.
	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.

133.	**Certification of acoustic measures**
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent
	Condition reason: To protect the amenity of the local area

134.	**Construction and installation of ventilation system**
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
	Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved

135.	**Insect and Odour Control**
	Before the issue of an occupation certificate, Council's resource recovery Assessment Officer must be satisfied with the installation of an insect control system provided in the waste holding or collection room(s). The equipment installed must have: a) An ultraviolet fly trap with a UV lamp of at least 20W or higher or similar; b) An electric-grid style and mounted to an internal wall or attached to the ceiling; c) An air deodoriser must be installed.
	Condition reason: To ensure that waste holding rooms are maintained and insect and odour issues are prevented. This will assist in the ongoing onsite management

136.	**Commencement of Domestic Waste Service**
	Before the occupation of the site, Council's domestic waste service must commence. The service must be arranged no earlier than two (2) days prior to occupancy and no later than seven (7) days after occupancy of the development. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.
	Condition reason: To ensure residential dwellings have an active waste service for the lawful disposal of garbage, recyclables and garden organics through Council's Contractor.

137.	**Internal Pavement Construction**
	Before the issue of an Occupation Certificate, a Certified Practicing Engineer (CPEng) must submit a letter to the certifier confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 8.8m long Medium Rigid Vehicle when fully laden.
	Condition reason: To ensure that the internal pavement has been constructed to allow Council's waste vehicle to enter the site safely.

138.	**Final Inspection of Waste Storage Area(s)**
	Before the issue of an Occupation Certificate, a final inspection of the waste storage area(s) and associated management facilities must be undertaken by Council's Resource Recovery Project Officer to assess compliance with the design specifications and ensure that the necessary arrangements are in place for domestic waste collection. The time for the inspection must be arranged with Council for a mutually convenient time.
	Condition reason: To ensure the waste storage area is compliant with the approved design specifications.

139.	**Provision of Signage for Waste Storage Areas**
	Before the issue of an Occupation Certificate, a complete full set of English and traditional Chinese waste education signage 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: a) Flat size: 330mm wide x 440mm high; b) Finished size: 330mm wide x 440mm high. Round Corners, portrait; c) Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel); d) Colours: Printed 4 colour process one side, UV ink; e) Finishing: Over laminated gloss clear. Profile cut with radius corners and holes.
	Condition reason: To ensure that waste education is provided to residents to promote resource recovery and ensure waste is being managed correctly by reducing contamination and illegal dumping.

140.	**Domestic Waste Collection Risk Assessment**
	Before the issue of an Occupation Certificate, a risk assessment must be undertaken on site by Council's Resource Recovery Assessment Officer. 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.
	Condition reason: To ensure that any development serviced by Council and its Contractor can safely be accessed by the waste vehicle to complete onsite waste collections.

141.	**Waste Chute System Installation Compliance Certificate**
	Before the issue of an occupation certificate, a letter of compliance must be submitted to and approved by the certifier. 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.
	Condition reason: To ensure that all waste infrastructure have been constructed/installed to manufacture standards and will be fully operational once residents occupy the building and dispose waste down the waste chutes.

142.	**Installation of Master Key System to Waste Collection Room**
	Before the issue of an Occupation Certificate, the site project manager must organise with Council's locksmith to install a lockbox fitted with Council's Waste Management Master Key System 'P3520' on an accessible external wall of the waste holding room. The lockbox must store the site-specific keys that open the waste holding room so that Council's Waste Collection Contractor can access the room for

	ongoing waste collection. The lockbox is to be installed through Council's locksmith at the cost of the developer. Please contact Council's Resource Recovery Project Officer to organise the installation.
	Condition reason: To ensure access is granted to Council's waste collection Contractor into the site's waste room to collect bins.

143.	**Provision of an In-shaft goods personnel hoist**
	Before the issue of an Occupation Certificate, a letter of compliance must be submitted and approved by the certifier. 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) a minimum platform of 3m x 2.4m (approx. 3m x 3m shaft),– b) a capacity of at least 2000kg,- c) electrically operated roller doors with full width door opening interlocked to the safe operation of the hoist, d) programmed automatically to lift or lower on a single button control, e) design registered to carry personnel with SafeWork NSW and f) an operation speed of at least 9m per minute.
	Condition reason: To ensure that bins can be transported across basement levels safely and efficiently without needing to wheel bins unsafely up basement ramps.

144.	**Provision of Kitchen Waste Storage Cupboard**
	Before the issue of an Occupation Certificate, the certifier must be satisfied with a kitchen waste storage area storage facility provided in each unit/dwelling for the to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have: a) a waste storage cupboard provided in the kitchen with a minimum of 2 removable 15L bins. b) convenient transportation of waste from the kitchen to the main household bins or waste disposal point. c) at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided must allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point.
	Condition reason: To ensure that the kitchen waste storage area is suitable for the unit or dwelling.

145.	**Planting Requirements**
	Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by the private certifier. 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. Any species that need substituting requires confirmation from Council. Minimum soil depths for planting on slab/basement are to be: • 1.2m for large trees, 1m for medium trees and 800mm for small trees. • 500-600mm for shrubs • 300-450mm for groundcovers; and • 200mm for turf.

	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

146.	**Completion of Landscape and Tree Works**
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

147.	**Consolidation of Allotments**
	Before the release of an Occupation Certificate any allotment(s) proposed to be consolidated into a single allotment must be consolidated. A copy of the registered plan must be submitted to Council
	Condition reason: To ensure any required consolidation is completed prior to occupation of the dwelling

148.	**Creation of Restrictions / Positive Covenants**
	Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used. **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 WSUD 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/Positive Covenant – Vegetation Management Plan** The subject site must be burdened with a restriction and a positive covenant using the "Vegetation Management Plan/Restricted Development Area" terms included in the standard recitals.
	Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.

149.	**Public Infrastructure Inventory Report - Post Construction**
	Before the release of an Occupation Certificate an updated public infrastructure inventory report must be prepared and submitted to Council.

	The updated report must identify any damage to public assets and the means of rectification for the approval of Council.
	Condition reason: To ensure protection and where required suitable remediation of public assets

150.	**Pump System Certification**
	Before the release of an Occupation Certificate, 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 suitably qualified hydraulic engineer
	Condition reason: To ensure pump system for stormwater discharge is suitable and installed/operation.

151.	**OSD System Certification**
	Before the release of an Occupation Certificate the Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA). The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection: a) Works as executed plans prepared on a copy of the approved plans; b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically; c) A certificate of structural adequacy from a suitably qualified 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. Where Council is not the PCA a copy of the above documentation must be submitted to Council.
	Condition reason: To ensure completion of the OSD system in accordance with the approved plans and that the system has been constructed and is operations.

152.	**Water Sensitive Urban Design Certification**
	Before the issue of an Occupation Certificate the WSUD elements conditioned earlier in this consent must be constructed and operational. The following documentation must be submitted in order to obtain an Occupation Certificate: a) WAE drawings and any required engineering certifications; b) Records of inspections; c) An approved operations and maintenance plan; and d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime. Where Council is not the PCA a copy of the above documentation must be submitted to Council..
	Condition reason: To ensure structure(s) associated with the treatment of stormwater to ensure the quality of water discharge from site is suitable to enter the downstream watercourse

153.	**Performance/ Maintenance Security Bond**
	Before the release of a Occupation certification the applicant must submit 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 $10,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.
	Condition reason: To ensure performance pf Public assets in accordance with Section 4.17(6) of Environmental Planning and Assessment Act 1979

154.	**Completion of Engineering Works**
	An Occupation Certificate must not be issued before the completion of all engineering works covered by this consent, in accordance with this consent.
	Condition reason: To ensure all engineering works are completed before an occupation certificate is issued.

155.	**Preservation of Survey Marks**
	Before the issue of an occupation certificate, documentation must be submitted by a registered surveyor to the Principal Certifier, which demonstrates that: a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
	Condition reason: To protect the state's survey infrastructure.

OCCUPATION AND ONGOING USE

156.	**Ongoing Vegetation Management Plan Implementation**
	During occupation and ongoing use, all commitments in the approved Vegetation Management Plan must be met to the satisfaction of Council. The nominated 5 year maintenance period must include a minimum of 12 months post practical completion. Onsite meetings are to be arranged at regular intervals with Council representatives.
	Condition reason: To ensure the reserve is handed back to the community in a satisfactory condition.

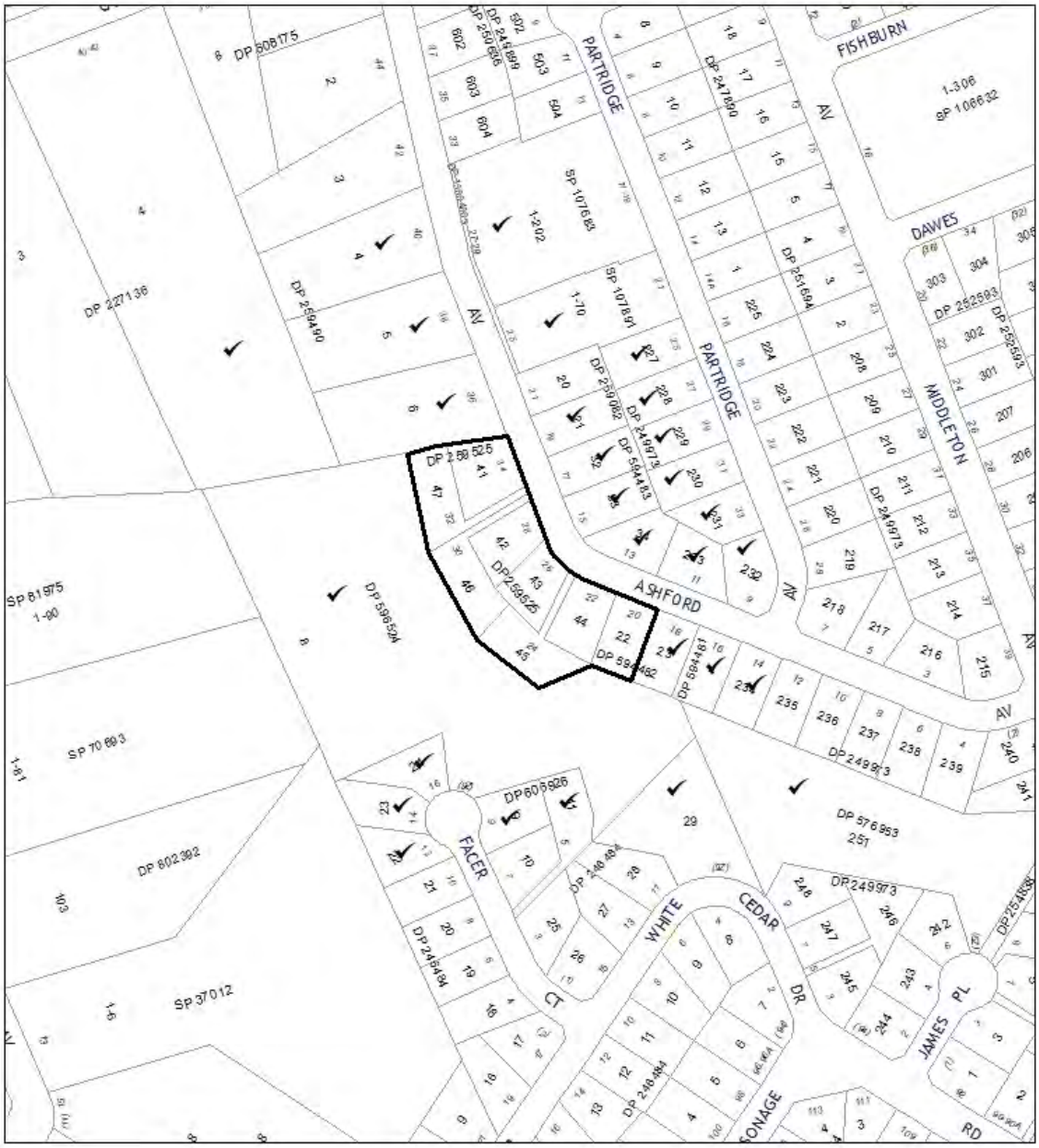
157.	**External Lighting During Ongoing Use**
	During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.
	Condition reason: To ensure the safe operation of the premises and protect the amenity of the local area.

158.	**Waste and Recycling Management**
	During the occupation and use, all garbage and recyclable materials must be separated into dedicated waste collection containers and stored in a designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangements 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 places. A caretaker must be appointed to manage waste operations onsite including undertaking all instructions issued by Council to enable waste collection. Waste storage areas(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.
	Condition reason: To ensure responsibility is placed upon the site's occupier or resident to management all waste generated on the site without it affected local amenity of neighbouring properties.

159.	**Landscaping**
	The landscaping shall be in accordance with the approved plan and shall be maintained at all times in accordance with THDCP 2012 Part C Section 3 – Landscaping and the approved landscape plan.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plans.

160.	**Maintenance of Wastewater and Stormwater Treatment Device**
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	Condition reason: To protect sewerage and stormwater systems.

ATTACHMENT B – LOCALITY PLAN



SUBJECT SITE

✓ **PROPERTIES NOTIFIED**

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT C – AERIAL MAP

SUBJECT SITE

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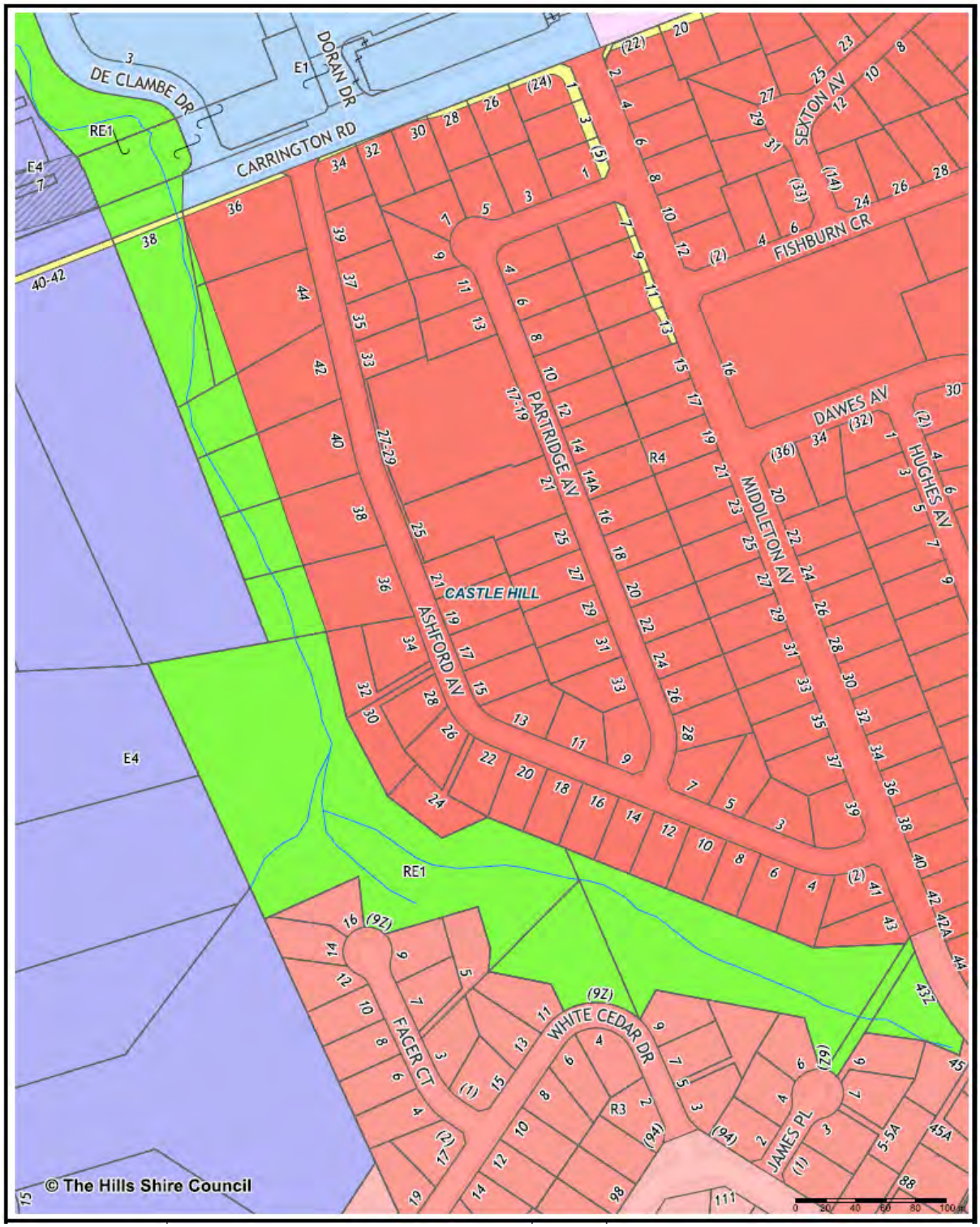
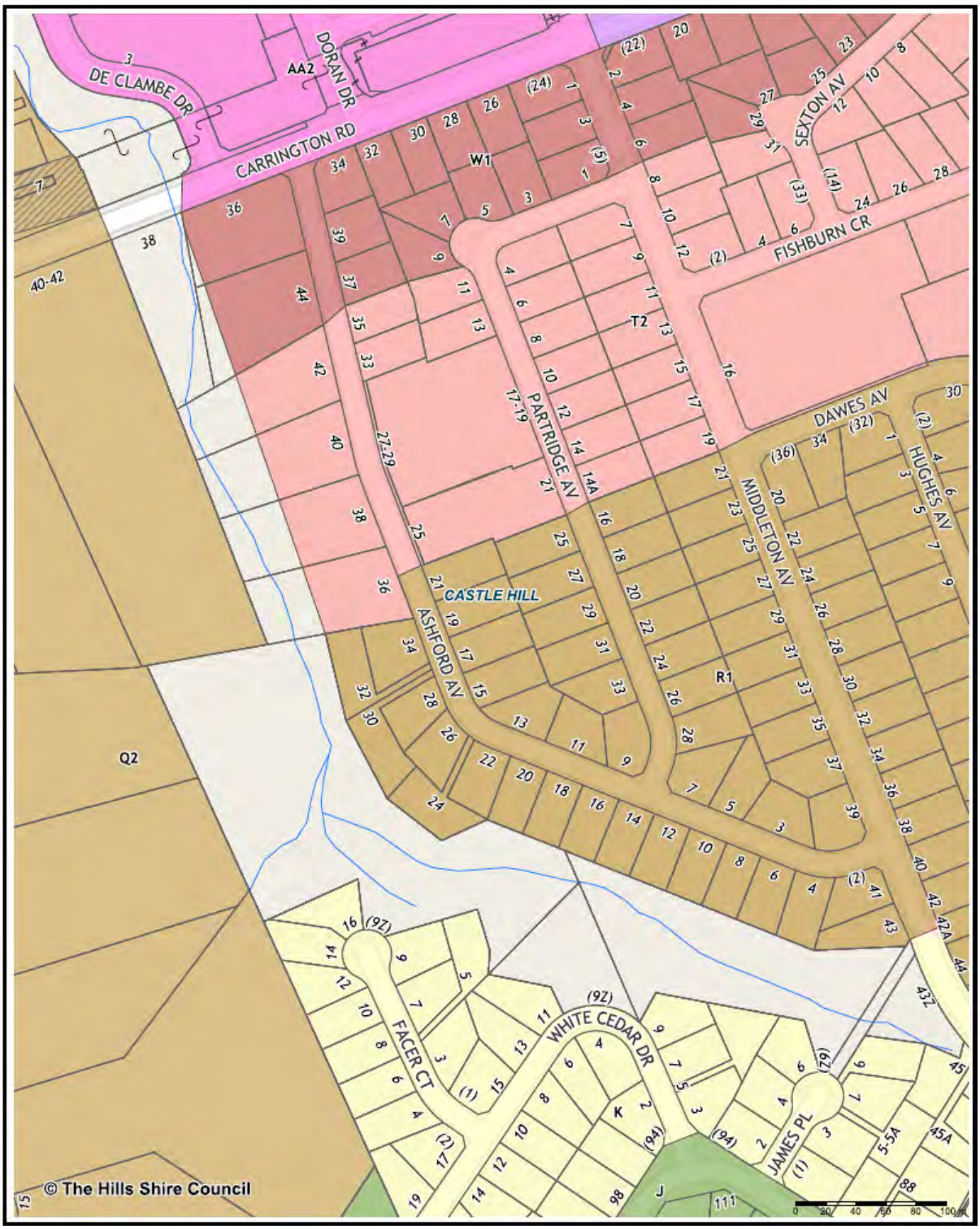
ATTACHMENT D – LEP ZONING MAP

