COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-593 DA 110/2025/JP
PROPOSAL	Seniors Housing Development and a Neighbourhood Shop
ADDRESS	7-23 Cadman Crescent & 18-24 Hughes Avenue Castle Hill
APPLICANT	Levande Pty Ltd
OWNER	Levande Pty Ltd
DA LODGEMENT DATE	1 August 2024
APPLICATION TYPE	Development Application - Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 2.19 and Schedule 6 of the SEPP (Planning Systems) 2021
CIV	$139,722,748.71(excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	SEPP (Housing) 2021 and The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects – Ethos Urban Survey Plan – Survplan Architectural Plans – Chrofi Architects Urban Design Report – Chrofi Architects Landscape Plan – Turf Design Studio Traffic and Transport Impact Assessment – JMT Consulting BCA/NCC Assessment Report – Credwell Accessibility Report – Purple Apple Access Arboricultural Impact Assessment Report – Earthscape Horticulture Stormwater Management Report – JHA Services

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	BASIX Certificate – Credwell Utility Infrastructure Plan – Neuron Waste Management Plans – Elephants Foot Consulting Estimated Development Cost Report – Quantex Acoustic Impact Assessment – Northrop Wind Impact Assessment – RWDI Geotechnical Investigation – EI Australia Detailed Site Investigation – EI Australia
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes, refer Attachment V for requested changes to draft conditions not agreed to by Council staff
SCHEDULED MEETING DATE	Electronic Determination
PREPARED BY	Cynthia Dugan – Principal Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	30 April 2025

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures and the staged construction of a seniors housing development and a neighbourhood shop. The application is consistent with the Amending Concept Development Application 1525/2024/JP as required under Section 4.24 of the Environmental Planning and Assessment Act 1979, which has been referred concurrently to the SCCPP for determination. It is noted that well founded Clause 4.6 submissions to vary the maximum height and car parking development standards under Part 5, Division 3, Section 87(2)(c) and Schedule 4, Part 1 Section 4 (2)(c) of the SEPP (Housing) 2021 have been provided with the Amending Concept Development Application. As established in *Karimbla Properties (No. 59) Pty Ltd v City of Parramatta Council [2023] NSWLEC 1365*, the Court accepted that a Clause 4.6 submission is not required for subsequent detailed Development Applications following a consent for the Concept Development Application as the variations are “fixed” by the concept approval. In this regard, separate Clause 4.6 submissions to vary the above standards have not been provided for the subject application and will be considered under the Amending Concept Development Application.

Seniors housing development is permitted in the R4 High Density Residential zone under the SEPP (Housing) 2021. The Development Application seeks to utilise the additional floor space ratio (FSR) and height provisions for seniors housing under Section 87 of the SEPP (Housing) 2021 which allows for an additional 15% of the maximum permissible FSR if the additional floor space is for the purposes of independent living units and the development will

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result in a maximum building height of not more than 3.8m above the maximum permissible building height. As The Hills LEP 2019 provides a maximum incentive FSR of 2.3:1 under Clause 9.7 and a maximum height of 21m under Clause 4.3, this results in a maximum permissible FSR of 2.645:1 and maximum permissible height of 24.8m for the site. The proposal provides for a maximum FSR of 2.376:1 which complies with the FSR standard. The development also meets the unit mix, size and car parking provisions under Clause 9.7 of the Hills LEP 2019.

With the exception of the maximum height and car parking development standards under Part 5, Division 3, Section 87(2)(c) and Schedule 4, Part 1 Section 4 (2)(c) of the SEPP (Housing) 2021, the proposal demonstrates compliance with the SEPP (Housing) 2021. In particular, the development complies with Section 93 of the SEPP as the application has demonstrated that residents will have adequate access to facilities and services by frequent bus services located 250m – 300m from the site on Middleton Ave. The proposal complies with all other provisions under Chapter 3, Part 5 Housing for Seniors and People with a Disability, including the non-discretionary development standards under Division 7, Chapter 4 Design of Residential Apartment Development and the Apartment Design Guide, Schedule 4, Part 2 Additional Standards for independent living units and Scheule 8 Design Principles for Seniors Housing.

The proposal complies with The Hills LEP 2019. The proposal has been reviewed by Council's Design Advisory Panel (DAP) and satisfies the provisions under Clause 9.5 Design Excellence of The Hills LEP 2019. The DAP made recommendations including further articulation on the facades of Buildings A, B, D and E to reduce the perceived bulk and scale of the development, relocation of ventilation shafts within the upper deck courtyard adjacent to the pool, and improvements to ground floor apartments to allow for direct street access. In response, the Applicant has amended the design to provide a slight increase to the setback of Building A, modified the façade recesses with a darker colour to increase the visual contrast of the façade and increased the depth of glazing to reduce the perceived bulk and scale of the buildings. Where possible, direct access has also been provided to ground floor apartments and the ventilation shaft from the upper deck has been relocated to the core of Building E to ensure there are no visual amenity impacts.

The proposal does not result in further variations to the controls under The Hills DCP 2012 compared to the Court Approved Built Form Development Application 1112/2022/JP with the exception of a variation to the control requiring stacked parking not to be included in the calculation of car parking spaces under Part C Section 1 of The Hills DCP 2012. Despite this variation, the total number of residential spaces provided excluding the stacked spaces is 270 spaces (where at least 170 spaces will be provided at Stages 1 and 2 and 100 spaces will be provided at Stage 3) which complies with the non-discretionary standards for minimum car parking rates required under Section 108(2)(k) of the SEPP (Housing) 2021. It is considered that the car parking arrangement provides for sufficient parking and is suitable for the seniors housing development. In this regard, the variation can be supported.

The development is 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The application proposes irrigation and dewatering which requires a Section 89 Water Use Activity Approval and Section 90 (2) Water Supply Works approval under the Water Management Act 2000. The proposal was referred to the Water NSW and General Terms of Approval (GTA) have been provided.

The Development Application was initially notified for 14 days and later exhibited/notified as integrated development for 30 days. No submissions were received following either notification/exhibition periods.

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The proposal is recommended for approval subject to conditions contained at **Attachment A** of this report.

1. THE SITE AND LOCALITY

The site is irregular in shape, comprises 14 residential lots and has a total area of 12,405.8m². The site is slopes to the southern corner and is bounded by Cadman Crescent to the north and east, and Hughes Avenue to the south-west. The site is located approximately 530m from the Showground Metro Station.

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 the Hills LEP 2019, the subject site is zoned R4 High Density Residential, comprises a maximum height of 21m (6 storeys) and directly interfaces land zoned R3 Medium Density Residential to the northeast and southeast. The current improvements on site include one and two storey dwelling houses on each residential lot.

The properties to the northwest and west of the site are zoned R4 High Density Residential and comprises of 1-2 storey dwelling houses. The properties to the northeast, east and south are zoned R3 Medium Density Residential and are characterised by 1-2 storey dwelling houses. Further north and west of the site, a number of residential flat buildings are currently under construction within the emerging precinct.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application seeks approval for the following:

- Demolition of existing structures and tree removal;
- Staged construction of five buildings known as Buildings A, B, C, D, and E, containing 217 independent living units (refer note below);
- Two levels of basement parking to accommodate 322 car parking spaces;
- Carpark access from Hughes Avenue, including provision of a loading turntable;
- Provision of communal landscaped areas, including a rooftop garden on Building C;
- A porte cochere fronting Hughes Avenue, to provide a safe and convenient pick-up/drop-off location for residents;
- Ground floor communal facilities including wellness and social spaces;
- A neighbourhood shop to serve the village and local community; and
- Associated site preparation works, including utility infrastructure.

Note: Staging of the Construction is depicted at Attachment K and consists of the following:

Stage 1: Buildings D and E (83 units comprising 206 bedrooms), communal open space area, 85 car parking spaces within Basement 1 and 121 car parking spaces within Lower Ground Level.

Stage 2: Building C (32 units comprising 72 bedrooms)

Stage 3: Buildings A and B (102 units comprising 237 bedrooms), 59 car parking spaces within Basement 1 and 57 car spaces within Lower Ground Level

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2.2 Background and Site History

On 20 February 2020, the Sydney Central City Planning Panel (SCCPP) approved 1262/2019/JP for a Concept Development Application for a residential flat building development comprising 228 apartments, basement car parking and associated landscaping. The development was supported with a Clause 4.6 written submission to vary the maximum height LEP standard by 13.57%.

On 23 July 2020, Section 4.55(2) Modification Application to 1262/2019/JP/A was lodged to remove condition 3 in the development consent which required a dwelling cap of 228 dwellings and instead propose either a gross floor area cap of 28,589m² reflective of 264 dwellings submitted as part of the modification, or an upper dwelling limit of 315 dwellings. Other changes sought included an increase in the height of Building C from 3 to 5 storeys; apartment connectors between Buildings A-B and D-E; amendments to building envelopes to provide improved articulation; provide new rooftop communal open space areas; and increase the site's landscaped area. This application was refused by the Sydney Central City Planning Panel (SCCPP) on 15 November 2021. The main grounds for refusal related to the modifications not resulting in a development that would be substantially the same as originally approved. The application also did not meet the design excellence provision under Clause 9.5 of the LEP and did not provide appropriate residential amenity as required under the Apartment Design Guide and SEPP 65.

On 25 January 2022, Development Application 1110/2022/JP was lodged for an Amending Concept DA to 1262/2019/JP. The development sought to remove condition 3 in the development consent which required a dwelling cap of 228 dwellings and instead propose a gross floor area cap of 27,834m² reflective of 255 dwellings. The application also sought to alter the approved building envelopes to enable additional building height, allow an addition of 60m² retail space and increase the communal open space area. A built form Development Application was also lodged on the same date under Development Application 1112/2022/JP. On 16 June 2022, a Class 1 Appeal was filed with the Land and Environment Court against the deemed refusal of DA 1110/2022/JP (No 174486 of 2022) and DA 1112/2022/JP (No 174536 of 2022). Both Development Applications were refused by the Sydney Central City Planning Panel on 11 July 2022. However, the Land and Environment Court approved both Development Applications on 17 March 2023 with a maximum of 242 dwellings. It is noted that a condition is recommended in the consent requiring the surrender of the residential flat building development consent approved by the Court. Refer condition 19.

A pre-lodgement meeting was held prior to the lodgement of the subject application on 19 April 2024. The Applicant proposed to lodge a Section 4.56 Modification Application to the Court Approved Amending DA under 1110/2022/JP. Council staff advised that as the land use was changing from a residential flat building to a seniors housing development, it was unlikely that the application could demonstrate that the development would be substantially the same as originally approved.

Amending Concept Development Application 1525/2024/JP was lodged on 14 June 2024. This application is referred concurrently to the Panel.

The subject built form Development Application 110/2025/JP was lodged on 1 August 2024.

A letter was sent to the Applicant on 21 August 2024 requesting additional information regarding waste management, landscaping, mailbox and street addressing. A submission was received from Sydney Water requesting their Wastewater assets to be indicated on the architectural plans. This was forwarded to the Applicant on 23 August 2024. Amended plans were provided on 6 September 2024.

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Council staff briefed the Sydney Central City Planning Panel on 5 September 2024. The Panel noted the following:

• *The panel queried if consideration had been given to care facilities available to residents to assist with aging in place. The applicant advised it does have partnerships with wellbeing coordinators/consultants as well as aged care providers and will continue to navigate to further support residents.*

• *The panel targets determination of RSDAs within 250 days. The chair recommends that the applicant expedite their efforts to facilitate amendments or additional information required by Council to allow them to complete their assessment. The panel will determine development in the form it is presented at or prior to 250 days*

The application was reviewed by the Design Advisory Panel on 11 September 2024.

On 12 November 2024, a letter was sent to the Applicant requesting further information regarding planning matters. On 3 December 2024, a letter was sent to the Applicant requesting additional information regarding engineering and waste management matters.

On 9 December 2024, amended information including civil engineering drawings, stormwater plans, MUSIC modelling and DRAINS flood modelling, landscaping plans and traffic assessment reports were submitted. Amended architectural plans, hydrogeological report, groundwater seepage assessments were also provided on 20 December 2024.

On 30 January 2025, further information regarding outstanding engineering matters was sent to the Applicant. A response to this request was provided on 31 January 2025. A further engineering request for the basement to be tanked was sent to the Applicant on 31 January 2025. The Applicant provided correspondence indicating that they did not agree to the tanking of the basement and proposes a drained basement, similar to the Court Approval under Development Consent 1112/2022/JP.

On 13 February 2025, Council staff informed the Applicant that Water NSW confirmed that the Development Application requires a Water Supply Work Approval under Section 90(2) of the Water Management Act 2000. As irrigation is proposed, a Water Use Activity Approval may also be required under Section 89 of the Water Management Act 2000. Council staff therefore recommended that the Development Application was referred to Water NSW as integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979. The Applicant confirmed that they would like their application to be considered as 'integrated development'. The Development Application was referred to Water NSW.

The application was exhibited and notified to affected properties as nominated integrated development between 21 February 2025 to 24 March 2025.

Further information regarding outstanding engineering matters was sent to the Applicant on 6 March 2025. Amended Engineering plans were provided on 19 March 2025.

Further information was requested regarding outstanding engineering matters on 30 January 2025. A response was provided from the Applicant on 6 February 2025.

General Terms of Approval for Water Supply Work was provided by Water NSW on 4 April 2025.

Further amended engineering drawings were provided on 9 April 2025.

A demolition plan was provided on 17 April 2025.

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3. STATUTORY CONSIDERATIONS

3.1 Concept Development Applications under the Environmental Planning and Assessment Act 1979

Amending Concept Development Application 1525/2024/JP is referred concurrently to the Panel for determination. Section 4.24 of the Environmental Planning and Assessment Act 1979 states;

4.24 Status of concept development applications and consents (cf previous s 83D)

(1) The provisions of or made under this or any other Act relating to development applications and development consents apply, except as otherwise provided by or under this or any other Act, to a concept development application and a development consent granted on the determination of any such application.

(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.

Note.
See section 4.53(2) which prevents a reduction in the 5-year period of a development consent.

The Development Application will be consistent with the concept development applications for the site, subject to the approval of Amending Concept Development under 1525/2024/JP which has been referred concurrently to the Panel for determination. To ensure Section 4.24(2) is satisfied and the determination of the subject built form Development Application can occur, condition 1A has been recommended in the Development Consent for the Amending Concept DA under 110/2025/JP requiring 'a notice of modification' as referred to in Section 4.17(5) of the Environmental Planning and Assessment Act 1979 be prepared in accordance with Clause 67 of the Environmental Planning and Assessment Regulations 2021 and delivered to the consent authority modifying Concept Development Consent 1110/2022/JP.

The Development Application is consistent with the Amending Concept Development under 1525/2024/JP with regards to the land uses proposed, maximum dwelling yield, floor space ratio, car parking, vehicular access, ground level communal open space requirements, set back, land dedication, building separation, building envelopes and height provisions. The proposal will satisfy all conditions for the built form as recommended in the Development Consent for the Amending Concept Development Application.

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

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:

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

These matters are further considered below.

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Housing) 2021; and
- The Hills Local Environmental Plan 2019.

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

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	Section 2.20 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 will be considered in the built form Development Application. No conditions required for the subject Concept DA.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments. No conditions required for the subject Concept DA.	Y
Sustainable Buildings	Chapter 2 contains standards for residential development. This will be assessed under the built form Development Application. No conditions required for the subject Concept DA.	Y
Housing SEPP	Chapter 3, Part 5 Housing for Seniors and People with a Disability, including the non-discretionary development standards under Division 7	Y, with the exception of Clause 87 building height. Refer below for further discussion.

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	Chapter 4 Design of Residential Apartment Development Schedule 4, Part 2 Additional Standards for independent living units Scheule 8 Design Principles for Seniors Housing.	Y Y, with the exception of car parking. Refer discussion below. Y
LEP 2019	• Clause 4.1 – Lot size • Clause 4.3 – Height of Buildings • Clause 4.4 – Floor Space Ratio • Clause 7.2 – Earthworks • Clause 9.1- Minimum lot sizes for residential flat buildings and shop top housing • Clause 9.2 – Site area of proposed development includes dedicated land • 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	Y SEPP (Housing provisions apply) . SEPP (Housing provisions apply) Y Y Y Y Y Y SEPP (Housing provisions apply)

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 have been considered in the assessment of the Development Application. Clause 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be

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suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Detailed Site Contamination Investigation has been submitted with Development Application which concludes that the site can be made suitable for the proposed development, provided the following recommendations are made:

- Preparing and implementation of a Remedial Action Plan (RAP) which includes the design and outcomes of supplementary investigations for data gaps remaining on site including a Hazard Materials Survey prior to the demolition works,

The report has been reviewed by Council's Senior Environmental Health Officer who has no objections to the proposal subject to conditions including a hazardous material survey be undertaken before demolition, a contamination assessment of the soils to be carried out in areas that were inaccessible at the time of the initial contamination assessment and on completion of any remediation works, a validation report shall be submitted to Council's Manager – Environment and Health and Certifying Authority (if not Council). Refer Conditions 40, 45 and 100.

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021
The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

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

State Environmental Planning Policy (Sustainable Buildings) 2022
The proposal meets the standards for residential development – BASIX under Chapter 2 of the SEPP. A BASIX Certificate and NatHERS Certificate has been included as part of the subject Development Application which demonstrates the proposal achieves the targets for energy, water use and thermal comfort for residential development. Refer Condition 28 for compliance with the BASIX Certificate.

State Environmental Planning Policy (Housing) 2021
Seniors housing is permitted in land within a R4 High Density Residential zone under Section 81 of the SEPP. The development complies with Section 93 of the SEPP as the application has demonstrated that residents will have adequate access to facilities and services by frequent bus services located 250m – 300m from the site on Middleton Ave. This bus service will take the residents to a place that has adequate access to facilities.

To satisfy the provisions under Section 88 Restriction on occupation of seniors housing and Clause 86 of the Environmental Planning and Assessment Regulation 2021, Condition 133 has been recommended in the development consent requiring a restriction on Title to ensure all occupants for the development are seniors or people who have a disability, people who live in the same household with seniors or people who have a disability, staff employed to assist in the administration and provision of services in the seniors housing development.

Section 95 of Division 5 requires that the design of seniors housing is to consider the Seniors Housing Design Guide published by the Department in December 2023. The Applicant has provided an Urban Design Report demonstrating that adequate consideration has been given to the design principles set out in Schedule 8 of the SEPP.

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As required under Clause 147 of Chapter 4 of the SEPP and Clause 29 of the Environmental Planning and Assessment Regulation 2021, a Design Vertification Statement prepared by Tai Ropiha, Director at CHROFI (registration number 6568) 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).

The proposal complies with all other provisions under SEPP (Housing) 2021 with the exception of the following:

a. Division 3 Development Standards- Maximum Building Height

The application seeks to vary the maximum building height standard under Part 5, Division 3, Section 87(2)(c) of the SEPP (Housing) 2021. Section 87 prescribes as follows:

87 Additional floor space ratios

(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if—

> *(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under Chapter 5 or another environmental planning instrument, or*
>
> *(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.*

(2) Development consent may be granted for development to which this section applies if—

> *(a) the site area of the development is at least 1,500m^2, and*
>
> *(b) the development will result in a building with the maximum permissible floor space ratio plus—*
>
> > *(i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or*
> >
> > *(ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or*
> >
> > *(iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and*

(c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.

As The Hills LEP 2019 provides a maximum incentive FSR of 2.3:1 under Clause 9.7 and a maximum height of 21m under Clause 4.3, this results in a maximum permissible FSR of 2.645:1 and maximum permissible height of 24.8m for the site. The proposal provides for a maximum FSR of 2.376:1 which complies with this standard and meets the unit mix, size and car parking provisions under Clause 9.7 of The Hills LEP 2019. However, the proposed maximum heights of 25.8m for Building A and 26.3m for Building B exceed the height limit of 24.8m by a maximum of 1m (4%) and 1.5m (6%) respectively. The Applicant has provided a

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well-founded Clause 4.6 Variation with the Concept Development Application which is referred concurrently to the Panel.

As established in *Karimbla Properties (No. 59) Pty Ltd v City of Parramatta Council [2023] NSWLEC 1365*, Commissioner O'Neil found that a Clause 4.6 submission is not required for subsequent detailed Development Applications following a consent for the Concept Development Application as the variations are "fixed by the concept approval". The following extract is taken from the Court judgement:

"*I accept the Applicant's submission that upon the proper construction of the Environmental Planning and Assessment Act 1979, a written requires to vary a development standard pursuant to Clause 4.6 of the Standard Instrument Local Environmental Plan is not required for a subsequent development application following a concept approval under Division 4.4 of the Environmental Planning and Assessment Act 1979. The subsequent development application for the detailed proposal of a site, or part of the site, cannot be inconsistent with the consent for the concept proposal for the development of the site for consent to be granted, pursuant to section 4.24(2) of the Environmental Planning and Assessment Act 1979.*

The height of the proposal is fixed by the concept approval. The height of the concept approval prior to the modification application) exceeded the height of buildings development standard for the site. The consent authority determined the application pursuant to Clause 4.6 of LEP 2013 and granted consent to the concept development application. The modification application modifies that consent to increase the height of the proposal, while the increase in height maintains the same number of storeys as the original concept approval".

In this regard, a separate Clause 4.6 submission to vary the above development standard has not been provided for the subject application and will be considered under the Amending Concept Development Application.

b. Development Standards under Schedule 4 – Car Parking

The application seeks to vary a development standard concerning car parking accessibility and usability for independent living units under Schedule 4, Part 1, Section 4, Subsection 2(c) of The SEPP (Housing) 2021. Section 85 of the SEPP requires the following:

85 Development standards for hostels and independent living units

(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.

Schedule 4, Part 1, Section 4, Subsection 2(c) requires the following:

4 Car parking

(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies—

(c) for a group of 8 or more parking spaces—
(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and
(ii) at least 50% of the parking spaces must—
(A) comply with AS/NZS 2890.6, or
(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.

The application proposes that 40% (130 of 322 spaces) of the Class 2 building would comply with AS/NZS 2890.6 and 28% (91 of 322 spaces) would be at least 3.2m wide and have a

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maximum gradient of 1:40. This results in a 22% variation to the standard. As with the variation to the building height standard, the Applicant has provided a well-founded Clause 4.6 Variation with the Concept Development Application which is referred concurrently for consideration to the Panel.

The Hills Local Environmental Plan 2019

The subject site is zoned R4 High Density Residential under LEP 2019. Seniors housing is 'residential accommodation' which is prohibited in the zone under LEP 2019. However, 'seniors housing' is permitted in land within a R4 High Density Residential zone under Section 81, Part 5 of the SEPP (Housing) 2021.

The proposed 'neighbourhood shop' is permissible with consent under LEP 2019. Clause 5.4(7) of LEP 2019 requires that the retail floor area of a 'neighbourhood shop' must not exceed 100m². The neighbourhood shop comprises a retail floor area of 85m² which complies with this provision.

a. Objectives of the Zone

The objectives of the R4 High Density Residential zone are:

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

The proposal is consistent with the stated objectives of the zone, in that the proposal will provide for housing needs of the aged community, and provide a variety of housing types within a high density residential environment. The 'neighbourhood shop' would provide a service to meet the day to day needs of the residents. As such, the proposal is satisfactory in respect to the LEP 2019 zone objectives.

b. The Hills LEP 2019 Development Standard/Local Provisions

LEP STANDARD/ PROVISION	REQUIRED	PROVIDED	COMPLIES
4.3 Height of Buildings	21m	Building A - 25.8m (25.11m approved under 1110/2022/JP) Building B - 26.3m (25.59m approved under 1110/2022/JP) Building C - 19.5m (20.7m approved under 1110/2022/JP) Building D - 24.65m (25.3m approved under 1110/2022/JP) Building E - 24.6m	N/A – additional 3.8m height standard applied under Section 87 of SEPP (Housing) 2021. Refer discussion below.

