

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-605 DA 366/2025/JP
PROPOSAL	Demolition of Existing Structures and Construction of Residential Flat Building Development and Shop Top Housing containing 253 Units, a Hotel Building containing 143 Rooms, Associated Basement Parking and Landscaping.
ADDRESS	Lots 1 and 2 SP 35176, Lots 21, 22, 31, 32, 33 DP 222257, Lot 22 DP 655632, Lots 381, 382 and 383 DP 1257934, Lot 19 DP 135800, Nos. 1/28, 2/28, 2, 4, 22, 24, 26 Garthowen Crescent and Nos. 24, 26A, 26, 28, 30 Old Castle Hill Road, Castle Hill
APPLICANT	Nicholas Turner Pty Ltd
OWNER	Garth 2 Pty Ltd 377 Galston Pty Ltd
DA LODGEMENT DATE	3 September 2024
APPLICATION TYPE	Development Application - Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 2.19 and Schedule 6 of the SEPP (Planning Systems) 2021
ESTIMATED DEVELOPMENT COST	\$165,395,074 (excluding GST)
CLAUSE 4.6 REQUESTS	Not Applicable
KEY SEPP/LEP	SEPP (Housing) 2021 and The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	26 unique submissions. Key issues: • Traffic congestion, • Insufficient street parking, • Setbacks, • Height, • Privacy and noise impacts.
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plan and Design Report – Turner Statement of Environmental Effects – Caladines Town Planning Survey Plan – SDG Pty Ltd Quantity Surveyor Cost Estimate Report – QPC & C Pty Limited

	Landscape Plans and Design Report – Land and Form Studios Civil Engineering Plans – S&G Consulting Stormwater Management Report and Concept Design – S&G Consulting Public Domain Plan - S&G Consulting Preliminary Site Investigation – Geotechnique Pty Ltd Site Hydrogeology Report – JK Geotechnics Geotechnical Investigation – JK Geotechnics Dewatering Management Plan – JK Geotechnics Preliminary Groundwater Quality Screening - JK Geotechnics Arboricultural Impact Assessment – Redgum Horticultural Economic Impact Assessment – Hill PDA Social Impact Assessment – Hill PDA Statement of Compliance Access for People with a Disability – Accessible Building Solutions Traffic and Parking Assessment Report – Varga Traffic Planning Pedestrian Wind Environment Statement – Windtech Noise Impact Assessment – Acoustic Logic Operational Waste Management Plan – Elephants Foot Subdivision Plan – SDG Pty Ltd BCA Assessment Report – Jensen Hughes BASIX & NatHERS Assessment – Windtech Sustainability Statement – Neuron Build
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
HOUSING AND PRODUCTIVITY (HPC) CONTRIBUTION	\$2,844,918.72
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	30 October 2025
PREPARED BY	Sanda Watts – Development Assessment Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	16 October 2025

EXECUTIVE SUMMARY

The proposed development is for a mixed-use residential development comprising a total of 253 residential units. The development comprises of 4 buildings, with Building A (23 storeys) comprising shop top housing, Building B (18 storeys) and Building C (24 storeys) being residential developments and Building D (19 storeys) being a 143 room hotel with associated amenities. Three basement levels are provided under the development. A total of 470 parking spaces will service the development. The retail component of the development fronts Old Castle Hill Road, with the development having three access points, 2 on the southern side of Garthowen Crescent and one on the northern side of Garthowen Crescent.

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

The development achieves a high level of compliance with the Apartment Design Guide, with the only variations identified being building separation and common circulation and spaces. With respect to building separation, Buildings A and Building D (hotel) a minimum building separation of 7-9m is proposed where 18m is required for habitable to non-habitable and between Building D (hotel) and Building C a minimum internal building separation of 15 metres is proposed where 24m is required between habitable room/balconies. In regards to common circulation, the ADG requires buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40, with Buildings A having 93 units and Building C has 95 units, so in accordance with the ADG that maximum number of units in Buildings A and C should be 80 (serviced by the 2 lifts). Despite these variations, overall, the development provides for a high level of amenity for future occupants of the development and adjoining properties.

The proposal has been assessed under the provisions of The Hills DCP 2012. Variations have been identified with respect to the Precinct Specific Castle Hill North controls including number of storeys, site coverage, setbacks, ground floor uses, overshadowing, communal open space and building length. It is considered that these variations can be supported as the proposal would still be consistent with the built form and character outcomes envisaged for the emerging Precinct and appropriate amenity can be provided for future residents.

On the northern side of the site, the widening of Garthowen Crescent and dedicated of land to Council at no cost is required under the DCP.

The application is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The proposal requires a Water management works approval under Section 90(2) of the Water Management Act, 2000. General Terms of Approval (GTA) for the proposed development requiring a Water Supply Work approval were issued by WaterNSW.

The proposal was advertised and notified on two occasions. A total of 26 unique submissions, were received. A conciliation conference (online MS teams meeting) was also held on 2 April 2025 which discussed the issues raised by local residents. The concerns raised primarily relate to traffic congestion, insufficient street parking, setbacks, height, decrease in land values, privacy and noise impacts. The above concerns do not warrant refusal of the application.

The Development Application is recommended for approval subject to conditions.

1. THE SITE AND LOCALITY

The development site contains ten (10) torrens title lots and one (1) strata titled dual occupancy development, and is irregularly shaped and has an area of 9,004m².

The site, located on Garthowen Crescent is a loop road and has a frontage of 138 metres on the northern side of the site, along the northern portion of Garthowen Crescent, a frontage of 99 metres to Old Castle Hill Road (west) and of frontages 83 metres to the southern portion of Garthowen Crescent. To the east of the side is a recently constructed 13-18 storey residential flat building.

The topography of the subject site generally falls from the northern boundary, to the southern boundary. The subject site accommodates a level change of approximately 8.5 metres. The subject site is currently occupied by low density dwelling houses, a dual occupancy, and two of the lots being vacant, as they were formally used as office/storage sheds for construction of the adjoining residential flat building. To the west of the site is high density residential developments, Castle Towers and the Sydney Metro – Castle Hill Station. To the north of the site is a mix of multi-dwelling and single dwelling developments. To the south, south/east of the development is a mix of single and multi-dwelling developments, as well as residential flat buildings.

Under The Hills Local Environmental Plan 2019 (LEP), the subject site is zoned R1 General Residential, R4 High Density Residential and SP2 Infrastructure (Local Road Widening). The site has a FSR (base) of 1:1 under Clause 4.4 of the LEP, an FSR (incentive) of 4.30:1 under Clause 7.11 of the LEP, except 22 Garthowen Crescent which has an incentive FSR of 1.85:1. There is no maximum building height development standard for the site.

The desired future character for the site in the context of the Castle Hill North Precinct is for high density residential with active ground floor uses with a height of 4 to 18 storeys, with a “urban active edge” to Old Castle Hill Road and a “landscaped setback” to Garthowen Crescent (north and south).