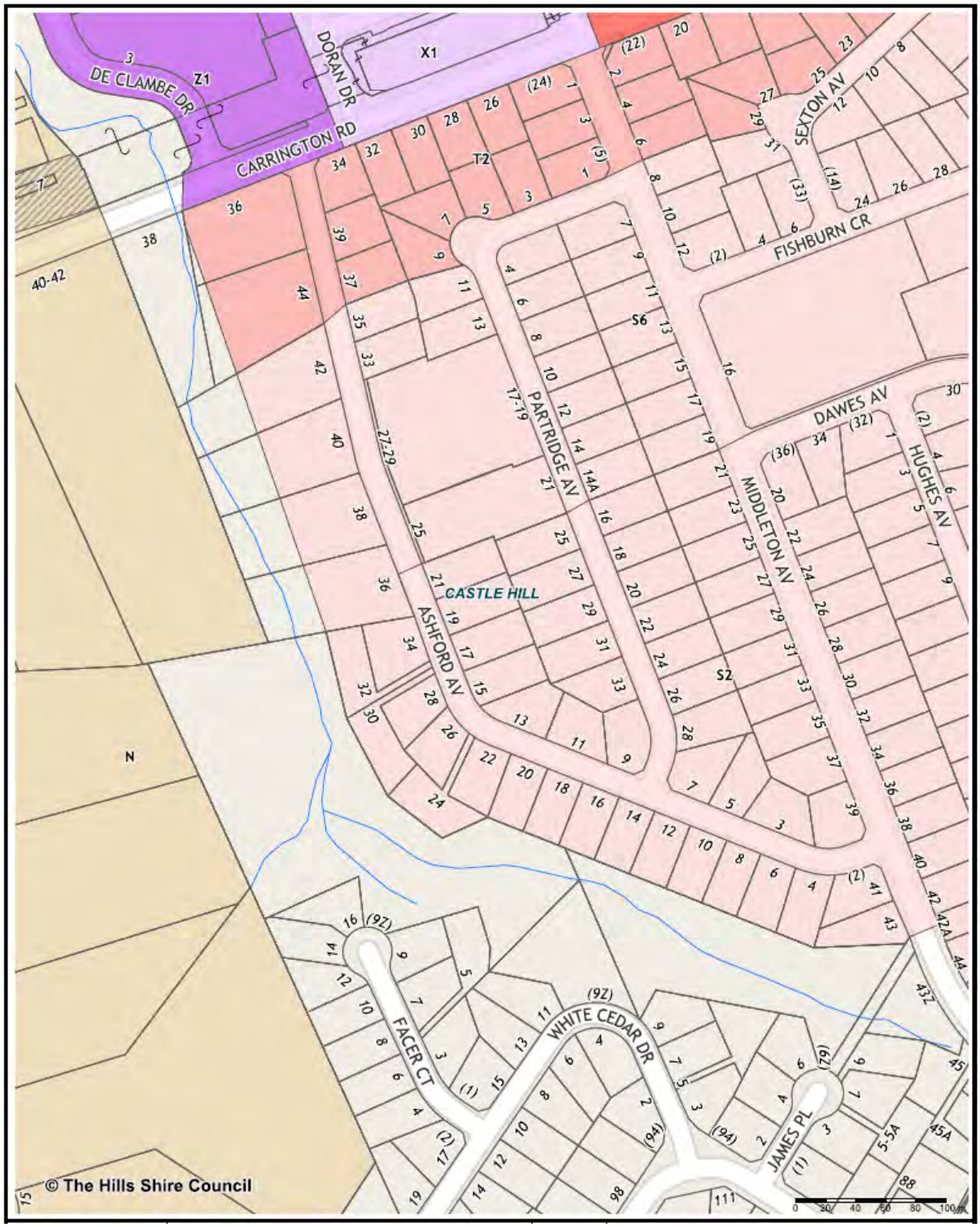


ATTACHMENT E – LEP HEIGHT OF BUILDINGS MAP



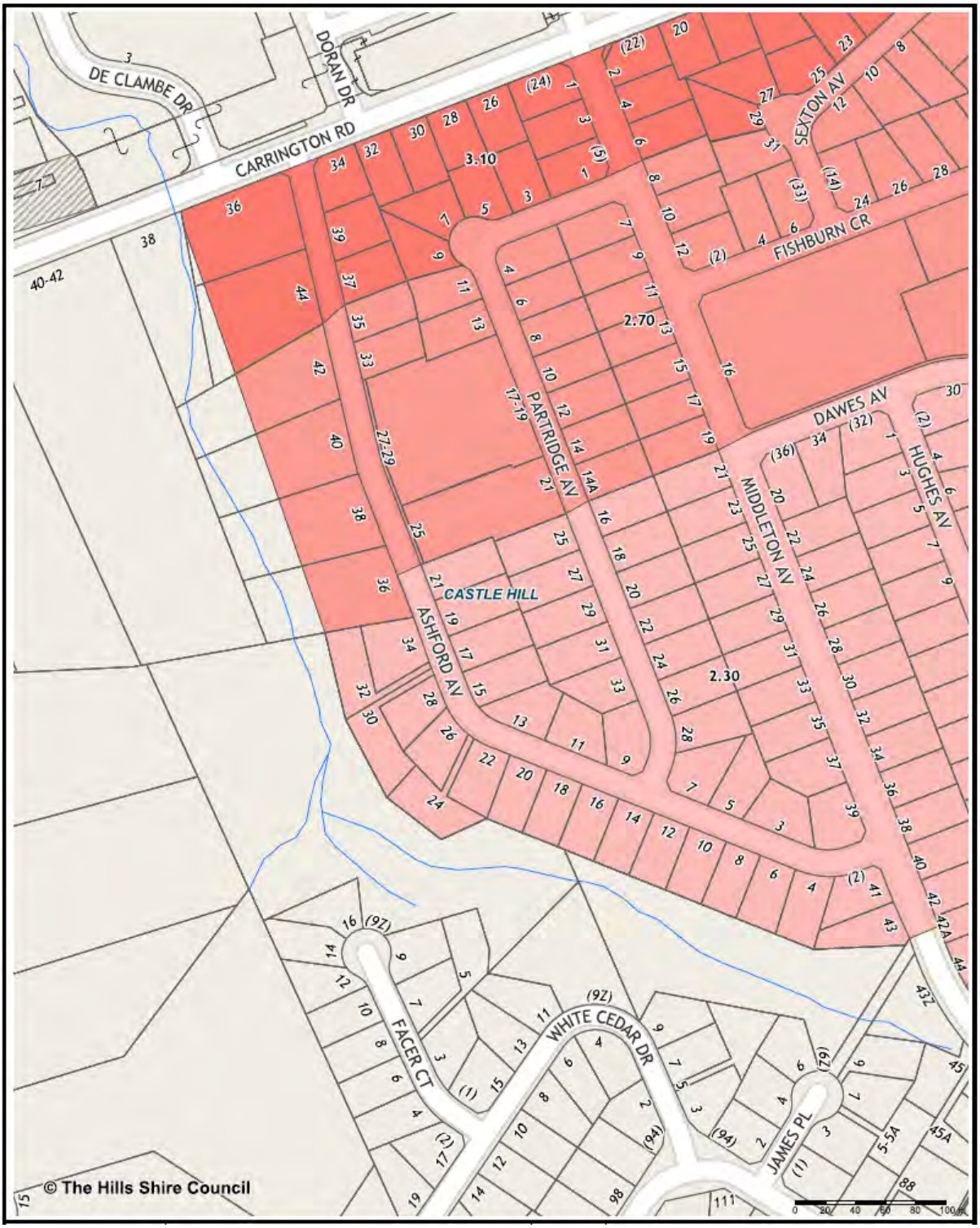
R1 = 21m
T2 = 27m
W1 = 40m

ATTACHMENT F – LEP FSR (BASE) MAP



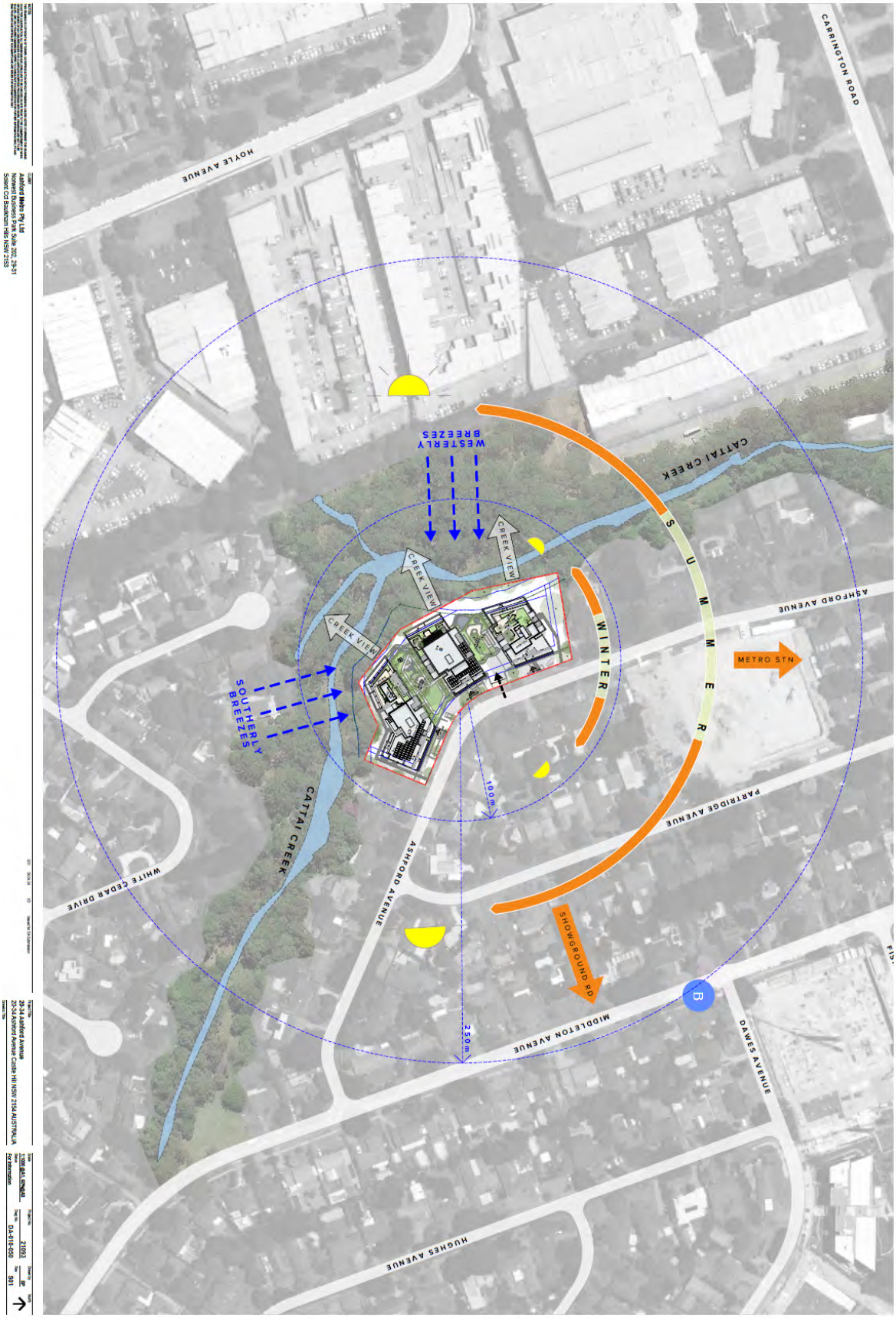
S2 = 1.6:1
S6 = 1.9:1
T2 = 2.1:1

ATTACHMENT G – LEP FSR (INCENTIVE) MAP



T4 = 2.3:1
U2 = 2.7:1
V2 = 3.1:1

ATTACHMENT H – SITE PLAN



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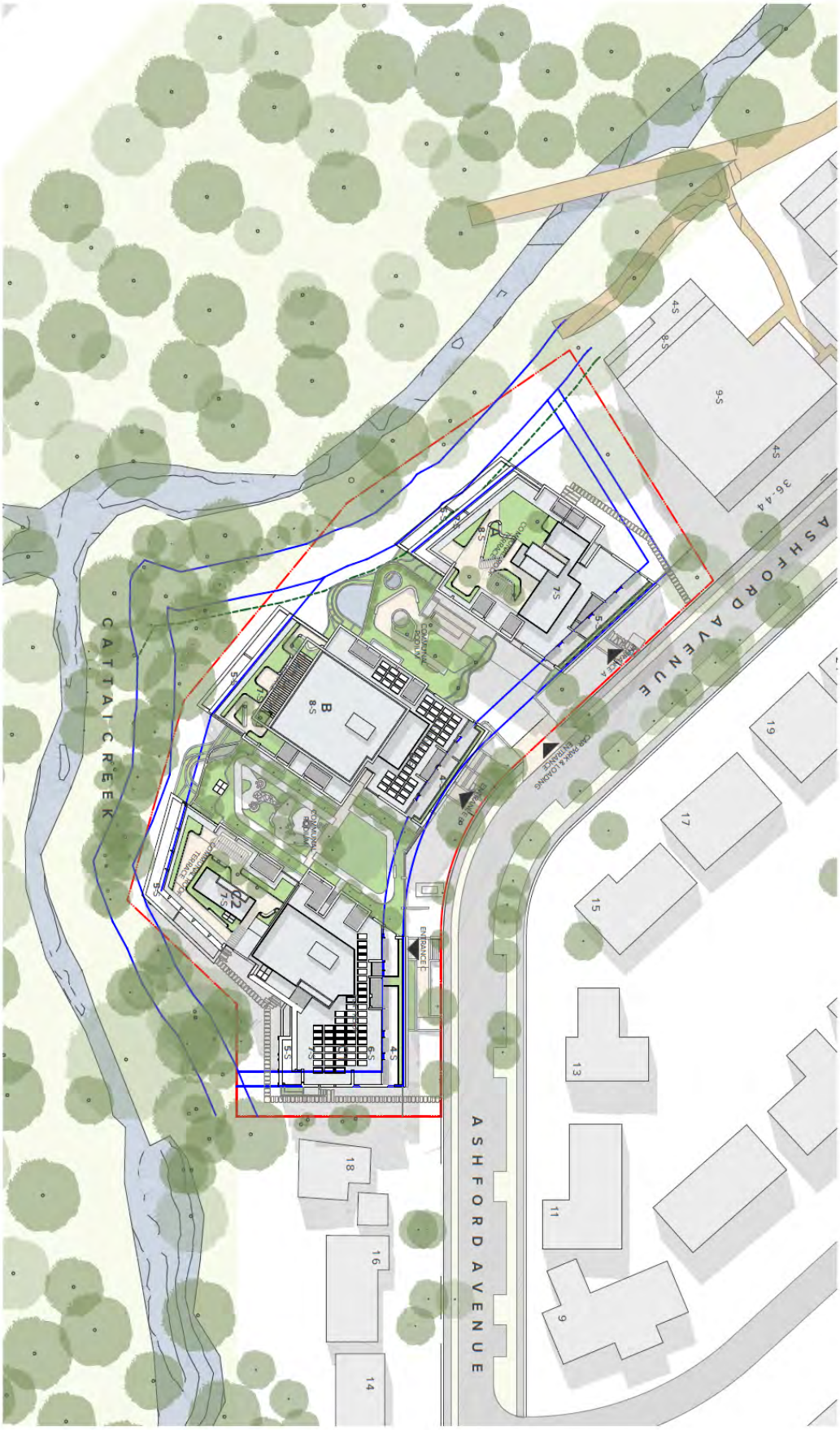
ASHFORD AVENUE
CATTAI CREEK
ASHFORD AVENUE
ENTRANCE E
ENTRANCE B
ENTRANCE A
CAR PARK & LOADING ENTRANCE
COMMUNITY GARDEN
COMMUNITY GARDEN
POND AREA
POND AREA
COMMUNITY GARDEN
B
8-S
S
7-S
7-S
4-S
5-S
6-S
5-S
5-S
5-S
5-S
7-S
4-S
5-S
6-S
4-S
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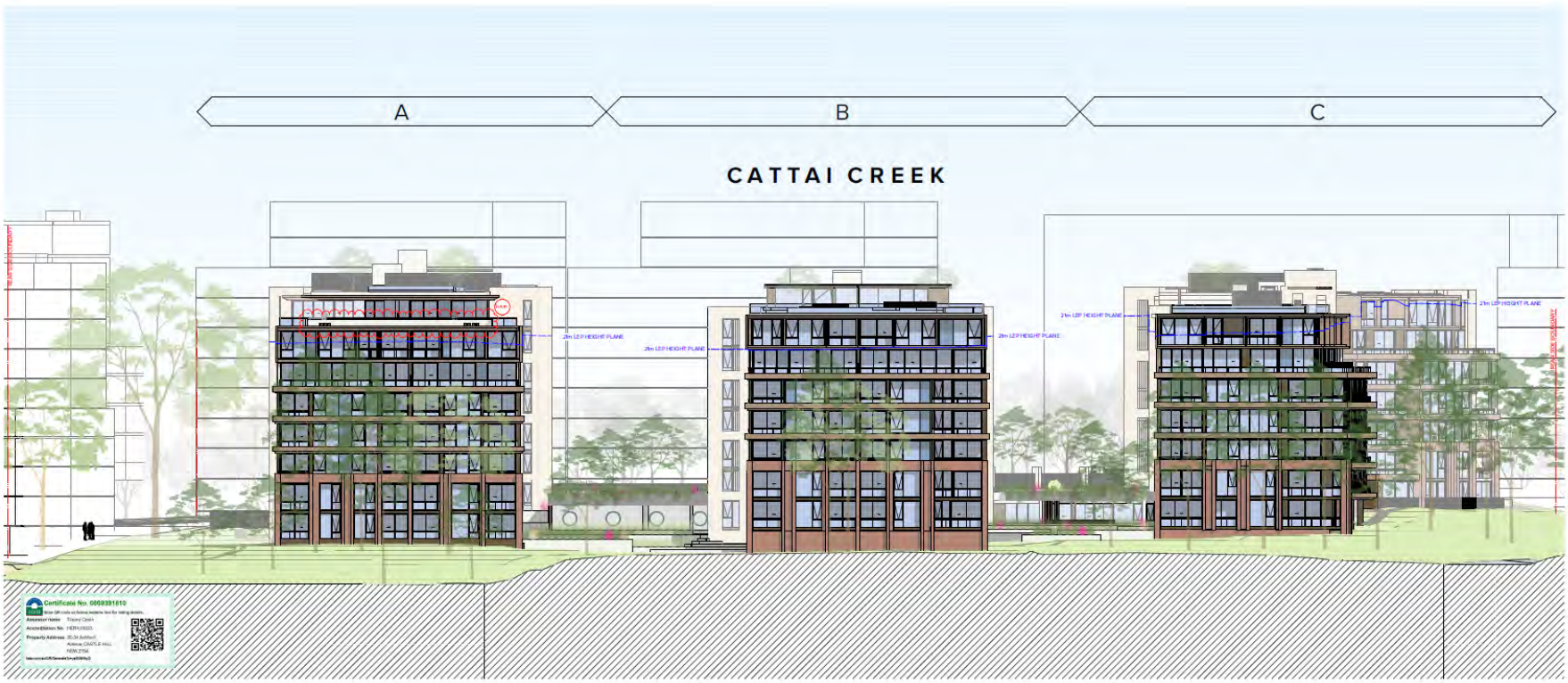
19

ATTACHMENT I – ELEVATIONS AND SECTIONS



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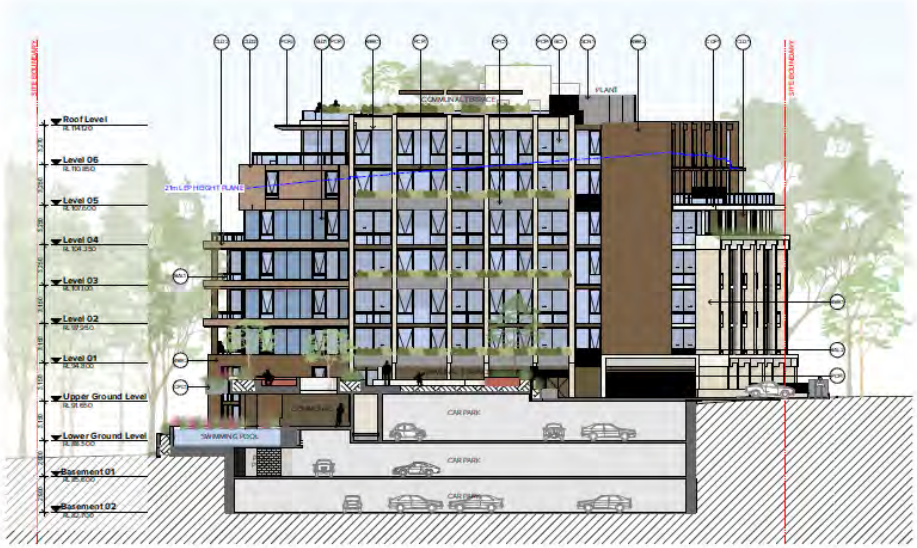
1 Building A - North



2 Building A - East

3 Building A - South

Certificate No. 0000391810

Scan QR code or follow website link for rating details.