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		(24.23m approved under 1110/2022/JP)	
4.4 FSR (Base)	1.6:1	2.376:1	N/A – Clause 9.7 of the LEP and Section 87 of the Housing SEPP applied.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment	A variation to Section 87 and Schedule 4 of SEPP (Housing) 2021 has been submitted with the application.	Yes – refer discussion in Section 3.2.
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	12,403.8m^2	Yes
9.2 Site Area of Proposed Development includes dedicated land	Road dedication included as part of the site area for the purpose of calculating FSR.	Land dedication area of approximately 530m^2 included in FSR calculation.	Yes
9.3 Minimum Building Setbacks	Front Building Setbacks to be equal to, or greater than, the distances shown for the land on the Building Setbacks Map	Cadman Crescent and Hughes Ave is not identified with front setbacks in the mapping instrument.	N/A
Clause 9.5 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Design Advisory Panel and response provided by Applicant to address concerns raised by the Panel.	Yes, refer discussion below.
Clause 9.7 Residential development yield on certain land for FSR (Incentive)	2.3:1 subject to the lot having an area of 10,000m^2 within the Showground Precinct and provides a specific mix, family friendly unit sizes and parking.	2.376:1	N/A – additional FSR applied under Section 87 of the Housing SEPP. However, compliance with the unit mix, size and car provisions required under this Clause. Refer discussion below.

Further discussion on relevant provisions is provided below.

i. Height of Buildings

Clause 4.3 of LEP 2019 limits the height of the development site to a maximum 21 metres. However, the proposal also seeks to utilise Section 87 of SEPP (Housing) 2021 which allows for an additional 15% of the maximum permissible floor space ratio if the additional floor space

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is for the purposes of independent living units and the development will result in a maximum building height of not more than 3.8m above the maximum permissible building height. This results in a maximum permissible height of 24.8m for the site.

The proposal seeks a maximum height of 25.8m (variation of 1m or 4%) for Building A and 26.3m (variation of 1.5m or 6%) for Building B. This is consistent with the Amending Concept Development Application 1525/2024/JP. The Clause 4.6 written submission for Clause 87 is addressed under the Council Assessment Report for the Amending Concept Development Application which is referred concurrently to the Panel for determination.

ii. Floor Space Ratio

The site is subject to a base FSR of 1.6:1 under Clause 4.4 and an incentive FSR of 2.3:1 under Clause 9.7 of The Hills LEP 2019. However, the proposal also seeks to utilise Section 87 of SEPP (Housing) 2021 which allows for an additional 15% of the maximum permissible floor space ratio if the additional floor space is for the purposes of independent living units. In this regard, a maximum FSR of 2.645:1 is permitted for the site. This is subject to the proposal demonstrating compliance with the unit mix, size and car parking provisions under Clause 9.7. The below table demonstrates compliance with the unit mix, size and car parking provisions under the Clause:

APARTMENT MIX	REQUIRED	PROPOSED	COMPLIANCE
Maximum of 25% of dwellings (to the nearest whole number of dwellings) to be studio or 1 bedroom dwellings	Maximum 54 dwellings to be studio or 1 bedroom dwellings	10 x 1 bedroom dwellings are proposed.	Yes
Minimum 20% of dwellings (to the nearest whole number of dwellings) to be 3 or more bedroom dwellings	Minimum 44 dwellings to be 3 or more bedroom dwellings	91 x 3 bedroom dwellings are proposed.	Yes
Minimum 40% of 2 bedroom dwellings will have a minimum internal floor area of $110m^2$	Minimum 47 dwellings to have a minimum internal floor area of $110m^2$	47 or 40.5% of the 2 bedroom dwellings have a minimum internal floor area of $110m^2$.	Yes
Minimum 40% of 3 bedroom dwellings will have a minimum internal floor area of $135m^2$	Minimum 37 dwellings to have a minimum internal floor area of $135m^2$	37 or 40.7% of 3 bedroom dwellings are proposed.	Yes
Minimum 1 parking space per dwelling, minimum 1 visitor car parking space for every 5 dwellings	217 dwellings proposed, minimum 261 spaces required.	308 residential car parking spaces and 5 visitor spaces provided.	Yes – total number of car parking spaces complies. The shortfall of visitor spaces is addressed below.

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Clause 9.7 (2)(e) requires the following:

(e) the following minimum number of car parking spaces are to be provided on the site of the proposed development—

> *(i) for each dwelling—1 car parking space,*
>
> *(ii) for every 5 dwellings—1 car parking space, in addition to the car parking space required for the individual dwelling.*

Whilst 308 car parking spaces are provided for each dwelling, only 5 car spaces are provided for visitors. The Applicant has provided the following statement:

> *A total of 217 independent living units (ILU) and a total of 308 residential car spaces are proposed, plus 5 visitor spaces (313 spaces total). Accordingly, for compliance with this provision, 261 residential car spaces need to be provided (217 + 44). The proposed development providing a total of 308 residential car spaces exceeds this minimum by an additional 47 car spaces and therefore achieves compliance, satisfying clause 9.7(2)(e)(ii).*
>
> *It is important to note that seniors' residents of ILUs have lower car ownership levels than residents of build-tosell apartments. Indeed, very rarely would an ILU household own more than one car, with a notable proportion (typically the older and more frail residents) not owning a car at all. As such, the second space allocated to an ILU is typically used by visitors of the resident/s. This means that 91 car spaces within the basement that are secondary ILU car spaces, are effectively used as visitor spaces.*
>
> *In terms of the 33 tandem spaces proposed, these are ideal for the ageing in place progression of a resident allowing visitation by family, carers and service providers to park in the front tandem space. Advancements in modern ILUs has resulted in a significant increase in the number of residents receiving care at home, which is only predicted to grow. Home care allows fewer residents needing to transition to a residential care facility. Home care services support staff commonly drive to the retirement community and in the first instance, park in the space of the resident/s they are visiting, making tandem spaces ideal for seniors housing. In terms of the 5 designated visitor spaces provided in the basement car park, these will be available for maintenance vehicles and other visitors.*

Whilst the intent of subclause (2)(ii) is for visitors parking spaces, the provision does not specify that the rate of 1 car parking space for every 5 dwellings in addition to the car parking space required for the individual dwelling is exclusively for visitors parking only. In this regard, the total number of parking spaces meets the minimum provisions under Clause 9.7(2)(e) and does not prohibit the application of the incentive FSR.

The proposal provides for a maximum FSR of 2.376:1 which complies with the FSR development standards under Clause 9.7 of the LEP and Section 87 of the SEPP (Housing) 2021.

iii. Design Excellence

Clause 9.5 of the LEP states the following:

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

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

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

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

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on view corridors,

(d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 9.4,

(e) the requirements of the development control plan referred to in clause 9.4,

(f) how the development addresses the following matters:

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) the impact on, and any proposed improvements to, the public domain,

(xi) the impact on any special character area,

(xii) achieving appropriate interfaces at ground level between the building and the public domain,

(xiii) excellence and integration of landscape design.

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

(a) if the development is in respect of a building that is, or will be, higher than 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both):

(i) a design review panel reviews the development, and

(ii) the consent authority takes into account the findings of the design review panel, or

(b) if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both):

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(i) an architectural design competition is held in relation to the development, and

(ii) the consent authority takes into account the results of the architectural design competition.

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

(a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and

(b) a design review panel reviews the development, and

(c) the consent authority takes into account the findings of the design review panel.

As the proposed seniors housing development 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.

Comment:

The design excellence of the proposal was considered at a Design Advisory Panel meeting held on 11 September 2024. At the end of the meeting, the Design Advisory Panel concluded that:

> *"The Panel thanks the Applicant for the presentation, and notes that the Court approved Applications, (1110/2022/JP and 1112/2022/JP); and the Applications 110/2025/JP and 1525/2024/JP are presented as amendments to those Court approvals. On this basis the Panel acknowledges that the Court was satisfied that the requirements of Design Excellence had been met and notes that the application is an improvement on the Court approved Development Applications. If the Council Officer is satisfied that the Applicant has addressed the issues raised by the Panel the applications need not return to the Panel."*

A number of recommendations were made by the Design Advisory Panel. Refer Attachment S. These included further articulation on the facades of Buildings A, B, D and E to reduce the perceived bulk and scale of the development, relocation of ventilation shafts within the upper deck courtyard adjacent to the pool, and improvements to ground floor apartments to allow for direct street access.

The application has been amended to address these recommendations. Refer to Applicant's response to the Design Advisory Panel minutes in Attachment T. The Applicant has provided a response to the recommendations made by the DAP including providing a slight increase to the setback of Building A, an increase in the visual contrast of the façade recesses by proposing a darker colour and increase of the depth of glazing to reduce the perceived bulk and scale of the buildings. Where possible, direct access has also been provided to ground floor apartments and the ventilation shaft from the upper deck has been relocated to be within the core of Building E to ensure there are no visual amenity impacts.

With regard to Clause 9.5(4)(a), the design ensures that the standard of design, building materials, building type and location is consistent with the streetscape character of existing development and desired future character of the Showground Station Precinct.

With regard to Clause 9.5(4)(b), the high level of architectural design ensures that the form, arrangement and external appearance of the development will improve the quality and amenity

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of the public domain. A porte cochere is integrated into the design of the seniors housing development and would provide appropriate access for the future occupants of the development.

With regard to Clause 9.5(4)(c), the proposal will detrimentally impact any view corridors.

With regard to Clause 9.5(4)(d), the proposal results in no impact on adjoining properties in terms of overshadowing.

With regard to Clause 9.5(4)(e), the proposed development has been assessed against the relevant development control plans.

With regard to Clause 9.5(4)(f), the development addresses the relevant matters in other sections of this report.

With regard to Clause 9.5(4)(g), the findings of Council's Design Advisory Panel have been considered and the concerns raised have been satisfactorily addressed as above.

In this regard, the proposal satisfies the provisions of Clause 9.5 of LEP 2019.

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

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

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

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

Part D Section 19 Showground Station Precinct,
Part B Section 5 Residential Flat Buildings,
Part B Section 6 Business
Part C Section 1 Parking and
Part C Section 3 Landscaping.

The Court approved Concept Development Application under 1110/2022/JP achieved compliance with the relevant requirements of The Hills Development Control Plan except for site specific Showground Precinct controls relating to the structure plan and Precinct specific residential flat building controls for front and upper level setbacks, communal open space and maximum façade/building length.

The proposed Amending Concept Development Application under 1525/2024/JP and the subject built form Development Application is for seniors housing rather than a residential flat building. The subject built form application seeks to retain the front setbacks approved under the Court Approved developments under Development Consent 1110/2022/JP and 1112/2022/JP. The subject application is consistent with the Amending Concept DA 1525/2024 and reduces the maximum façade/building lengths for all buildings. No further variations are proposed to the site-specific controls.

Notwithstanding, the Development Application results in a variation to the Stack Parking control under Part C Section 1 Parking of The Hills DCP 2012. This is addressed below:

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a. Stack Parking

Control 2.1(i) of Part C Section 1 Parking of The Hills DCP 2012 requires that stack parking will not be included in the assessment of the number of car parking spaces for retail, commercial, medium density residential and industrial development and the like.

The Applicant has also provided the following justification for the variation to the control:

> *In terms of the tandem spaces proposed, these are ideal for the ageing in place progression of a resident allowing visitation by family, carers and service providers to park in the front tandem space. Advancements in modern ILUs has resulted in a significant increase in the number of residents receiving care at home, which is only predicted to grow. Home care allows fewer residents needing to transition to a residential care facility. Home care services support staff commonly drive to the retirement community and in the first instance, park in the space of the resident/s they are visiting, making tandem spaces ideal for seniors housing.*

The objective of the control is:

- *To provide sufficient parking that is convenient for the use of residents, employees and visitors of the development.*

The proposal includes 308 residential car parking spaces including 38 stacked/tandem car parking spaces or 270 car parking spaces excluding the stacked spaces. The car parking spaces provided excluding the stacked spaces complies with the non-discretionary standards under Section 108(2)(k) of the SEPP (Housing) 2021 which requires a rate of at least 0.5 parking spaces for each bedroom. As 515 bedrooms are proposed, a minimum of 258 residential parking spaces is required. With regards to the staging of the development, at least 170 spaces will be provided at Stages 1 and 2 (comprising 278 bedrooms) and 100 spaces will be provided at Stage 3 (comprising 237 bedrooms) which complies with the non-discretionary standards for minimum car parking rates required under Section 108(2)(k) of the SEPP (Housing) 2021.

It is considered that the car parking arrangement provides for sufficient parking and is suitable for the seniors housing development and the variation can be supported.

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

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

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

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

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

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

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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.

3.8 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 are consistent with the built form envisaged within the emerging precinct. The proposed seniors housing development is suitable for the site and is consistent with the zone objectives.

The proposal will provide for a seniors housing 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.

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

No submissions were received following the notification period.

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

The development will provide 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.

4. 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.

5. REFERRALS AND SUBMISSIONS

5.1 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 referral requirements subject to recommended conditions of consent being imposed.

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Agency	Concurrence/ referral trigger	Comments	Resolved
Referral/Consultation Agencies			
Water NSW	Nominated Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as approval is required under Sections 89 and 90(2) of the Water Management Act 2000.	The Development Application includes dewatering and irrigation requiring referrals under Water Supply Work Approval under the Water Management Act 2000. General Terms of Approval Provided. Refer Attachment S and condition 8.	Y
Endeavour Energy	S2.48 Development likely to affect an electricity transmission or distribution network – Transport and Infrastructure SEPP	No objections raised, conditions provided.	Y
Sydney Water	Notification	No objections raised. Conditions requiring Notice of Requirements, Sydney Water Building Plan Approval, a Section 73 Certificate recommended in development consent. Refer conditions 15, 77 and 107.	Y
NSW Police	Notification	No objections raised, conditions provided. Refer condition 10.	Y

5.2 Council Referrals (internal)

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

Officer	Comments	Resolved
Waterways	Whilst the site is not identified a flood controlled lot, the southeast corner of the site may be affected by the Probable Maximal Flood (PMF). 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 a condition requiring a Site Flood Emergency Response Plan being submitted prior to the issue of an Occupation Certificate. Refer condition 67.	Y

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Engineering	Council's Senior Subdivision Engineer has reviewed the submitted plans and information. Initial concerns were raised regarding the proposed street profile design being inconsistent with Council's technical specifications and further details required for the concept stormwater management design. Swept path diagrams were also requested to be submitted demonstrating the largest service vehicle can service the site and allow a B99 vehicle to pass each other for all entry and exit manoeuvres. Further information was submitted from the Applicant and conditions have been recommended for the application.	Y
Traffic	Council's Senior Traffic Engineer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y
Health	Council's Senior Environmental Health 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
Tree Management/ Landscape	Council's Senior Landscape Officer has reviewed the submitted plans and information. No objections are raised, subject to conditions.	Y
Contributions	Council's Forward Planning Contributions Officer has reviewed the submitted plans and information. No objections are raised, subject to condition 14.	Y
Land and Spatial Information	Council's Land and Spatial Officer has reviewed the submitted plans and information. No objections are raised, subject to condition 13.	Y

5.3 Community Consultation

The proposal was notified in accordance with the DCP/Council's Community Participation Plan from 16 July 2024 until 6 August 2024 and exhibited and notified for 28 days as nominated integrated development from 21 February 2025 to 24 March 2025. No submissions were received following the notification period.

6. CONCLUSION

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

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 and 4.22 of the Environmental Planning and Assessment Act, 1979, State

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Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, The Hills Local Environmental Plan 2019, and The Hills Development Control Plan 2012 and is considered satisfactory.

Approval is recommended subject to draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application 110/2025/JP for a Seniors Housing Development at 7-23 Cadman Crescent & 18-24 Hughes 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**.

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 Floor Space Ratio (Incentive) Map
- Attachment G: Court Orders for DA 1112/2022/JP
- Attachment H: Site Plan
- Attachment I: Subdivision Plan
- Attachment J: Site Access Diagram
- Attachment K: Construction Staging Plans
- Attachment L: Plans
- Attachment M: Elevations
- Attachment N: Landscape Plans
- Attachment O: Shadow Diagrams
- Attachment P: Finishes Schedule
- Attachment Q: Perspectives
- Attachment R: Comparison Diagrams to Amending Concept DA
- Attachment S: Water NSW – General Terms of Approval
- Attachment T: Design Advisory Panel Meeting Report
- Attachment U: Applicant's Response to Design Advisory Panel Meeting Report
- Attachment V: Requested changes to draft conditions not agreed to by Council staff

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ATTACHMENT A – DRAFT CONDITIONS OF DEVELOPMENT CONSENT

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
-	-	Plan of Subdivision	Andrew Lionel Whitfield	8/01/2025
AR-1007	01	Demolition Plan	Chrofi	7/04/2025
A-DA-614	01	Construction Staging Plan	Chrofi	18/10/2024
A-DA-003	04	Site Plan	Chrofi	18/03/2025
A-DA-200	04	Basement 1 Plan	Chrofi	8/04/2025
A-DA-201	05	Lower Ground Plan	Chrofi	8/04/2025
A-DA-203	05	Ground Floor Plan	Chrofi	18/03/2025
A-DA-204	05	Level 1 Plan	Chrofi	18/03/2025
A-DA-205	04	Level 2 Plan	Chrofi	20/01/2025
A-DA-206	04	Level 3 Plan	Chrofi	20/01/2025
A-DA-207	04	Level 4 Plan	Chrofi	20/01/2025
A-DA-208	04	Level 5 Plan	Chrofi	20/01/2025
A-DA-209	04	Level 6 Plan	Chrofi	20/01/2025
A-DA-210	04	Level 7 Plan	Chrofi	20/01/2025
A-DA-211	03	Roof Plan	Chrofi	20/12/2024
A-DA-300	03	Elevations	Chrofi	20/12/2024
A-DA-301	03	Elevations	Chrofi	20/12/2024
A-DA-302	03	Elevations	Chrofi	20/12/2024
A-DA-303	03	Elevations	Chrofi	20/12/2024
A-DA-400	03	Sections	Chrofi	20/12/2024
A-DA-401	03	Sections	Chrofi	20/12/2024

		A-DA-500	03	Materials Palette	Chrofi	20/12/2024	
		A-DA-501	02	Visualisation – Porte Cochere	Chrofi	24/04/2025	
		A-DA-502	02	Visualisation – South East Corner	Chrofi	24/04/2025	
		A-DA-503	02	Visualisation – North East Corner	Chrofi	24/04/2025	
		A-DA-504	01	Visualisation – Courtyard View	Chrofi	28/06/2024	
		A-DA-701	03	Accessible Apartments – 3 bed	Chrofi	20/12/2024	
		A-DA-702	03	Accessible Apartments – 2 bed	Chrofi	20/12/2024	
		A-DA-703	03	Accessible Apartments – 1 bed	Chrofi	20/12/2024	
		LDA7	H	Landscape Plan Overall	Turf Design Studio	19/12/2024	
		LDA9	H	Central Open Space Plan	Turf Design Studio	19/12/2024	
		LDA11	H	Central Open Space Plan – Walkway & Private Courtyards	Turf Design Studio	19/12/2024	
		LDA12	H	Central Open Space – Porte Cochere	Turf Design Studio	19/12/2024	
		LDA13	H	Central Open Space – Lawn & Social Breakout Area	Turf Design Studio	19/12/2024	
		LDA15	I	Streetscape Plan	Turf Design Studio	13/03/2025	
		LDA16	I	Typical Street Interface	Turf Design Studio	13/03/2025	
		LDA18	H	Rooftop Landscape Plan	Turf Design Studio	5/12/2024	
		LDA19	H	Existing Trees Retention Plan	Turf Design Studio	5/12/2024	
		LDA20	H	Existing Trees Transplantation Strategy	Turf Design Studio	5/12/2024	
		LDA21	H	Existing Trees Canopy Coverage	Turf Design Studio	5/12/2024	
		LDA21	H	Canopy Coverage Plan Street Level	Turf Design Studio	5/12/2024	
		LDA24	H	Planting Plan – Tree and Accent/Shrub	Turf Design Studio	5/12/2024	

LDA25	H	Planting Plan – Understorey	Turf Design Studio	5/12/2024
LDA26	H	Planting Plan – Rooftop Trees	Turf Design Studio	5/12/2024
LDA27	H	Planting Plan – Rooftop Understorey	Turf Design Studio	5/12/2024
-	-	Unit Numbering Plans	The Hills Shire Council	-

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. **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, bulk excavation, and to ensure compliance with the legislative requirements.

3. **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.

4. **Provision of Parking Spaces**

Before the issue of a final occupation certificate, the development is required to be provided with 322 off-street car parking spaces and shall be labelled which spaces are for each land use prior to occupation of the premises. These car parking spaces shall be available for off street parking at all times as indicated in the below table:

Uses	**Provision of car parking spaces**
Seniors Housing (Residential)	308 spaces, comprising: o 39 x AS2890.6 compliant spaces o 91 x 3.2m wide spaces o 178 x 2.4m wide spaces
Seniors Housing (Residential Visitors)	5 visitor spaces, including: o 1 x AS2890.6 compliant space
Neighbourhood Shop (Visitors)	5 spaces, including: o 4 x 2.6m wide spaces o 1 x AS2890.6 compliant space
Seniors Housing and Neighbourhood Shop (Staff)	4 spaces, including o 1 x AS2890.6 compliant space

Condition reason: To ensure compliance with parking requirements.

5. **State Environmental Planning Policy (Housing) 2021**

	The independent living units shall be restricted to the housing of seniors and/or people with disabilities in accordance with the provisions of State Environmental Planning Policy (Housing) 2021.
	Condition reason: To ensure the development is suitable for the intended use.
6.	**Compliance with Access Report**
	The recommendations contained within the Access Report prepared by Purple Apple Access dated 27 June 2024 are to be incorporated into the design of the development.
	Condition reason: To ensure the development is suitable for the intended use.
7.	**Separate Consent for Signs**
	Separate development consent is required for the erection of any signage structures not approved under the subject application.
	Condition reason: To ensure approval is sought for signage.
8.	**Compliance with Water NSW - General Terms of Approval**
	The proposed development shall be in accordance with the General Terms of Approval by Water NSW and Referral reference CNR-71829 dated 4/04/2025, at Attachment A in the relevant documents.
	Condition reason: To ensure compliance with relevant service provider's requirements.
9.	**Compliance with Endeavour Energy Requirements**
	The proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy re their Agency Concurrence and Referral reference CNR-71829 dated 5/08/2024, at Attachment B in the relevant documents.
	Condition reason: To ensure compliance with relevant service provider's requirements.
10.	**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 relevant service provider’s requirements.
11.	**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.

12. **Tree Removal**

Approval is granted for the removal of Six (6) Trees T1,T5, T17,T71,T95 &T99 as detailed in the Arboricultural Impact Assessment and Tree management Plan prepared by Earthscape Horticultural Services Dated 10/10/ 2024 Version 3.

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.

Trees T23, T64, T78, T84, T85, T86, T87, T115 are to be transplanted

Condition reason: To provide details of trees approved for removal.