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for:

- Removal of 39 trees within the site and 10 street trees
- Bulk earthworks to create three (3) levels of basement car parking below each of the four (4) buildings
- Construction of Building A (23 storeys), Building B (18 storeys), Building C (24 storeys) and Building D (19 storeys);
- Construction of 253 units (reduced from 264 units when the DA was initially lodged) residential apartments within Buildings A, B & C:
 - 26 x 1 bedrooms
 - 158 x 2 bedrooms
 - 69 x 3/4 bedroom units;
- Construction of Building D (19 storeys) containing 143 hotel keys with associated amenities;
- The proposed hotel provides for a hotel lobby, lobby lounge, offices, BOH areas, restaurant and bar, separate entry points (front and rear) luggage and storage areas, loading/unloading areas accessed from the rear loading bay, upper level function and

pre-function spaces, kitchen, function storage, gym, pools, sauna and hotel amenity area on roof.

- Access into the hotel is from the corner of Old Castle Hill Road and Garthowen Crescent, and a porte cochere for drop off and pick ups is provided from Garthowen Crescent (southern loop road). Separate driveways are provided for the hotel and residential flat buildings;
- 281 residential car spaces of which 51 are visitor spaces, 168 hotel car spaces and 21 retail car spaces;
- Construction of 384m² of retail GFA along Old Castle Hill Road (Building A);
- Connection to the existing pedestrian through-site link to the east of the subject site.
- Approximately 2 metre road widening and dedication (to no cost to Council) of Garthowen Crescent on the northern side of the site (refer Attachment Q for draft subdivision plan).

2.2 Background

A pre-lodgement meeting (43/2024/PRE) was held prior to the lodgement of the application on 15 December 2023. The main issue raised at this meeting concerned the isolation of 22 Garthowen Crescent as this was excluded from the development site. However this issue has been subsequently resolved as this lot has now been included in the development site.

A Design Advisory Panel (DAP) meeting was held for the development at prelodgement stage on 10 April 2024, and the advice from the DAP has been incorporated into the design. A second pre-lodgement meeting (75/2024/PRE) was held with Council Officers on 10 May 2024.

The Development Application was lodged on 3 September 2024. Between 10 September 2024 and 18 October 2024 the proposed development was advertised and notified to adjoining and surrounding properties, and 17 submissions were received during this period.

On 9 October 2024, the development was referred to the DAP for its second meeting, a copy of the DAP report in response to the meeting is provided at Attachment O.

A letter was sent to the Applicant on 8 November 2024 raising various planning matters, engineering comments, traffic and landscape matters, and waste management issues. On 21 November 2024 the Applicant was issued comments from Water NSW with respect to the drainage method of the basement (tanked or drained).

On 19 December 2024 amended plans and documentation was received addressing the matters raised by Council staff. On 14 January 2025 a dewatering management plan was submitted that was then referred to WaterNSW. On 19 February 2025 WaterNSW issued General Terms of Approval.

On 20 January 2025 the Applicant's planner provided a response to the submissions for Council's consideration. On 14 March 2025 the Applicant provided further updated plans and documentation. The amended plans and documentation was re-notified from 20 March 2025 to 3 April 2025. A further nine (9) submission have been received. On 2 April 2025 a Conciliation Conference was held with Council staff, the applicant and owner, and residents from the community whom objected to the development.

On 29 May 2025 Council staff issued a further request for information relating to planning, traffic and engineering matters. This correspondence also included advice from Council's Shire Strategy Group advising the Applicant that the roundabout (north-western end of the

site) and road widening design was at a stage that was close to finalisation and that the design was to be incorporated into their development design.

On 29 July 2025 and 31 July 2025 amended plans were received. On 22 and 28 August 2025 further correspondence was sent to the Applicant relating to the roundabout design and on 9 and 17 September 2025 amended plans and draft subdivision plan were received.

It is noted that on 16 September 2025, the Housing Delivery Authority (HDA) considered an expression of interest of an amending DA on the subject site to provide an additional 102 apartments (in addition to what was proposed under the subject DA). The HDA at its meeting did not recommend that the proposal be declared SSD under s4.36(3) of the EP&A Act, and advised the applicant in its recommendation that *“there remain alternative pathways in the NSW planning system including an amending development application following a planning proposal and determination of DA366/2025/JP.”*

2.3 Strategic Context

Castle Hill North Precinct

The subject site falls within the Castle Hill North Precinct which was identified for higher density residential development in the 2013 Sydney Metro Northwest (formerly North West Rail) Urban Renewal Corridor strategy which was prepared by the Department of Planning and Environment (DPE).

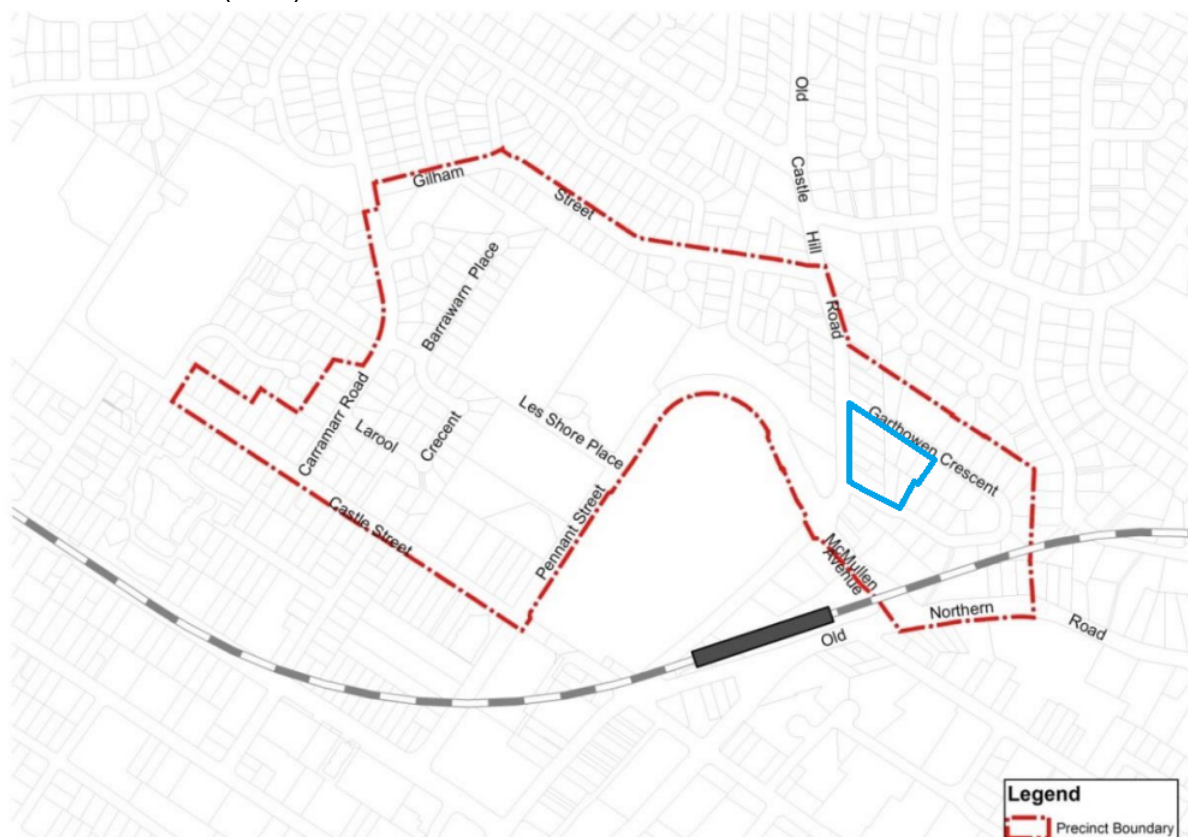


Figure 1 – Castle Hill North Precinct (Location of Subject Site outlined in blue)

Council originally submitted a planning proposal for the Castle Hill North Precinct to the Department of Planning and Environment (DPE) for finalisation in November 2018 and at this time, also adopted an associated Development Control Plan (DCP) for the Precinct and

amendments to the existing Parking DCP, both of which took effect in line with the gazettal of the planning proposal.