Assessor name: Tristan Clark

Accreditation No. HERA1503

Property Address: 20-34 Ashford Avenue,CASTLE HILL NSW,2154

4 Building A - West

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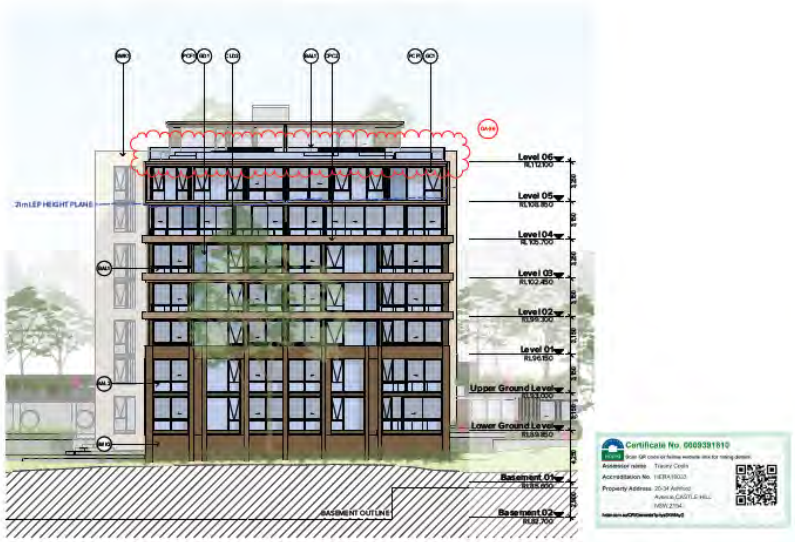
Version: 4, Version Date: 30/05/2025

1 Building B - North

2 Building B - East



3 Building B - South

4 Building B - West

Document Set ID: 21911203
Version: 4, Version Date: 30/05/2025

1 Building C - North

2 Building C - East

3 Building C - South

4 Building C - West

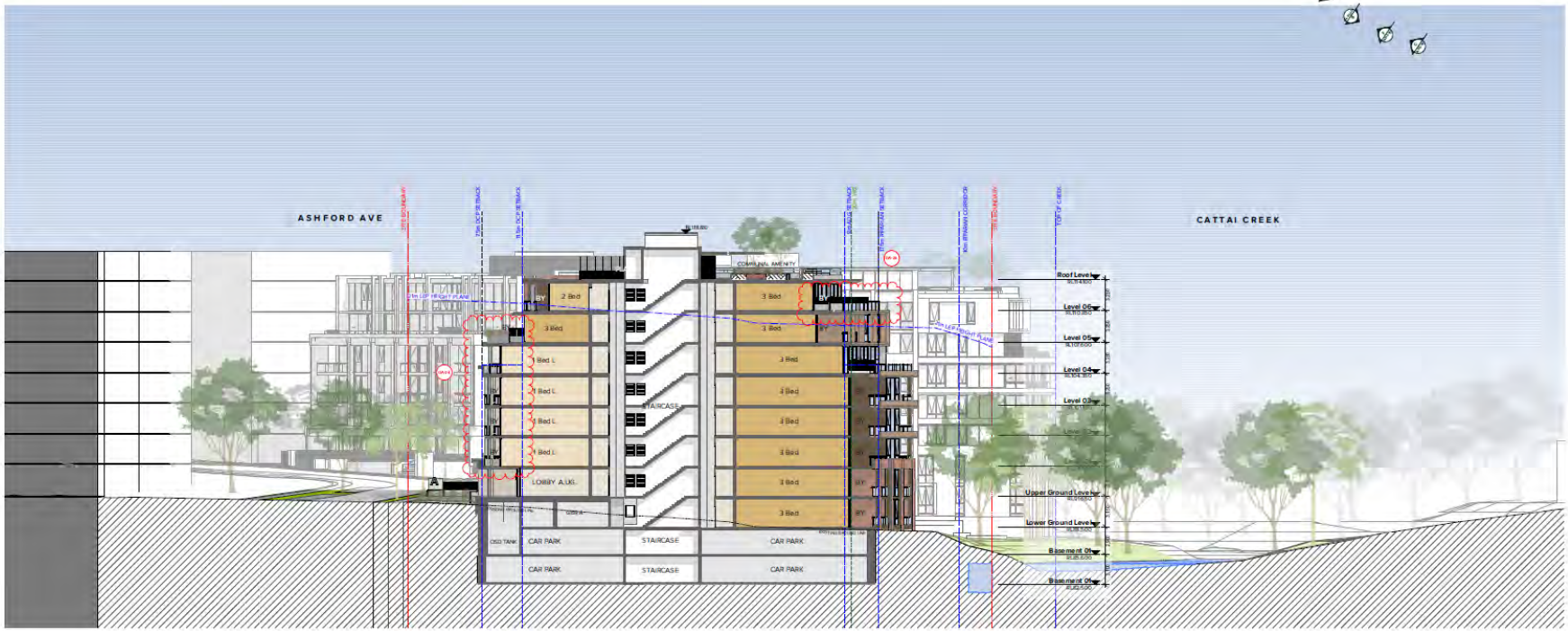
Document Set ID: 21911203
Version: 4, Version Date: 30/05/2025

Certificate No. 0009391010

Assessor Name: Tryung Credit

Accreditation No.: HEBA 10013

Property Address: 20-24 Ashford Avenue CASTLE HILL NSW 2154



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Document Set ID: 21911203
Version: 4, Version Date: 30/05/2025

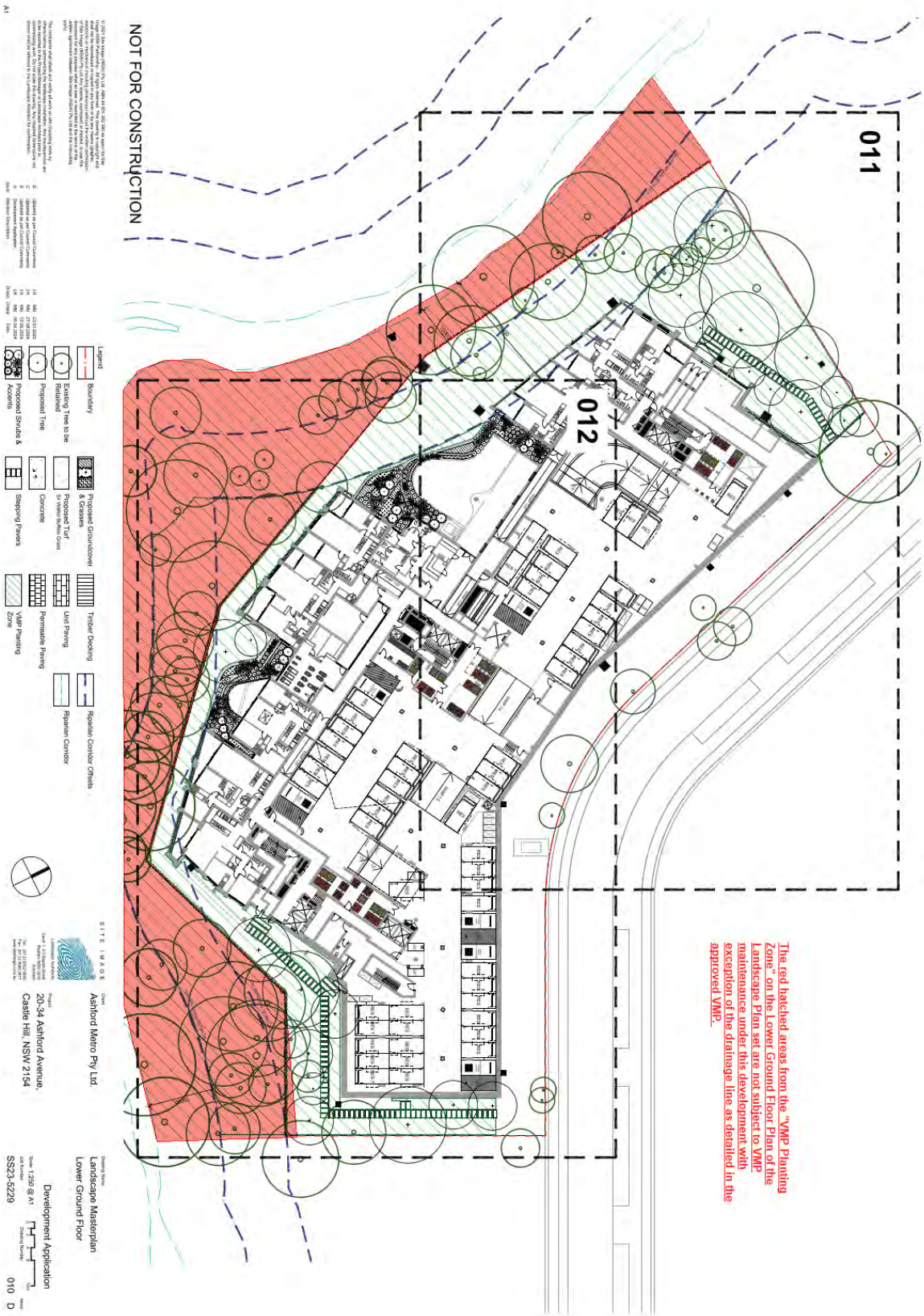
1 Section C-C
1:200

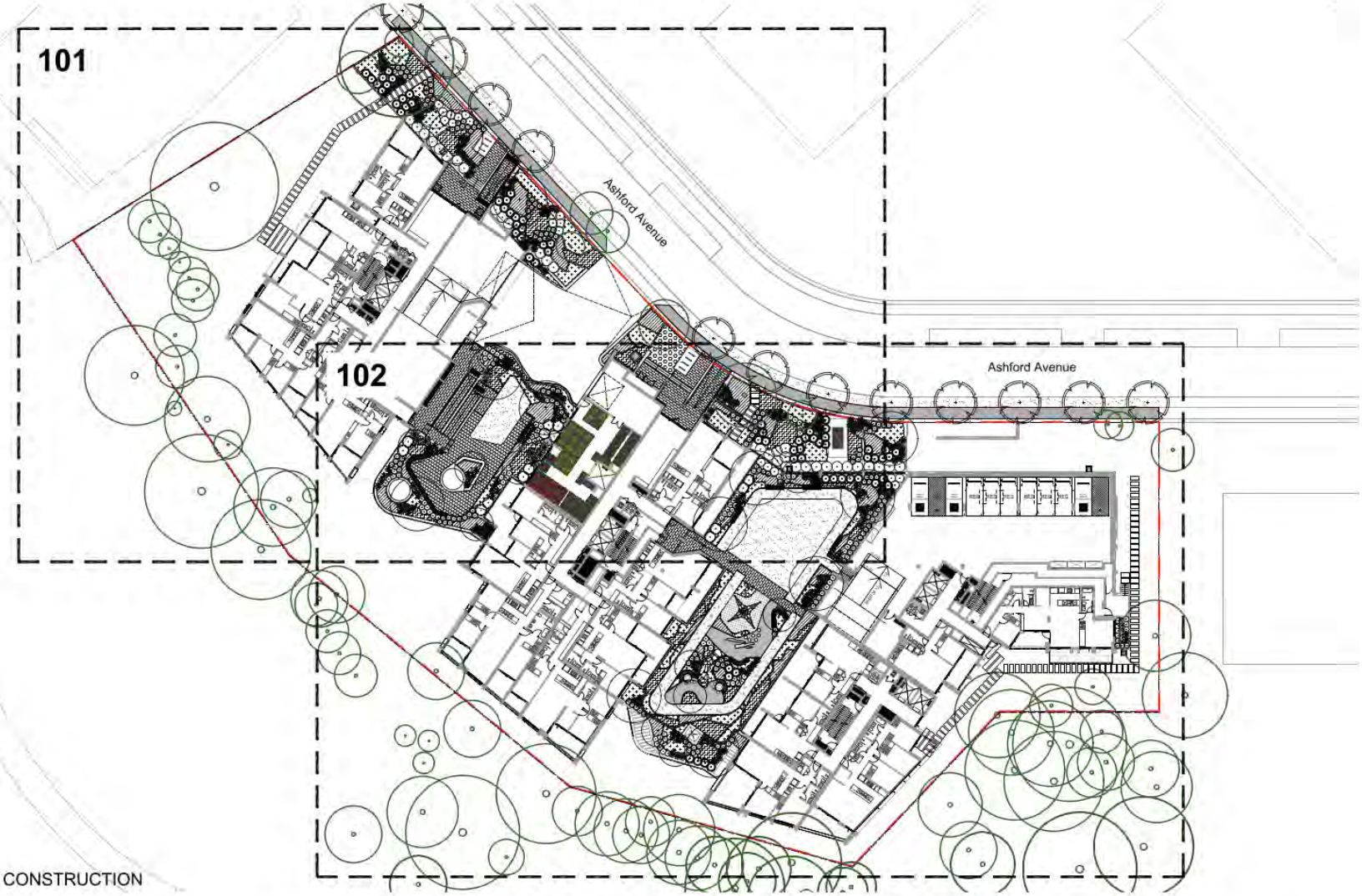
Document Set ID: 21911203
Version: 4, Version Date: 30/05/2025