13. **Property Numbering and Cluster Mailboxes for Multi Dwelling Housing and Residential Flat Buildings and Mixed Use Developments**

The overall property address for this development is: - Main Address for Development – Building A - 18 Hughes Avenue, Castle Hill NSW 2154

Building A: 18 Hughes Avenue, Castle Hill NSW 2154

Building B: 20 Hughes Avenue, Castle Hill NSW 2154

Building C: 19 Cadman Crescent, Castle Hill NSW 2154

Building D: 11 Cadman Crescent, Castle Hill NSW 2154

Building E: 7 Cadman Crescent, 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	Building D	Building E
Lower Ground	N/A	N/A	LG01 – LG02	N/A	N/A
Ground	G01	G02 – G08	G09– G16	G17 – G21	G22 – G23
Level 1	101 – 106	107 – 114	115 – 122	123 – 131	132 – 137
Level 2	201 – 206	207 – 215	216 – 223	224 – 232	233 – 238
Level 3	301 – 306	307 - 315	316 – 321	322 – 330	331 – 336
Level 4	401 – 406	407 – 415	N/A	416 – 424	425 – 430
Level 5	501 – 506	507 – 512	N/A	513 – 520	521 – 526
Level 6	601 – 604	N/A	N/A	605 – 611	612 – 617
Level 7	N/A	N/A	N/A	701 – 704	705 – 708

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>

All mail and deliveries are to go to concierge near porte-cochere between Building A & B. After-hours deliveries for will need to use intercom system, either at porte-cochere, or outside of individual building entry.

Australia Post requires mail delivery 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 concierge desk to ensure the security of mail located on the vehicle. All mail and parcels are to be delivered to concierge within business hours. An intercom or doorbell is to be provided for each unit for delivery after-hours.
Locations as provided on Land Information marked up plans DWG No: A-DA-003, Rev 04, Dated 18/03/25 & are to be approved by Australia Post for mail delivery. Plans are to be provided to Sobhana Gangadharan at the Seven Hills Delivery Centre via email Sobhana.Gangadharan@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The proprietors mail is to be delivered to concierge.

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.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

14. **Section 7.11 Contribution**

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

Stage 1

	Purpose: 1 bedroom unit	*Purpose: 2 bedroom unit*	*Purpose: 3 bedroom unit*	*Purpose: Credit*
Open Space - Land	$ 4,729.95	$ 6,621.92	$ 8,198.57	$ 10,720.84
Open Space - Capital	$ 2,390.82	$ 3,347.16	$ 4,144.10	$ 5,419.03
Transport Facilities - Land	$ 1,176.37	$ 1,646.91	$ 2,039.04	$ 2,666.34
Transport Facilities - Capital	$ 1,830.58	$ 2,562.82	$ 3,173.01	$ 4,149.18
Water Management - Capital	$ 477.95	$ 669.14	$ 828.46	$ 1,083.33
Administration	$ 62.90	$ 88.08	$ 109.05	$ 142.58
Total	$ 10,668.58	$ 14,936.03	$ 18,492.22	$ 24,181.30

No. of 1 Bedroom Units: 6	No. of 2 Bedroom Units: 31	No. of 3 Bedroom Units: 46	Sum of Units	No. of Credits: 7	Total S7.11
$ 28,379.72	$ 205,279.44	$ 377,134.16	$ 610,793.31	$ 75,045.88	$ 535,747.44
$ 14,344.94	$ 103,761.90	$ 190,628.57	$ 308,735.41	$ 37,933.19	$ 270,802.23
$ 7,058.22	$ 51,054.26	$ 93,795.62	$ 151,908.11	$ 18,664.41	$ 133,243.69
$ 10,983.51	$ 79,447.44	$ 145,958.54	$ 236,389.49	$ 29,044.26	$ 207,345.23
$ 2,867.71	$ 20,743.26	$ 38,109.27	$ 61,720.24	$ 7,583.34	$ 54,136.90
$ 377.37	$ 2,730.48	$ 5,016.08	$ 8,123.93	$ 998.06	$ 7,125.87
$ 64,011.48	$ 463,016.78	$ 850,642.23	$ 1,377,670.49	$ 169,269.13	$ 1,208,401.36

Stage 2

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	$ 4,729.95	$ 6,621.92	$ 8,198.57	$ 10,720.84
Open Space - Capital	$ 2,390.82	$ 3,347.16	$ 4,144.10	$ 5,419.03
Transport Facilities - Land	$ 1,176.37	$ 1,646.91	$ 2,039.04	$ 2,666.34
Transport Facilities - Capital	$ 1,830.58	$ 2,562.82	$ 3,173.01	$ 4,149.18
Water Management - Capital	$ 477.95	$ 669.14	$ 828.46	$ 1,083.33
Administration	$ 62.90	$ 88.08	$ 109.05	$ 142.58
Total	$ 10,668.58	$ 14,936.03	$ 18,492.22	$ 24,181.30

No. of 1 Bedroom Units: 1	No. of 2 Bedroom Units: 22	No. of 3 Bedroom Units: 9	Sum of Units	No. of Credits: 2	Total S7.11
$ 4,729.95	$ 145,682.18	$ 73,787.12	$ 224,199.25	$ 21,441.68	$ 202,757.57
$ 2,390.82	$ 73,637.48	$ 37,296.89	$ 113,325.20	$ 10,838.05	$ 102,487.14
$ 1,176.37	$ 36,232.06	$ 18,351.32	$ 55,759.75	$ 5,332.69	$ 50,427.06
$ 1,830.58	$ 56,382.05	$ 28,557.11	$ 86,769.74	$ 8,298.36	$ 78,471.38
$ 477.95	$ 14,721.02	$ 7,456.16	$ 22,655.14	$ 2,166.67	$ 20,488.47
$ 62.90	$ 1,937.76	$ 981.41	$ 2,982.06	$ 285.16	$ 2,696.90
$ 10,668.58	$ 328,592.56	$ 166,430.00	$ 505,691.14	$ 48,362.61	$ 457,328.53

Stage 3

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	$ 4,729.95	$ 6,621.92	$ 8,198.57	$ 10,720.84
Open Space - Capital	$ 2,390.82	$ 3,347.16	$ 4,144.10	$ 5,419.03
Transport Facilities - Land	$ 1,176.37	$ 1,646.91	$ 2,039.04	$ 2,666.34
Transport Facilities - Capital	$ 1,830.58	$ 2,562.82	$ 3,173.01	$ 4,149.18
Water Management - Capital	$ 477.95	$ 669.14	$ 828.46	$ 1,083.33
Administration	$ 62.90	$ 88.08	$ 109.05	$ 142.58
Total	$ 10,668.58	$ 14,936.03	$ 18,492.22	$ 24,181.30

No. of 1 Bedroom Units: 3	No. of 2 Bedroom Units: 63	No. of 3 Bedroom Units: 36	Sum of Units	No. of Credits: 5	Total S7.11
$ 14,189.86	$ 417,180.79	$ 295,148.47	$ 726,519.12	$ 53,604.20	$ 672,914.92
$ 7,172.47	$ 210,870.96	$ 149,187.58	$ 367,231.01	$ 27,095.13	$ 340,135.87
$ 3,529.11	$ 103,755.44	$ 73,405.27	$ 180,689.82	$ 13,331.72	$ 167,358.10
$ 5,491.75	$ 161,457.70	$ 114,228.42	$ 281,177.87	$ 20,745.90	$ 260,431.98
$ 1,433.86	$ 42,155.66	$ 29,824.64	$ 73,414.16	$ 5,416.67	$ 67,997.49
$ 188.69	$ 5,549.05	$ 3,925.62	$ 9,663.36	$ 712.90	$ 8,950.46
$ 32,005.74	$ 940,969.59	$ 665,720.00	$ 1,638,695.34	$ 120,906.52	$ 1,517,788.81

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.

15. **Notice of Requirements**

Before the issue of the relevant 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.
16.	**Construction Site Management Plan**
	Before the issue of a construction certificate or a subdivision works certificate, a construction site management plan must be prepared, and provided to the Council. The plan must include the following matters: i. The location and materials for protective fencing and hoardings on the perimeter of the site; ii. Provisions for public safety; iii. Pedestrian and vehicular site access points and construction activity zones; iv. Details of construction traffic management including: a) Proposed truck movements to and from the site; b) Estimated frequency of truck movements; and c) Measures to ensure pedestrian safety near the site; v. Details of bulk earthworks to be carried out; vi. The location of site storage areas and sheds; vii. The equipment used to carry out works; viii. The location of a garbage container with a tight-fitting lid; ix. Dust, noise and vibration control measures; x. The location of temporary toilets; xi. 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.
17.	**Parking Restrictions**
	While site work is being carried out, existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any signs, barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be agreed to by Council and will be assessed against Council policies and to ensure that road safety is not compromised. A detailed drawing of the signs and line marking associated with the development, showing any proposed change to parking restrictions shall be provided by the developer for the endorsement of the Local Traffic Committee and Council approval.

	The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.
	Condition reason: To ensure that existing kerbside parking provisions are not compromised during works
18.	**Road Reserve Safety**
	While site work is being carried out, all public footways and roadways fronting and adjacent to the site must be maintained in a safe condition during the course of the development works, with minimal disruption caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted onto the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742.3- 2009 “Traffic control for works on roads”. If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
	Condition reason: To ensure public safety.
19.	**Surrender of Consent**
	Before the issue of a construction certificate, the applicant is to surrender the consent relating to DA No. 1112/2022/JP for a Residential Flat Building Development on the subject site at 7-23 Cadman Cresent and 18-24 Hughes Ave, Castle Hill under the provisions of Section 4.63 of the Planning and Environmental Planning and Assessment Act 1979. The consent is to be surrendered to Council in accordance with the Environmental Planning and Assessment Regulation 2021 with a copy submitted to Council and the PCA.
	Condition reason: To ensure the development is carried out in accordance with the appropriate consent.
20.	**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**
Total housing and productivity contribution	$2,174,262.49

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.

BEFORE WORK COMMENCES

21. **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.
22.	**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.
23.	**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.
24.	**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.
25.	**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.
26.	**Ground Protection within Tree Protection Zone**
	Before site works commence, ground protection measures are required where any construction access or works are within the TPZ of any tree (s) identified for retention which include the following: a) Temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site (s). 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
	Condition reason: To protect Trees.
27.	**Waste Management Plan – an approved document of this consent**
	Before site work commences, a waste management plan for the development must be provided to principal certifying authority.

	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction

DURING WORKS

28.	**Compliance with BASIX Certificate**
	During works, all commitments listed in BASIX Certificate No. 1753629M 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.
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.	**Construction Noise Management Plan**
	A Construction Noise Management Plan, prepared by a suitably qualified Acoustic Consultant is to be provided to the Certifier or Council (where a certifier is not required). The plan must be prepared in accordance with the Interim Construction Noise Guidelines prepared by the NSW EPA, and the requirements of Council found in the condition. The plan must detail potential noise impacts on nearby residents from earthworks, excavation and construction, and confirm that the construction site will comply with the requirements of the Interim Construction Noise Guidelines, and address the following matters: a) The sound level of any equipment is to be selected to minimise noise levels; b) Alternatives to reversing beepers are to be implemented; c) The management of short-term exceedance of approved noise levels. Where excessively intrusive noise activities are proposed these should be programmed to allocate respite periods by restricting the hours that the noisy activities can occur; d) Contact details for a responsible person who can address any issues raised by Council staff or members of the public from affected properties; and e) Identification of any properties that may be impacted by the works, including sensitive land uses.
	Condition reason: To protect the noise amenity of the surrounding area and the wellbeing of nearby residents.
32.	**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 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.

33.	**Deleted**
34.	**Protection of Tree Canopy**
	While works are being carried out, care shall be taken when operating excavation machineries, cranes and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Any damages to trees during the construction period must be inspected by a Project Arborist and remedial action is to be implemented and certified by the Project Arborist.
	Condition reason: To protect tree Canopy
35.	**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 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.
36.	**Waste Management**
	While site work is being carried out: • all waste management must be undertaken in accordance with the waste management plan, and • upon disposal of waste, records of the disposal must be compiled and provided to 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. • 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.
37.	**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.
38.	**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

39.	**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.
40.	**Validation report**
	On completion of any remediation works, a validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council) for the relevant stage of construction. 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 If no remediation works are found to be necessary for a stage, a written statement must be provided stating that no remediation works were required for that stage.
	Condition reason: To ensure controls are in place for contamination management

BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

41.	**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.

OCCUPATION AND ONGOING USE

42.	**Discharge of collected groundwater**

	During construction any collected or accumulated ground water must be treated and discharged so to not cause water pollution. The treatment and discharge shall be in accordance with The Hydrogeological Report which included the Dewatering Management plan and the groundwater seepage analysis, prepared by EI Australia and dated 20 February 2025. Documentation of testing prior to any discharge to the stormwater system must be maintained and provided to the regulatory authority if requested.
	Condition reason: To protect the environment and ensure the prevention of water pollution.

DEMOLITION WORK

BEFORE WORK COMMENCES

43.	**Notification of Asbestos Removal**
	Before commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and SafeWork 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.
44.	**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.
45.	**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: • the location of all hazardous material throughout the site • a description of the hazardous material • the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust • an estimation of the quantity of each hazardous material by volume, number, surface area or weight • a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials • identification of the disposal sites to which the hazardous materials will be taken
	Condition reason: To require a plan for safely managing hazardous materials
46.	**Protection of Existing Trees**
	Before any work begins on the site, the identified tree/s that are to be retained are to be protected throughout the entire duration of the project. The protection measures should strictly adhere to AS4970-2009: Protection of Trees on Development Sites and the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated 10/10/24. The measures must include: a) A chain-wire fence, standing at least 1.8 metres high, erected as shown on the Tree Protection Plan within the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated 10/10/24. The fence must be in place before any activities occur on the site.

	b) Stockpiling of materials, placement of fill, parking of vehicles and compaction of soil shall not occur within the designated root protection zone. c) Within the tree protection zone, all areas should be evenly covered with composted leaf mulch with a minimum depth of 100mm. d) A sign indicating the protection of the trees much be prominently displayed. e) No installation of services within the tree protection zone should be undertaken without obtaining prior consent from Council. f) 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.

DURING DEMOLITION WORKS

47.	**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.
48.	**Trenching within Tree Protection Zone**
	Whilst site works are being carried out, any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to 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.
49.	**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.
50.	**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
51.	**Site Preparation**
	Before demolition work commences the following requirements 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.

BUILDING WORKS

GENERAL CONDITIONS

52.	**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 the relevant 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.
53.	**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 predominately concrete or bitumen and any alternate materials must not be within the road reserve and the design must consider the largest design service vehicle expected to enter the site. Any alternate materials must also be slip resistant. 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. 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.
54.	**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 clashing with other services.
55.	**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), for provision of the following: **a) Stormwater Drainage – Pipe Extension** A new kerb inlet pit must be provided in Hughes Avenue fronting the site and the street drainage extended from the existing pit downstream. The existing pit shall be relocated downstream of the proposed driveway rather than being sealed. The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder. 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 the relevant construction certificate or a subdivision work certificate, whichever precedes first/earlier, 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.
56.	**Road Opening Permit**
	Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team. The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.
	Condition reason: To protect the roads.
57.	**Excavation/ Anchoring Near Boundaries**
	Before the issue of the relevant 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.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

58.	**Acoustic Requirements**
	Before the issue of the relevant construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of the Acoustic

	Assessment Report prepared by Northrop Consulting engineers Pty Ltd, referenced as SY241417-00AU-RP01, Rev 2, dated 27 June 2024 have been implemented. In particular: a) Sound Insulation Provisions b) Glazing recommendations c) Mechanical Plant
	Condition reason: To protect the acoustic amenity of the local area and of the development.
59.	**Preparation of Mechanical Ventilation Plans**
	Before the issue of the relevant 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.
60.	**Provision of Bulky Goods Storage Area**
	Before the issue of the relevant 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.
61.	**Construction of Separate Waste Storage Areas**
	Before the issue of the **relevant construction** certificate, construction plans demonstrating separate waste storage areas must be approved by the certifier. The areas must provide minimum storage facility for 16x1100lt residential garbage bins, 14x1100lt commercial garbage bins, 16x1100lt residential recycle bins , 14x1100lt commercial recycle bins and 15x240lt residential FOGO bins with and a 2 bin linear conveyor system for Building B Only. Buildings A,C,D and E will terminate into 1 single 1100lt bin. The waste storage area(s): a) must be sized to store and maneuver the 16x1100lt residential garbage bins, 1x1100lt commercial garbage bin, 16x1100lt residential recycle bins, 2x1100lt commercial recycle bins and 15x240lt residential FOGO bins b) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide. c) must ensure that commercial tenants do not have access to the residential waste storage area(s), and vice versa for residential occupants. d) must have walls constructed of brickwork. (we have blockwork) e) Must have floors constructed of concrete with a smooth non-slip finish, graded and drained

	to sewer. The rooms must not contain ramps and must be roofed. f) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow direct access to the bins by collection contractors. g) doors, 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) must be ventilated. Vented waste storage areas must not be connected to the same ventilation system supplying air to the units. i) must be provided with a hose tap, connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins. j) must be provided with internal lighting. k) maximum grade acceptable for moving bins for collection purposes is 5%. Where this is exceeded, a mechanical bin tug must be used. l) must have appropriate signage, mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
	Condition reason: To ensure adequate bin storage areas are provided in mixed use developments to enable separation of the different waste streams from residential and commercial uses.
62.	**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 AS 2890 for the minimum standard 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 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 maneuvering 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.
63.	**Communal Composting Areas**
	Before the issue of the relevant 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.
64.	**Provision of Bin Cupboards**
	Before the issue of the relevant construction certificate, construction plans must be submitted to the certifier that demonstrate a separate bin cupboard 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.
65.	**Internal Pavement and Turntable Structural Design Certification**
	Before the issue of the relevant 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 waste collection vehicle (i.e., 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.
	Condition reason: To ensure internal pavement design is adequate.
66.	**Erosion and Sediment Control Plan**
	Before the issue of the relevant 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 Principal 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 a) 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.
67.	**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.
	Condition reason: To protect the occupants and provide a safe evacuation plan.
68.	**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) RL 101.34m 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) RL 100.84m AHD 100 year ARI flood level (FPL2). b) RL 101.34 AHD 100 year ARI flood level plus a further 0.5m freeboard (FPL3). c) 100 year ARI flood velocity. d) RL 102.00m AHD PMF flood level (FPL4). 3. 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.

a) 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.

69. **Onsite Stormwater Detention – Hawkesbury River Catchment Area**

Before the issue of the relevant construction certificate or a subdivision work 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.

1. The stormwater concept plan prepared by JHA, project number 240163, Drawings;

Drawing Number	Revision	Dated
C-DA000	P4	14/03/25
C-DA100	P6	18/3/25
C-DA101	P6	18/3/25
C-DA102	P6	18/3/25

C-DA103	P4	18/3/25
C-DA201	P4	18/3/25
C-DA300	P4	14/3/25
C-DA301	P5	18/3/25
C-DA302	P3	18/3/25
C-DA303	P2	18/3/25
C-DA500	P3	14/3/25
C-DA501	P3	14/3/25

are for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

a) The WQ chamber shall be sized for the 4EY event and drain to a pit past the orifice. To compensate for the flow from the WQ chamber, the orifice shall be resized (decreased).

b) HED pit/chamber shall be small as practicably possible, typically 0.9mx0.9m

2. Water sensitive urban design elements, consisting of Ocean Protect's pit inserts "OceanGuard" and stormwater filters "StormFilter", 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.

3. 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.

a) A maintenance schedule.

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

70. **Stormwater Pump/ Basement Car Park Requirements**

Before the issue of the relevant construction certificate, a suitably qualified civil engineer must review the groundwater 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 not be connected

to the Onsite Stormwater Detention system. The water shall be treated as per the requirements of the hydrogeological report before it is discharged to the street via a direct connection to a Kerb Inlet Pit. 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 groundwater inflows.

71. **Security Bond – Road Pavement and Public Asset Protection**

The applicant must provide a security bond of $508,860.00 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 (514m) multiplied by the width of the road (7.5m.) 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

72. **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 engineering plan prepared by JHA, project number 240163, Drawings;

Drawing Number	Revision	Dated
C-DA000	P4	14/03/25
C-DA100	P6	18/3/25
C-DA101	P6	18/3/25
C-DA102	P6	18/3/25
C-DA103	P4	18/3/25
C-DA201	P4	18/3/25
C-DA300	P4	14/3/25
C-DA301	P5	18/3/25

C-DA302	P3	18/3/25
C-DA303	P2	18/3/25
C-DA500	P3	14/3/25
C-DA501	P3	14/3/25
C-DA700	P5	18/3/25
C-DA701	P5	18/3/25
C-DA900	P4	14/3/25
C-DA901	P5	18/3/25
C-DA902	P4	14/3/25
C-DA903	P4	14/3/25

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

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

The existing 3.5m wide footpath verge measured from the face of kerb must be widened by 2m to 5.5m (and this road widening dedicated to the public). Within this widened verge the required formation must generally be in accordance with Council's Showground Precinct Public Domain Plan, Council's Showground Precinct Verge Treatment Detail/ Plans dated 15 February 2019, the above documents and Council's standard drawings/ details relating to these works.

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

b) 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".

c) Footpath Verge Formation

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

d) Concrete Footpath

	A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided fronting the site in accordance with the DCP and the above documents. **e) Disused Layback/ Driveway Removal** All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. **f) Earthworks/ Site Regrading** Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by JHA, Project Number 240163, drawing C-DA700 & C-DA701, Revision P5, dated 18 Mar 25. 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) Water Sensitive Urban Design Elements** Water sensitive urban design elements, consisting of Ocean Protect's pit inserts "OceanGuard" and stormwater filters "StormFilter", 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
73.	**Utilities and Services**
	Before the issue of the relevant construction certificate, written evidence of the following service provider requirements must be provided to the Principal Certifier: a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; b) a response from Sydney Water as to whether the plans accompanying the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met; c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	Condition reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
74.	**External Lighting**

	Before the issue of the relevant 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: comply with AS 1158: Lighting for Roads and Public Spaces; comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting; lighting must be placed at all entrances to, and exits from the premises; lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas; lighting must not interfere with traffic safety; lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance. 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.
75.	**Design Verification**
	Before the issue of the relevant 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 *State Environmental Planning Policy (Housing) 2021*.
	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.
76.	**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

BEFORE WORK COMMENCES

77.	**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.
78..	**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.
79.	**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 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.
80.	**Tree Removal on Public Land**
	Approval is granted for the removal of Two (2) street trees T1,T5 on Cadman Crescent that is located on nature Strip as shown on plans prepared by Earthscape Horticultural Services Dated 10/10/ 2024 Version 3 located on the Council nature strip that will be impacted by works associated with the development. Before any works commence on site, the following details must be provided to The Hills Shire Council's Manager – Environment & Health: a) Time and date of when the tree works will occur; b) Details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist); c) Current copy of the contractors Public Liability Insurance (Minimum $10,000,000). Note: Tree removal on public land shall be fully costed by the applicant. The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.
	Condition reason: To ensure that tree removal is appropriately managed.

81.	**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.
82.	**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.
83.	**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. The location of fencing shall be as per the Tree Protection Plan within the Arboricultural Impact Assessment prepared by Earthscape Horticultural Services dated 10/10/24. 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 root 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.
84.	**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.
85.	**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 7 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
86.	**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.
87.	**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.
88.	**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 approved plan must be submitted to and approved by Council before being implemented. A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.
	Condition reason: To Ensure safe movement of vehicles around/past the site
89.	**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.

DURING BUILDING WORKS

90.	**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.
91.	**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.
92.	**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
93.	**Rock Breaking Noise**
	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking, rock breaking must 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
94.	**Construction and Fit-out of food premises involving the sale/preparation of food**
	During building work, the design, construction and fit-out of any food premises involving the sale/preparing of food for residents and guests must comply with the *Australian Standard 4674-2004 – Design, construction and fit-out of food premises* and the Food Standards Code (Australia). Note: Copies of *Australian Standard 4674-2004* may be obtained from www.saiglobal.com by visiting the website: www.saiglobal.com and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website www.foodstandards.gov.au.