On 17 July 2020, the DPE gazetted amendments to the Hills LEP for Council's planning proposal for the Castle Hill North Precinct Planning Proposal (16/2016/PLP) as part of 'tranche three' of the Government's Planning System Acceleration Program.

To ensure consistency with the amendments to the planning proposal made by the DPE, at its meeting of 24 November 2020, Council resolved to adopt draft amendments to Part D Section 20 – Castle Hill North of The Hills DCP. The amendments to the precinct specific DCP controls came into force on 18 December 2020.

3. STATUTORY CONSIDERATIONS

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

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

These matters are further considered below.

It is noted that the proposal is considered to be Integrated Development (s4.46) requiring Water Supply Work approval from WaterNSW. These matters are further considered below

3.1 Water Management Act 2000

The application is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The proposal requires a Water management works approval under Section 90(2) of the Water Management Act, 2000. The proposal was referred to WaterNSW on 9 September 2024.

General Terms of Approval (GTA) for the proposed development requiring a Water Supply Work approval were issued WaterNSW on 19 February 2025, are included in Attachment P and recommended as Condition 4 in the development consent.

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

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;

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

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

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
Resilience and Hazards SEPP	Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
Transport and Infrastructure SEPP	Clause 2.122 and Schedule 3 – Traffic Generating Development	Y
Housing SEPP	Chapter 4 Design of residential apartment development and Schedule 9 – Design Principles. The proposal is consistent with the design quality principles. The proposal is consistent with the ADG requirements with the exception of building separation and common circulation (number of lifts servicing apartments) which is considered satisfactory, and is considered below.	N, refer below.
Sustainable Buildings SEPP	Chapter 2 – BASIX Certificate required to accompany Development Application	Y
LEP	- Clause 2.7 – Demolition - Clause 4.1 – Lot size - Clause 4.4 – Floor Space Ratio - Clause 6.3 – Servicing - Clause 7.2 – Earthworks - Clause 7.7 – Design Excellence - Clause 7.11 – Development on land within the Sydney Metro Northwest urban Renewal Corridor	Y Y N/A Y Y Y Y

State Environmental Planning Policy (Planning Systems) 2021

SEPP (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of

Schedule 6 of the SEPP as the proposal is development for *General development over \$30 million* with an estimated development cost of \$181,934,581.00. Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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) 2021

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 82 for compliance with the BASIX Certificate.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal is categorised as traffic generating development pursuant to Section 2.122 and Schedule 3 of the SEPP. The SEPP requires development to be referred to Transport for NSW where a development provides for 200 or more car parking space. The proposed development will provide 470 car parking spaces on site.

The Development Application was referred to Transport for NSW for review. Transport for NSW raised no objection to the proposal and have provided the following comment:

- *The projected traffic generation has been derived using higher rates of 0.4 peak hour trips per room for both the AM and PM peak with 57.2 vph. It is unlikely that the hotel component would produce a maximum 113 trips and be fully occupied every day. As such, the traffic generated by the development will likely be well under 113.5 (AM) and 101.4 (PM) estimated for the residential, retail and hotel components and will unlikely be detrimental to the surrounding classified road network.*
- *The subject development is near Castle Hill Metro and Interchange, with future users of the development within proximity to utilise public and active transport.*
- *Garthowen Crescent and Old Castle Hill Road are under the care and control of Council as local roads.*
- *The development will be required to contribute to regional infrastructure via the Housing Productivity Contribution (HPC) framework. As such, TfNSW has no further comment.*

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

State Environmental Planning Policy (Housing) 2021

As required under Clause 147 of Chapter 4 of SEPP (Housing) and Clause 29 of the Environmental Planning and Assessment Regulation 2021, a Design Verification Statement prepared by Stephen Cox of Turner (registration number 6391) was submitted with the application. It is assessed that the Development Application achieves the design principles under Schedule 9 'Design Principles for Residential Apartment Development' and the Apartment Design Guide (ADG).

a) Design Quality Principles

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

i) Design Principle 1: Context and neighbourhood character

The proposal is compatible with the desired context and neighbourhood character of the Castle Hill North Precinct. The proposal seeks to respond to and contribute to the desired future character Castle Hill North Precinct which is to become an attractive and well-connected neighbourhood that achieves housing targets, creates vibrant, safe and desirable places, reinforces the garden shire character and lifestyle, and is supported by necessary infrastructure. The subject development is located within R1 General Residential and a R4 High Density Residential zone. The future desired character for the mixed use residential areas are to be green and walkable, providing a lifestyle alternative to the traditional suburban context, focused highly on an appropriate scale and an attractive environment for pedestrians. The proposal has addressed comments made by Council's Design Advisory Panel. It is considered that the amended proposal provides for generous apartment sizes and a diverse unit mix within a highly landscaped setting which reinforces the garden shire character and lifestyle. In this regard, the proposal is compatible with the desired neighbourhood character of the Castle Hill North Precinct.

ii) Design Principle 2: Built form and scale

The site is located within the Castle Hill North Precinct for future mixed uses and high density residential flat buildings. The four-tower strategy offers apartments with high amenity, smaller floor plates and slim tower forms. The proposal complies with the LEP standards including the maximum floor space ratio for the site. The bulk and scale of the development is appropriate for its location and commended by Council's Design Advisory Panel as an appropriate solution for the site. The proposal includes four towers above a podium structure which is shaped in response to the contours and fall across the site. Awnings are provided along Old Castle Hill Road giving weather and sun protection to the retail tenancies and hotel entry. Residential lobbies on Garthowen Crescent are recessed within the building form to provide weather protection and appropriate distinction and legibility from the retail frontage.

iii) Design Principle 3: Density

The proposed development will deliver 253 new apartments which is consistent with the development potential for the subject site, being within the Castle Hill North Precinct. The buildings contain a diverse mix of 1, 2, 3 and 4 bedroom apartments, including Apartment Design Guide compliant and larger 'family friendly' sized apartments as required under Clause 7.11 of the LEP. The development is located within close proximity to the Castle Hill Metro Station, Castle Towers shopping centre and other services. The density proposed is suitable for the site.

iv) Design Principle 4: Sustainability

The proposal includes a number of sustainability inclusions including passive solar design, photo-voltaic cells, rainwater harvesting, thermal insulation, water efficient fixtures and energy efficient appliances. In an area that traditionally has high private vehicle use the proposal offers a wide range of transport options, shopping and services within walking distance and therefore reducing the reliance of private vehicle usage for everyday needs. The design achieves natural ventilation and solar access as required by the Apartment Design Guide. An amended BASIX certificate and a Section J Report has been provided with the Development Application. The achievement of these commitment contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

v) Design Principle 5: Landscape

The Landscape concept has been designed to ensure connection between the podium landscape and the adjoining street and public domain levels of northern Garthowen Crescent. The podium open space connects visually from the street and provides a sight line across the site towards the centre of Castle Hill. Within the communal podium area, the landscape connects to all the residential towers and offers a belvedere overlooking the Old Castle Hill Road, the porte-cochere to the hotel, and the Castle Hill Metro precinct. A second key area is the interface with the pedestrian through-site-link on the adjacent residential site. The interface of apartments located near the boundary and the various levels of landscape are designed to interface with the different levels and transitions of the through-site-link. A small area of the northern part of the site is allocated to the through-site link landscape area. The landscape plan indicates that all open spaces including ground floor and rooftop areas will be appropriately landscaped with native trees and shrubs to provide a high quality outcome. The proposed landscaping integrates with the overall appearance of the development. The communal open space areas have been designed as a focal points within the development. The mix of hard paved areas and open lawn and green space in the common area has been integrated into the landscape design.