1 Section D-D
1:200

Document Set ID: 21911203
Version: 4, Version Date: 30/05/2025

ATTACHMENT J – LANDSCAPE PLANS





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Rev	Revision Description	Drawn	Checked	Date
D	Updated as per Council Comments	LM	MM	22.01.2025
C	Updated as per Council Comments	LN	MM	27.08.2024
B	Updated as per Council Comments	LN	MM	05.06.2024
A	Development Application	LN	MM	05.04.2024

A1

Legend

- Boundary
- Existing Tree to be Retained
- Proposed Tree
- Proposed Shrubs & Accents
- Proposed Groundcover & Grasses
- Proposed Turf Sir Walter Buffalo Grass
- Concrete
- Stepping Pavers
- Timber Decking
- Unit Paving
- Permeable Paving
- VMP Planting Zone
- Riparian Corridor Offsets
- Riparian Corridor

SITE IMAGE
landscape architects
Level 1, 2-7 Dugald Street
Rozelle NSW 2039
Australia
Tel: (61 2) 9552 9000
Fax: (61 2) 9555 2877
www.siteimage.com.au

Client
Ashford Metro Pty Ltd.

Project
20-34 Ashford Avenue,
Castle Hill, NSW 2154

Drawing Name
Landscape Masterplan
Upper Ground Floor

Development Application

Scale 1:250 @ A1
Job Number
SS23-5229
Drawing Number 100
Issue D

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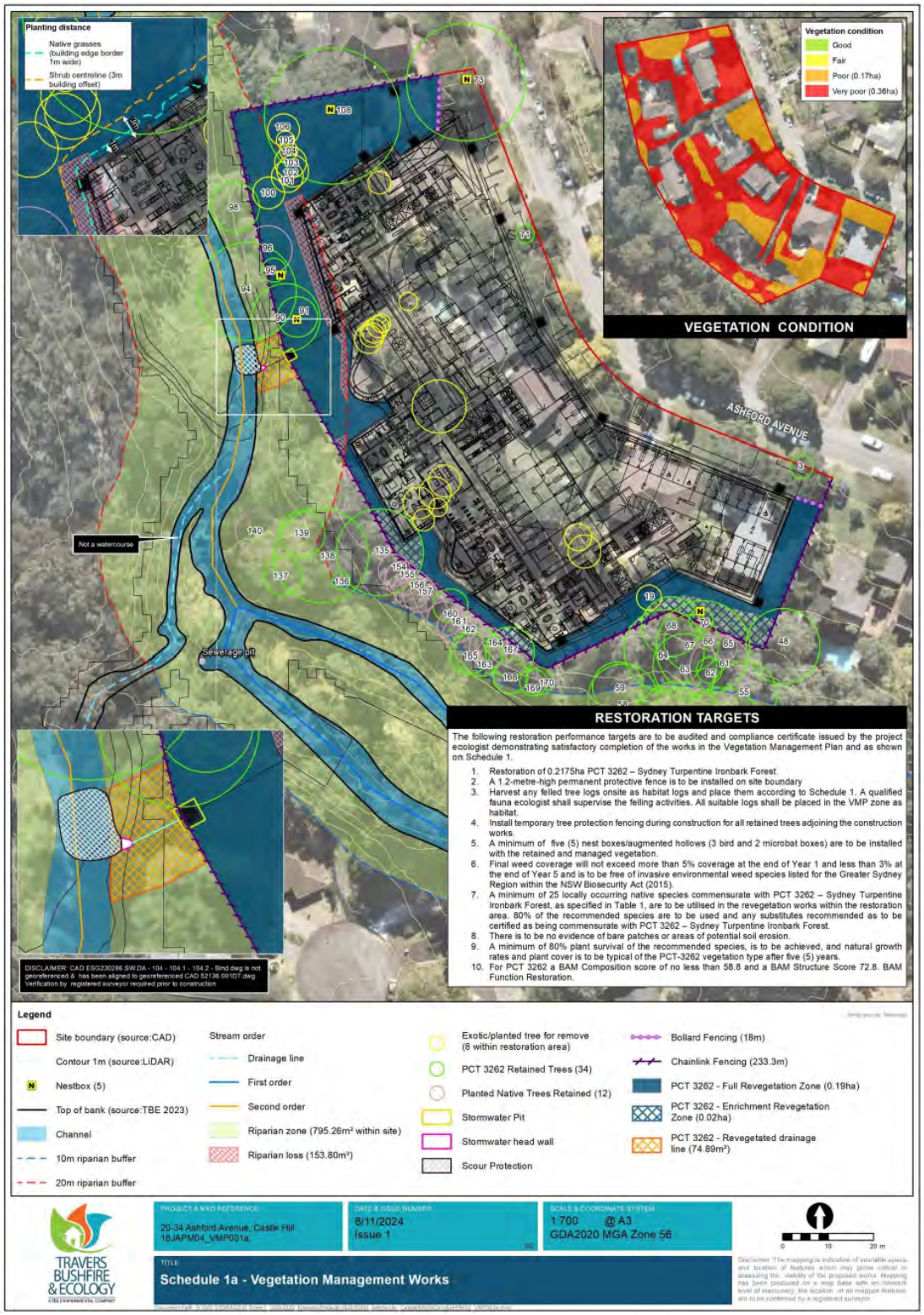
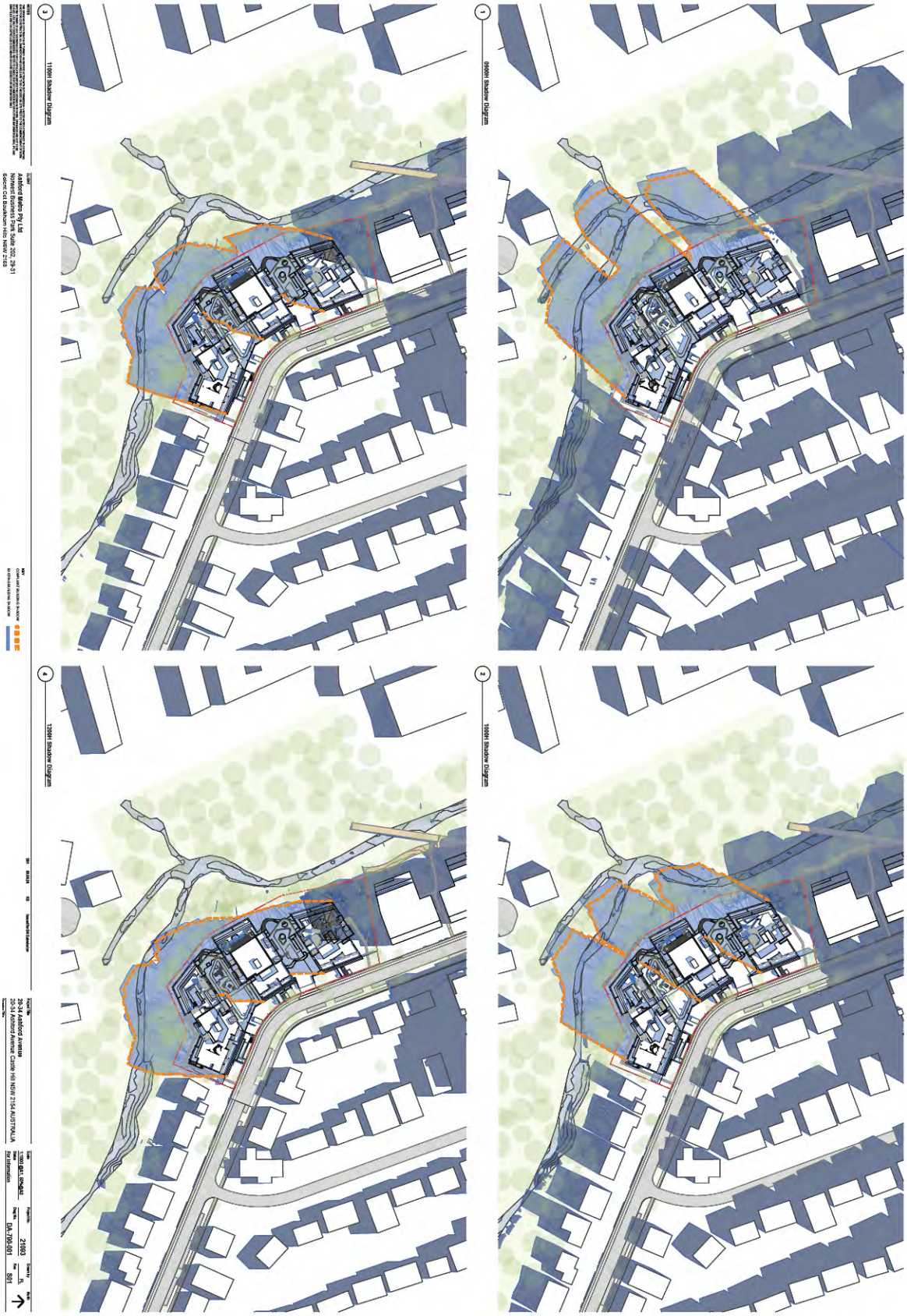
Version: 4, Version Date: 30/05/2025

ATTACHMENT K –VEGETATION MANAGEMENT WORKS PLAN



ATTACHMENT L – SHADOW DIAGRAMS



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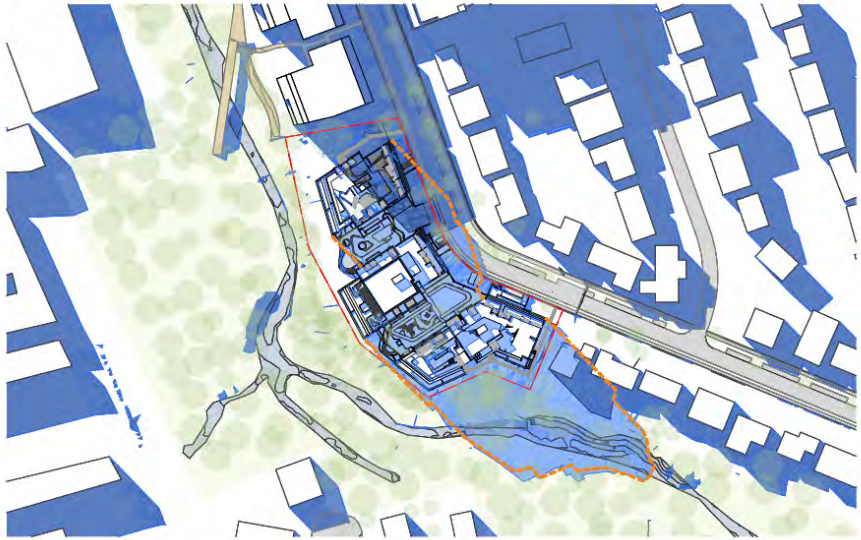
1 1300H Shadow Diagram

2 1400H Shadow Diagram



3 1500H Shadow Diagram

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CLIENT
Ashford Metro Pty Ltd
Norwest Business Park Suite 202, 29-31
Solent Cct Baulkham Hills NSW 2153

KEY
CLEAR UNIT HEIGHT SHADOW
HEIGHT SHADOW HEIGHT SHADOW

SD1	06.04.24	KD	Issued for DA Submission

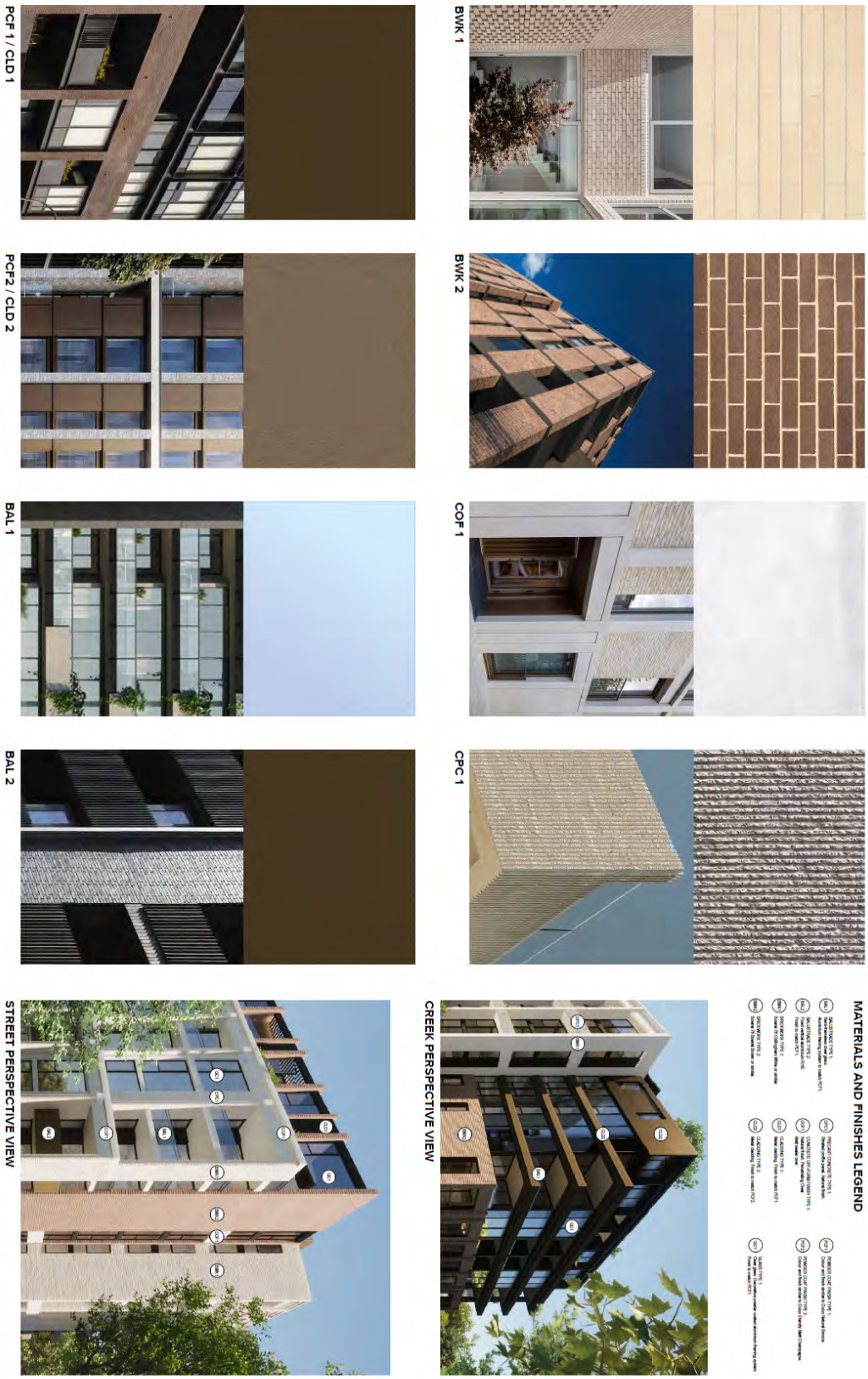
Project Title
20-34 Ashford Avenue
20-34 Ashford Avenue Castle Hill NSW 2154 AUSTRALIA

Drawing Title

Scale: 1:1000 @A1, 50%@A3
Project No: 21093
Drawn by: FL
North
Status: For Information
Dwg No: DA-790-002
Rev: S01

Document Set ID: 21911203
Version: 4, Version Date: 30/05/2025

ATTACHMENT M – COLOURS AND FINISHES



CLAUSE 4.6 VARIATION REQUEST

Height of Buildings
16-34 Ashford Avenue, Castle Hill

Prepared for
ASHFORD METRO PTY LTD
April 2024

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Ashleigh Ryan
Associate Director	Andrew Hobbs
Project Code	P0040453
Report Number	Final for lodgement

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence.
It shall only be used in this context and shall not be made available to third parties without client authorisation.
Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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You must read the important disclaimer appearing within the body of this report.