	Condition reason: To ensure the food premises complies with relevant food safety legislation and standards
95.	**Mechanical ventilation in Food Premises involving the sale of food**
	During building work, exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They must have removable grease filters for cleaning. Documentation shall be submitted to the principle certifying authority that the ventilation system has been installed and is operating in accordance with: a) *AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings*; and b) *AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings*.
	Condition reason: To protect the amenity of the local area
96.	**Hand Washing in Skin Penetration Premises for Beauty Salon (Communal Facilities)**
	During building work, a dedicated hand wash basin must be located in every treatment room and: a) is separate to the cleaning and kitchenette basin. b) has a supply of hot and cold potable running water through a common spout. The water when mixed must be capable of reaching 40°C. c) all walls adjacent to wash basins are to be constructed of a material that is durable, smooth and impervious. Such material shall extend from the floor level to a height of 450mm above the top of the wash basin from the centre of the wash basin to a distance of 150mm beyond each side of the wash basin.
	Condition reason: To ensure compliance with health standards for infection control
97.	**Wall Material in Beauty/Skin penetration Premises**
	During building work, the walls of the consulting rooms must be constructed of material that is durable, smooth, easily cleaned and impervious.
	Condition reason: To ensure compliance with health legislation for infection control
98.	**Floor Material in Beauty/Skin Penetration Premises**
	During building work, the floor of the treatment rooms must be constructed of materials that are impervious, nonslip and nonabrasive, capable of withstanding heavy-duty operation, hot water, soap and detergent.
	Condition reason: To ensure compliance with health legislation for infection control
99.	**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
100.	**Further Contamination Assessment**
	A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.
	Condition reason: To ensure controls are in place for contamination management
101.	**Retention of Trees**
	While works are being carried out, only trees specifically identified for removal on the approved plans may be removed. Any remedial work is to be carried out in accordance with the Arboricultural Impact Assessment and Tree management Plan prepared by Earthscape Horticultural Services Dated 10/10/24 Version 3 which include the following:

	a) Minor vegetation trimming may be required to accommodate construction clearances. Standard pruning specifications are outlined below: • Pruning must not exceed 10% of the overall canopy volume. • No limbs greater than 50mm in diameter are to be removed. • The final pruning cut shall be at the branch collar or growth point in accordance with AS4373. All tree pruning work is to be carried out by an arborist with a minimum AQF Level 3 qualification in Arboriculture, in accordance with AS4373 and the NSW WorkCover Code of Practice for the Amenity Tree Industry (1998). If the proposed vegetation trimming does not meet the specifications outlined above, the project arborist must undertake an assessment of impacts on a case-by-case basis.
	Condition reason: To ensure retained trees are adequately protected during works.
102.	**Project Arborist**
	During site works, the Project Arborist must be on site to supervise any works within the Tree Protection Zone (TPZ). 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.
103.	**Provision of Waste Chute System**
	Before the issue of the relevant construction certificate, there must be a waste chute system included on the construction plans and approved by the Certifier. The waste chute system must include: a) Chute openings on every applicable residential floor within the building corridors with the exception of Building C Lower Ground who will have direct access to the waste room on their level.; b) waste chutes that must terminate into the waste storage rooms; c) Garbage discharge into 1100lt bins housed on 2 bin linear system for Building B. Buildings A,C,D and E will discharge into singular 1100lt bins. d) Recycling discharged into 1100lt bins housed on 2 bin linear system for Building B. Buildings A,C,D and E will discharge into singular 1100lt bins.
	Condition reason: To ensure sufficient waste management on site.
104.	**Discharge of collected groundwater**
	During construction any collected or accumulated ground water must be treated and discharged so to not cause water pollution. The treatment and discharge shall be in accordance with The Hydrogeological Report which included the Dewatering Management plan and the groundwater seepage analysis, prepared by EI Australia and dated 20 February 2025.
	Condition reason: To protect the environment and ensure the prevention of water pollution

ON COMPLETION OF WORKS

105.	**Completion of Landscape and Tree works**
	After the clearing of vegetation, 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)
106.	**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.

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE

107.	**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.
108.	**Registration of Cool Water and Warm Water Systems**
	Before the issue of a final occupation certificate, the Principal Certifier shall be satisfied that any cooling water system and/or any warm water system is: a) Installed in accordance with AS/NZS 3666.1:2011 with a certificate from the installer. b) Is registered with Council.
	Condition reason: To ensure compliance with health standards for infection control
109.	**Planting Requirements**
	Before the issue of an occupation certificate, the principal certifier must be satisfied that 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/m^2. Any species that need substituting requires confirmation from Council. Planting along Cadman crescent East and Cadman Crescent North are to be inline with Showground Precinct Street Tree Planting Plan. *Eucalyptus haemostoma* is to be substituted for *Tristaniopsis laurina*
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
110.	**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
111.	**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.
112.	**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 (i.e. 28 tonnes gross vehicle mass).
	Condition reason: To ensure that the internal pavement has been constructed to allow Council's waste vehicle to enter the site safely.
113.	**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.
114.	**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.
115.	**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.
116.	**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.
117.	**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.
118.	**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. 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.
119.	**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
120.	**Creation of Restrictions / Positive Covenants**
	Before the issue of an Occupation Certificate for Stage 1, 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) Dedication – Road Widening The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to the verge dedication on Cadman Crescent. d) 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. e) 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.
	Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.
121.	**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
122.	**Public Road/ Road Widening Dedication**
	Before the release of an Occupation Certificate the proposed public road/road widening has been dedicated in accordance with the undertaking submitted relating to dedication of the additional 2m of verge on Cadman Crescent.
	Condition reason: To ensure any land required under this consent to be dedicated prior to occupation of the structure
123.	**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.
124.	**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.
125.	**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
126.	**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
127.	**Subdivision Public Asset Creation Summary**
	A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.
	Condition reason: To assist in computing the total quantities of public asset/ inventory being handed over to Council.
128.	**Completion of Engineering Works**
	Each Occupation Certificate must not be issued before the completion of all relevant 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.
129.	**Stormwater CCTV Recording**
	All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.
	Condition reason: To ensure all newly built and existing stormwater infrastructure traversing the site have been constructed to Council satisfaction without any defects and all products used are in accordance with the approved plans.
130.	**Removal/ Amendment of Existing Easement**
	Before the release of a Occupation Certificate the existing easement to drain water 1.2 wide and easement for services 2 wide must be removed/ amended. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.
	Condition reason: To ensure any redundant easements are removed from any future titles
131.	**Retaining Walls**
	Before a "whole" occupation certificate is issued, all retaining walls shown on the approved plans shall be completed.

	Condition reason: To ensure the amenity of adjacent properties are protected.
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.	**Compliance with SEPP (Housing) 2021**
	Before the issue of an occupation certificate, a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development detailing the following: Only the following persons may occupy the seniors housing accommodation: (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to the accommodation.
	Condition reason: To ensure the development is carried out in accordance with Section 88 of the SEPP (Housing) 2021 and Clause 86 of the Environmental Planning and Assessment Regulation 2021.
134.	**Access and Useability**
	Prior to the issue of the Occupation Certificate, a report prepared by an Independent Assessor shall be submitted to Council or the Certifying Authority demonstrating the developments compliance with the provisions of relevant provisions of the State Environmental Planning Policy (Housing) 2021 on development standards concerning access and useability.
	Condition reason: To ensure the development is carried out in accordance with relevant accessibility standards for the intended use.

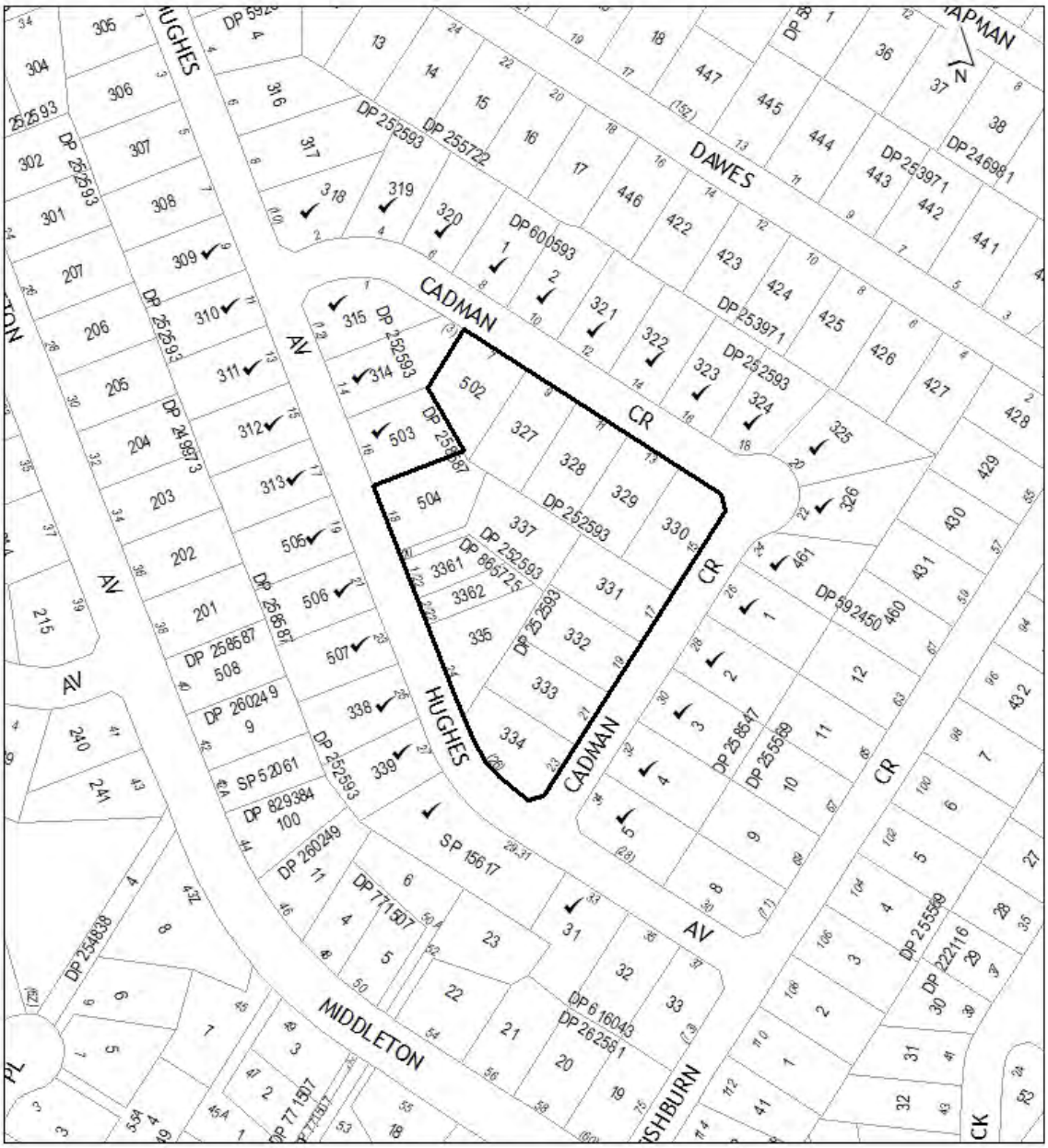
OCCUPATION AND ONGOING USE

135.	**Hours of Operation of the Neighbourhood Shop**
	The hours of operation of the Neighbourhood Shop is to be restricted to the following: • Monday to Sunday 7am to 6pm
	Condition reason: To protect the amenity of the local area.
136.	**Use of Wellness Club**
	The use of the wellness club and dining facilities are to be exclusively used by residents of the development and their guests.
	Condition reason: To ensure the development is suitable for its intended use.
137.	**Offensive Noise and control of noise from the roof communal rooftop garden**
	During occupation and ongoing use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provisions of the *Protection of the Environment Operation Act 1997*. The use of the rooftop garden is to be restricted to between 7am and 10pm.
	Condition reason: To protect the amenity of the local area
138.	**Public Swimming Pool Operational Management Plan**
	During ongoing use of the premises, a management plan shall be prepared and kept on site. The management plan shall address the following: a) Cryptosporidium risk management and incident response plan; b) Vomit incident response plan;

	c) Hard surface incident response plan (vomit, blood or faecal); d) Faecal incident response plan (loose stool); and e) Faecal incident response plan (solid stool). Information and samples of response plans are available from NSW Health website.
	Condition reason: To protect public health
139.	**Public Swimming Pool Requirements**
	The operation and maintenance of the swimming pools must be in accordance with the requirements of: a) Public Health Act 2010; b) Part 3 and Schedule 1 of the Public Health Regulation 2022: and c) NSW Guidelines for Public Swimming Pools and Spa Pools 2022.
	Condition reason: To protect public health
140.	**Waste and Recycling Collection Contract – Commercial Premises**
	During the occupation and use, a private waste contract is to be in place with a licensed contractor for the removal and lawful disposal of all waste generated by the commercial premises on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to an authorised officer of Council who asks to see it.
	Condition reason: To ensure a private waste contractor is engaged with by commercial premises to lawfully remove all waste generated onsite.
141.	**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.
142.	**Commercial Waste and Recycling Collection**
	During the occupation and use of the site, the site owner is to ensure that: a) All waste and recycling generated on the site is removed at regular intervals; b) Bins must not be placed on public property without the prior written approval of Council; c) Waste collection must not cause a nuisance or interfere with the amenity of the surrounding area; and d) Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.
	Condition reason: To protect amenity of locality.
143.	**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.
144.	**Lighting**
	The design of lighting at the site shall not cause a nuisance to other residences in the area or to motorists on nearby roads, and no adverse impact on the amenity of the surrounding area by

	light overspill. All lighting shall comply with the *Australian Standard AS4282:1997 Control of Obtrusive Effects of Outdoor Lighting.*
	Condition reason: To protect the amenity of the nearby residences and the immediate surrounding area.
145.	**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.

ATTACHMENT B – LOCALITY PLAN



SUBJECT SITE

✓ PROPERTIES NOTIFIED

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

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ATTACHMENT C – AERIAL MAP

SUBJECT SITE

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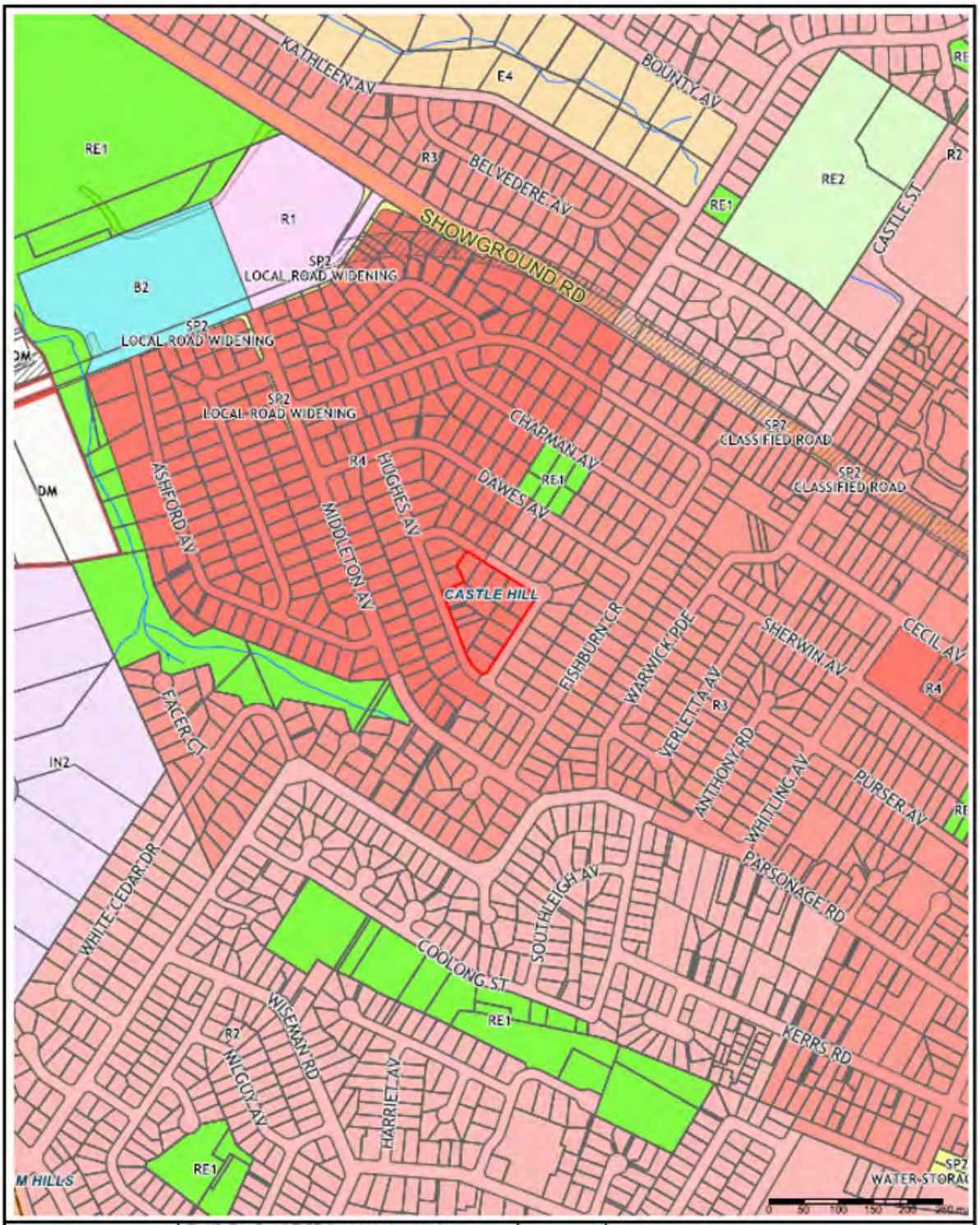
ATTACHMENT D – LEP 2019 ZONING MAP



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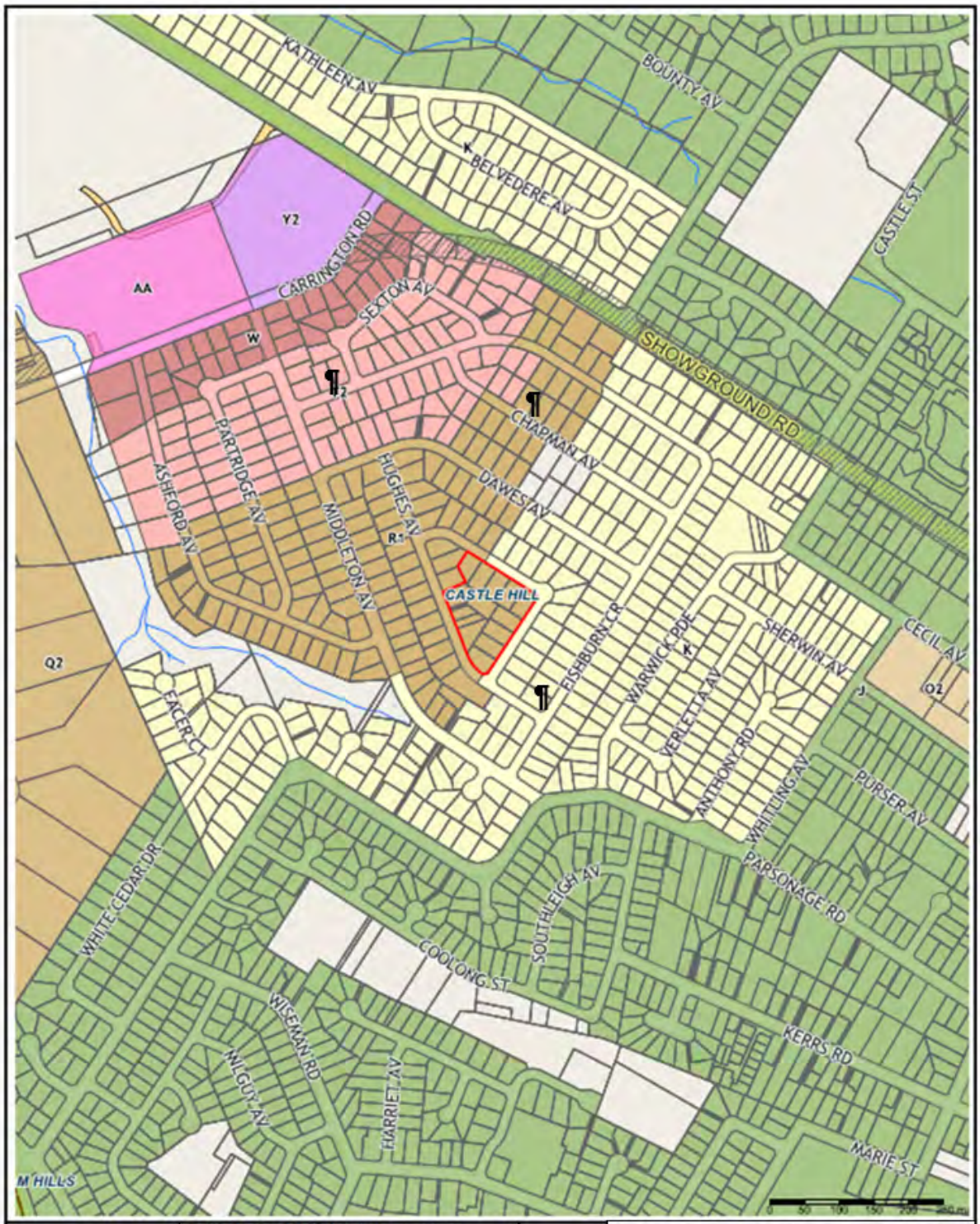
N