vi) Design Principle 6: Amenity

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

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

vii) Design Principle 7: Safety

As a mixed-use development there is a balancing and organisation of the different parts of the development to ensure safety and privacy. The entry to residential apartments and parking areas is separated from hotel operations. The overall site strategy was carefully designed in consideration of the different operational requirements and concern about the interplay between uses. The retail and hotel frontage is primarily Old Castle Hill Road, with the vehicle entry from the southern Garthowen Crescent frontage near the corner of Old Castle Hill Road. The hotel porte-cochere and entry are positioned for close access to Castle Hill and visibility from Old Castle Hill Road. The residential lobbies are accessed from Garthowen Crescent and

are clearly separate from the retail and hotel entrances. The residential lobbies are legible, having a different architectural typology to the retail and hotel entrances. Retail and hotel entrances are located under awnings, where the residential lobbies are recessed into the building. Lobbies have clear line-of-site to the street which is important for drop-off and mail delivery. Residential mailboxes are located within the lobbies within a secured communal area. Lobbies include seating and are designed to encourage interaction between residents. Communal areas and private terraces are separated from the public domain with legible and secure fence and gate lines.

viii) Design Principle 8: Housing Diversity and social interaction

The proposal complies with Council's local housing diversity provision under Clause 7.11 of the LEP and provides for 10% of adaptable units. Landscape areas are provided to cater for a diverse range of occupants, with communal areas including a roof top terrace, BBQ areas, turfed open space, shaded sitting areas and seated picnic areas.

ix) Design Principle 9: Aesthetics

The built form has been reviewed by Council's Design Advisory Panel. The design of the building has adequately addressed the concerns raised by the DRP and provides a built form which is consistent with the intended character of the Castle Hill North Precinct and responds appropriately to the desired future context of the area.

b) Apartment Design Guide

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

CLAUSE	DESIGN CRITERIA	COMPLIANCE
SITING THE BUILDING		
Communal open space	Minimum 25% of the site area. Minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours mid-winter.	Yes. 25.3% or 2,276m² Yes. The communal open space and roof top communal open space will receive at least 50% direct sunlight for 2 hours during midwinter during the morning periods (between 10:30am and 12:30pm).
Deep Soil Zone	Minimum 7% of site area, with minimum dimensions of 6m	Yes. 7.4% or 669m²
Separation	For habitable rooms, 12m (6m to boundary) for 4 storeys, 18m (9m to boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	No, building separations between Building A and Building D (hotel) (7-9m) and Building C and Building D (hotel) (15m) does not comply.

	9+ storeys – 18m between habitable and non-habitable room	
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been considered with the placement of windows and balconies. The proposal complies with the building separation requirements.
Car parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 15.6 0.9 spaces per 2 bedroom unit. 142.2 1.40 spaces per 3 bedroom unit. 96.6 1 space per 5 units (visitor parking). 50.6 Or the car parking requirement prescribed by the relevant council, whichever is less.	The site is located within 800m of the Castle Hill Metro Station. 254.4 (255) residential and 51 visitor spaces would be required in accordance with the RMS rate. 230 residents and 43 visitor spaces are provided. Notwithstanding, the LEP provides a maximum parking rate for the site, which the development complies with.
DESIGNING THE BUILDING		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes. The proposed development will receive two hours direct solar access for 80.6% (204 of 253) of apartments between 9am and 3pm midwinter. Yes. 5.9% (15 of 253) of the apartments receive no direct sunlight between 9am and 3pm midwinter.
Natural ventilation	1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes. 69.3% (95 of 137) of units will meet the cross ventilation requirements or can be naturally ventilated. Yes.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m.	Yes.

	For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area.	Floor to ceiling height at least 2.7 metres for all apartments.
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes. Studio: N/A 1 bedroom: min 50m² 2 bedroom: min 78m² 3 bedroom: min 111m² Where additional bathrooms are proposed, an additional 5m² has been provided. 4 bedroom unit size: min 154m² Yes. All habitable rooms have windows with a glass area of greater than 10% of the floor area.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments	Yes. All rooms comply Yes. Yes. All bedrooms comply with the minimum area. Yes. Yes. All apartments are provided with a minimum 4 metre living/dining room width.

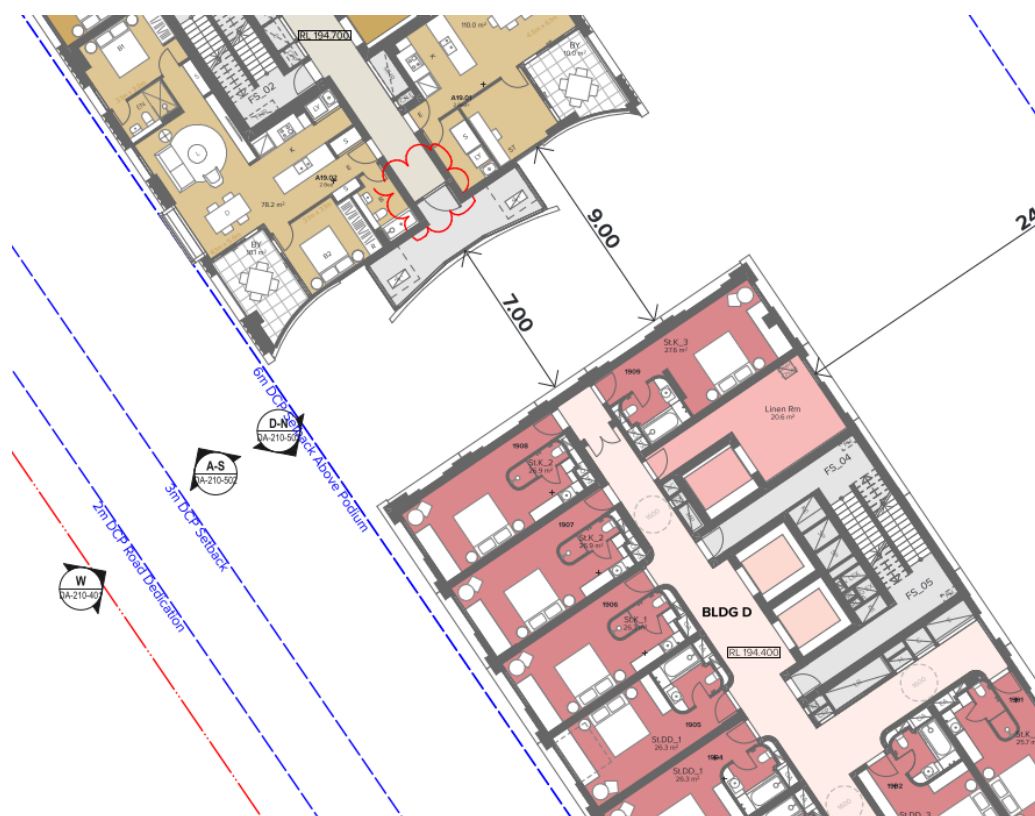


Figure 2: Internal Building Separation (Level 19) between Buildings A & D

The variation between Building D and C as indicated below in Figure 3:

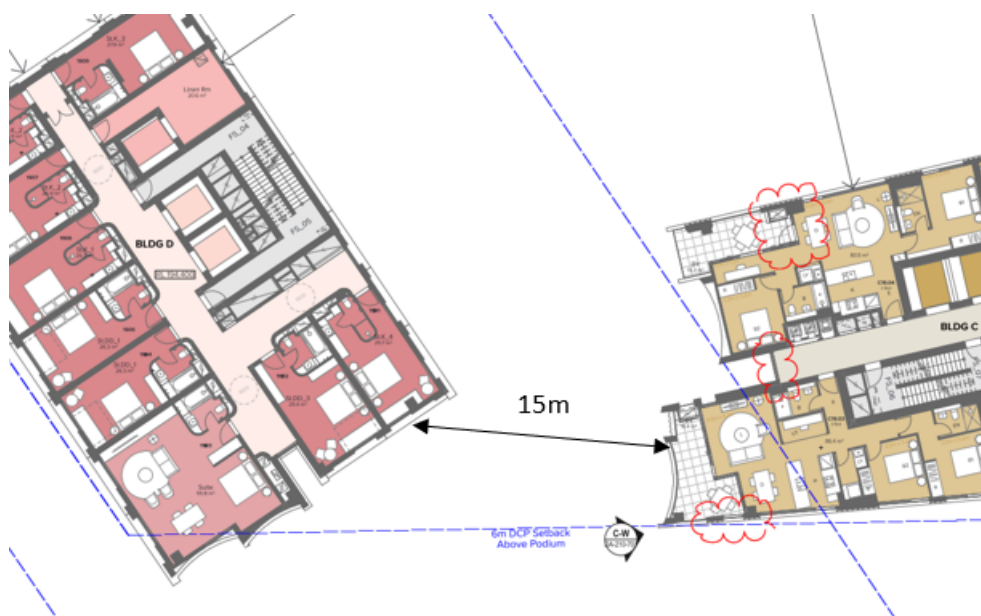


Figure 3: Internal Building Separation (Level 19) Between Buildings D & C

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

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

There are no openings along the northern elevation of Building D (hotel), therefore there are no privacy impacts to Building A with the 7-9m building separation. Building A has dual aspect balconies that have been orientated to both the south (towards the hotel) and to the east /west. With respect to Building D (hotel) and Building C, the buildings are angled away from each other, so there is no direct overlooking between the buildings. Some screening/louvres have also been incorporated into the design to mitigate privacy impacts. Furthermore, it is considered the bedrooms of the hotel are low use rooms which would not result in significant overlooking impacts to residents within the development, as occupants of the hotel would be seeking mutual privacy when occupying the rooms. Whilst the building separation distances do not strictly meet the design criteria of the Apartment Design Guide, balconies/buildings are angled, and the development has been designed to ensure a reasonable level of visual privacy is maintained and the variation to building separation can be supported in this instance.

Common Circulation and Spaces

The Apartment Design Guide requires buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. Each building is provided with 2 lifts. Buildings A has 93 units and Building C has 95 units, so in accordance with the ADG that maximum number of units in Buildings A and C should be 80 (served by the 2 lifts), thereby Building A has 13 extra units being serviced by the lifts and Building C has 15 extra units being serviced by the lifts.

The applicant has stated that:

- *Common circulation spaces are provided with a source of natural light.*
- *Double height spaces on street level lobby provide increased amenity and connection.*
- *The circulation space are articulated to minimise crowding of circulation.*

The objective of the design criteria is as follows:

Common circulation spaces achieve good amenity and properly service the number of apartments

The proposed development results in a non-compliance with this design criteria. Buildings A (93 units) and Building C (95 units) are both provided with 2 lifts, rather than 3 lifts each. The development will still comply with the objective of the design criteria, as the non-compliance is marginal (being 13 and 15 extra units) being serviced by the 2 lifts. It is not considered that an extra lift per building would be required to service the 13 and 15 extra units, and the development still provides for suitable amenity service. Nevertheless, the development is required to comply with the NCC and a condition of consent is recommended that the development comply with the BCA. A Statement of Compliance Access for People with a Disability was submitted with the DA which concluded that *“the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard & Housing SEPP 2021”*. The non-compliance is supported in this instance.

The Local Environmental Plan 2019

Permissibility and Zone Objectives

The land is zoned R1 General Residential, R4 High Density Residential and SP2 Infrastructure (Local Road Widening) under The Hills Local Environmental Plan 2019. The proposal comprises uses defined as follows:

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

Hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—
(a) comprises rooms or self-contained suites, and
(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,
but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The proposed shop top housing, residential flat building and hotel accommodation is permitted within the R1 General Residential zone under the provision of LEP 2019.

The objectives of the R1 General Residential zone are:

R1 General Residential Objectives

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas*

The proposed residential flat buildings and shop top housing is permitted within the R4 High Density Residential zone under the provisions of LEP 2019. A small portion of the loading/unloading bay and internal circulation roads that allow access to the basement car park of the hotel are located outside the R1 General Residential zone and is located in the R4 High Density Residential Zone. Given that these areas do not exclusively service the hotel (which is prohibited in the R4 zone), and also service the shop top housing (which is permissible in the R4 zone land) the location of this ancillary use is considered acceptable. The footprint, and all required car parking of the hotel is wholly within the R1 zoned land. Notwithstanding car park which means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not is a permissible use in both the R1 and R4 zoned land.

The Applicant has relied on case law to confirm the development's permissibility and provides the following justification:

In regards to the hotel building, its footprint remains within the R1 General Residential zone and does not encroach into the R4 High Density Residential zone. We acknowledge that a

small portion of the dual use (residential and hotel) loading/unloading bay and part of the circulation area encroach into the R4 High Density Residential zoned land. These areas are considered to be nominate permissible uses under the THSLEP 2019.

As you would be aware there has been a lot of case law on this issue and therefore, I refer you to the following comments and judgments:

- Permissibility is a jurisdictional fact which does not turn on Council's opinion as the consent authority. See Woolworths Ltd v Pallas Newco Ltd & Anor (2004) 61 NSWLR 707; [2004] NSWCA 422 at [62].*
- The test for characterizing the purpose of the proposed development is an objective test based on the application itself: Botany Bay City Council v Pet Carriers International Pty Limited (2013) 201 LGERA 116; [2013] NSWLEC 147 at [25].*
- Preston CJ in Botany Bay City Council v Pet Carriers International Pty Limited held that the ultimate focus of an inquiry as to the characterization of land should be whether a development is a nominate or innominate use under the relevant instrument. If the proposed development is for a nominate permissible use, which it is (in this specific case, a hotel), then it can be characterized as a permissible use. See judgment of Sherman v Newcastle City Council [2019] NSWLEC 1238 at [56] accompanying this submission*

In this regard, the crossover of the uses over the zone boundary is considered satisfactory.