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1. INTRODUCTION

This Clause 4.6 Variation Request (**the Request**) has been prepared on behalf of Ashford Metro Pty Ltd (**the Applicant**) and accompanies a Development Application (**DA**) seeking consent for demolition and tree removal, bulk excavation and the construction of three residential flat buildings comprising 166 units, with associated landscaping and enabling works at 20-34 Ashford Avenue, Castle Hill.

The Request seeks a variation to the height of building (**HOB**) development standard which applies to the site under clause 4.3 of *The Hills Local Environmental Plan 2019* (**THLEP**). The variation request is made pursuant to clause 4.6 of **THLEP**.

This report should be read in conjunction with the Statement of Environmental Effects (**SEE**) prepared by Urbis Ltd (**Urbis**) and dated April 2024 which the Request supports.

The following sections of the report include:

- **Section 2:** Description of the site and its local and regional context, including key features relevant to the proposed variation.
- **Section 3:** Brief overview of the proposed development as outlined in further detail within the SEE and accompanying drawings.
- **Section 4:** Identification of the development standard, which is proposed to be varied, including the extent of the contravention.
- **Section 5:** Detailed assessment and justification of the proposed variation in accordance with the relevant guidelines and relevant planning principles and judgements issued by the Land and Environment Court.
- **Section 6:** Summary and conclusion.

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2. SITE CONTEXT

The site is located at 20-34 Ashford Avenue, Castle Hill, and consists of eight lots. The site topography falls approximately 5.5m from the frontage along the northeast to the south of the site, and 6.5m from east to northwest. 'Cattai Creek' is located along the rear of the site, being a vegetated watercourse with a first and second 'Strahler Stream Order' streams.

The site is located within the Showground Precinct, which is located within 400m walking distance to the Showground Metro Station, and future Showground Town Centre, to the north. The site is surrounded by R4 High Density Residential zoned land, namely to the north and east. Further to the west beyond Cattai Creek is the Victoria Avenue (Castle Hill) Business Centre, home to a mix of industrial, warehousing and commercial operations, as well as smaller retailers.

The site's broader context is unique due to its proximity to the Showground Station Precinct, forming part of the Northwest Rail Link Corridor Strategy. The Strategy which includes structure plans for eight station precincts along the corridor was finalised in 2013 to guide growth and expansion for the future region. The Showground Station Precinct was rezoned in December 2017 to facilitate delivery of additional dwellings in the locality.

2.1. SITE DESCRIPTION

The key features of the site are summarised in the following table.

Table 1 Site Description

Feature	Description
Street Address	20-34 Ashford Avenue, Castle Hill
Legal Description	20 Ashford Avenue, Castle Hill - Lot 22 DP 594482 22 Ashford Avenue, Castle Hill - Lot 44 DP 259525 24 Ashford Avenue, Castle Hill - Lot 45 DP 259525 26 Ashford Avenue, Castle Hill - Lot 43 DP 259525 28 Ashford Avenue, Castle Hill - Lot 42 DP 259525 30 Ashford Avenue, Castle Hill - Lot 46 DP 259525 32 Ashford Avenue, Castle Hill - Lot 47 DP 259525 34 Ashford Avenue, Castle Hill - Lot 41 DP 259525
Site Area	Approximately 8,745m2
Easements and Restrictions	Nil
Site Topography	The site topography falls approximately 5.5m from the frontage along the northeast to the south of the site and 6.5m from east to northwest.
Existing Development	The site currently accommodates eight, one-to-two storey residential dwellings, with contemporary designs. All dwellings are setback from the street frontage with three battle-axe properties accessed via driveways between subject sites from Ashford Avenue. The frontage of all properties contains a variety of species of trees and plants. No footpaths currently exist along the frontage of the sites.
Adjacent Development North	The northern boundary of the site sits immediately adjacent to the 27m THLEP height control (8-storeys). The approved building on the immediately adjacent site is 9-storeys.
Adjacent Development East	Ashford Avenue runs along the eastern frontage of the site.
Adjacent Development South	Cattia creek and existing low rise dwelling houses.
Adjacent Development West	The context to the west is Cattai Creek corridor, which contains very tall trees of around 25m height. The creek reserve also widens out adjacent the site, so there are no houses immediately opposite to the west. The density and height of the trees, coupled with the lack of public access to the creek in

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Feature	Description
	the immediate vicinity, render this immediate context of low visual prominence other than from the site looking out.
Access Network	The site fronts Ashford Avenue, a local collector road. The site is within close proximity to local and regional bus routes and is within 400m walking distance from the Hills Showground Metro which connects the Northwest to the Central CBD and the surrounding region.

Figure 1 Location Plan

Source: Urbis, 2023

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Figure 2 Aerial Image

Source: Urbis, 2023

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Figure 3 Site Photos

Picture 1 View South Along Ashford Av

Source: Turner Studio / Google Maps

Picture 2 View North Along Ashford Av

Source: Turner Studio / Google Maps

Picture 3 View South East Along Ashford Av

Source: Turner Studio / Google Maps

Picture 4 View North West Along Ashford Av

Source: Turner Studio / Google Maps

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3. PROPOSED DEVELOPMENT

The proposal seeks development consent for the construction of three residential flat buildings, comprising of 166 apartments with basement parking. Specifically, the development involves the following:

- The construction of three residential flat buildings, including two basement levels (car parking), lower ground and ground floor podium levels (car parking, waste, and apartments) and residential levels above as follows:
  - **Building A** – a six to eight storey building up to a maximum height of 118.90 (RL) comprising of residential accommodation and a roof top communal space
  - **Building B** – a six storey building up to a maximum height of 116.75 (RL) comprising of residential accommodation, services including waste areas.
  - **Building C1** and **Building C2** – a six to eight storey building up to a maximum height of 116.95 (RL) comprising of residential accommodation and a rooftop communal space.
- A total of 166 residential apartments located across Building A, B and C and lower and upper ground levels containing communal areas and open space, with an overall gross floor area (**GFA**) of 18,799.25m² (and a maximum FSR of 2.15:1).
- Demolition of the eight existing residential dwellings on the site including the removal of 78 existing mature trees.
- Excavation of two basement levels with consolidated vehicle access from Ashford Avenue for parking, loading and servicing, storage and associated plant, services and utilities.
- Loading and services facilities located within the car parking levels.
- Site wide landscaping, including ground, podium and rooftop council spaces, and a swimming pool.
- Public domain works, namely along the Ashford Avenue Street frontage.
- Lot consolidation.

Key numeric aspects of the proposal are summarised below. The proposal is described in further detail within the following sections of this report.

Table 2 Numeric Overview of Proposal

Descriptor	Proposed
Land Use Activity	Residential Flat Building
Height of Building	Building A – maximum building height of 29.55m Building B – maximum building height of 26.92m Building C – maximum building height of 26.3m
Gross Floor Area	Building A – 5,500.13 m² Building B – 6,071.81 m² Building C1 – 4,288.47 m² Building C2 – 2,736.21 m² Communal – 287.05 m² Total – 18,883.67 m²
Floor Space Ratio	2.16:1

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Descriptor	Proposed
Number of Apartments	▪ 41 x One bedroom (25%) ▪ 85 x Two bedroom (51%) ▪ 40 x Three bedroom (24%) Total – 166 dwellings
Car Parking Spaces	▪ 24 x Residential Accessible Spaces ▪ 40 x Residential Tandem Spaces ▪ 33 x Visitor Spaces ▪ 1 x Visitor Accessible Space ▪ 6 x motorcycle spaces ▪ 1 x Car Wash Bay Space Total – 280 spaces
Communal Open Space	▪ Communal Roof – 974 m² (11.14 %) ▪ Communal Ground / podium – 3,237 m² (37.03%) Total – 42,12.55 m²
Site Coverage	4,274.26 m² (48.87%)
Deep Soil	30.89% (2,701.17 m²)

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4. PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

4.1. WHAT IS THE PLANNING INSTRUMENT YOU ARE SEEKING TO VARY?

The Hills Local Environmental Plan 2019 (THLEP).

4.2. WHAT IS THE SITE'S ZONING?

R4 High Density Residential.

4.3. WHAT IS THE DEVELOPMENT STANDARD TO BE VARIED?

Clause 4.3 of the THLEP relating to the maximum height of buildings to be constructed on the land, which reads as follows:

> *4.3 Height of buildings*
>
> *(1) The objectives of this clause are as follows—*
>
> > *(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
> >
> > *(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.*
>
> *(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

Under the THLEP the maximum height of a building is to be measured as follows:

> *building height (or height of building) means—*
>
> > *(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
> >
> > *(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*
>
> *including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

4.4. TYPE OF DEVELOPMENT STANDARD?

Development standards are provisions of an environmental planning instrument or the *Environmental Planning and Assessment Regulation 2021* which relate to the carrying out of development, and specify requirements or fix standards in respect of any aspect of the development. Generally, development standards either set numerical values or contain non-numerical requirements or criteria relating to the design and carrying out of development in certain circumstances.

Numerical development standards use numbers to specify requirements (often minimum or maximum requirements) for measuring components of a site and/or development. Examples are minimum lot size requirements or building height limits.

The proposed development standard sought to be varied is numerical.

4.5. WHAT IS THE NUMERIC VALUE OF THE DEVELOPMENT STANDARD IN THE ENVIRONMENTAL PLANNING INSTRUMENT?

The height of building (**HOB**) development standard applying to the entire site is 21m.

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4.6. WHAT IS THE DIFFERENCE BETWEEN THE EXISTING AND PROPOSED NUMERIC VALUES? WHAT IS THE PERCENTAGE VARIATION (BETWEEN THE PROPOSAL AND THE ENVIRONMENTAL PLANNING INSTRUMENT)?

The proposal exceeds the maximum HOB development standard by varying degrees across all three buildings proposed. The maximum exceedance is 1.5 storeys relative to the height plane.

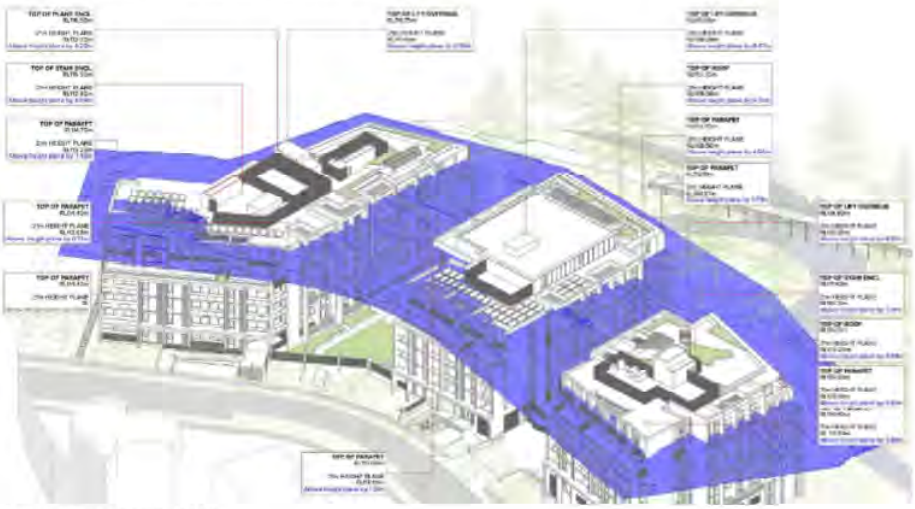
There is a portion of Building A that is 8 storeys, which is 7 metres taller than the LEP height plane, or approximately 2-storeys. The largest variation to the development standard is at the western elevation (creek side) of Building A. The maximum exceedances for each proposed building are summarised below, with all exceedances visual demonstrated in **Figure 4** below:

- **Building A**: Top of lift overrun 8.55m above height plane.
- **Building B**: Top of lift overrun 5.92m above height plane.
- **Building C**: Top of lift overrun 5.3m above height plane.

4.7. VISUAL REPRESENTATION OF THE PROPOSED VARIATION

The following figures below illustrate the maximum HOB development standard by extrapolating a 21m height plane above the existing ground level across the sloping site. This is referred to as the 'height plane' throughout this report. **Figures 4** and **5** demonstrate how the 21m HOB standard applies across the site, and illustrates the varied exceedance of the standard by the proposed development.

Figure 4 Height Plane Diagram – Viewed from Northeast



Source: Turner Studio, 2024

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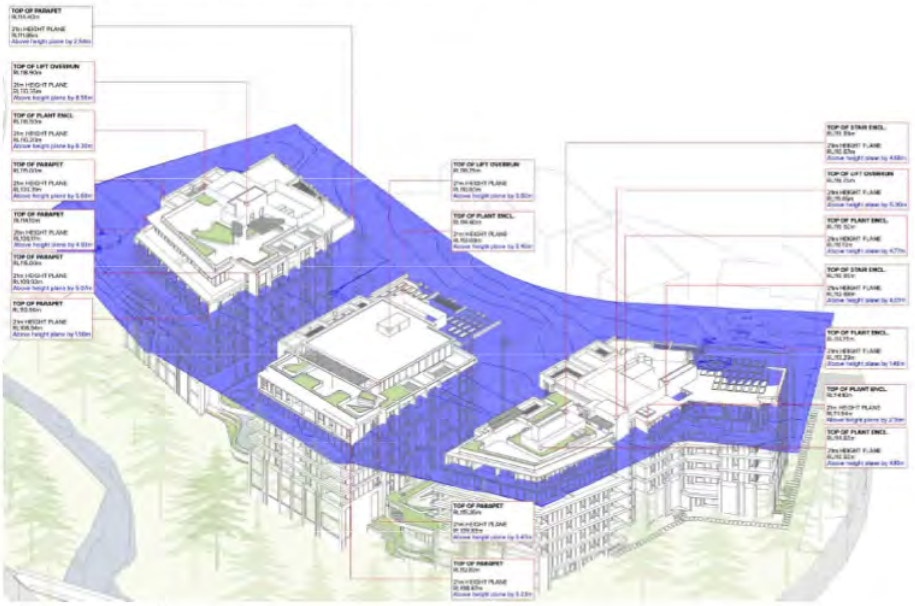
Figure 5 Height Plane Diagram – Viewed from Southwest



Source: Turner Studio

Figure 6 Eastern and Western Elevations (Non-compliance to HOB standard shown in red)

Source: Turner Studio, 2024

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5. JUSTIFICATION FOR THE PROPOSED VARIATION

5.1. HOW IS COMPLIANCE WITH THE DEVELOPMENT STANDARD UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE PARTICULAR CASE?

Key Question	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	The objectives of clause 4.3 of the THLEP are addressed as follows: *(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,* The THLEP height control for the site is 21m, or 6-storeys. The land adjoining the northern boundary of the site is subject to a HOB development standard under THLEP of 27m, permitting approximately 8-storeys on the adjoining land. However, the Central Sydney Planning Panel recently granted development consent for the construction of a 9-storey residential flat building on this land (689/2020/JP). The proposal is compatible, albeit lower, than the approved development immediately north. The street facade of Building A sits above the height plane by up to one storey (total 7-storeys) to act as a transition to the 9-storey building approved on the adjacent site. The topography along the street also assists in the perceived relative heights of the buildings. Building C is at the highest point of the site with a fall along the street frontage of 5m down to Building A. As such, while Building A is taller in total metres relative to the existing ground level, the RLs of the parapet are exactly the same as Building C, meaning that its effects on the surroundings balanced through a consistent appearance of scale. The proposal remains largely compliant with the applicable HOB control when viewed from Ashford Avenue. That is, the proposal is not out of character with both the envisaged surrounding land, and recently approved developments. Buildings B and C present to Ashford Avenue as 6-storey buildings, which is consistent with the prevailing height control for the site and the surrounding properties to the south of the site. The 6-storey built form provides a consistent streetscape that will be compatible with future development to the south of the site as it largely complies with the HOB development standard and DCP height in storey control (if there is such a control) with minor exception for parapets. The proposal is compatible with the adjoining height of adjacent vegetation to the west and south. The context of the site to the west is Cattai Creek, which contains very tall trees of around 25m in height. The creek reserve also widens adjacent to the site, resulting in significant separation between the site and existing built form immediately opposite the site to the west. The Cattai Creek corridor does not provide for public access and will remain an area of densely vegetated land. *(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.* As much of the exceedance is to the centre of the buildings and the creek facade, the effects on the open spaces and living spaces of the neighbours has been considered and minimised in terms of visual amenity and shadowing. The proposal's impact from a shadow perspective is considered suitable for the site, consistent with the nearby recently approved developments, and will not unreasonably impact neighbouring residential properties and areas of open space. Detailed consideration has been made to ensure that adequate visual privacy is provided to the residents of the development and surrounding blocks. This

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Key Question	Response
	has informed the building design, which is deliberately oriented to the west, to optimise both outlook from the proposed dwellings but also to minimise opportunities for overlooking into adjacent residential sites. Privacy is maintained between private and communal spaces by way of screens, level differences, and landscaping. Care has been taken to ensure that the private spaces and windows between apartments are set such that there are no direct sight lines. The proposal introduces three medium height residential flat buildings, within a mid-ground composition when viewed from the street. The proposed development does not unreasonably block views or access to areas of high scenic quality. The proposal does not block significant district views or views towards heritage items. The upper elements of the proposal may be visible from distant locations predominantly to the north and will be visible in the context of the Showground Precinct which is characterised by towers of greater form and scale. The minor height non-compliance will have no significant effect on public domain views, and we do not anticipate any significant adverse view loss in relation to neighbouring private domain views. As such, the proposal has been designed to be wholly consistent with the Apartment Design Guide (ADG) in regards to setback distances, minimises overshadowing through centrally locating the bulk of the proposed height exceedances, and does not result in visual impact through the loss of key site lines from and to areas of visual importance. The proposal satisfies both objectives of clause 4.3 of THLEP.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	*Not relied upon*
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	The objectives of the land use zone applying to the site, being the R4 High Density Residential zone, aim to provide housing needs for the community through high-density residential development, within close proximity to well serviced public transport. The maximum floor space ratio (FSR) permissible on the site has not been reached, and rather the scheme sits well within the maximum FSR development standard. The proposal responds to the step in THLEP height of building standard that applies at the northern boundary of the site, the 9-storey neighbouring approval, the densely vegetated creek outlook, the street environment, topography, and resident amenity provisions to generate a built form that provides a positive urban outcome. The proposal, if required to be delivered within a compliant building height, would not deliver on the objectives of the applicable land use zone, as it would significantly reduce the ability to deliver residential floor space in a location within short proximity of well serviced public transport. Further, the scheme would not realise a built form consistent with the surrounding context, whereby approvals have demonstrated an intent to balance the intensification of the use of land commensurate with the existing FSR controls, with good urban design outcomes which respect design principles such as the ADG and the Showground DCP controls.
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	*Not relied upon*
e) Is the zoning of the land unreasonable or inappropriate so that	*Not relied upon*

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Key Question	Response
the development standard is also unreasonable or unnecessary?	