LEP·ZONING·MAP¶

Scale (A4): 1:7231
Date: 5/06/2019
Prepared by: Cynthia Dugan

ATTACHMENT E – LEP 2019 HEIGHT OF BUILDINGS MAP



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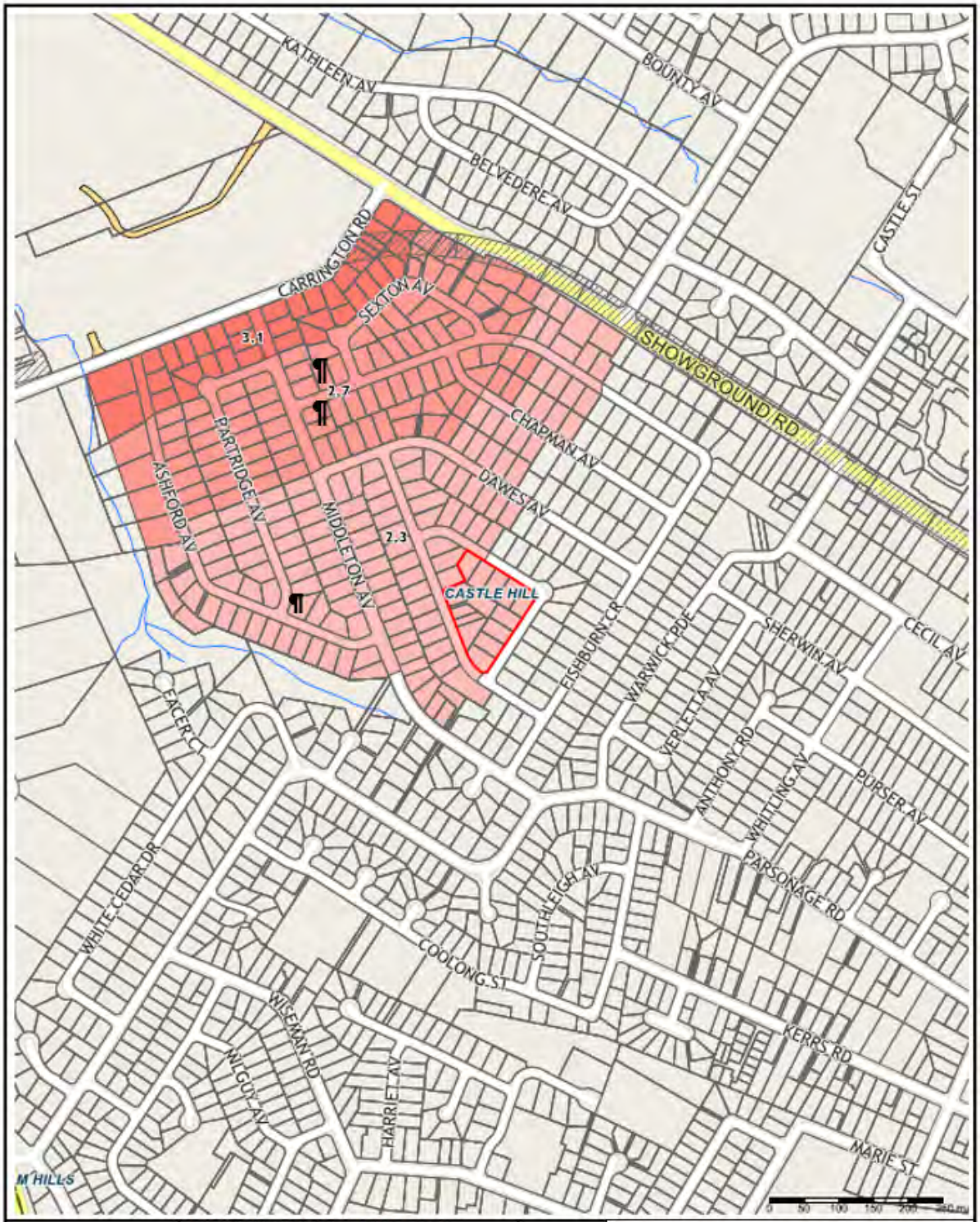
LEP Height of Buildings Map
R1 21m ---- K 10m

Scale (A4): 1:7231
Date: 5/06/2019
Prepared by: Cynthia Dugan

ATTACHMENT F – LEP 2019 FLOOR SPACE RATIO (INCENTIVE) MAP



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LEP FSR (INCENTIVE) MAP
T 2.3

Scale (A4): 1:7231
Date: 5/06/2019
Prepared by: Cynthia Dugan

Orders in Matter No 174536 of 2022

53 The orders of the Court therefore are:

(1) Leave is granted to the Applicant to rely on the amended plans and documents contained in Exhibit C;

(2) Leave is granted to the Applicant to rely on the following documents:

(a) BASIX Certificate No. E21074, prepared by Credwell Energy, dated 15/03/2023;

(b) NatHERS Certificate No. 6872190, prepared by Credwell Energy, dated 15/03/2023; and

(c) BASIX Certificate Summary Report, prepared by Credwell Energy, dated 15/03/2023;

(3) The appeal is upheld;

(4) Development consent is granted to Development Application 1112/2022/JP for the demolition of existing structures, removal of trees, and construction of 5x residential flat buildings varying between 4 and 7 storeys in height, containing a total of 242 apartments (54 x 1 bedroom, 128 x 2 bedroom and 60 x 3 bedroom) and one neighbourhood shop with four levels of basement car parking for 356 cars, 12 motorcycles and 107 bicycles, with communal open space and landscaping on the land at 7, 9, 11, 13, 15, 17, 19, 21 and 23 Cadman Crescent and 18, 20, 1/22, 2/22 and 24 Hughes Avenue, Castle Hill, subject to the conditions set out in Annexure "A";

(5) Pursuant to section 8.15(3) of the *Environmental Planning and Assessment Act 1979*, the Applicant is to pay the Respondent's costs thrown away as a result of the amendment of the application for development consent, as agreed or assessed;

(6) Exhibits 3, 4, 5, 6, 7, 8, A, B, D, E, F, G, H, J and K are returned;

(7) T**he Court NOTES that** the following Order was made on 23 February 2023, in relation to these proceedings:

> (1) Additional costs of the Respondent as a consequence of the vacated Hearing date are payable by the Applicant".

****

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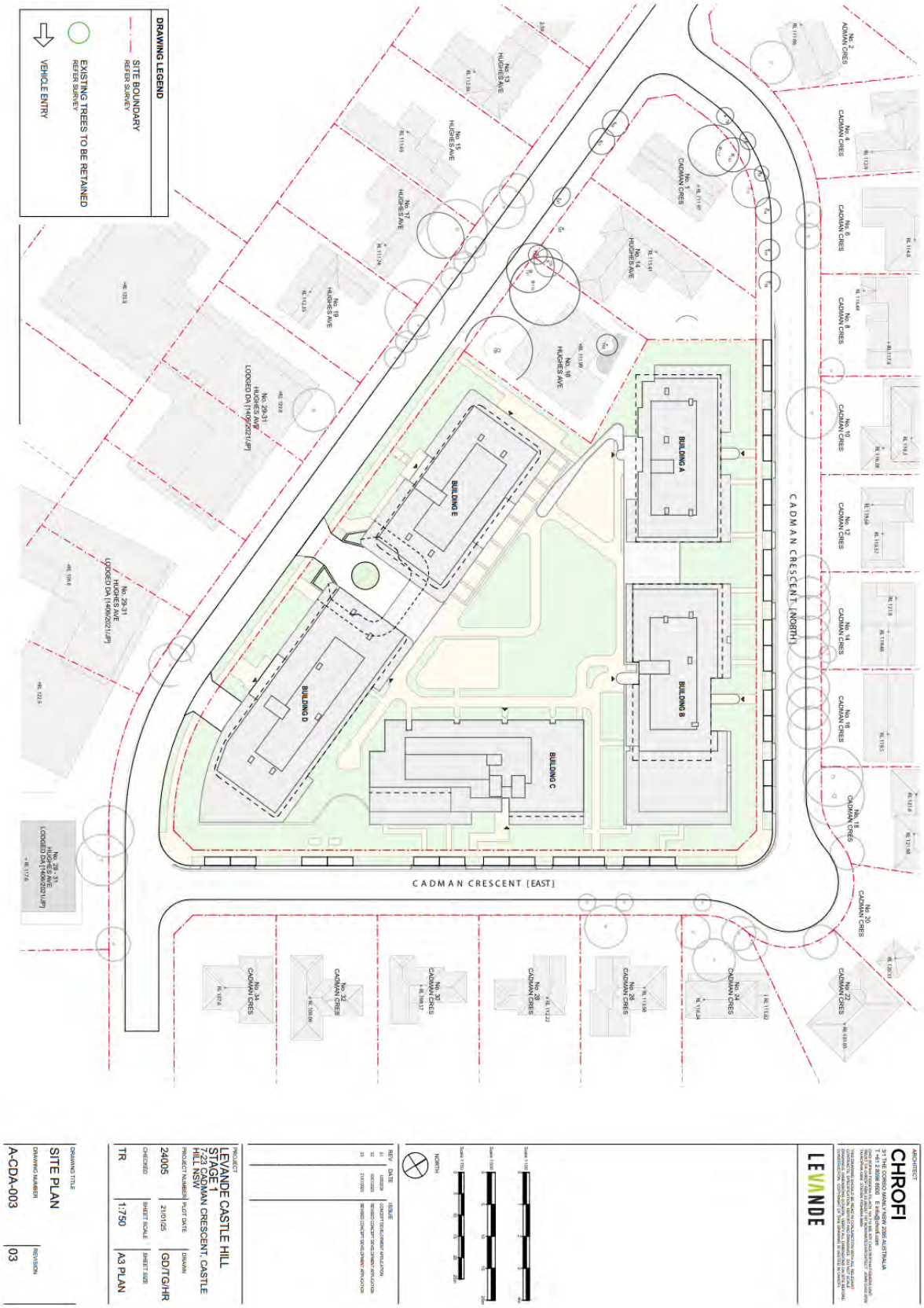
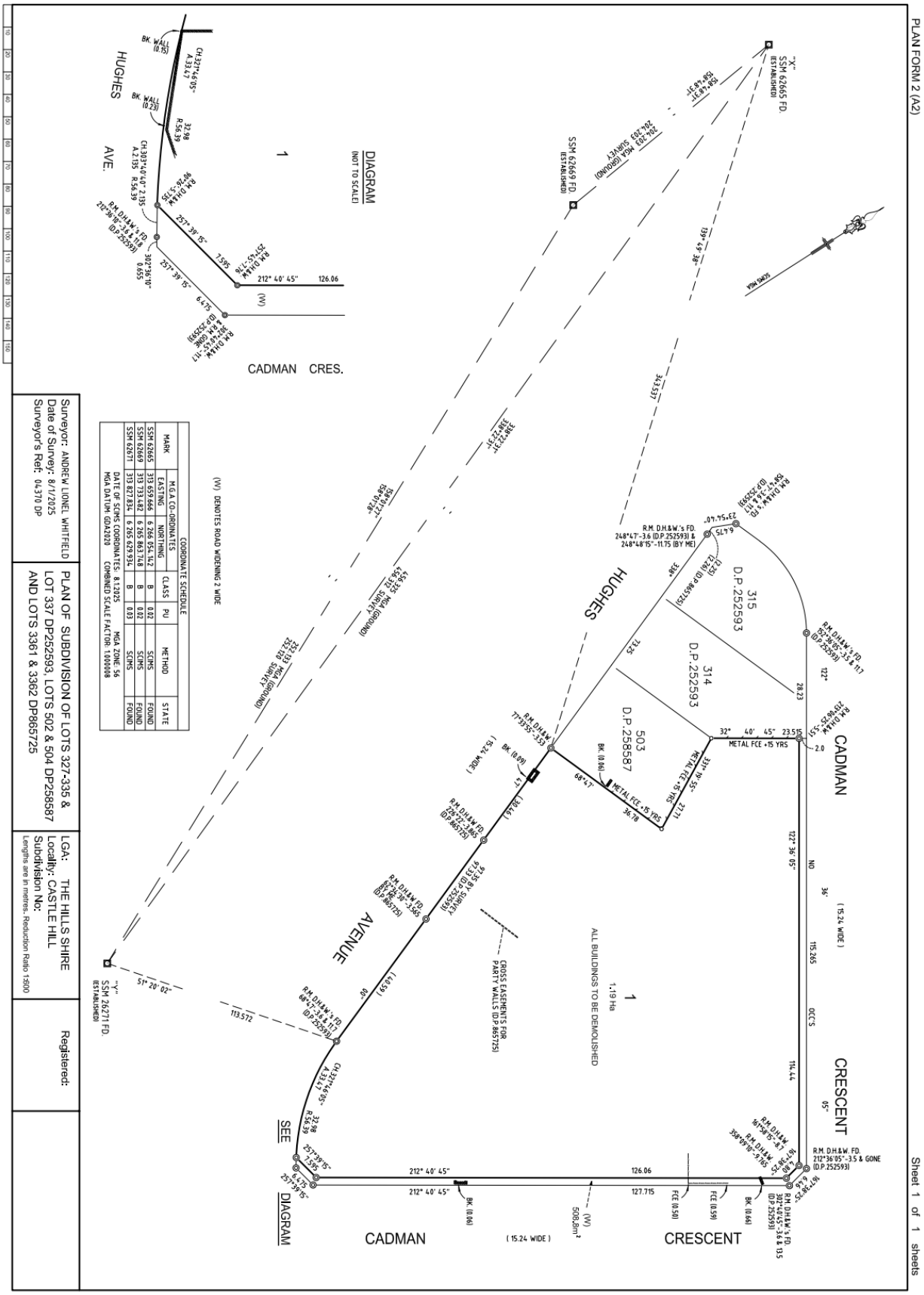
ATTACHMENT H – SITE PLAN



ATTACHMENT I – SUBDIVISION PLAN



Document Set ID: 21879959
Version: 7, Version Date: 30/04/2025

ATTACHMENT J – SITE ACCESS DIAGRAM

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LEVANDE

Scale 1:100

Scale 1:200

Scale 1:500

NORTH

REV	DATE	ISSUE
01	11/03/25	CONCEPTUAL DESIGN VERIFICATION
02	18/03/25	ISSUED FOR DEVELOPMENT APPLICATION
03	10/01/25	ISSUED FOR DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL
STAGE 1
7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN
24005	21/01/25	GD/TG/HR
CHECKED	SHEET SCALE	SHEET SIZE
TR		A3

DRAWING TITLE
SITE ACCESS DIAGRAM

DRAWING NUMBER	REVISION
A-CDA-004	03

ATTACHMENT K – CONSTRUCTION STAGING PLANS

01 BASEMENT 1

02 LOWER GROUND

03 GROUND & ABOVE

ARCHITECT
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LEVANDE

NORTH

REV	DATE	ISSUE
01	18/10/24	DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL
7-23 CADMAN CRESCENT, CASTLE HILL NSW

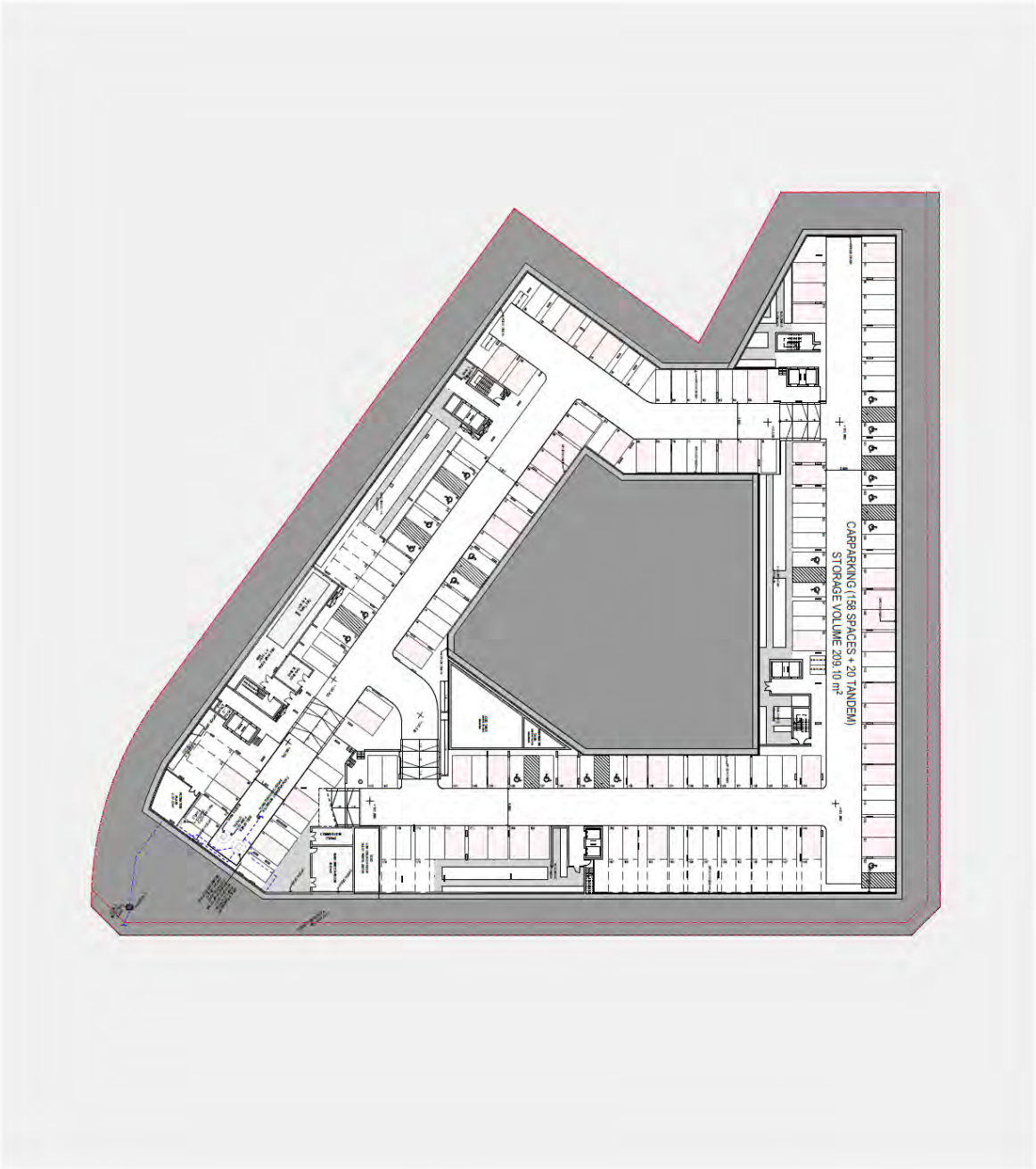
PROJECT NUMBER	PLOT DATE	DRAWN
24005	18/10/24	TG
CHECKED	SHEET SCALE	SHEET SIZE
TR	1:800	A1

DRAWING TITLE
CONSTRUCTION STAGING

DRAWING NUMBER
A-DA-614

REVISION
01

ATTACHMENT L – PLANS



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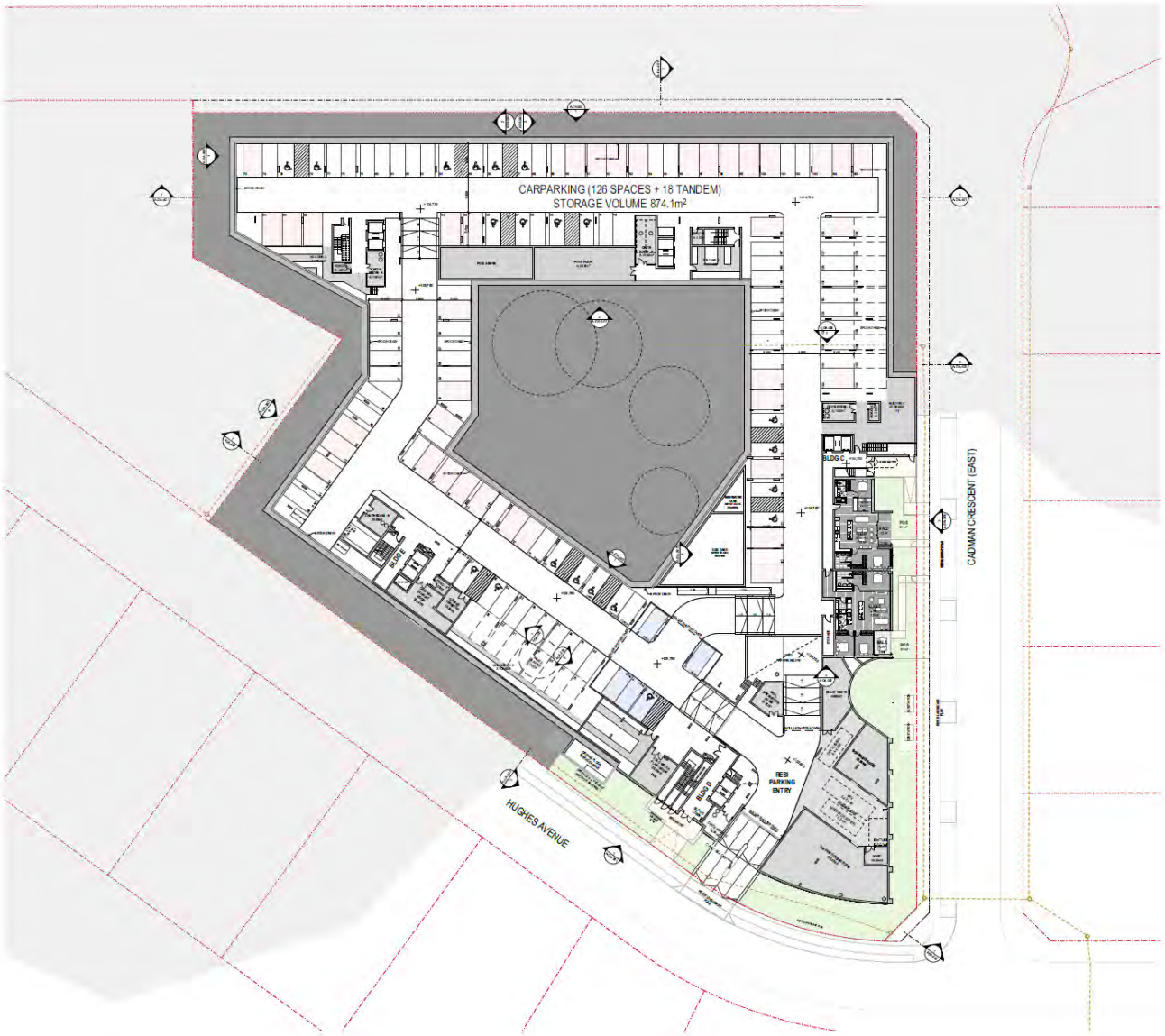
Version: 7, Version Date: 30/04/2025



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DRAWING LEGEND

- SITE BOUNDARY
- SITE BOUNDARY
- APPROVED ENVELOPE
- EXISTING TREES TO BE RETAINED
- LEVEL

PARKING LEGEND

- PARKING SPACE 2.4x5.4m
- PARKING SPACE 2.6x5.4m
- PARKING SPACE 3.2x5.4m
- ACCESSIBLE PARKING SPACE 2.4x5.4m

NORTH

REV	DATE	ISSUE
01	28/06/24	DEVELOPMENT APPLICATION
02	16/12/2024	REVISED DEVELOPMENT APPLICATION
03	20/12/2024	REVISED DEVELOPMENT APPLICATION
04	9/03/2025	REVISED DEVELOPMENT APPLICATION
05	08/04/2025	REVISED DEVELOPMENT APPLICATION