The objectives of the R4 High Density Residential zone are:

R4 High Density Residential Objectives

- 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 objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.*
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Land along the western side of the site, along Old Castle Hill Road is zoned S2 Infrastructure (Local Road Widening) which is reserved for road future road widening as required.

Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum Lot Size	4,000m ² - residential flat buildings in R1 General Residential and R4 High Density Residential	The site comprises a total area of 9,004m ² which is greater than minimum lot size required.	Yes

4.3 Height	The site is not subject to a maximum height standard	Approximately 78.8m – Building A (maximum)	N/A
4.4 Floor Space Ratio	1:1 (base FSR)	N/A	N/A – The proposal seeks to utilise the incentive floor space ratio provision under Clause 7.11. Refer to discussion below.
5.1A Development on land intended to be acquired for public purposes	Development consent must not be granted to any development on land identified on the Land Reservation Acquisition Map to be acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with the public purpose identified on that map for that land.	Land along the western side of the site, along Old Castle Hill Road is zoned S2 Infrastructure (Local Road Widening) which is reserved for road future road widening as required.	Yes, the proposed developed has been designed to allow for the future road widening.
Clause 4.6 – Exceptions to Development Standards	Exceptions will be considered subject to appropriate assessment.	The development does not seek to vary any Development Standards.	N/A.
7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor	An incentive Floor Space Ratio (FSR) of 4.30:1 (1.85:1 for 22 Garthowen Cres only) can be applied if the development provides a specific mix, family friendly unit sizes and parking.	The proposal provides the required unit mix and sizes and parking in accordance with the Clause.	Yes, refer below for further discussion.
7.11A Development on certain land within the Castle Hill North Precinct	Site is not located the required Area on the Key Sites Map	NA	N/A

Clause 7.11 Development on certain land within the Sydney Metro Northwest Urban Renewal Corridor

Despite Clause 4.4, an incentive Floor Space Ratio can be applied to the development as the site is located in “Area B” of the Floor Space Ratio Mapping instrument and if the development provides a specific mix, family friendly unit sizes and parking.

The following table demonstrates compliance with this development standard.

Apartment Mix	LEP Development Standard	Proposal	Compliance
One bedroom dwellings	25% to the nearest whole number of dwellings (Maximum)	10.3% (26 of 253 units)	Yes
Three or more bedroom dwellings	20% to the nearest whole number of dwellings (Minimum)	27.3% (69 of 253 units)	Yes
Apartment Diversity	LEP Development Standard	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40%	42.4% (67 of 158 units)	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40%	45% (31 of 69 units)	Yes
Parking Type	LEP Development Standard	Proposal	Compliance
1, 2, 3 & 4 Bedroom	The following maximum number of car parking spaces are to be provided for the development: 0.5 car spaces for each 1 bedroom unit (13 spaces required) 0.8 car spaces for each 2 bedroom unit (126.4 spaces required) 1.3 car spaces for each 3 or more bedroom unit (89.7 spaces required) 1 space per 5 units for visitors (50.6 spaces required) Maximum permissible parking: 281 spaces	230 residential car parking spaces and 51 visitor spaces provided which do not exceed the maximum, being 229.1 (230) residential spaces and 50.6 (51) visitor spaces.	Yes

The proposal complies with Council's local housing mix and diversity provision under Clause 7.11. Therefore, the incentive Floor Space Ratio of 4.3:1 for the site, except for 22 Garthowen Crescent which has a maximum FSR of 1.85:1 which can be applied to the site.

Nos. 2-4, 24-28 Garthowen Crescent and 24-30 Old Castle Hill Road have a site area of 8,075m² and a maximum permissible FSR of 4.30:1 (or maximum GFA of 34,722.5m²). This

portion of the site has a maximum FSR of 4.3:1 (GFA of 34,722.12m²) which is compliant with the LEP incentive FSR.

No. 22 Garthowen Crescent has a maximum permissible FSR of 1.85:1 (or maximum GFA of 1,718.7m²). The development located on No. 22 Garthowen Crescent has and FSR of 1.63:1 or 1,514m² which is compliant with the LEP incentive FSR.

Clause 7.7 Design Excellence

Clause 7.7 of the LEP specifies an objective to deliver the highest standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more.

The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. 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 under a development control plan,*
- (e) the requirements of any development control plan to the extent that it is relevant to the proposed development,*
- (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 configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,*
- (g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.*

Comment: The design excellence of the proposal was considered at two Design Advisory Panel meetings convened by Council staff and held on 10 April 2024 (prior to lodgment of the Development Application) and 9 October 2024. The meeting minutes of the latest Design

Advisory Panel are included as Attachment O. At the latest Design Advisory Panel meeting, the Panel provided various comments in relation to context/character, urban structure, density, landscape design and streetscape.

Summary of Panel Recommendations:

- *Review building envelopes for better compliance with setbacks and distance separation as per ADG objectives, to Council officer's satisfaction.*
- *Ensure communal facilities and related spaces provide appropriate, equitable amenity, to Council officer's satisfaction.*
- *Provide a comprehensive landscape design that addresses deep soil provision (volume, width and depth), high canopy tree planting and substantial landscape understorey planting, longevity of infrastructure supporting plantings, with clear diagrams that explain the scheme and adherence to the ADG and DCP as a minimum. The drawings are to be documented to a DA submission standard for a future DA Panel submission, to Council's Landscape officer's satisfaction.*
- *The private public domain demonstrates an appropriate amenity that provides a range of areas, spaces and types for the community, for congregating in both groups and singly. The Panel advises consideration of appropriate ecological comfort zones be provided for the seasonal changes experienced in Castle Hill.*
- *Comply with the solar access requirements for public open space within and around the site. The Panel advises this has been demonstrated with shadow diagrams.*
- *Provide design solutions coordinated with the landscape architect for all interfaces with the public domain in particular: Interface with the publicly accessible pedestrian cross site link along the eastern boundary. To Landscape officer's satisfaction. Interface with Old Castle Hill Road, utilisation of public domain treatments similar to those utilised in the Castle Hill Strategic Centre to soften street edges could be considered to provide separation between the busy road and pedestrians. The Panel advises the Applicant has made appropriate design changes that will improve the pedestrian amenity and visual appearance from the street.*

The Panel provided some advice in relation to some minor amendments to internal plans and provided details in the notes.

The following conclusions were made by the Panel:

The Panel thanks the Applicant for presenting at the DA stage and considers the proposal as presented has merit but is yet to satisfy the requirements of Clause 7.7 – Design Excellence of the Hills LEP. It is recommended that the Applicant addresses the issues identified in this report and presents a concise update of the application to the Panel, if required, after consultation with council staff and consideration of the recommendations provided. The applicant provided a detailed Design Excellence Panel Response Report addressing in detail, the comments and recommendations provided by the Panel.

The applicant provided updated plans and a written response to the DAP that has been considered with respect to the comments provided by the Panel.

With regard to Clause 7.7(4)(a), the design has been amended to ensure that the standard of design, building materials, building type and location is consistent with the context of the site and the surrounding bushland.

With regard to Clause 7.7(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 of the public domain.

With regard to Clause 7.7(4)(c), the Applicant has adequately demonstrated that there would be negligible impacts to view corridors from both the public domain and internal view corridors have been considered.