5.2. ARE THERE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD?

There are sufficient planning grounds to justify contravening the development standard as follows:

- The impact of overshadowing resulting from the non-compliant aspect of the proposal is considered appropriate, noting there is negligible additional direct impact on adjoining neighbouring residential properties, or publicly accessible land used for recreational purposes at mid-winter. The additional overshadowing is wholly contained to the Cattai Creek riparian corridor, most prominent in the morning periods, and non-existent after 12:00pm in mid-winter. Once the sun passes midday, the additional shadow impact cast on neighbouring residential land is negligible.
- The proposal has been designed to be wholly consistent with the building separation distances required by the ADG. Required separation distances between the three buildings and setbacks to adjacent properties have been achieved. As such, the visual privacy to and from dwellings located above the THLEP height plane is commensurate with the design criteria and objectives of the ADG and are appropriate.
- The development has sought to reduce impacts of a wider floor plate by increasing the building height which on balance has a lesser environmental impact. The design has done this by accommodating a series of additional setbacks to achieve a better urban outcome than could otherwise be achieved by the planning controls:
  - To the north there are two high-value existing trees within the site that are proposed to be retained. This has evolved as the design has progressed, noting early studies sought to remove these trees. As the boundary setback to the north has increased to enable these trees to be retained, a greater strain has been put on achieving a workable FSR on the site.
  - The proposed design also achieves large view corridors through the site between the buildings to provide visual amenity to adjacent residents on Ashford Avenue.
  - There are also setback requirements to the riparian zone of the creek that have been accommodated to the western site boundary.
- While the height exceedance could be reduced by having no communal roof access and lowering the lift overruns by a storey or more, the balance of residential amenity relative to the small exceedance on plan on balance is a sufficient environmental planning ground to justify the contravention of the development standard.
- The impact of removing rooftop communal open space, would negatively affect the incoming residents of the development through reducing their options for recreational space on the site. This approach remains consistent with other recent approvals in the area (such as the development consent immediately next door to the north being 689/202/JP) and will ensure that pressure for recreational space is not unreasonably directed offsite.
- The non-compliant aspect of the proposal does not result in an intensity of use beyond that envisaged for the site, noting the proposed FSR is well below the relevant FSR development standard. This ensures that impacts such as traffic and parking, utility provision, social infrastructure needs are commensurate with that expected for a compliant development on this site and will be suitably managed.
- The economic impacts of reducing dwelling yield on site to make the proposal wholly compliant with the HOB development standard, noting the proposal is well within the permissible FSR development standard, would go against the objectives of all levels of government to deliver housing across NSW.

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6. CONCLUSION

For the reasons set out in this written request, strict compliance with the height of building development standard contained within clause 4.3 of THLEP is unreasonable and unnecessary in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation.

It is reasonable and appropriate to vary the height of building development standard to the extent proposed for the reasons detailed within this submission and as summarised below:

- The proposal, inclusive of the non-compliant elements of the proposal, remains within the envisaged intensity of the use of the land in accordance with THLEP, namely the proposal is compliant with the relevant THLEP FSR development standard.
- The objectives of the development standard achieved notwithstanding the non-compliance to the height of building development standard as the development is consistent with the emerging character of the area, as recently demonstrated in the approval of a 9-storey building immediately to the north of the site, and 6-storey height control to the south of the site, and the impact of overshadowing, visual impact, and loss of privacy has been minimised.
- The environmental impacts resulting from the non-compliant aspect of the proposal have been considered as appropriate, on balance, in the consideration of the proposal within the surrounding context.
- The development has been sensitively designed to reduce tree and vegetation removal, provide view corridors for neighbouring properties, and provide sufficient separation from Cattai Creek and as such, there is sufficient environmental planning grounds to justify the exceedance of the height of building development standard compared to a compliant built form which would cause greater environmental impacts.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unnecessary and unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the height of building development standard should be applied.

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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THE HILLS
Sydney's Garden Shire

DESIGN ADVISORY PANEL

DESIGN ADVISORY PANEL MEETING REPORT

10th JULY 2024

Item 3.1	9:30am-10:10am
DA Number	1418/2024/JP
DA officer	Madison Morris
Applicant	Urbis
Planner	Zoe Gleeson, Andrew Hobbs
Property Address	20-34 Ashford Avenue, Castle Hill
Proposal	20-34 Ashford Avenue, Castle Hill Street view, Building A
Design review	First review of Development Application Reviewed pre-DA on 23 October 2023 and 27 July 2022
Background	The Panel members are familiar with the site.
Applicant representative address to the Design Advisory Panel	Architect: Kevin Driver, Turner Landscape Architect: Nick Metcalf, Site Image Planner: Andrew Hobbs, Urbis
Key Issues	Summary of key issues discussed: • Changes to the scheme since the previous Panel consideration (pre-lodgement); • Interface with the riparian corridor; • Materiality; • Landscaping and tree retention.

Panel Location	Online meeting hosted by The Hills
Panel Members	**Chairperson** – Paul Berkemeier **Panel Member** – Stephen Pearse **Panel Member** – Jared Phillips

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Declaration of Interest	None
Councillors	None present
Council Staff	Madison Morris, Megan Munari
Other attendees	- Andrew Hobbs (Urbis) - Zoe Gleeson (Urbis) - Stephen White (Urbis) - Matthew Twohill (Cabe) - Karl May (Turner Studio) - Kevin Driver (Turner Studio) - Nick Metcalf (Site Image) - Claira Kratochvil (Site Image)

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

The application is subject to the Hills Local Environmental Plan Clause 9.5 Design Excellence. The objective of the design excellence clause is to deliver the highest standard of architectural and urban design.

Note: The Design Advisory Panel does not determine or endorse applications. The Design Advisory Panel provides independent design advice to Applicants and Council officers.

INTRODUCTION
The Panel thanks the Applicant for the presentation of the Development Application and commends the Applicant for the amendments made to the scheme in response to the previous advice from design Panels and Council staff. The package of material provided was comprehensive and gave a good understanding of the changes. The Panel believes this is a good scheme for such an important site and that the changes have allowed the landscape to dominate, consistent with the desired character of the precinct.

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

- *Statement of Environmental Effects,* prepared by Urbis dated April 2024
- *Architectural Design Report,* prepared by Turner, dated 10 April 2024
- *Full set of plans,* prepared by Turner, dated 9 April 2024
- *Landscape Design Report,* prepared by Site Image, dated 13 June 2024
- *Landscaping Plans,* prepared by Site Image, dated 5 April 2024
- *Arborist Report,* prepared by Birds Tree Consultancy, dated 20 November 2023
- *Vegetation Management Plan,* prepared by Travers Bushfire & Ecology, dated 9 April 2024

PANEL COMMENT
The Panel commenced at 9:30am with brief introductions and a presentation by the Applicant followed by Panel questions and comment.

1. Response to Context

- The Applicant presented a well-considered overview of how the proposal had been designed to integrate into the broader regional context and the strong garden/landscape identity of the Hills Shire. The changes to the proposed development such as the removal of the boardwalk and

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retention of significant trees, which in turn inform changes to the building footprints, result in an improved response to context, particularly with respect to landscape outcomes.

2. Site Planning and Built Form Strategy

- The Panel notes that the previous comments regarding the through-site link and boardwalk have been taken on board and result in an improved outcome for the site. The current scheme demonstrates an improved site planning outcome.

Bulk, Scale and Massing

- The Panel notes the changes in the bulk, scale and massing of the scheme, particularly as it relates to the riparians corridor and commends the architects for reducing the perceived bulk and scale with increased setbacks to the upper floors and horizontal elements.

Site Coverage/ Landscaped Open Space

- Site coverage, landscaped open space, communal open space, and deep soil zone provisions are to satisfy Council's Landscape and DA Officers.

3. Compliance

Height

- The Panel notes the proposed exceedance of the building height from the planning controls. The Panel also notes the amenity and common open space on each of the rooftops and the complementary design measures taken support the height exceedance, in particular the increased setbacks of the upper floors. The Panel advises that support for the variation to the maximum building height is subject to the planning assessment, including a written Clause 4.6 submission and assessment against the relevant court principles, however from a design perspective the increased building height is satisfactory.

Setbacks

- The Panel is satisfied that the setbacks provided achieve relevant design considerations.

Landscape Design

- The Panel commends the landscape architects for the improvements to the scheme, in particular the retention of advanced trees.
- The Panel sought further details regarding the wall fronting Ashford Avenue, noting it was a concrete in-situ wall. The Panel raised possible concerns with the exposed concrete finish, noting that over time concrete can weather and accumulate dirt and grime. The Applicant may wish to consider alternative finishes/materials, however this is not a significant concern.
- There was also some concern about the interaction between private balconies and the common open space areas. The Panel advises that appropriate low-height and well integrated architectural screening should be provided. Proposed planting is also required to ensure appropriate privacy screening is achieved between these areas.

4. Architecture and Aesthetics

Materials

- The Panel sought clarification regarding the materials used on the front façade of the buildings. Noting the brick and concrete finishes, the Panel is satisfied with this material palette.

- The current materials palette and built form changes along the Cattai Creek side of the buildings are a significant improvement compared to the earlier scheme reviewed by the Panel. The darker

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colours and materials present a recessive façade to the upper levels that is appropriate facing the creek. The proposed two storey brick base elements are also a good initiative and offer potential for further design development and consideration of texture and detail.

- The Panel advises that there is a good range of materials and architectural expression that provide an appropriate relationship with the site's context.

Internal Layout

- The Panel raises some concerns with the corridors on the lower ground level, noting the difficulties with car parking and units being provided on the same level. While there are practical reasons for this corridor relating to access between the three buildings and connecting all the cores to the pool and rooftop communal spaces, perhaps some wider respite areas along the corridor could provide variation along the route. It could read as a series of spaces rather than a relentless corridor. Other alternatives include allowing more light or ventilation into the corridor, or opening the corridor up adjacent to the pool area.

- Internally, some corridors on the lower levels are complicated or difficult, but access to each unit is necessary and in some spaces more complex corridors are inevitable. The Panel encourages the architects to ensure that the final corridor layout is as simple as possible, however notes that the outcomes presented are better on the upper levels.

- The Panel commends the inclusion of two lifts in each core.

- The Panel encourages some further design work to be undertaken with the kitchens, particularly in the smaller apartments, however notes this is very detailed work that is generally undertaken at a later stage of the development.

Service Access

- The service access, which was discussed in the previous design Panel meeting report, has been resolved satisfactorily. The details of the roller shutters and surfaces of the pavement will be important. Future building management must ensure that the area is kept clean, and that bins are not left out or visible from the street. The vista from the street to the creek corridor remaining open is a good outcome and supported by the Panel.

PANEL CONCLUSION

The Panel commends the design team and the owner/developer for the work undertaken to date in response to the previous comments. The Panel is of the view that the scheme is an appropriate solution for this site and that amendments to the scheme respond to the issues that have been raised in previous Panel advice. The Panel considers that the proposal meets the requirements of Clause 9.5 – Design Excellence of the LEP and the proposal need not return to the Panel, subject to the DA officer satisfaction that the scheme remains consistent with that presented to the Panel throughout the assessment process.

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THE HILLS
Sydney's Garden Shire

DESIGN REVIEW PANEL

DESIGN ADVISORY MEETING REPORT – 25th October 2023

Item 4.1	09.30am – 10.30am
DA Number	84/2023/PRE
DA officer	Cynthia Dugan
Applicant	Cabe Developments
Planner	Andrew Hobbs - Urbis
Property Address	20-34 Ashford Avenue, Castle Hill
Proposal	 Residential flat development comprising three residential blocks and 117 dwelling units over basement car parking.
Design review	First review for pre-DA for this application number 84/2023/PRE. Application 154/2022/PRE with a larger lot amalgamation was previously presented to the Panel on 27/07/22 (15 months ago).
Background	The Panel members visited the site prior to the Panel meeting.
Applicant representative address to the design review panel	Turner Architects Kevin Driver Registration number: 7347
Key Issues	Summary of key issues discussed: • Height • Adherence to DCP controls • Relationship to Riparian corridor, landscape design and retention of existing trees. • Bulk mass and scale of development and relationship to defined future character

Panel Location	Online meeting hosted by The Hills Shire Council
Panel Members	**Chairperson** – Paul Berkemeier **Panel Member** - Stephen Pearse **Panel Member** - Adam Hunter
Declaration of Interest	None
Councillors	None present
Council Staff	Paul Osborne, Cynthia Dugan, Sophie Kim, Marika Hahn, Megan Munari

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Other attendees	Andrew James - Cabe Matthew Twohill - Cabe Stephen White – Urbis Karl May – Turner Architects Kevin Driver – Turner Architects Nathan Malak - JAPM Claira Kratovchvil – Site Image Andrew Hobbs - Urbis

GENERAL

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

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

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct and abuts the riparian interface.

Location plan (THSC)

DOCUMENTATION

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

154/2022/PRE

Design Review Panel presentation, provided 26 July 2022, by Turner Architects

Design Advisory Meeting Report Dated 27th July 2022, by THSC

84/2023/PRE

Design Review Panel Presentation, dated 25/10/23, by Turner and Site Image

PANEL COMMENT

84/2023/PRE 20-34 Ashford Avenue, Castle Hill

The Panel commenced at 9.30am with the Applicant providing a presentation followed by questions and comments from the Panel.

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The Panel has reviewed the presentation for application 154-2022-PRE that was presented 15 months earlier and the accompanying DRP meeting report that was issued after the meeting, in addition to documentation provided for the presentation for the current application 84/2023/PRE. The DA officer has indicated that the comments made in the Panel meeting report for DA 154/2022/PRE are to be taken into consideration in the pre-lodgement notes issued to the Applicant and where relevant to the presentation of 25/10/23 the comments have been repeated and are shown in Italics. All 'new' comments pertinent to the subject application are shown in blue.

1. Precinct planning, appreciation and response to context

- *The applicant presented a well-considered overview of how the proposal had been designed to integrate into the broader regional context and the strong garden/landscape identity of the Hills Shire.*
- New comment - The Panel noted this is an important site that has the potential to provide one of the best developments in the precinct, subject to more consideration of the natural setting and an understanding of the defined future character of proposed development to the riparian corridor. Resolution of this relationship would be aided by a greater understanding of, and response to, the natural setting.
- New comment - The Applicant should provide dimensioned location drawings that illustrate the immediate surrounding building and landscape context, including all the adjacent approved and proposed schemes on each side of Ashford Avenue, in 3D, elevation, plan and section.
- New comment - The context assessment should include all existing trees with referenced retention value from arborists report together with those to be retained /removed located with reference to the proposed development.

2. Site planning and built form strategy

- New comment - The Panel recommends further consideration of the proposed public cross site links and boardwalks that are not required in statutory documents and potentially detract from the garden aesthetic, residential safety, privacy and natural amenity the site provides.
- New comment - The Panel recommends that site planning should be undertaken with a thorough site analysis. This would make clear what the opportunity costs are; i.e., the benefit and cost of a boardwalk, (and ongoing maintenance) vs loss of visual and acoustic privacy, security, visual amenity, landscape setback, biodiversity and retention of a bushland setting.
- New comment- The Panel recommends that site planning options illustrate how existing trees and retention values have been considered in the development of the preferred approach. Clearly locate and identify all trees on site with reference to built form and any proposed ground works. The aim being a thorough examination of the ability to retain significant trees on and off site.