PROJECT

LEVANDE CASTLE HILL

7-23 CADMAN CRESCENT, CASTLE HILL NSW

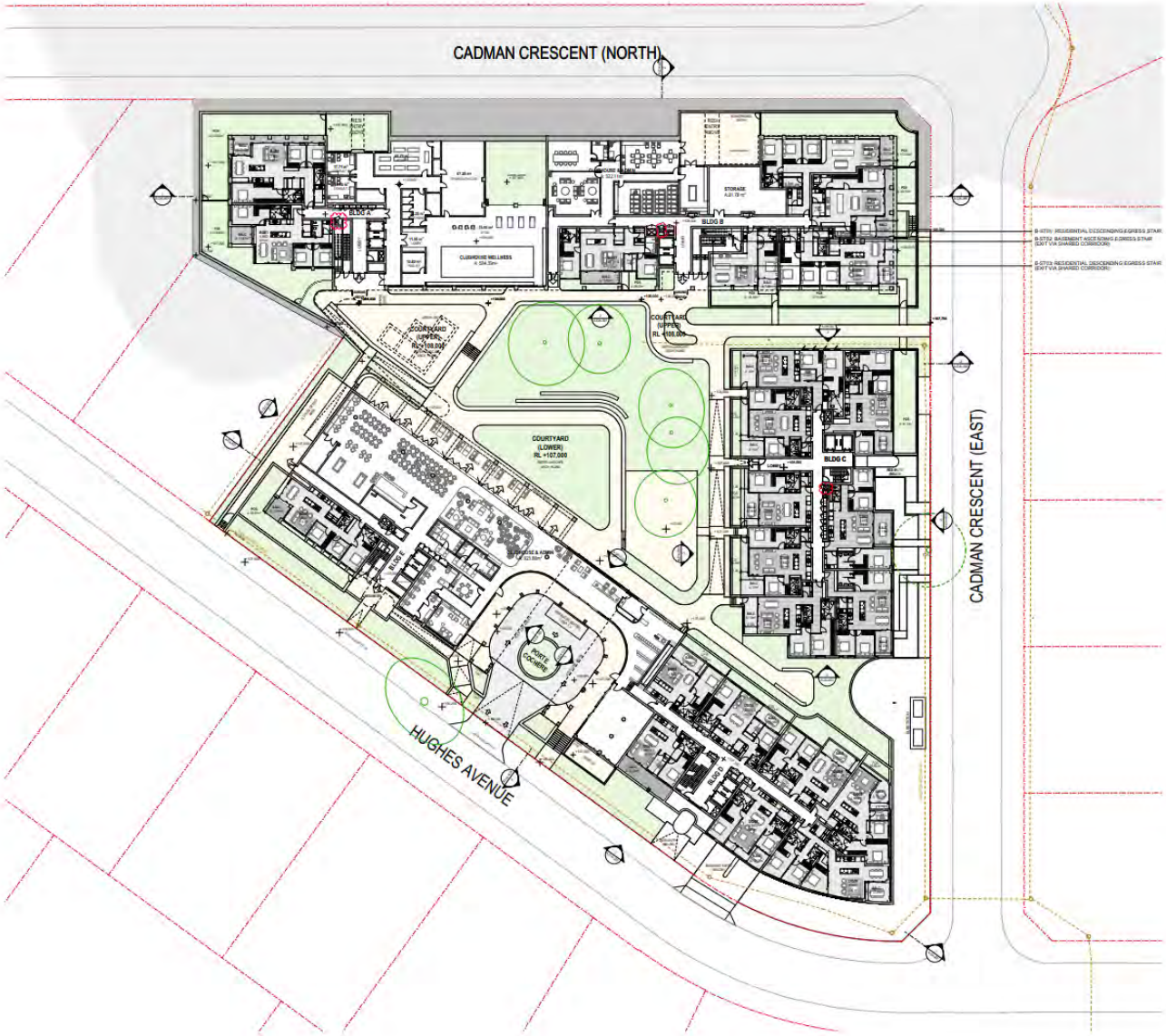
PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	08/04/25	GD/TG/PB
CHECKED	**SHEET SCALE**	**SHEET SIZE**
HR/TR	1:300	A1

DRAWING TITLE

LOWER GROUND PLAN

DRAWING NUMBER	REVISION
A-DA-201	05

Document Set ID: 21879959
Version: 7, Version Date: 30/04/2025



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- SITE BOUNDARY
- APPROVED ENVELOPE
- EXISTING TREES TO BE RETAINED
- SILO/2 LEVEL

NORTH

REV	DATE	ISSUE
01	28/06/2024	DEVELOPMENT APPLICATION
02	20/12/2024	REVISED DEVELOPMENT APPLICATION
03	20/12/2024	REVISED DEVELOPMENT APPLICATION
04	20/01/2025	REVISED DEVELOPMENT APPLICATION

PROJECT

LEVANDE CASTLE HILL

7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	20/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE

GROUND FLOOR PLAN

DRAWING NUMBER	REVISION
A-DA-203	04

Document Set ID: 21879959
Version: 7, Version Date: 30/04/2025

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REV	DATE	ISSUE
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03	20/12/2024	REVISED DEVELOPMENT APPLICATION
04	20/01/2025	REVISED DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL
7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	20/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE
LEVEL 1 PLAN

DRAWING NUMBER	REVISION
A-DA-204	04

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CHUI ROFFAI FUNDED PTY LTD ACN 151 711 926 ATF CHUI ROFFAI FUNDED UNIT TRUST T/A CHROFI ABN 32 156282 157 NOMINATED ARCHITECT JOHN CHUI (NSW 6176) OR ROFFAI KHIM (7104) (VIC 18498)

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SITE BOUNDARY
FROM SURVEY

APPROVED BWIS CPC
FROM APPROVED DA

EXISTING TREES TO BE RETAINED
FROM SURVEY

RELIEF LEVEL
FROM SURVEY

NORTH

REV	DATE	ISSUE
01	20.06.2024	SDWC GREEN APPLICATION
02	19.12.2024	REVISED DEVELOPMENT APPLICATION
03	20.03.2025	REVISED DEVELOPMENT APPLICATION
04	20.04.2025	REVISED DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL

7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	20/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE
LEVEL 2 PLAN

DRAWING NUMBER	REVISION
A-DA-205	04

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SITE BOUNDARY
EXISTING SURVEY

APPROVED ENVELOPE
EXISTING APPROVED DA

EXISTING TREES TO BE RETAINED
PROPOSED SURVEY

000 000 LEVEL
PROPOSED ARCHITECT

NORTH

REV	DATE	ISSUE
01	20/12/2024	DEVELOPMENT APPLICATION
02	05/12/2024	REVISED DEVELOPMENT APPLICATION
03	20/12/2024	REVISED DEVELOPMENT APPLICATION
04	20/01/2025	REVISED DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL

7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	20/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE
LEVEL 3 PLAN

DRAWING NUMBER	REVISION
A-DA-206	04

Document Set ID: 21879959
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SITE BOUNDARY
(SEE SURVEY)

APPROVED ENVELOPE
(REFER APPROVED DA)

EXISTING TREES TO BE RETAINED
(REFER SURVEY)

RL 100.00 LEVEL
(REFER SURVEY)

NORTH

REV	DATE	ISSUE
01	28/06/2024	DEVELOPMENT APPLICATION
02	19/12/2024	REVISED DEVELOPMENT APPLICATION
03	24/01/2025	REVISED DEVELOPMENT APPLICATION
04	29/01/2025	REVISED DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL

7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	29/01/25	GD/TG/PB
CHECKED	**SHEET SCALE**	**SHEET SIZE**
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DRAWING TITLE
LEVEL 4 PLAN

DRAWING NUMBER	REVISION
A-DA-207	04

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CHRO ROFIAN FISHERAN PTY LTD ACN 145 115 868 ATF CHRO ROFIAN FISHERA UNIT TRUST T/A CHROFI ABN 22 385257 157 NOMINATED ARCHITECT: JOHNNY HOR RYAN TR ROFIAN (#5882 - STEVEN FISHERA #5887

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SITE BOUNDARY
(REFER SURVEY)

APPROVED BIN VELOPE
(REFER LANDSCAPE LA)

EXISTING TREES TO BE RETAINED
(REFER SURVEY)

RL100 LEVEL
(REFER SURVEY)

NORTH

REV	DATE	ISSUE
01	28/06/24	DEVELOPMENT APPLICATION
02	19/12/24	REVISED DEVELOPMENT APPLICATION
03	24/12/24	REVISED DEVELOPMENT APPLICATION
04	20/01/25	REVISED DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL

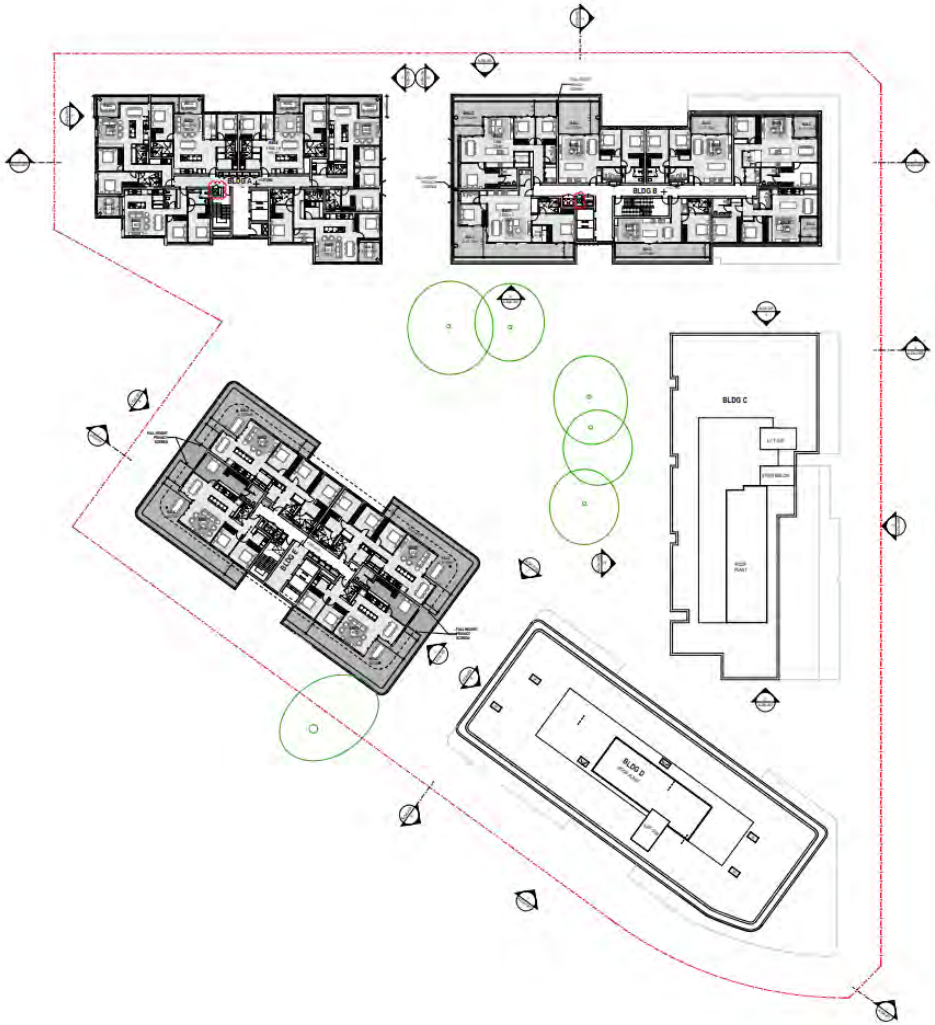
7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	20/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE
LEVEL 5 PLAN

DRAWING NUMBER	REVISION
A-DA-208	04

Document Set ID: 21879959
Version: 7, Version Date: 30/04/2025



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SITE BOUNDARY
(REFER SURVEY)

APPROVED BN ENVELOPE
(REFER APPROVED LS)

EXISTING TREES TO BE RETAINED
(REFER SURVEY)

RL 000 LEVEL
(REFER SURVEY)

NORTH

REV	DATE	ISSUE
B1	28/06/2024	DEVELOPMENT APPLICATION
B2	19/12/2024	REVISED DEVELOPMENT APPLICATION
B3	20/12/2024	REVISED DEVELOPMENT APPLICATION
B4	29/01/2025	REVISED DEVELOPMENT APPLICATION

PROJECT
LEVANDE CASTLE HILL

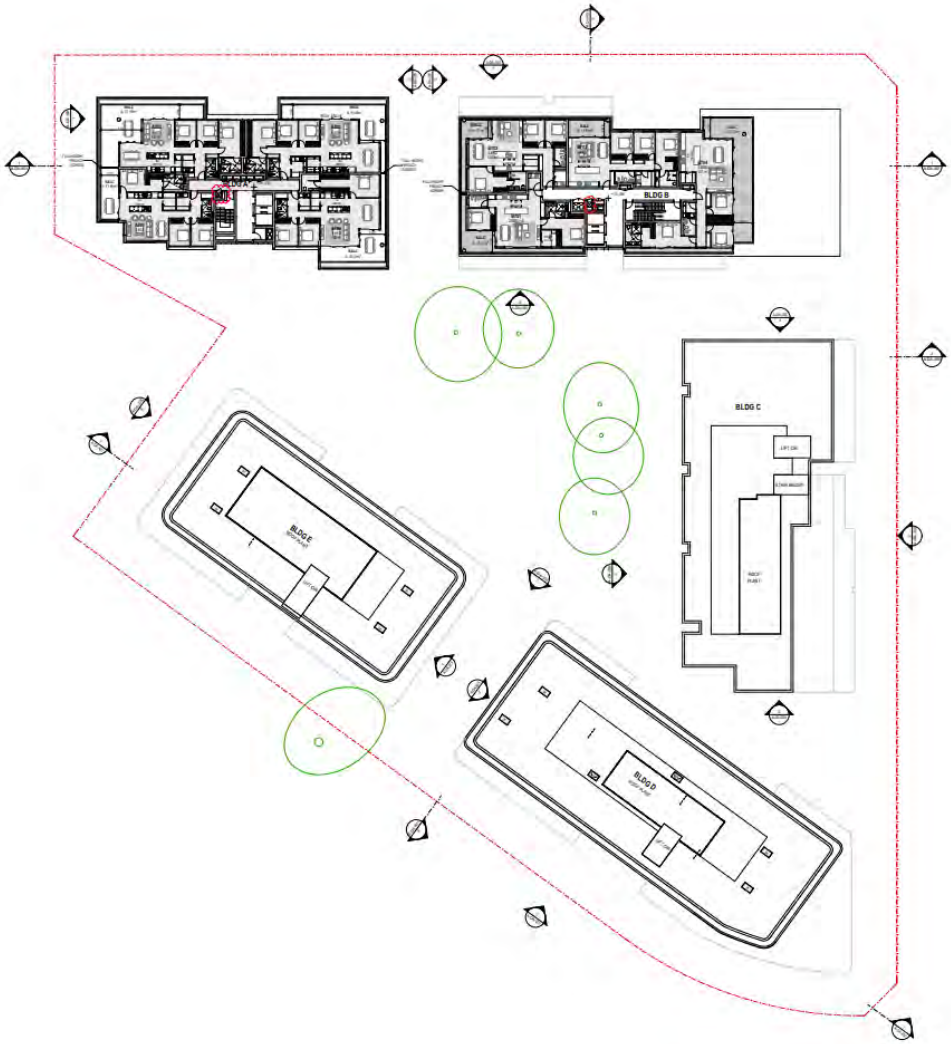
7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	29/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE
LEVEL 6 PLAN

DRAWING NUMBER	REVISION
A-DA-209	04

Document Set ID: 21879959
Version: 7, Version Date: 30/04/2025



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CHRO ROPHA FUSARA PL ACN 144 774 985 ATF CHRO ROPHA FASHION UNIT TRUST T/A CHROFI ABN 22 166207 167 NOMINATED ARCHITECT: JOHN CHOI BRAC TA ROPHA 6366 STEVEN FUSARA 6509

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SITE BOUNDARY
REFER SURVEY

APPROVED ENVELOPE
REFER APPROVED DA

EXISTING TREES TO BE RETAINED
REFER SURVEY

RTB 0.00 LEVEL
REFER SURVEY

NORTH

REV	DATE	ISSUE
01	28/05/2024	DEVELOPMENT APPLICATION
02	15/11/2024	REVISED DEVELOPMENT APPLICATION
03	23/12/2024	REVISED DEVELOPMENT APPLICATION
04	20/01/2025	REVISED DEVELOPMENT APPLICATION

PROJECT

LEVANDE CASTLE HILL

7-23 CADMAN CRESCENT, CASTLE HILL NSW

PROJECT NUMBER	PLOT DATE	DRAWN BY
24005	20/01/25	GD/TG/PB
CHECKED	SHEET SCALE	SHEET SIZE
HR/TR	1:300	A1

DRAWING TITLE

LEVEL 7 PLAN

DRAWING NUMBER	REVISION
A-DA-210	04

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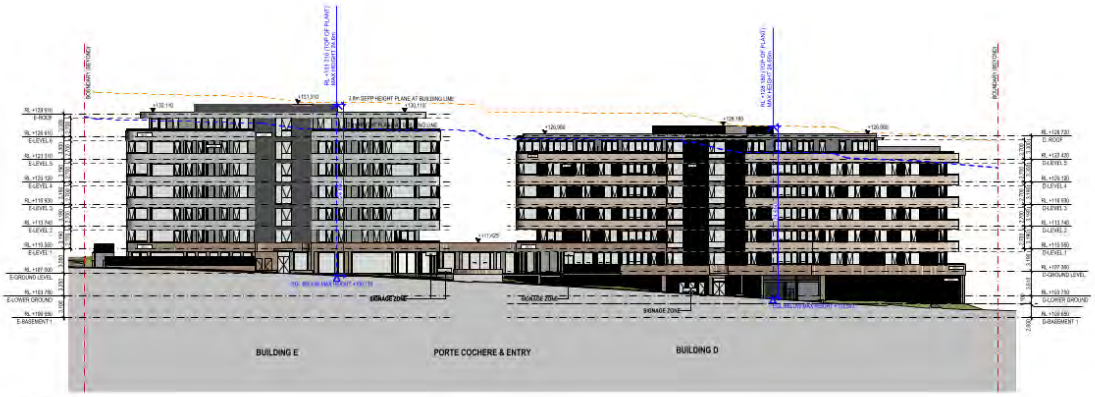
ATTACHMENT M –ELEVATIONS AND SECTIONS

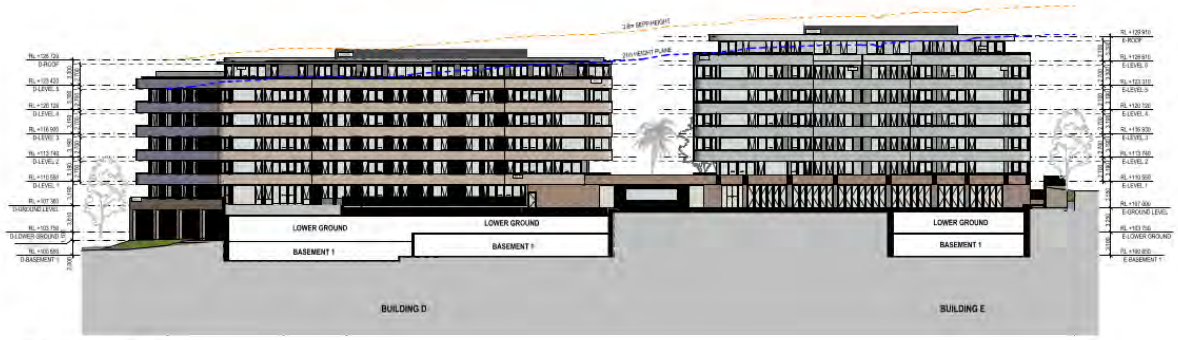
ELEVATION - CADMAN CRESCENT NORTH
SCALE 1:300

ELEVATION - CADMAN CRESCENT EAST
SCALE 1:300



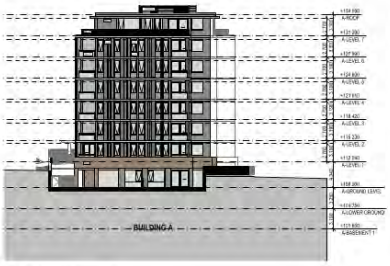
ELEVATION - HUGHES AVENUE
SCALE 1:300

ELEVATION - INTERNAL SOUTH
SCALE 1:500



ELEVATION - INTERNAL NORTH
SCALE 1:500

1 ELEVATION - INTERNAL WEST
SCALE 1:300



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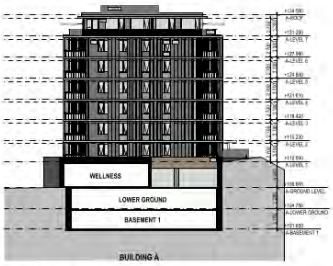
SCALE 1:300



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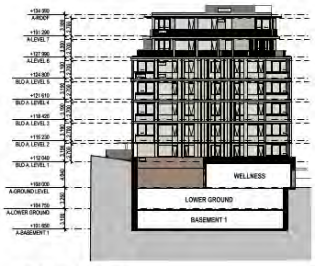

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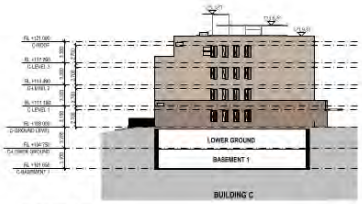
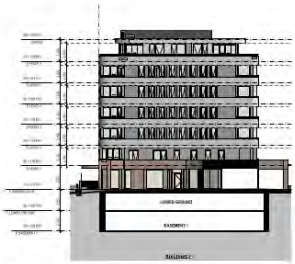
SCALE 1:300



1 ELEVATION - BLOCK C NORTH
SCALE 1:300

1 ELEVATION - BLOCK C SOUTH
SCALE 1:300

1 ELEVATION - BLOCK D WEST
SCALE 1:300



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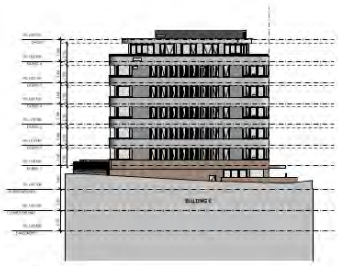
SCALE 1:300



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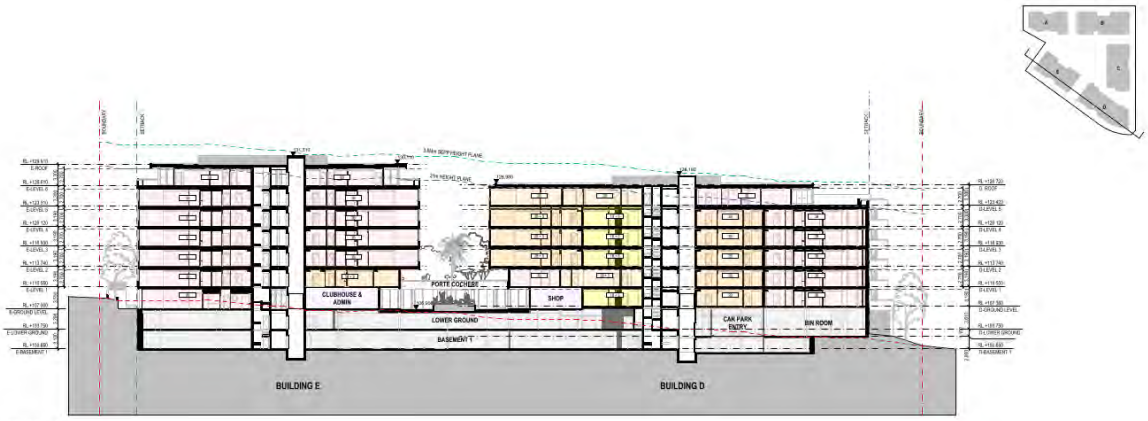

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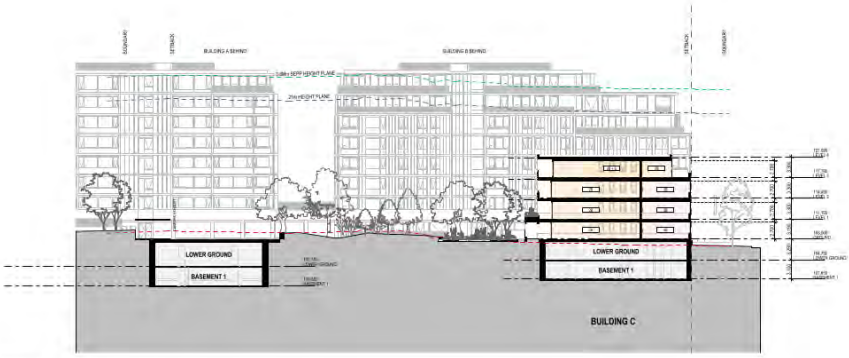

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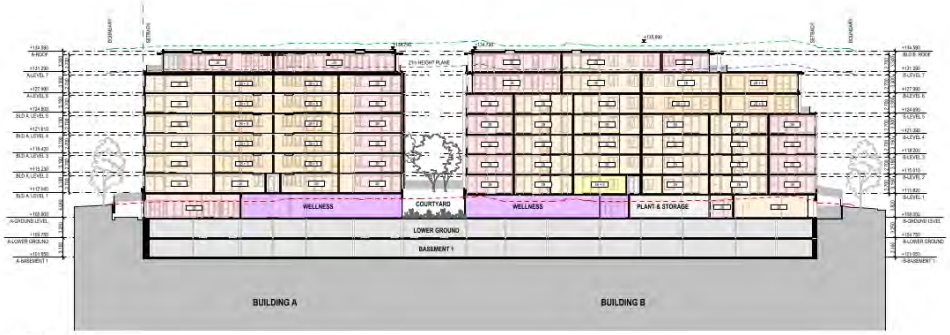
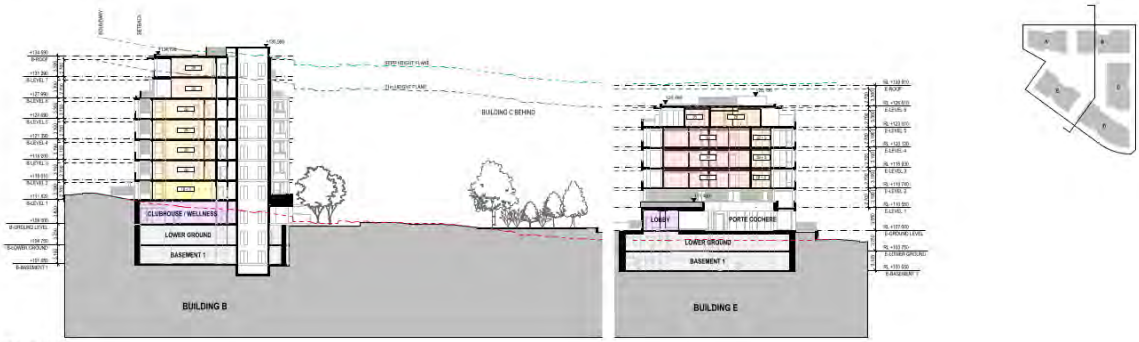


1 SECTION C



2 SECTION D

4. LANDSCAPE PLAN | OVERALL

1. Communal lawn adjacent clubhouse.
2. Breakout deck with loose furniture and bbq.
3. 450mm high retaining wall with seating including back and armrests.
4. Retained high value trees in garden.
5. Walkway (max. 1:20 grade).
6. Quiet gathering seating area.
7. Porte cochere with central planting.
8. Clothes drying area screened from public view.
9. Neighbourhood shop
10. Driveway entry.
11. Residential Entry

Map Legend	
— —	Site boundary
- - - -	Land dedication boundary
--------	Basement extent
●	Trees
	Communal lawn
	Planting
	Deck
	Paving
	Asphalt
	Fence/retaining walls
	Awning / shelters

Scale: 1:750 @ A3

Note:
Refer to LDA9 for levels and grading of central open space

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7. ROOFTOP | LANDSCAPE PLAN

1. Quiet gathering seating area.
2. Group seating and tables.
3. Toilet and handwash facilities.
4. Kitchen garden.
5. Pots and integrated planting for additional privacy and sense of enclosure.