With regard to Clause 7.7(4)(d), the proposal results in no significant impact on adjoining properties in terms of overshadowing.

With regard to Clause 7.7(4)(e), the proposed development has been assessed in detail and addressed in this report.

With regard to Clause 7.7(4)(f), subclauses (i) to (xi) the applicant has adequately demonstrated that the development satisfactorily addresses the matters noted in the clause.

With regard to Clause 7.7(4)(g), the findings of Council's Design Advisory Panel have been considered and the concerns raised have been satisfactorily addressed.

In this regard, the proposal satisfies the provisions of Clause 7.7 of LEP 2019.

j) Other Provisions

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

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

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

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 The Hills Development Control Plan 2012:

- Part B Section 2 Residential
- Part B Section 5 Residential Flat Building
- Part C Section 1 Parking
- Part C Section 3 Landscaping
- Part D Section 20 Castle Hill North

Some standards such as density, unit mix, sizes and parking are superseded by the site-specific provisions in the LEP under Clause 7.11. In the event of any inconsistency between Part D Section 20 Castle Hill North and any other Section of the DCP, the provisions of the site-specific Section shall prevail to the extent of the inconsistency.

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

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part D Section 20 Castle Hill North Precinct – 3.2 Precinct Structure Plan and Key Elements			
Number of Storeys	Development is Castle Hill North Precinct Structure Plan which shows the site as have desired character of 4-18 storeys.	18-24 storeys	No. Refer to discussion below.
Part D Section 20 Castle Hill North Precinct – Residential Flat Buildings			
Site Coverage	The site coverage of future development shall not exceed 50% of the site area (excluding land to be dedicated or acquired or a public purpose). Note: Determination of site cover includes driveways, footpaths and other impervious surfaces.	Maximum Permitted: 4,340m ² (50%) Proposed: 6,513m ² (75%)	No. Refer to discussion below.
Setbacks (Building and Upper Level)	Buildings are to comply with Figure 31 Street Setbacks map and Table 2 Building Setbacks. Setbacks to: - Garthowen North – 7m - Garthowen South – 5m - Old Castle Hill Road 3m all storeys above the 6th storey shall be setback 6m behind the front building line	The upper levels (from 6 th storey floors) of Building D (the hotel) have a minor encroachment to the 6m setback above the podium (5m + 6m = 11m setback required). A minimum setback of 8.6m is proposed.	No. Refer to discussion below.
Communal Open Space	A minimum of 10m ² per dwelling shall be provided as communal open space.	The development requires 2530m ² of communal open space. The proposal provides 2277m ² of communal open space.	No. Refer to discussion below.
Built Form Design - Length of Facades	On streets with a road reserve of less than 20m the width, the length of the façade shall not exceed 40m. Garthowen Crescent has a road reserve of less than 20m, however buildings fronting Garthowen Crescent have a façade greater than 40m	Buildings fronting Garthowen Crescent have a façade greater than 40m. Building B has a façade length of 57m, and Building C has a façade length of 41m	No. Refer to discussion below.
Residential Uses on Ground and First Floors	Higher density development with residential ground and lower floor uses is to adopt a two storey terrace house appearance to present a fine grain articulation to the street frontage	A four storey terrace house appearance is provided.	No. Refer to discussion below.

	Ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm.	Ground floor units fronting Garthowen Crescent (south) are elevated above the street by more than 600mm.	No. Refer to discussion below.
Solar Access and Overshadowing	Development is to ensure that at least 50% of the landscaped open space of adjoining properties receives a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June	The development results in overshadowing to the developments to the south from 9am	No. Refer to discussion below.

Part D Section 20 Castle Hill North Precinct

Precinct Structure Plan and Key Elements (Number of Storeys)

The development does not comply with Section 3.2 Structure Plan and Key Elements of Part D Section 20 Castle Hill North Precinct of The Hills DCP which envisages development on this site to be between 4-18 storeys in height (refer Figure 4 below).

The development consists of:

- Building A which is located on the north-western corner of the site is 23 storeys; and
- Building B which is on the northern side of Garthowen Crescent is 18 storeys; and
- Building C which is on the southern side of Garthowen Crescent is 24 storeys; and
- Building D (the hotel) which is on the south-western corner of the site is 19 storeys.

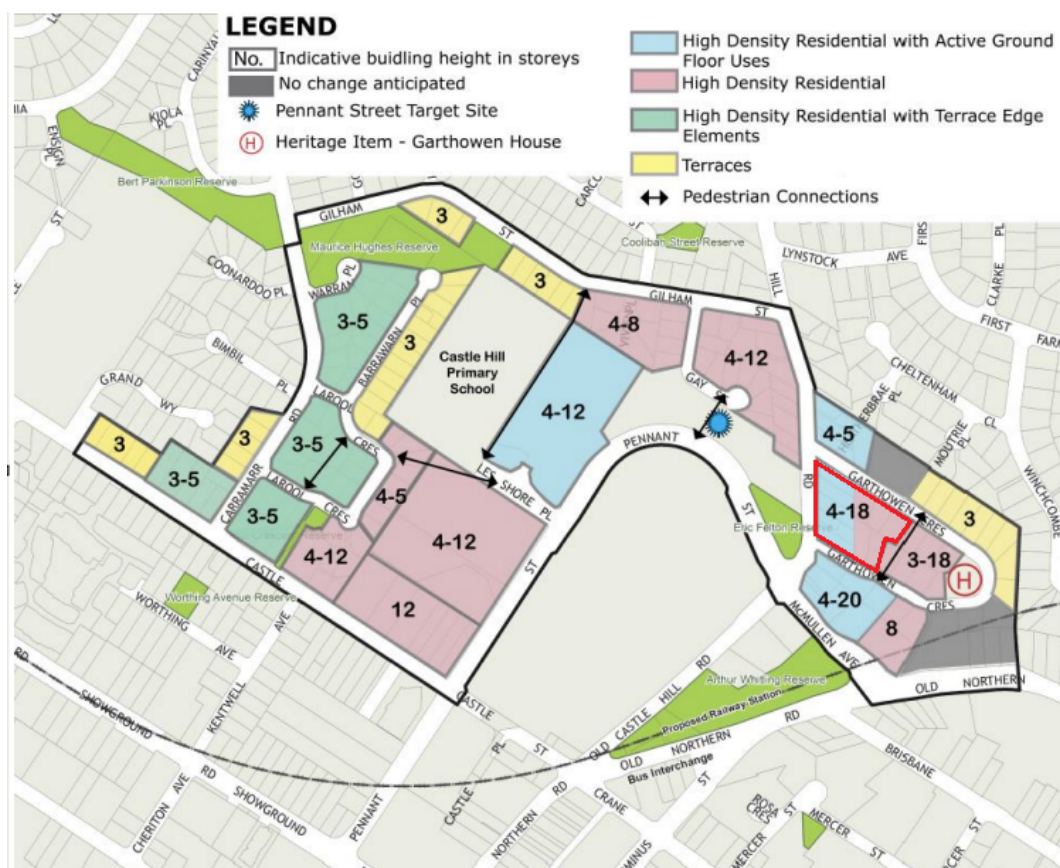


Figure 14 Castle Hill North Structure Plan
Figure 4: Castle Hill North Structure Plan – subject site outlined in red.