<u>Bulk, Scale and Massing</u>

- *….. the Panel supports the design approach to the street in providing a fine grain of street frontage elevations that promote generous vistas through the site into the riparian zone. These street frontage widths are specified in the DCP and will be in keeping in established character with a number of development applications opposite the subject site on Ashford Avenue.*
- *The Panel noted differentiation between the upper and lower level building forms was not clearly evident in the design, and that this is important as it mitigates the bulk and scale of the building blocks. The urban design aim is to establish a more 'human' scale and intimate relation to the street and to the adjoining corridor landscape - essentially a mix of maisonette (living below/bedrooms above) and single level units fronting the public domain with towers above, rather than towers 'straight out of ground'. The preliminary birds eye views into the creek corridor suggest that this expression could be much further enhanced in developing the design by a different expression of the exposed plinth/base.*

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- New comment – The Panel reiterates this comment and recommends the Applicant follow the setback and articulation controls specified in the DCP for the Showground precinct.

- *The Panel recommends particular attention be given to the address to the riparian corridor as the bulk and scale is confronting / overwhelming. The lower ground and basement extent should be recessed from the built edge to ensure that the main building forms are sitting proud of the podium line.*

Proposed riparian interface, image provided by applicant

Proposed riparian interface, image provided by applicant

- New comment – The Panel reiterates this comment.

- New Comment- The proposed scale facing and visible from the riparian corridor is at odds with the DCP and masterplan which seeks an intimate scaled response to this area. Specific height controls, setbacks and reference to 2 storey base are clearly described but do not appear to be incorporated within the proposed response. The vertical elements embodied within the design concept, when viewed from the side, exacerbate the scale issue. The Panel recommends a design approach which reflects the objectives of the controls be adopted.

- *Shadowing impacts of the development on the riparian corridor to the reviewed as part of the DA.*

- *The large internal communal space on the lower ground level exacerbates the bulk and scale impact of the podium on the riparian corridor and should be reconsidered in size and location.*

- New comment – The Panel noted that the pool appears as a built element rather than the landscape flowing through the site. The riparian interface is presented as a "wall" of buildings as illustrated in the elevation below. It would be preferable for the pool, together with any associated built elements between all buildings, to be more integrated into the landscape setting to breakdown the sense of continuous wall or built edge to the riparian corridor.

- New Comment- The design appears to have areas of blank wall facing the riparian zone below apartment balconies and onto plant rooms in this area. It is important that these built elements be designed to deliver the intimate scale and texture to face this natural setting and meet the DCP height floor level guidance. It would be an unacceptable outcome to have mechanical plant areas resolved with large scale louvres and topography variations to floor levels filled with large painted surfaces without careful consideration of the need to meet the DCP guidance.

Elevation presented to riparian corridor; image provided by applicant

- *The Panel also recommends that further detailed design consideration of the relationship of the buildings to the proposed pedestrian walkway to the riparian corridor is undertaken, and*

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encourages the applicant to have a conversation with Council's open space team regarding their requirements for this interface with the riparian corridor. The connecting park pathway within the corridor should be setback from the building edge to give adequate separation and opportunity for planting. A detailed study of the park edge with expected planting and pathway, grading, and embankment should be provided as part of the Development Application.

- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.

- *The Panel notes that flood studies and accurate freeboard levels have yet to be established, the Panel recommends the data and findings from these studies be incorporated into the design development prior to the next panel meeting.*

- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.

- *The Panel noted that whilst distance separation between buildings is ADG compliant, it is not generous and not appropriate to the Hills LGA and market. Increasing building separation could improve the ability to provide improved landscaping and amenity and respond better to the suburban landscaped setting, although would likely result in reduced development yield. Also refer to comments above re. floor layout orientation, as this could mitigate privacy impacts.*

Site Coverage/ Landscaped Open Space

- The site coverage was stated by the applicant to be 48.6%
- The deep soil provision was stated by the applicant to be 19.9%
- *Final site coverage and Landscaped open space, Communal Open Space, and Deep Soil Zone (DSZ) provisions to be provided to the Council's Landscape and DA Officers. The minimum requirements in the ADG (e.g. 6m width and no paving or structures being present) should be adhered to with regards to calculating the DSZ. Likewise the minimum requirements in the ADG with regards to calculating the COS will result in not all landscaped areas being able to be counted as COS.*

3. Compliance

Height

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

- *The Panel notes its role is advisory, and that any proposed height exceedance needs to be justified to the satisfaction of Council,*

- New comment: - Panel noted the development exceeds the height in a number of areas by up to 2 ½ floors. The character setting for this part of the precinct is defined as being 6 storeys in height. Noting the adjacency to the riparian corridor, the Panel recommends that this interface be more sensitive in application, retaining the intrinsic place making qualities of the natural setting in lieu of the highly urban interface proposed.

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Section B-B provided by applicant

Density

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

Setbacks

- *All ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies)*
- *The Panel recommends upper-level setbacks as specified in the DCP are rigorously followed as this reinforces the street character that has already been established in a number of approved developments on Ashford Avenue.*
- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.
- *Full height walls without upper setbacks should be avoided for reasons of visual bulk and scale. (Refer to Slide 44 – Massing View Cattai Creek).*
- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.
- New comment – The Panel recommends that new site cross sections be prepared that accurately represent the landform, creekline channel, and existing trees of the riparian corridor to the north and south sides of Cattai Creek

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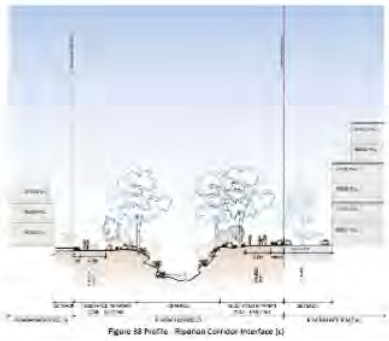	19. A tiered open landscape treatment to the riparian corridor from the built form primary frontage is permissible if direct at grade access cannot be achieved 21. A minimum 7.5m built form setback shall be provided to the riparian corridor. Note: the riparian corridor is 10m from the 'top of bank' on each side of the creek within Interface Area (c). 23. A maximum height of six storeys shall be provided, with the first two storeys clearly articulated to be the main feature in the façade. 24. Levels above the 4th storey shall be setback 3m behind the building line addressing the riparian corridor and open space.
Riparian corridor interface (c) THSC DCP	Relevant THSC DCP controls: Landscaped urban edge

Apartment Mix and Building Design

- The Panel supports the proposed twin lift cores to access all levels. This will ensure that when a lift is out of operation residents have access to an alternative lift.
- *Each residential development block must be able to be accessed directly from the immediately adjacent street frontage by a mobility impaired person such as a person in a wheel chair or on crutches.*
- New comment – The Panel notes that this advice has been undertaken and commends the applicant on the revised floor plans.
- *The Panel recommends that greater consideration be given to the response to context in the design and fenestration of the facades. What makes the building of its place and responsive to local and regional contexts?*
- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.
- New comment - The Panel advised that more differentiation in the colour palette and material application between the podium and upper levels would mitigate the perceived bulk and scale of the development. In particular, the Panel recommends the use of darker recessive colours addressing the riparian corridor at the podium level. The roof top appears to be a pragmatic outcome of walls and services. The Panel recommends a more cohesive design approach to integrate COS and other roof top elements be adopted.

4. Landscape Design

Public Domain

- *All established trees should be retained where practicable. All existing trees should be surveyed with accurate heights to council officer requirements prior to proceeding with landscape documentation and detailed design.*
- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.
- *The Panel recommends a landscape architect be involved with ongoing design development and be present at the next Panel meeting.*
- New comment – The landscape architect presented at the meeting of 25/10/23.

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- *There should be a stronger presence of mature trees and concomitant deep soil provision in all setback zones to ensure that the development is sited within a landscape setting of canopied trees. It is important that the public domain setbacks are largely deep soil with substantive landscape plantings.*
- *Landscape architectural and engineering drawing sets are to be coordinated. Services located within the soil zone of trees, are not supported.*
- *The Panel recommends consideration of two basement car parks to service two building blocks each. This would allow for true deep soil provision in the central common open space and allow for canopy tree planting.*
- New comment – The Panel advises that, although this is generally feasible as a site strategy as demonstrated in similar heavily treed areas, it may not be as achievable in this location due to site constraints not yet identified. The Panel recommends consideration of additional deep soil zones being provided by removing some car spaces. This would permit planting of tall canopy deciduous trees that will provide the desired residential amenity.
- *The Panel is concerned with the hardscape driveway entry provision. This is a poor design outcome that may have been utilised on a highly constrained site elsewhere in the precinct however, the Panel encourages the applicant to consider solutions that do not have such an adverse impact upon residential amenity.*
- New comment – The Panel noted the single driveway configuration is an improvement on the previous application and encourages the Applicant to apply some design quality to the detailing of this space to better reflect the residential character of the locality. The DCP requires the integration of the driveway into building frontage to achieve a high quality residential street frontage presentation to the street.
- *It is recommended that the ground level landscape areas focus on creating quality thoroughfares and connecting spaces with a tree canopy and native vegetation planting which connects to the vegetation of the riparian corridor.*
- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.
- New comment – The Panel is unclear if there is any attempt to retain existing trees and recommends that the design of the development be revised to accommodate trees recommended for retention in the arborist report and advises that the process for determining which trees are to be retained be fully documented.
- New comment – The Panel noted the setback to the riparian corridor is very minimal given the context and that it is incumbent on the designers to use this space in the best possible way. Questions concerning habitat preservation, flooding impacts and visual amenity should be addressed and clearly articulated at the next meeting.
- New comment – The Panel recommends that the landscape drawing set be fully documented and incorporates council staff advice at the next DRP meeting.

Cross site links

- *The Panel queried the location of the proposed pedestrian cross site link adjacent and under an established tree noting that it is not required in the DCP. The riparian corridor banks are steep the recreation path planned in Council's endorsed masterplan is clearly located on the other side of the corridor in this location.*
- New comment – The Panel recommends that the advice previously provided on July 25th, 2022, be undertaken prior to the next DRP meeting.
- *The Panel notes the northern most setback would be better as a landscaped setback for residential use.*
- *The Panel notes there are safety concerns with the proposed pedestrian link along the riparian edge for both users and residents.*
- New comment – The Panel reiterated this concern noted on July 25th, 2022, be resolved prior to the next DRP meeting.

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- New comment – The Panel noted that the width of the proposed boardwalk to the creek corridor appears excessive at 4m – as has been noted elsewhere review of required width and consideration of potential alignment of public access to south side of the creek as per the Cattai Creek masterplan is recommended.

Private Domain

- *For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.*
- New comment – The Panel advises that consideration of the provision of structured shade on the roof to a portion of the communal open space would benefit future residents.
- New comment – The Panel noted that the configuration of the proposed service area impacts the communal adjoining open space - reducing the amount of available solar access during the winter months.
- New comment – The Panel queries how visible the riparian corridor will be from Ashford Ave across the communal spaces to the creek corridor – visualisations of these intended view corridors would assist.
- New comment – It is noted that the swimming pool does not appear to receive any solar access – is this a desirable outcome?
- New comment – There appear to be a number of walls within the landscape setback to Ashford Avenue – impact of walling in the setback on ability to sustain medium sized trees should be addressed.
- New comment – It is noted that the landscape drawings refer to 1m depth soil to on podium situations – this should have regard for clear widths of soil beds to achieve required soils volumes for small medium and large trees as per ADG.

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

ADG compliance is not adequately demonstrated in a number of key areas. The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in many parts of the ADG. The Panel notes that the Applicant has resolved some design issues since the last meeting and advises that the following areas need to be addressed:

Specific items as noted at the meeting were:

- *3C Public domain interface*
- *3D Communal and public open spaces*
- *3F Visual privacy*
- *3H Vehicle access*
- *4A Solar and daylight access-*
- *4E Private open Space and Balconies*
- *4H Acoustic privacy – for all dwellings overlooking vehicular access. Please describe how acoustic amenity and natural cross ventilation requirements be met.*
- *4J Noise and pollution*
- *4L Ground floor apartments*
- *4M Facades*
- *4O Landscape design*

Additional Items

- *Ensure exposed windows are adequately shaded.*

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New comment :

- A number of the POS and balconies appear undersized. This will become more of an issue should AC condenser units and clothes drying be incorporated within them. Spaces should meet ADG recommendations and the location of AC condenser units and clothes drying areas should be shown on the drawings.
- Solar compliance may not be met as a number of the apartments shown as complying appear unable to achieve exposure to living areas and POS/balconies due to their south facing location, plan configuration and balcony overhangs.
- The inclusion of the large substation within the street is unfortunate. Ideally for such a development of scale this would be within the built form or at least be screened within a landscape response.

6. Sustainability and Environmental amenity

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

- *The Showground Precinct LEP and DCP make numerous references to the need for ESD principles to guide the design of new developments. This fundamental requirement for achieving design excellence has not been adequately addressed in the design submission.*

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

7. Architecture and Aesthetics

- *The single architectural treatment proposed for all building facades accentuates the bulk and scale of the development. For a development of this size a more varied approach is recommended, perhaps with a simpler, streamlined recessive character for the setback elements above the fourth floor.*

- *A more diverse architectural approach should be considered for some of the built form, to break down the overall perception of the development's size and to introduce variety, fine grain and human scale into the precinct.*

- New comment – The Panel advocates a more neutral/subtle use of colour on the street facades and recommends that higher quality materials be introduced into appropriate parts of the lower podium levels.

- New comment – The approach generally to Ashford Avenue elevation provides a calm, well proportioned response., However the overall concept for the buildings appear to be an assemblage of components, some of which add to the excessive scale reading on the side elevations and particularly the Riparian precinct. this scale impact is due in part to the blade elements having continuous height of up to 8 +storeys without any horizontal break.

- New comment – The overall colour palette appears to be quite bright (although this may be a result of the CGIs). It is recommended that for the site a more natural recessive combination of colours and textures be adopted to fit the overall Hills character.

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

- New comment - Refer to the following council facts sheets for design guidance:

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https://www.thehills.nsw.gov.au/files/sharedassets/public/ecm-website-documents/page-documents/fact-sheets-guides/fact_sheet_-_building_design_site_facilities_-_mail_boxes_in_medium_and_high_density_development.pdf

https://www.thehills.nsw.gov.au/files/sharedassets/public/ecm-website-documents/page-documents/fact-sheets-guides/fact_sheet_-_building_design_site_facilities_-_services.pdf

SUMMARY OF PANEL RECOMMENDATIONS

New comment - The previous Panel recommendations are still relevant and the Panel advises that further consideration be provided.

Revision of Design Response

- *Connection to open space corridor and overall disposition of building forms.*
- *Further consideration of the detailed design of access to car parking, servicing and loading.* The Panel supports the general arrangement and single access point and forecourt.
- *Respond to comments regarding building layout and cross privacy.* Generally resolved.
- *Provide documentation at the next Panel meeting explaining how access for residents from each building block to waste disposal is achieved.* Addressed.
- *Provide a detailed assessment and rationale for any proposed height non-compliances.* Include more detailed assessment of surrounding/adjacent buildings the DCP controls and their influence/incorporation upon any outcome.
- *Provide documentation explaining how access to common facilities such as open space and community rooms is achieved for a resident from each building block.* Partially addressed circulation has improved.
- *Demonstrate how all building lobbies are able to be equitably accessed directly from the street.* Lobbies have been reconfigured to provide appropriate access.
- *Demonstrate how the objectives of fine grain, architectural diversity and response to context are to be achieved through architectural expression.* Further consideration required as set out in report - including colour/texture/concept across the project and specifically for all areas facing riparian corridor.

Design Refinements

- *Avoid subterranean units and sunken terraces.* Note.
- *Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.* As per Panel comment.
- *Provide external solar shading to exposed windows* Further consideration required as set out in report.
- *Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.* Not addressed.
- *Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.* To be provided.
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.* Further consideration required as set out in report.
- *Vehicular access should be consolidated and wholly contained within a building footprint.* Location is considered resolved however there is need for further consideration with respect to fine grain materials selections and built elements.
- Review cross site access inks from Ashford Ave to creek corridor.
- Review proposed 4m wide boardwalk access along south edge of development.

Compliance (and additional documentation)

- *Revise the building envelope as required to comply with DCP specified building setbacks.* Further consideration required as set out in report.
- Provide detailed site assessment including existing trees to site and adjoining areas and survey of the adjoining riparian corridor lands. From this assessment explain how the

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response to the site has been derived and how it addresses key objectives related to tree management and conservation and enhancement of the riparian corridor.

- *Provide sun eye diagrams between the hours of 9am-3pm and 30m in intervals to demonstrate solar access to main living areas, include adjacent DA building block to the north.* Further consideration required as set out in report.
- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.*
- Generally meet ADG guidelines for apartment POS and balcony sizes.
- Confirm AC and clothes drying approach for the site.

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

PANEL CONCLUSION

At the meeting on July 25th, 2022, the panel concluded:

It is recommended that the applicant addresses the issues identified in this report and presents a response as to how the recommendations of this Pre-DA meeting report have been addressed in a subsequent Development Application.

New comment – The Panel conclusion remains unchanged. It is recommended that the Applicant address the issues identified in this report and present a response as to how the recommendations of this Pre-DA meeting report have been addressed in a subsequent Development Application.