Map Legend	
— —	Site boundary
	Kitchen garden planter boxes
	Planting
	Seating
	Paving
	Awning / shelter

Scale: 1:750 @ A3

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ATTACHMENT O – SHADOW DIAGRAMS

ATTACHMENT P – FINSHES SCHEDULE

MA-01
PRE-CAST CONCRETE OR SIMILAR

MA-02
CONCRETE FINISH

MA-03
PROFILED PRE-CAST CONCRETE OR SIMILAR

BR-01
BRICKWORK

BR-02
BRICKWORK

CL-01
METAL CLADDING

CL-02
METAL CLADDING

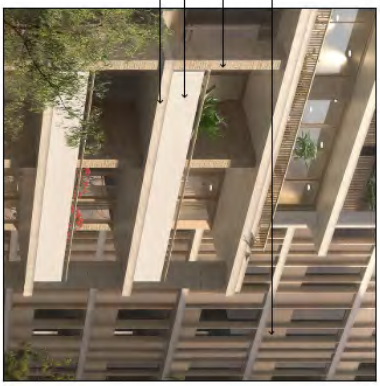
CL-03
METAL CLADDING

G-01
GLASS

G-02
COLOUR BACKED GLASS

BAL-01
METAL BALUSTRADE

SC-01
PRIVACY SCREEN MESH PANEL



BUILDING B - NORTH FACADE

BUILDING C - WEST FACADE

BUILDING E - SOUTH FACADE

BUILDING D - SOUTH FACADE

ATTACHMENT Q – PERSPECTIVES

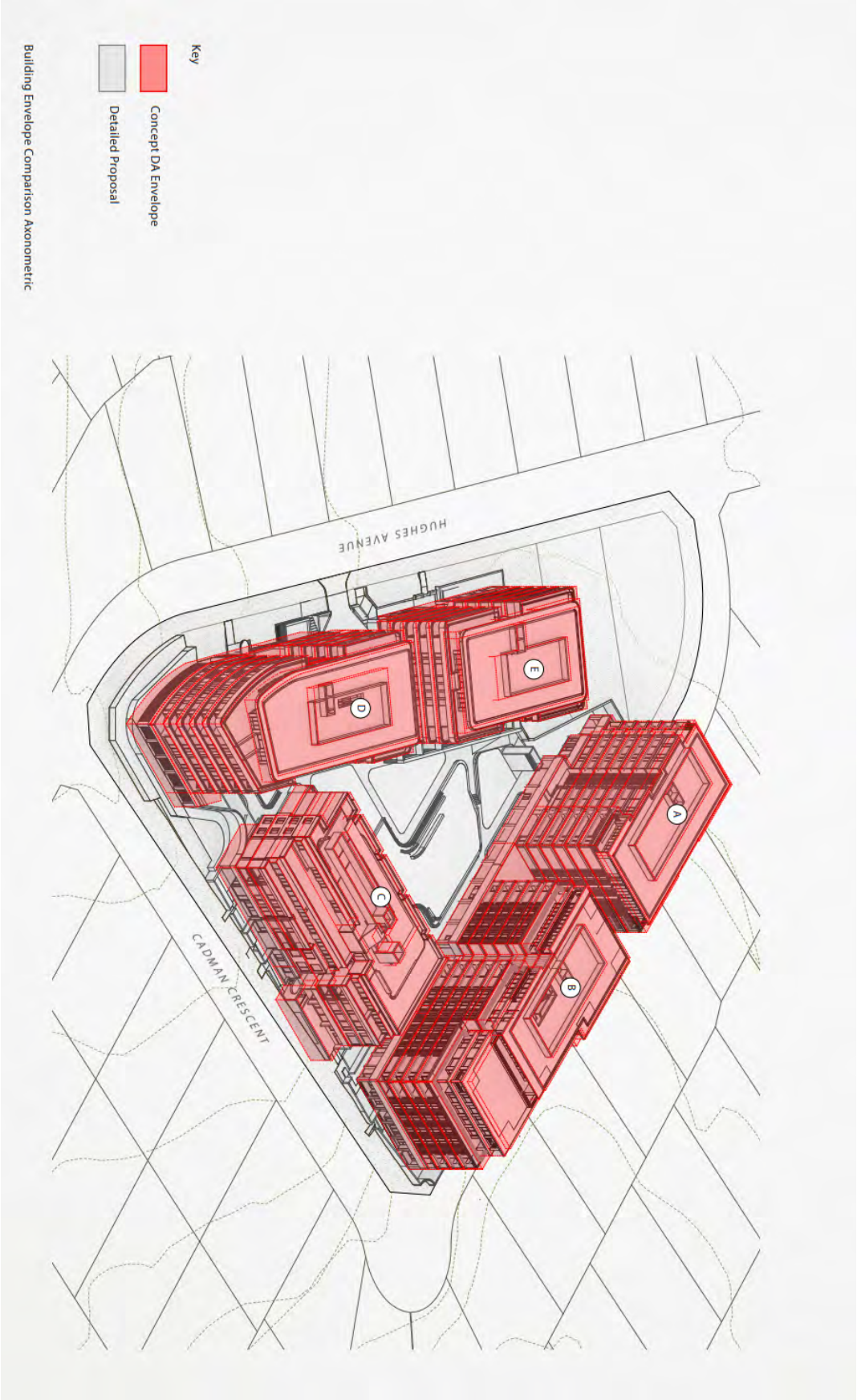
View from corner of Cadman Crescent and Hughes Ave (Buildings D, C and B)

View from Cadman Crescent North (Buildings A and B)

View from Hughes Ave entrance

View of internal courtyard

ATTACHMENT R – COMPARISON DIAGRAMS TO AMENDING CONCEPT DA 1525/2024/JP



Building Envelope Comparison Diagram:

ATTACHMENT S – WATER NSW GENERAL TERMS OF APPROVAL

WaterNSW

Contact: Simone Tonkin
Phone: 1300 662 077
Email: Simone.tonkin@waternsw.com.au

General Manager
The Hills Shire Council
PO BOX 7064
Norwest NSW 2153

Our ref: IDAS1160000.

Your ref: DA110/2025/JP

cdugan@thehills.nsw.gov.au

4 April 2025

Dear Applicant,

RE: Integrated Development Referral – General Terms of Approval
Dev Ref: 110/2025/JP CNR-71829
Description: 80mm submersible pump
Location: 7 Cadman Crescent Castle Hill NSW 2154

I refer to your recent request regarding an integrated Development Application (DA) proposed for the above location. Please find attached the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer. WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

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Version: 7, Version Date: 30/04/2025

- if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.

- of any legal challenge to the consent.

Dewatering activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

The attached GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any dewatering activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found here.

WaterNSW requests that Council provides a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) of the EP&A Act.

Information to the proponent:

- An extraction limit will be determined by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.

- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The Minimum requirements for building site groundwater investigations and reporting (DPE Oct 2022) identify what data needs to be collected and supplied.

- Detailed information required to permit a hydrogeological assessment to be carried out must be provided for any further application related to the subject property—ongoing monitoring and metering must be implemented to meet or exceed the published Minimum Requirements for Building Site Groundwater Investigations and Reporting.

- A work approval application must be lodged to authorise pumping during construction and the approval must be obtained prior to the determination of the Construction Certificate.

- A separate work approval application must be lodged to authorise the ongoing pumping of groundwater from basement levels and the approval must be obtained prior to the determination of an Occupation Certificate.

- An extraction limit will be determined by the Department of Climate Change, Energy, the Environment and Water based on the detailed site information described in the Minimum

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- Requirements for Building Site Groundwater Investigations and reporting for each of the work approval applications and will be included on the conditions for each of those authorisations.

- The exemption from holding a water access licence for take by an aquifer interference activity that is less than 3 ML is conditional on annual reporting of the measured pumped volume for the preceding water year throughout the life of the building—the dewatering management plan submitted at the time of the application for the first approval must reflect this requirement and identify how that will be incorporated in the building management system for the completed development.

- A minimal harm assessment in the form required to satisfy the requirements of the NSW Aquifer Interference Policy is to be included in the dewatering management plan in support of the first work approval application.

- Full reporting (i.e. model description, data inputs, assumptions, conceptualisations, hydrogeological sections, plan diagrams and interpretation of results as a standalone report) of the modelling outlined in the currently supplied documentation must be provided as supporting evidence at the time of the work approval application to meet the Minimum Requirements for Building Site Groundwater Investigations and Reporting.

- Should pumped water be proposed to be injected into any aquifer (as defined within the Act), written demonstration of planned testing and treatment to comply with Part 5.3, Section 120 of the Protection of the Environment Operations Act 1997 (prohibition of pollution of waters) and specifically with Schedule 5 of the Protection of the Environment Operations (General) Regulation 2022 (prescribed matter for the definition of water pollution) must be supplied to WaterNSW prior to commencing the activity.

- The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

Yours sincerely

SIMONE TONKIN
Water Regulation Specialist
WaterNSW

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General Terms of Approval

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

Reference Number:	IDAS1160000
Issue date of GTA:	04 April 2025
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	7 Cadman Crescent Castle Hill NSW 2154
DA Number:	110/2025/JP CNR-71829
LGA:	The Hills Shire Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2023

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

Condition Number	Details
	Dewatering
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme

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	for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise

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Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2023

	agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report
GT0174-00001	Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.
GT0241-00001	A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with 110/2025/JP CNR-71829 as provided by Council:

- Hydrological Report including DMP and GSA dated February 2025
- Revised Architectural Plans prepared by Chrofi dated 20 January 2025
- Revised Basement Design prepared by Chrofi Dated 20 Dec 2024
- Levande Response to RFI dated 31 January 2025
- Land Environment Court Order March 2023
- Amended Concept DA Determination

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THE HILLS
Sydney's Garden Shire

DESIGN ADVISORY PANEL

DESIGN ADVISORY PANEL MEETING REPORT

11th SEPTEMBER 2024

Item 3.1	10:30am – 12:10pm
DA Number	DA: 110/2025/JP and 1525/2024/JP
DA officer	Cynthia Dugan
Applicant	Levande
Planner	Daniel West, Ethos Urban
Property Address	7-23 Cadman Crescent and 18-24 Hughes Avenue, Castle Hill
Proposal	Seniors Housing in the form of residential flat development comprising five residential blocks over structured basement car parking.
Design review	First review DA (previously reviewed by Panel members as residential apartment development). The court approved DAs 1110/2022/JP and 1112/2022/JP (March 2023) are being resubmitted as Seniors Housing through the amended DA pathway.
Background	The site has been inspected by all Panel members
Applicant representative address to the Design Advisory Panel	Architect name: Tai Ropiha (CHROFI) Registration number: 6568
Key Issues	Summary of key issues discussed: • Response to existing and future context • Resident amenity and visual privacy • Street activation • Porte Cochere

Panel Location	Hybrid meeting hosted by The Hills
Panel Members (in attendance)	**Chairperson** – Tony Caro **Panel Member** – Elisabeth Peet **Panel Member** – Matthew Taylor
Declaration of Interest	None
Councillors	None present
Council Staff	Paul Osborne, Cynthia Dugan, Marika Hahn, Megan Munari, Ryan Fehon

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Other attendees	Tai Ropiha – Chrofi, Mike Horne – Turf, Landscape Architect Daniel West, Ethos Urban Yarra Booth, Ethos Urban Calum Ross - Levande, Head of Development Megan McBride - Levande, Development Manager Scott Forbes - Levande, Senior Development Manager Jody Mather – Levande, Designer Josh Milston – Traffic Engineer, JMT

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 NSW 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 Applicant is the new owner of the site and is presenting an amending Concept DA and Built form DA, primarily to change the land use from residential apartments to seniors living utilising the Housing SEPP (2021) and the 02 March 2023 Land and Environment Court approved built form envelope.

DOCUMENTATION

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

- *DAP Presentation Castle Hill Retirement Village*, dated 10/04/24, by Levande, Chrofi, Turf, and Ethos Urban.

PANEL COMMENT

The Panel commenced at 10.30am with introductions and a presentation by the Applicant followed by Panel questions and comment.

1. Response to Context

- The Panel questions the removal of well-established street trees noting they seemed to be endemic and provided an established cultural landscape setting.
- The Panel considers that retention of well-established native street trees within street corridors is a vital contextual requirement within the precinct, and strongly advocates for the retention of all such existing trees as well as within development sites where possible.
- The Panel supports the retention of deep soil and existing established trees in the central area of the site.
- The Panel recommends the design team undertake a review of recent development and public domain landscape settings that will maintain the verdant identity of the Garden Shire in a new, high density setting. This includes materiality, built form massing, public domain treatments, street activation and integration of required street utility services into the architecture.

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Clause 8.6, 9.5 Design Excellence
4(c) Does the development detrimentally impact upon view corridors?
4(d) Whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,
4 f(iii) How does the development address the heritage issues and streetscape constraints?
4 f(xi) how does the development address impact on any special character area?

2. Site Planning and Built Form Strategy

- The Panel considers that although the Porte Cochere is not consistent with the current access strategy utilised across the precinct, it is appropriate for seniors housing and has been designed to minimise the impact of the changed land use upon the street frontage in a sensitive manner.
- Relocation of the pool from the courtyard to within the building envelope is an improvement on the Court-approved scheme, however the upper deck is compromised by the location of ventilation shaft. The Panel recommends that it is preferable for carpark ventilation shafts to exhaust at roof level. An alternative location for the ventilation shafts would improve the visual amenity of the common open space.
- The Panel supports the revised location of the pool and wellness centre at a lower level with aspect onto a sunken garden that provides good residential amenity.
- The Panel is satisfied that equitable access throughout the site has been achieved despite the challenging topography.

Clause 8.6, 9.5 Design Excellence
4 f i) How does the development address the suitability of the land for development?
4 f(iv) How does 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?
4 f(ix) How does the development address the pedestrian, cycle, vehicular and service access, circulation and requirements?

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

- The bulk and scale of built form between development blocks A and B is out of character with the other blocks that are clearly articulated. The Panel recommends breaking up this façade into smaller discrete volumes (as per DCP controls) to mitigate the bulk and scale of this portion of the development.
- The horizontal spandrel banding of Buildings D and E tends to emphasise what is already a fairly long frontage to Hughes Avenue. The Panel recommends introducing articulation to break down its apparent length. Consideration could also be given to recessing the glass line behind the spandrel line to introduce shadow lines to the façade.
- The Panel recommends that apartments at street level have direct entry to the footpath where practicable, to encourage street activation and provide a sense of individual identity for residents.
- The Panel recommends reviewing the proportions of the brick podium in relation to the residential floors above as the upper levels are tending to overwhelm the podium (apparent in views of the Porte Cochere) which could be due in part to the lighter colour of the upper levels with gives them more visual prominence, or due to their overhang. Consideration could be given to recessing the residential façade line behind the podium line to give it more prominence in the composition.

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Clause 8.6, 9.5 Design Excellence
4(b)whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain?
4 f(v) Does the development successfully resolve and integrate the bulk, massing and modulation of proposed buildings?
4 f(x)Does the development address the impact on and any proposed improvements to the public domain?

Site Coverage/ Landscaped Open Space.

- The site retains the site coverage exhibited in the Court approved documents.

Height

- The building envelopes remain consistent with the Court approved documents.

Density

- The density is permissible under the Housing SEPP 2021.

Setbacks

- The setbacks adopt the Court approved documents.

Apartment Mix and Building Design

- Apartment mix is based on current market demands and aims to encourage single dwelling downsizers to move to an apartment setting.
- The Panel supports the communal facilities, which are located to encourage use and interaction amongst residents.
- The Panel recommends that outdoor deck locations will require additional shading.

Clause 8.6, 9.5 Design Excellence
4 (e) the requirements of any development control plan that is referred to in clause 8.6, 9.5
4 f(vi) Does the development comply with street frontage heights?
4 f(ii) How does the development address the existing and proposed uses and use mix? (Refer to LEP/DCP requirements)
Any relevant strategic documents / policies

Landscape Design

- The Panel recommends additional tree planting provision to compensate for inevitable tree loses during the construction phase.
- The Panel notes that the trees retained are both of an evergreen and deciduous character that will enhance year-round use of the central open space, with the capacity for the provision of shade in summer and sun access in winter.
- The Panel recommends that the applicant investigate the values of Country to the site by consulting with local representatives of Dharug peoples for their input into the design of place.
- The Panel noted that the Applicant proposes, as part of their overall philosophy of care, activities that include understanding local customs and approach to landscape.

Clause 8.6, 9.5 Design Excellence
4 f (xiii) the excellence and integration of landscape design

Public Domain

- Public Domain design and materials to be as per the requirements specified in Council's Public Domain Plan.

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Streetscape

- Nominated tree species must comply with the Public Domain; however the Panel notes the existing streetscape comprised Brushboxes that provide a shaded street and recommends that that this tree species also be considered.

Private Domain

- The Panel notes the private domain is largely in keeping with the Court approved documents.

3. SEPP 65 items to be clarified or revised:

Apartment Design Guide

ADG compliance is to be clearly documented and demonstrated to the satisfaction of Council's assessment officer.

4. Sustainability and Environmental amenity

- The Panel reinforced the need for external solar shading devices to all exposed windows.
- The Panel recommends that maximum building length controls and ADG building separation controls between development blocks should be compliant, to facilitate air ingress and movement within internal courtyard areas.
- The Panel recommends that replacement trees and understorey vegetation species should be endemic to the Cattai Creek landscape setting, noting that cultural planting can form part of the endemic Cattai Creek vegetation as an appropriate cross-cultural response.
- The Panel recommends that privacy concerns raised during the meeting for development block C as a result of the adjacent ramping must be addressed through provision of further detail of levels and screening.

Clause 8.6, 9.5 Design Excellence
4 f(vii) How does the development address environmental impacts such as sustainable design, overshadowing, wind and reflectivity?
4 f(viii) How does the development address the achievement of the principles of ecologically sustainable development?

5. Architecture and Aesthetics

- The Panel is generally supportive of the architectural character and materials proposed by the design team. It is noted that subtle differences in materials, textures and colour are proposed, and this will be important to achieving a diverse and well-scaled environment.
- The Panel recommends that street front utility service elements are integrated into building fabric and landscape as per THSC DCP. Refer to the following council facts sheets for design guidance:

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

Clause 8.6, 9.5 Design Excellence
4(a) Will a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved?

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4 f(xii) Does the development achieve appropriate interfaces at the ground level between the building and the public domain?

6. Documentation

- To aid Council Officers in assessment the Panel recommends that the Applicant presents documentation in the format endorsed by Council made available on Council's website.
- Public Domain Plan Submission Requirements (note the provision of a Public Domain Plan is a drawing requirement listed in the Design Advisory Panel Submission Requirements)

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

PANEL CONCLUSION

The Panel thanks the Applicant for the presentation, and notes that the Court approved Applications, (1110/2022/JP and 1112/2022/JP); and the Applications 10/2025/JP and 1525/2024/JP are presented as amendments to those Court approvals. On this basis the Panel acknowledges that the Court was satisfied that the requirements of Design Excellence had been met and notes that the application is an improvement on the Court approved Development Applications. If the Council Officer is satisfied that the Applicant has addressed the issues raised by the Panel the applications need not return to the Panel.

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ATTACHMENT U – APPLICANT'S RESPONSE TO DESIGN ADVISORY PANEL REPORT

LEVANDE

DAP Item	Levande Response
Response to Context	
The Panel questions the removal of well-established street trees noting they seemed to be endemic and provided an established cultural landscape setting.	All existing trees have been reviewed as part of the Arboricultural Impact Assessment (AIA) prepared by Earthscape. The Tree Retention Plan identifies trees T4, T20, T21, T27, T82 and T83 to be retained, consistent with the previous approved DA scheme. The current approved streetscape design, which was required by Council limits the opportunity for further tree retention within the streetscape due to the widening of footpaths and construction of car parking bays.
The Panel considers that retention of well-established native street trees within street corridors is a vital contextual requirement within the precinct, and strongly advocates for the retention of all such existing trees as well as within development sites where possible.	As above.
The Panel supports the retention of deep soil and existing established trees in the central area of the site.	Noted. No action required.
The Panel recommends the design team undertake a review of recent development and public domain landscape settings that will maintain the verdant identity of the Garden Shire in a new, high-density setting. This includes materiality, built form massing, public domain treatments, street activation and integration of required street utility services into the architecture.	From the outset, our architect Chrofi's ambition has been to reinforce the garden quality of the Hills setting. The verdant identity of the Garden Shire is preserved through the retention of significant existing trees within the site together with the landscape design of the street frontages and key external spaces within the village. The massing of the development features a large central courtyard with vistas to and from the street aiding the garden character of the development. The building materiality, in particular the brick podium, carries forward the brick vernacular of the area. Building services and loading and parking functions are located within the basement or screened at roof level. Any remaining street facing infrastructure such as hydrant boosters is designed into the landscape or screened within the façade to minimise their visual impact. The location of the Neighbourhood Shop fronting Hughes Avenue, and incorporation of a Porte Cochere at the village entry from Hughes Avenue, each promote street activation.

LEVANDE

Design Excellence: Site planning and Built form Strategy	
The Panel considers that although the Porte Cochere is not consistent with the current access strategy utilised across the precinct, it is appropriate for seniors housing and has been designed to minimise the impact of the changed land use upon the street frontage in a sensitive manner.	Noted. No action required. The Porte Cochere is an integral element of our proposal and will remain as per the application.
Relocation of the pool from the courtyard to within the building envelope is an improvement on the Court-approved scheme, however the upper deck is compromised by the location of ventilation shaft. The Panel recommends that it is preferable for carpark ventilation shafts to exhaust at roof level. An alternative location for the ventilation shafts would improve the visual amenity of the common open space.	Noted. No action required regarding the pool. The Car Park Exhaust has been relocated to the core of Building E and extends to the rooftop, improving the visual amenity of the common open space.
The Panel supports the revised location of the pool and wellness centre at a lower level with aspect onto a sunken garden that provides good residential amenity.	Noted. No action required.
The Panel is satisfied that equitable access throughout the site has been achieved despite the challenging topography.	Noted. No action required.

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Bulk, Scale and Massing	
The bulk and scale of built form between development blocks A and B is out of character with the other blocks that are clearly articulated. The Panel recommends breaking up this façade into smaller discrete volumes (as per DCP controls) to mitigate the bulk and scale of this portion of the development.	The buildings follow the current approved massing for the site and are each greater than 30m in length. Each is articulated in two or more parts with significant recesses added to the façade and balconies to reduce the apparent length. For **Building B**, having the longer façade, the vertical articulation in the lower level verandah elements has been extended through to the setback levels above to strengthen its emphasis. The visual contrast of the facade recess is increased with an adjustment to the facade colour to the central section of the building. This increased contrast improves the perceived separation between the two outer parts of the facade. **Building A** footprint has been adjusted on the courtyard-facing facade to improve internal planning and apartment amenity. The change in profile has allowed the apartment located at the western corner of the building to have a better living arrangement with more focused views to the north-west as well as back toward the village courtyard. A solid section of wall to the southern façade prevents overlooking toward the neighbour to the south-west. On average, the setback of building A relative to the southwestern façade has been increased.

	 Building C street-facing facade has been adjusted to increase the depth of the setback and building articulation adjacent to the main entry. The increase in setback provides both increased separation between the entry path and the ground floor apartment, but also improves the overall building composition. At the same time, the building core has been shifted marginally to improve apartment amenity and street entrance functionality.

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The horizontal spandrel banding of Buildings D and E tends to emphasise what is already a fairly long frontage to Hughes Avenue. The Panel recommends introducing articulation to break down its apparent length. Consideration could also be given to recessing the glass line behind the spandrel line to introduce shadow lines to the façade.	A contrasting façade expression has been introduced to the central recessed section of Buildings D to articulate the building in two halves. Deeper reveals have been provided to the glazing to introduce more shadow to the facades, further reducing the apparent length of these buildings.
The Panel recommends that apartments at street level have direct entry to the footpath where practicable, to encourage street activation and provide a sense of individual identity for residents.	Addressed, direct entry has been provided for apartments, where levels permit, directly adjacent to public footpaths on Lower Ground, Ground and Level 1.
The Panel recommends reviewing the proportions of the brick podium in relation to the residential floors above as the upper levels are tending to overwhelm the podium (apparent in views of the Porte Cochere) which could be due in part to the lighter colour of the upper levels with gives them more visual prominence, or due to their overhang. Consideration could be given to recessing the residential façade line behind the podium line to give it more prominence in the composition.	The podium component of the porte cochere has been reviewed and redesigned to improve the visual balance by reducing the visual impact of the cantilevers above.
Site Coverage/ Landscaped Open Space	
The site retains the site coverage exhibited in the Court approved documents.	Noted. No action required.
Height	
The building envelopes remain consistent with the Court approved documents.	Noted. No action required.
Density	
The density is permissible under the Housing SEPP 2021.	Noted. No action required.
Setbacks	
The setbacks adopt the Court approved documents.	Noted. No action required.

Apartment Mix and Building Design	
Apartment mix is based on current market demands and aims to encourage single dwelling downsizers to move to an apartment setting.	Noted. No action required.
The Panel supports the communal facilities, which are located to encourage use and interaction amongst residents.	Noted. No action required.
The Panel recommends that outdoor deck locations will require additional shading.	The proposal includes a significant covered 'alfresco' seating area adjacent to the club façade. This area provides shade and weather protection for residents wishing to sit within the courtyard environment. A planted arbour has been introduced over the upper deck to provide further shaded seating areas. In addition, the retention of existing trees and the addition of new deciduous trees will provide further shade and natural cooling for the courtyard environment.
Landscape Design	
The Panel recommends additional tree planting provision to compensate for inevitable tree losses during the construction phase.	The arborist has prescribed measures to ensure the preservation of retained trees through construction.
The Panel notes that the trees retained are both of an evergreen and deciduous character that will enhance year-round use of the central open space, with the capacity for the provision of shade in summer and sun access in winter.	Noted. No action required.
The Panel recommends that the applicant investigate the values of Country to the site by consulting with local representatives of Dharug peoples for their input into the design of place.	Levande will have a dedicated village team to manage the new community and support its residents. As part of our service offering, a Lifestyle and Wellbeing Coordinator will curate locally relevant events and opportunities to honor and celebrate the local Indigenous community. This may include initiatives such as showcasing Indigenous art or collaborating with representatives of the Dharug people as part of our annual village events and activities.
The Panel noted that the Applicant proposes, as part of their overall philosophy of care, activities that include understanding local customs and approach to landscape.	As mentioned above, our Lifestyle and Wellbeing Coordinator will create a village-specific schedule of activities and engagement opportunities for our residents. This will include celebrating local

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	customs and enjoying the natural landscape, such as the close proximity of Cattai Creek.
Public Domain	
Public Domain design and materials to be as per the requirements specified in Council's Public Domain Plan.	Our consultant team has reviewed Councils Public Domain Plan and can confirm our materials are consistent with public domain requirements.
Streetscape	
Nominated tree species must comply with the Public Domain; however the Panel notes the existing streetscape comprised Brushboxes that provide a shaded street and recommends that that this tree species also be considered.	Tree species were thoroughly reviewed as part of the prior DA. Levande has respected Council's requests regarding tree species and has maintained the tree species previously approved.
Public Domain	
The Panel notes the private domain is largely in keeping with the Court approved documents.	Noted. No action required.
SEPP 65 Items to be clarified or revised: Apartment Design Guide	
ADG compliance is to be clearly documented and demonstrated to the satisfaction of Council's assessment officer.	ADG compliance has been documented in our submission.
Sustainability and Environmental amenity	
The Panel reinforced the need for external solar shading devices to all exposed windows.	In general, the north and west facing facades are protected by veranda elements across the main living room spaces for each apartment. Where windows are located outside of these veranda zones, the windows are smaller and set within vertical screens that provide a level of shading to the façade. Where we have longer sections of façade beyond the veranda elements to the façade, for example the linear strip windows in buildings D and E, these are designed with a projecting window reveal across the head of the window to provide shade to the glazed surface.
The Panel recommends that maximum building length controls and ADG building separation controls between development blocks should be compliant, to facilitate air ingress and movement within internal courtyard areas.	The general layout of buildings across the site, including the separation between buildings, follows the former DA approval for the site. Minor improvements in separation have been achieved, however the development is still largely in accordance with the former DA. The courtyard is proposed to be heavily planted with a number of retained

	trees providing canopy cover in order to moderate the environment of this space during summer
The Panel recommends that replacement trees and understory vegetation species should be endemic to the Cattai Creek landscape setting, noting that cultural planting can form part of the endemic Cattai Creek vegetation as an appropriate cross-cultural response.	The DA remains consistent with the previous approved DA, providing a mix of native and exotic planted species.
The Panel recommends that privacy concerns raised during the meeting for development block C as a result of the adjacent ramping must be addressed through provision of further detail of levels and screening.	The privacy concerns have been addressed by increasing the height of the fence between the private areas of these apartments and the adjacent ramp. This height combined with the nature of the palisade screen will achieve a sense of privacy without giving the apartment a harsh enclosed feel while garden planting both within the apartment outdoor space and adjacent to the communal pathway will both soften the visual effect of the taller palisade fence while adding visual amenity of the courtyard and apartment environment.
Architecture and Aesthetics	
The Panel is generally supportive of the architectural character and materials proposed by the design team. It is noted that subtle differences in materials, textures and colour are proposed, and this will be important to achieving a diverse and well-scaled environment.	Noted. No action required.

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The Panel recommends that street front utility service elements are integrated into building fabric and landscape as per THSC DCP.	The booster assembly has been incorporated in the façade of Block D.
Documentation	
To aid Council Officers in assessment the Panel recommends that the Applicant presents documentation in the format endorsed by Council made available on Council's website.	Noted and adopted within documentation.
Public Domain Plan Submission Requirements (note the provision of a Public Domain Plan is a drawing requirement listed in the Design Advisory Panel Submission Requirements).	Noted. No action required.
Note: further information may be required by the Development Assessment team to aid with their assessment of the development.	Noted. No action required.

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ATTACHMENT V – APPLICANT'S REQUEST FOR AMENDMENTS TO DRAFT CONDITIONS NOT AGREED TO BY COUNCIL STAFF

The Applicant requested changes to the following conditions which have been agreed to by Council staff and amended in the draft conditions in Attachment A:

Conditions 1, 2, 4, 12, 14, 13, 15, 18, 31, 40, 41, 52, 55, 57, 60, 63, 64, 65, 66, 70, 74, 75, 93, 103, 108 and 118.

Condition 33. Noise and Vibration Requirements has been deleted from the draft conditions in Attachment A.

The following changes are also requested by the Applicant which Council staff either do not agree with or alternative wording has been recommended in Attachment A for the reasons outlined below:

Condition 7

7.	**Separate Consent for Signs**
	Separate development consent is required for the erection of any signage structures.
	Condition reason: To ensure approval is sought for signage.

The Applicant has requested the removal of this condition as signage zones are nominated within the architectural designs.

<u>Council staff response:</u>

Council staff have not removed this condition as details of the signage have not been provided with the Development Application and a complete assessment could not been made under Chapter 3 Advertising and Signage under the SEPP (Industry and Employment) 2021. Instead, the condition has been reworded as follows:

7.	**Separate Consent for Signs**
	Separate development consent is required for the erection of any signage structures not approved under the subject application.
	Condition reason: To ensure approval is sought for signage.

Condition 10

The Applicant has requested to amend the NSW Police condition as follows:

10.	**Compliance with NSW Police Requirements**

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

- Surveillance
  - 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.
  - 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.
  - 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
  - Access points are to be well marked and inviting.
  - The ground floor and roof-top communal area are to be inviting, well maintained, and encourage people to gather for legitimate purposes.
  - Environmental Maintenance
    - A maintenance schedule to remove any graffiti or repair damaged property should be implemented.
- Access Control
  - 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.
  - 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.

- 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
  - 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.
  - 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.
  - 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.
  - Storage Cages
    - If caged storage units are used, the cage should be built to the ceiling of the carpark or have a lid.
    - ~~Caged~~ Enclosed storage areas should have a door that ~~in~~ 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.
  - Car Park
    - The car park should be well lit and bright.
    - ~~Refrain from~~Rationalise the use of sensor lights especially in areas less travelled.
    - The entry to the car park should be well lit.

	▪→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 relevant service provider's requirements.¤

The Applicant has indicated the following reason for their changes:

We always provide a minimum ambient lighting level. We don't want to be refrained from using sensor lighting due to the energy saving benefits they offer.

<u>Council staff response:</u>

Alternative changes have been made and reflected in the draft conditions at Attachment A to achieve the intent of the NSW Police comments. The storage cages and car park sections in the condition have been modified as follows:

	○→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.¶ ○→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 relevant service provider's requirements.¤

Condition 20

The Applicant has provided the following comments for Condition 20 Housing and Productivity Contribution – Development Consents:

This was not part of the prior consent and we are disappointed to see this condition included. It appears to only have arisen where we have proceeded to lodge a new Detailed DA per Council's request rather than a modification to the Detailed DA as we had initially wanted. That direction has resulted in an additional $2.3m of cost to the development.

Suggest adding Part A and Part B subheadings. No strata contemplated in development.

Credit for existing dwellings (14) to be deducted in accordance with Section 14(1) of the HPC Order.

Council staff response:

This is a standard condition imposed by the Department of Planning, Housing and Industry as required under Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 which was made by the Minister for Planning and Public Spaces, under the Environmental Planning and Assessment Act 1979, section 7.24, with the concurrence of the Treasurer on 30 June 2024. This Order applies to all new developments within the State. As the Development Application was lodged on 1 August 2024, the Order applies to the development. The changes to the standard condition cannot be amended.

The 14 existing dwellings have now been deducted from the contribution amount in accordance with Section 14(1) of the HPC Order. This is reflected at Attachment A.

Condition 53

The Applicant has requested the following changes to Condition 53 as they are proposing granite setts for the porte cochere and basement driveway:

53.	**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. 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.

Council staff response:

Section h) of the condition has been reworded in Attachment A as follows:

	h) All driveways and car parking areas must be predominately concrete or bitumen and any alternate materials must not be within the road reserve and the design must consider the largest design service vehicle expected to enter the site. Any alternate materials must also be slip resistant. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.

Condition 61

The Applicant has requested the following changes to Condition 61 and requested the subsection k) be amended "*to something to the effect of "maximum...ramps that are steeper, or the provision of a power assisted tug & tug parking bay that allows collection of waste at the base of waste chutes to holding bays using traffic paths*":

61.	**Construction of Separate Waste Storage Areas**
	Before the issue of the **relevant** ~~a~~ **construction** certificate, construction plans demonstrating separate waste storage areas must be approved by the certifier. The areas must provide minimum storage facility for 16x1100lt residential garbage bins (we have 23), 1x1100lt commercial garbage bin (we have 14), 16x1100lt residential recycle bins (we have 42), 2x1100lt (we have 14) commercial recycle bins, 15x240lt residential FOGO bins (we only have 10) and a 2 bin linear conveyor system. The waste storage area(s): a) must be sized to store and maneuver the 16x1100lt residential garbage bins, 1x1100lt commercial garbage bin, 16x1100lt residential recycle bins, 2x1100lt commercial recycle bins and 15x240lt residential FOGO bins b) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide. c) must ensure that commercial tenants do not have access to the residential waste storage area(s), and vice versa for residential occupants. d) must have walls constructed of brickwork. (we have blockwork) e) Must have floors constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed. f) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow direct access to the bins by collection contractors. g) doors, 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) must be ventilated. Vented waste storage areas must not be connected to the same ventilation system supplying air to the units. i) must be provided with a hose tap, connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins. j) must be provided with internal lighting. k) maximum grade acceptable for moving bins for collection purposes is 5%. We have ramps that are steeper l) must have appropriate signage, mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
	Condition reason: To ensure adequate bin storage areas are provided in mixed use developments to enable separation of the different waste streams from residential and commercial uses.

Council staff response:

Bin quantities are based on reduced volume per unit as agreed seniors living. Recycle collection will be weekly, not fortnightly as stated in WMP. Therefore recycle bin quantities are

less. Condition 61 has been adjusted for commercial bin quantities as per WMP. Subsection (k) has been updated in Attachment A to allow use of bin tug.

Condition 68

The Applicant has commented that there is no hydrostatic pressure for the development under section 1 of the condition.

68.	**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) RL 101.34m 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;

Council staff response:

The structural analysis is generally not assessed under the DA stage and will be determined at the CC stage. Condition 68 will therefore be retained.

Condition 69

The Applicant has requested the following amendments to the condition and notes that the OSD has already been designed in accordance with the Upper Parramatta River Catchment Trust OSD Handbook and requests a clear explanation of where the design is non-compliant with the Handbook:

69.	**Onsite Stormwater Detention – Hawkesbury River Catchment Area**
	Before the issue of the relevant construction certificate or a subdivision work 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.

1. The stormwater concept plan prepared by JHA, project number 240163, Drawings:

Drawing Number	Revision	Dated
C-DA000	P4	14/03/25
C-DA100	P6	18/3/25
C-DA101	P6	18/3/25
C-DA102	P6	18/3/25
C-DA103	P4	18/3/25
C-DA201	P4	18/3/25
C-DA300	P4	14/3/25
C-DA301	P5	18/3/25
C-DA302	P3	18/3/25
C-DA303	P2	18/3/25
C-DA500	P3	14/3/25
C-DA501	P3	14/3/25

are for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

a) The WQ chamber shall be sized for the 4EY event and drain to a pit past the orifice. To compensate for the flow from the WQ chamber, the orifice shall be resized (decreased).

b) HED pit/chamber shall be small as practicably possible, typically 0.9mx0.9m

2. Water sensitive urban design elements, consisting of Ocean Protect's pit inserts "OceanGuard" and stormwater filters "StormFilter", 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.

3. 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.

Council staff response:

Whilst the condition has been updated to reflect "prior to the issue of the relevant construction certificate" rather than "a construction certificate", the rest of the condition will remain. This condition is required as the detailed design of the OSD needs to comply with the relevant standards including the Upper Parramatta River Catchment Trust OSD Handbook at the CC

stage. The cartridges in the WQ Chamber of the OSD are integrated into the design. The design needs to be slightly amended at CC stage. This condition will ensure that the first flush from the storm is cleaned and functions properly. The orifice is slightly reduced to ensure the flow from the stormwater filters does not exceed the permissible discharge rate. The footprint of the OSD system does not change.

Condition 80

80.	**Tree Removal on Public Land**
	Approval is granted for the removal of Two (2) street trees T1,T5 on Cadman Crescent that is located on nature Strip as shown on plans prepared by Earthscape Horticultural Services Dated 10/10/2024 Version 3 located on the Council nature strip that will be impacted by works associated with the development. Before any Construction works commence on site, the following details must be provided to The Hills Shire Council's Manager – Environment & Health: a) Time and date of when the tree works will occur; b) Details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist); c) Current copy of the contractors Public Liability Insurance (Minimum $10,000,000). Note: Tree removal on public land shall be fully costed by the applicant. The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.
	Condition reason: To ensure that tree removal is appropriately managed.

The Applicant has requested the following:

Can this be modified to refer to Main Body Construction Works? Our delivery strategy is structured to commence early works (Demolition and remediation allowing site security), prior to Public Domain works with the Main Contractor.

Council staff response:

This cannot be supported as the "main body construction works" has not been defined. There has been no plan or strategy submitted with the application that demonstrates that the early works (demolition and remediation allowing site security) will not impact trees on Public land.

Condition 95

The Applicant has queried whether this condition 95 Construction of Fit out of Food Premises is for the neighbourhood shop or resident's kitchen in the Clubhouse.

95.	**Mechanical ventilation in Food Premises**
	During building work, exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They must have removable grease filters for cleaning. Documentation shall be submitted to the principle certifying authority that the ventilation system has been installed and is operating in accordance with: a) *AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings*; and b) *AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings.*
	Condition reason: To protect the amenity of the local area

Council staff response:

The heading of the condition has been amended in Attachment A to clarify that the condition only relates to food premises involving the sale of food as follows:

95.	**Mechanical ventilation in Food Premises involving the sale of food**
	During building work, exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They must have removable grease filters for cleaning. Documentation shall be submitted to the principle certifying authority that the ventilation system has been installed and is operating in accordance with: a) *AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings*; and b) *AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings.*
	Condition reason: To protect the amenity of the local area

Condition 96

The Applicant has queried whether condition 96 Hand Washing in Skin Penetration Premises is for the neighbourhood shop.

96.	**Hand Washing in Skin Penetration Premises**
	During building work, a dedicated hand wash basin must be located in every treatment room and: a) is separate to the cleaning and kitchenette basin. b) has a supply of hot and cold potable running water through a common spout. The water when mixed must be capable of reaching 40°C. c) all walls adjacent to wash basins are to be constructed of a material that is durable, smooth and impervious. Such material shall extend from the floor level to a height of 450mm above the top of the wash basin from the centre of the wash basin to a distance of 150mm beyond each side of the wash basin.
	Condition reason: To ensure compliance with health standards for infection control

Council staff response:

The heading of the condition in Attachment A has been amended to clarify that the condition only relates to the beauty salon (communal facilities) as follows:

96.	**Hand Washing in Skin Penetration Premises for Beauty Salon (Communal Facilities)**
	During building work, a dedicated hand wash basin must be located in every treatment room and: a) is separate to the cleaning and kitchenette basin. b) has a supply of hot and cold potable running water through a common spout. The water when mixed must be capable of reaching 40°C. c) all walls adjacent to wash basins are to be constructed of a material that is durable, smooth and impervious. Such material shall extend from the floor level to a height of 450mm above the top of the wash basin from the centre of the wash basin to a distance of 150mm beyond each side of the wash basin.
	Condition reason: To ensure compliance with health standards for infection control

Condition 120, 122, 123, 124, 125 and 130

The Applicant has requested the following amendments to Engineering Conditions 120, 122, 123, 124, 125 and 130:

120.	**Creation of Restrictions / Positive Covenants**
	Before the issue of the relevant ~~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.
122.	**Public Road/ Road Widening Dedication**
	Before **the release of a** final~~n~~ **Occupation Certificate** the proposed public road/road widening has been dedicated in accordance with the undertaking submitted relating to dedication of the additional 2m of verge on Cadman Crescent.
	Condition reason: To ensure any land required under this consent to be dedicated is dedicated prior to occupation of the structure
123.	**Pump System Certification**
	Before **the release** of the relevant ~~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.
124.	**OSD System Certification**
	Before **the release of a** the relevant~~n~~ **Occupation** Certificate the Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) for the relevant construction stage. 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;
125.	**Water Sensitive Urban Design Certification**
	Before **the issue of** ~~an~~ the relevant **Occupation Certificate** the WSUD elements conditioned earlier in this consent must be constructed and operational for the relevant construction stage. 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

130.	**Removal/ Amendment of Existing Easement**
	Before the **release of ~~a~~ the relevant Occupation** Certificate the existing easement to drain water 1.2 wide and easement for services 2 wide must be removed/ amended. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.
	Condition reason: To ensure any redundant easements are removed from any future titles

Council staff response:

These changes cannot be supported as these engineering works or creation of restrictions/positive covenants/amendments to existing easements are required at Stage 1 of the development. These conditions remain as recommended in Attachment A.

Condition 128

The Applicant has requested the following amendments to engineering condition 128:

128.	**Completion of Engineering Works**
	A~~n~~ Occupation Certificate must not be issued before the completion of all relevant engineering works related to completed construction stag~~ing~~es covered by this consent, in accordance with this consent.
	Condition reason: To ensure all engineering works are completed before an occupation certificate is issued.

Council staff response:

The wording of this condition has been amended in Attachment A as follows:

128.	**Completion of Engineering Works**
	Each~~An~~ Occupation Certificate must not be issued before the completion of all relevant 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.

Condition 140

The Applicant has made the following comment to condition 140:

Agreed with Council's Waste person that residential waste will be collected by Council with MRV.

We understand the commercial premises to be the Neighbourhood Shop.

140.	**Waste and Recycling Collection Contract – Commercial Premises**
	During the occupation and use, a private waste contract is to be in place with a licensed contractor for the removal and lawful disposal of all waste generated by the commercial premises on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to an authorised officer of Council who asks to see it.
	Condition reason: To ensure a private waste contractor is engaged with by commercial premises to lawfully remove all waste generated onsite.

Council staff response:

Condition 140 has been revised in Attachment A to clarify this is only for the commercial premises which is the Neighbourhood shop. Council will not collect these bins. Private waste contractor will need to be engaged for this collection.