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THE HILLS
Sydney's Garden Shire

DESIGN REVIEW PANEL

DESIGN ADVISORY MEETING REPORT – 27th July 2022

Item 4.1	09.35am – 10.35am
DA Number	154/2022/PRE
DA officer	Cynthia Dugan
Applicant	CABE PTY LTD
Planner	URBIS
Property Address	16-34 Ashford Avenue, Castle Hill
Proposal	Residential flat development comprising four residential blocks over basement car parking.
Design review	First review pre-DA
Background	The site has been reviewed by all Panel members
Applicant representative address to the design review panel	Turner Architects Kevin Driver Registration number: 7347
Key Issues	Summary of key issues discussed: • Residential internal circulation and access to facilities • Entry lobbies, identity and security • Ground plane residential interface to street and riparian corridor • Cross links – need and location

Panel Location	Online meeting hosted by The Hills Council
Panel Members	Chairperson - Tony Caro Panel Member - Rod Simpson Panel Member - Steven Hammond
Declaration of Interest	None
Councillors	None present
Council Staff	Paul Osborne, Cynthia Dugan, Myone Webber, Marika Hahn, Megan Munari, Jennifer Lai

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Other attendees	Andrew James - Cabe Matthew Twohill - Cabe Kevin Driver – Managing Director Turner (10017) Karl May – Director Turner (7347) Andrew Hobbs – Urbis planning Kirralee Northey – Urbis planning

GENERAL

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

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

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct. The character of the area is that of a low-density garden suburb developed during the 1960's-1980's with a variety of large mature trees of both introduced species and those reflective of the original endemic vegetation. The precinct is located to the south west of Showground Road, a ridgeline arterial road, and the undulating topography falls away from Showground Road towards Cattai Creek.

Location plan (THSC)

DOCUMENTATION

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

Design Excellence Panel Meeting Presentation, submitted 26 July 2011, by Turner

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PANEL COMMENT

154/2022/PRE Ashford Avenue, Castle Hill

The Panel commenced at 9.35am

1. Precinct planning, appreciation and response to context

The applicant presented a well-considered overview of how the proposal had been designed to integrate into the broader regional context and the strong garden/landscape identity of the Hills Shire, whilst also recognising the many challenges of moving from a low density to a high-density urban context. The Panel recommends the preferable location for a public link through the site to the Cattai Creek corridor is aligned with the visually prominent crank in Ashford St.

2. Site planning and built form strategy

The architects provided a thorough built form options analysis that has led to their preferred option, as presented in the supplementary presentation provided the day prior to the Panel meeting. The comments in this report refer specifically to this preferred option.

The preferred built form strategy comprises four low rise towers situated on a ground level plinth elevated above the existing topography, which is accepted in principle by the Panel. It is noted however that Buildings A and B rectangular floorplates are arranged with the cores perpendicular to the street, resulting in the minimum ADG separations proposed between these forms having possible cross privacy issues between the primary living areas of some units when compared to a more conventional layout where such spaces are oriented more directly to the street or the riparian corridor as more evident in Buildings C and D.

<u>Bulk, Scale and Massing</u>

- Notwithstanding above, the Panel supports the design approach to the street in providing a fine grain of street frontage elevations that promote generous vistas through the site into the riparian zone. These street frontage widths are specified in the DCP and will be in keeping in established character with a number of development applications opposite the subject site on Ashford Avenue.
- The Panel noted differentiation between the upper and lower level building forms was not clearly evident in the design, and that this is important as it mitigates the bulk and scale of the building blocks. The urban design aim is to establish a more 'human' scale and intimate relation to the street and to the adjoining corridor landscape - essentially a mix of maisonette (living below/bedrooms above) and single level units fronting the public domain with towers above, rather than towers 'straight out of ground'. The preliminary birds eye views into the creek corridor suggest that this expression could be much further enhanced in developing the design by a different expression of the exposed plinth/base.
- The Panel recommends particular attention be given to the address to the riparian corridor as the bulk and scale is confronting / overwhelming. The lower ground and basement extent should be recessed from the built edge to ensure that the main building forms are sitting proud of the podium line.
- Shadowing impacts of the development on the riparian corridor to the reviewed as part of the DA.
- The large internal communal space on the lower ground level exacerbates the bulk and scale impact of the podium on the riparian corridor and should be reconsidered in size and location.
- The Panel also recommends that further detailed design consideration of the relationship of the buildings to the proposed pedestrian walkway to the riparian corridor is undertaken, and encourages the applicant to have a conversation with Council's open space team regarding their requirements for this interface with the riparian corridor. The connecting park pathway within the corridor should be setback from the building edge to give adequate separation and opportunity for planting. A detailed study of the park edge with expected planting and pathway, grading, and embankment should be provided as part of the Development Application.
- The Panel notes that flood studies and accurate freeboard levels have yet to be established, the Panel recommends the data and findings from these studies be incorporated into the design development prior to the next panel meeting.
- The Panel noted that whilst distance separation between buildings is ADG compliant, it is not generous and not appropriate to the Hills LGA and market. Increasing building separation could

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improve the ability to provide improved landscaping and amenity and respond better to the suburban landscaped setting, although would likely result in reduced development yield. Also refer to comments above re. floor layout orientation, as this could mitigate privacy impacts.

- The Panel also discussed the possibility of increasing separation between Buildings B and C (at the Ashford Ave crank) to create a distinctive low speed shared space providing all vehicular access to the buildings integrated with generous public access to the Cattai Creek recreation zone. This would need to be carefully designed to manage pedestrians and vehicular traffic, but could offer a much more generous and legible public link to the creek. If implemented, the hard sealed space between Buildings A and B would revert to landscape/communal uses.

Site Coverage/ Landscaped Open Space

- The site coverage was stated by the applicant to be 48%
- The deep soil provision was stated by the applicant to be 36%
- Final site coverage and Landscaped Open Space, Communal Open Space, and Deep Soil Zone (DSZ) provisions to be provided to the Council's Landscape and DA Officers. The minimum requirements in the ADG (eg. 6m width and no paving or structures being present) should be adhered to with regards to calculating the DSZ. Likewise, the minimum requirements in the ADG with regards to calculating the COS will result in not all landscaped areas being able to be counted as COS.

3. Compliance

Height

- The Panel does not generally support LEP height non-compliance. On sloping sites or in other specific circumstances consideration is given to minor exceedance for roof access elements and shading devices serving roof top communal open space, provided that such elements are not seen from the surrounding public domain or impact on the amenity of adjacent development.
- The Panel notes that the proposal is below the allowable FSR and some carefully devised height exceedance that demonstrates acceptable impacts on private and public amenity could be argued, particularly for the northern Buildings A and B. Buildings C and D to the south is adjacent to lower height R3 zone, and have correspondingly greater bulk and scale transitional impacts. A further observation is that additional height may be better aggregated along the street frontage, with lower height along the recreation corridor frontage, to minimise amenity loss
- The Panel notes its role is advisory, and that any proposed height exceedance needs to be justified to the satisfaction of Council,
- Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction.

Setbacks

- All ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies)
- The Panel recommends upper-level setbacks as specified in the DCP are rigorously followed as this reinforces the street character that has already been established in a number of approved developments on Ashford Avenue.
- Full height walls without upper setbacks should be avoided for reasons of visual bulk and scale. (Refer to Slide 44 – Massing View Cattai Creek).

Apartment Mix and Building Design

- Each residential development block must be able to be accessed directly from the immediately adjacent street frontage by a mobility impaired person such as a person in a wheel chair or on crutches.
- Access and 'address' in general should be further refined in design development - could these common spaces have light and air penetrating into the basement via a two level foyer connecting with the upper car park level. In typical apartments it has been found that 50% of social interactions between residents occur in car park areas.
- All lobbies should be clearly visible and directly accessible from the street, with generous access to light and air.

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- Building D for example does not appear to have a lobby fronting the street and can only be accessed via the garage. This is not consistent with the stated DCP character of a TOD precinct. It is unclear how visitors or emergency vehicles would be able to access these residences. This may also impact upon mail and parcel delivery. The Panel acknowledges the design impacts of providing 4.5m clear access into basement areas for service vehicles, and encourages the applicant to investigate whether council requirements can be met in a different way without large vehicles actually entering into building.
- The Panel notes that four building blocks are proposed for this amalgamated site, placed over a single basement and services. This presents a number of design and amenity related issues:
    - Circulation – it is not clear how residents are able to access the common open spaces on the ground plane for example the communal open space between buildings C& D. Consideration is to be given and demonstrated how residents are able to access this space;
    - Waste removal – how residents in each block dispose of their rubbish;
    - Loss of deep soil and tall native landscape between buildings;
    - Homogeneity of architecture and loss of fine grain and design diversity; and
    - Basement wayfinding.
- The Panel recommends that greater consideration be given to the response to context in the design and fenestration of the facades. What makes the building of its place and responsive to local and regional contexts?

4. Landscape Design.

Public Domain.

- All established trees should be retained where practicable. All existing trees should be surveyed with accurate heights to council officer requirements prior to proceeding with landscape documentation and detailed design.
- The Panel recommends a landscape architect be involved with ongoing design development and be present at the next Panel meeting.
- There should be a stronger presence of mature trees and concomitant deep soil provision in all setback zones to ensure that the development is sited within a landscape setting of canopied trees. It is important that the public domain setbacks are largely deep soil with substantive landscape plantings.
- Landscape architectural and engineering drawing sets are to be coordinated. Services located within the soil zone of trees, are not supported.
- Basement car parking is outside of building footprint and encroaches upon landscape areas suitable for deep soil provision.
- The Panel recommends consideration of two basement car parks to service two building blocks each. This would allow for true deep soil provision in the central common open space and allow for canopy tree planting.
- The Panel is concerned with the hardscape driveway entry provision. This is a poor design outcome that may have been utilised on a highly constrained site elsewhere in the precinct however, the Panel encourages the applicant to consider solutions that do not have such an adverse impact upon residential amenity.
- The Panel suggests that the application consider the expansion of the space between buildings B & C and a stub road provided that will provide vehicular access into two separate basements.
- It is recommended that the ground level landscape areas focus on creating quality thoroughfares and connecting spaces with a tree canopy and native vegetation planting which connects to the vegetation of the riparian corridor.

Cross site links

- The Panel queried the location of the proposed pedestrian cross site link adjacent and under an established tree noting that it is not required in the DCP. The riparian corridor banks are steep

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the recreation path planned in Council's endorsed masterplan is clearly located on the other side of the corridor in this location.

- The Panel notes the northern most setback would be better as a landscaped setback for residential use.
- As discussed above, the Panel queried the location of the cross-site link noting if there is to be one provided, the location between buildings B and C would be more logical as a desire line but consideration needs to made to where it is leading, and what impact does a public link on private land have on the residents amenity and ground level common open space provision.
- The Panel notes there are safety concerns with the proposed pedestrian link along the riparian edge for both users and residents.

Private Domain

- For a proposal of this size high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.
- The Panel noted the communal open space provision needs to be equitable across all four building blocks and it was unclear how residents were able to access common open space in different parts of the site without going through the basement.
- The Panel recommends that Building D has a rooftop communal open space provided as it is unclear how they were able to access the communal open space at the ground plane.

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

ADG compliance is not adequately demonstrated in a number of areas. The Panel recommends the following objectives and design criteria in the ADG are reviewed.

- 3C Public domain interface
- 3D Communal and public open spaces
- 3F Visual privacy
- 3G Pedestrian access and entries
- 3H Vehicle access
- 4A Solar and daylight access
- 4C Ceiling heights
- 4F Common circulation and spaces
- 4H Acoustic privacy – for all dwellings overlooking vehicular access. Please describe how acoustic amenity and natural cross ventilation requirements be met.
- 4J Noise and pollution
- 4L Ground floor apartments
- 4M Facades
- 4O Landscape design

Additional Items

- Ensure exposed windows are adequately shaded.
- Access provisions in event of a lift being out of service.
- Planning of larger units to maximise opportunities for flexibility and amenity of occupants.

6. Sustainability and environmental amenity

- Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground Precinct. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC (Central City District Plan, Planning Priority C16).
- The Showground Precinct LEP and DCP make numerous references to the need for ESD principles to guide the design of new developments. This fundamental requirement for achieving design excellence has not been adequately addressed in the design submission.
- Beyond satisfying ADG requirements, the Panel recommends that this proposal is reviewed by the applicant with a sustainability engineer and a report prepared that demonstrates how an

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appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.

7. Architecture and Aesthetics

- The Panel recommends that the quality and scale of the building block interface to the riparian corridor be developed to provide a distinctive, more fine-grained and human scaled interface.
- A more diverse architectural approach should be considered for some of the built form, to break down the overall perception of the development's size and to introduce variety, fine grain and human scale into the precinct.
- All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.

SUMMARY OF PANEL RECOMMENDATIONS

Revision of Design Response

- Connection to open space corridor and overall disposition of building forms.
- Further consideration of access to car parking, servicing and loading.
- Respond to comments regarding building layout and cross privacy.
- Provide documentation at the next Panel meeting explaining how access for residents from each building block to waste disposal is achieved.
- Provide a detailed assessment and rationale for any proposed height non-compliances.
- Provide documentation explaining how access to common facilities such as open space and community rooms is achieved for a resident from each building block.
- Demonstrate how all building lobbies are able to be equitably accessed directly from the street.
- Demonstrate how the objectives of fine grain, architectural diversity and response to context are to be achieved through architectural expression.

Design Refinements

- Avoid subterranean units and sunken terraces.
- Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.
- Provide external solar shading to exposed windows.
- Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.
- Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.
- Vehicular access should be consolidated and wholly contained within a building footprint.

Compliance (and additional documentation)

- Revise the building envelope as required to comply with DCP specified building setbacks.
- Provide sun eye diagrams between the hours of 9am-3pm and 30m in intervals to demonstrate solar access to main living areas, include adjacent DA building block to the north.
- Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.

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

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PANEL CONCLUSION

It is recommended that the applicant addresses the issues identified in this report and presents a response as to how the recommendations of this Pre-DA meeting report have been addressed in a subsequent Development Application.

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ATTACHMENT P – GENERAL TERMS OF APPROVAL (DPIE- WATER)

NSW GOVERNMENT

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2024-10376
Issue date of GTA:	10 July 2024
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 22/-/DP594482, 20-34 Ashford Avenue, Castle Hill
Waterfront Land:	Tributary of Cattai Creek
DA Number:	1418/2024/JP
LGA:	THE HILLS SHIRE

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 1418/2024/JP provided by Council to Department of Planning and Environment-Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.
TC-G005	A. The application for a controlled activity approval must include the following plan(s): - Site plans - Detailed civil construction plans - Erosion and sediment control plans - Construction detailed drainage plans - inclusive of scour protection for stormwater pipe outlets. - Vegetation management plan B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water 's guidelines located on the website https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines

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General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2024-10376 as provided by Council:

Statement of Environmental Effects, 20-34 Ashford Avenue, Castle Hill. Prepared by URBIS dated April 2024

Civil Engineering Plans, Drawing No.C000-C601 dated 12 April 2024 & 000-107 dated 12 December 2023 prepared by Civil & Stormwater Engineering Services

Vegetation Management Plan, prepared by Travers Bushfire & Ecology dated 9 April 2024

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ATTACHMENT Q –PERSPECTIVES

1 Street View - Building B and A

1 Street View Building C and B

1 Aerial View - Creek

Creek View

ATTACHMENT R – REQUESTED CHANGES TO DRAFT CONDITIONS NOT AGREED TO BY COUNCIL STAFF

The Applicant requested changes to Condition 2 Property Numbering and Condition 10 Tree Removal

Condition 2

2. **Property Numbering and Cluster Mailboxes for Residential Flat Buildings**

The overall property address for this development is: -
Building A – 32 - 34 Ashford Avenue, Castle Hill NSW 2154
Building B – 28 - 30 Ashford Avenue, Castle Hill NSW 2154
Building C – ~~24~~ 20 – 26 Ashford Avenue, Castle Hill NSW 2154

Approved unit numbering is as per approved Numbering Plans (insert Condition S11101) and as follows:

Level	**Building A**	**Building B**	**Building C**
Lower Ground	LG01 – LG03	LG04 – LG05	LG06 – LG08
Ground	G01 – G06	G07 – G12	G13 – G17
One	101 – 111	112 – 120	121- 129
Two	201 – 211	212 – 220	221 – 229
Three	301 – 311	312 – 320	321 – 329
Four	401 – 410	411 – 418	419 – 425
Five	501 – 506	507 – 513	514 – 519
Six	601 – 605		606 – 610

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. 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 lobbies.

External directional signage is to be erected on site to ensure all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mailboxes

Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible. Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations as provided on plans DWG No DA-110-008 Rev S02 Dated 07.06.24 & DA-110-010 Rev S02 Dated 07.06.24 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The number of mailboxes to be provided is to be equal to the number of units 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 Ground (noted as Upper Ground in drawing Title Block) Building B - 28 – 30 Ashford Avenue CASTLE HILL NSW 2154.

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.
	Condition reason: To ensure consistent addressing as per Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council and Geographical Names Board guidelines. Final development can be located in the event of an emergency and for mail delivery.

The Applicant has requested Building C be renumbered to 20-26 Ashford Avenue.

Council Staff Response

Council Staff have not amended the property numbering condition. Property Numbering of Building C commences at 24 Ashford Avenue, Castle Hill to allow for future development within Ashford Avenue. The approved numbering of the development is consistent and sequential as per NSW Addressing Guidelines and meets requirements for emergency services.

Condition 10

10.	**Tree Removal**
	Approval is granted for the removal of the trees numbered 4, 6, 8-10, 12, 14-30, 32-40, 42-45, 50-~~54~~ **53**, 76-89, 93, 109-134 and 171-174 as detailed in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy Rev D dated 19/03/25. All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction. All tree removal on public land 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.
	Condition reason: To provide details of trees approved for removal.

The Applicant has requested Tree 54 be retained.

Council Staff Response

There are currently species of Ligustrum lucidum (Broadleaf Privet) proposed for retention under the Development Application. As these are considered noxious weeds, trees 54 and 93 have been conditioned to be removed.