Variations to this control can be contemplated, if a development demonstrates how the vision, development principles, key elements for the Precinct and relevant specific objectives are to be achieved. The applicant has provided the following justification:

The proposed development is consistent with this desired future character statement for this precinct. The proposed mixed use development is within a high density residential precinct, the proposal ensures that the mixed use components are well-integrated with the residential uses in a highly landscaped parkland setting. The density proposed reflects the scale of the surrounding residential apartments within the visual catchment of the site.

The Castle Hill Structure Plan Map identifies the site as being subject to 4 storeys fronting Old Castle Hill Road and 18 storeys predominantly fronting both Garthowen Crescent loop roads. The proposal provides for a mixed use development with a four (4) storey podium however, buildings behind step up to between 18 and 24 storeys. While this is a non-compliance in height, the proposal is compliant with the intent of the DCP controls. Full compliance would not be in keeping with the incentive FSR controls as achievement would not be possible without stretching out each buildings floor plate, creating bulky, not slender, attractive buildings, such as that proposed.

We note that the DAP encouraged the applicant to explore greater heights however at the same time ensure no unreasonable impacts are generated, such as overshadowing of the public and private domains, excessive bulk and scale, view loss and overlooking.

The extent of the proposed height breaches does not visually contribute to the perception of additional bulk or scale when viewed from the surrounding public domain. Given the sites' strategic importance as a gateway from the north and south and its contribution as part of completing the important link, the planning framework permits the highest densities allowed next to the Castle Hill Metro Station and town centre. The overall FSR permissible under THLEP 2019 permits, subject to the merits of the development, the additional building height sought.

Proposed setbacks as mentioned in this assessment will complement the Castle Hill North Precinct setting, being highly landscaped and consistent with the setbacks set out under Council's Precinct specific DCP seen in adjoining residential developments, ensuring that that amenity to existing and future developments is not compromised.

Proposed building heights exceed the anticipated heights pursuant to the DCP however are appropriate in its context. It follows the topography of the site with a transition on building scale and height demonstrated by Buildings A and D. Siting of these buildings were significantly attentive to maximising natural ventilation, solar access (to both units and open space), and visual appeal. Communal open space for residents is shared with short term hotel guests has been designed to a naturalised landscaped environment.

The proposal has also sought to further refine the notion of what a landscaping in a parkland setting would look like in an urban setting by providing vertical landscaping to adorn the buildings. Private open space is designed as an extension of residential units with green planter boxes enhancing the balconies. The active play garden seeks to provide much of the active and visual focus for the residential community. Proposed communal open spaces (resident only and shared) have accommodated appropriate facilities including barbecue areas, passive play and picnic areas.

Car parking proposed is sufficient and convenient for residents and visitors, with vehicles able to enter and leave in a simple, safe and efficient manner separate to loading and waste management activities.

The streetscapes envisioned for the proposed development is resident and visitor friendly having taken into consideration the topography of the site. A lift is provided for residents for easy accessibility from each building ground and basement floors.

Driveways are located away from key pedestrian travel paths. The proposal meets the objectives of site planning, being to achieve coherent site planning development that relates to the natural contours of the site and contributes to the character of the neighbourhood.

The objectives of the controls are as follows:

- a. *To ensure that development occurs in a coordinated manner consistent with the Precinct vision and the development principles of housing diversity, transit oriented development, quality infrastructure and open space and place making.*
- b. *To provide a diversity of residential development within the precinct.*
- c. *To locate higher scale residential development close to station to optimise access to public transport.*

Comment: The DCP contemplates departures from this control, as it is stated that “where variations are proposed, development is to demonstrate how the vision, development principles, key elements for the Precinct and relevant specific objectives are achieved.” The key elements of the precinct are to locate “higher density residential and mixed use buildings in areas closest to the station.” The proposed mixed use development is located across the road from Castle Towers shopping centre and the Sydney Metro – Castle Hill station. Under The Hills LEP 2019 there is no building height standard for the site, and the development complies with the maximum (incentive) FSR. The development exhibits design excellence and provides for a high quality architectural outcome, and suitable landscaping which is consistent with the DCP in that development will occur in a coordinated manner consistent with the precinct vision and the development principles of housing diversity, transit oriented development, quality infrastructure and open space and place making. Furthermore, to the south of the development at Nos. 16-20 Old Castle Hill Road, on 10 June 2025, the NSW Department of Planning, Housing and Infrastructure issued industry-specific Planning Secretary’s Environmental Assessment Requirements (SEARs) for the construction of a new residential apartment building development comprising approximately 330 apartments over 40 storeys (including 15% affordable housing) (SSD-85238209) which also includes a concurrent rezoning. Given the contextual location of the proposed development, the variation to this control is supported in this instance.

Residential Flat Buildings and Shop Top Housing in the Castle Hill North Precinct

Site Coverage

The DCP requires site coverage of future development not to exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose) and that a minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) is be landscaped.

In accordance with the DCP definition of site coverage, the proposal results in a site coverage of 75% or 6,513m².

The applicant has provided the following justification with respect to site coverage:

The proposal does not achieve the 50% maximum site coverage due to the nature of the development. The proposal does include extensive landscaping, deep soil areas and paved areas to provide appropriate amenity for the different uses, areas for hotel drop off and

circulation, and to meet the Objectives and Design criteria of the Apartment Design Guide [ADG].

The Proposal is a mixed-use development including retail tenancies, hotel, and residential apartments; to facilitate the operation of the different parts, there are areas of hard surfaces, ramps, stairs, a porte-cochere area, all of which are counted as areas of site coverage. Where hard surfaces are used, the surfaces are designed in collaboration with Landscape Architect Land and Form so that they contribute to the design and amenity of the spaces connecting to the public domain and communal open space.

The proposal complies with the relevant objectives of the ADG including:

- Part 3D-1 Communal and public open space Design Criteria 1 >25% of communal open space is achieved in the proposal.*
- Part 3E Deep soil zones Design Criteria 1 and required deep soil area is achieved in the development.*

ADG 3E design guidance also provides dispensation where non-residential uses are provided, eg non-residential uses at ground floor level.

The relevant objective of the control is as follows:

Site Coverage

- To provide sufficient space for landscaping that will complement the building form and enhance the landscape character of the street.*

Comment: Despite the non-compliance with site coverage, the development is consistent with the objective of site coverage. Given the nature of the development, being a mixed use, there is a higher requirement for hard stand areas as noted in the Applicant's justification above. It is considered that the development provides a high-quality landscape outcome for the site, for both communal and private areas and the public domain interface to Old Castle Hill Road. These spaces would provide future occupants and the general public a high level of amenity. In this regard the proposed non-compliance with site coverage is acceptable in this instance.

Setbacks (Building and Upper Level)

The DCP requires that buildings are to comply with Figure 31 Street Setbacks map and Table 2 Building Setbacks. The DCP stipulates that to Garthowen Crescent (southern side), a 5 metre setback is required, and a further 6 metre above the 6th storey (a total of 11m above the 6th storey). Building D (the hotel) which is located on the south-western corner of Old Castle Hills Street and Garthowen Crescent has a minimum setback above the 6th storey of 8.6m.

The objectives of the controls are as follows:

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

Comment: It is considered that strict compliance with the setback control for the hotel development is not necessary. The non-compliance relates to a 'point' encroachment, with a minimum setback of 8.6m, a departure from the 11m requirement (see Figure 5 which illustrates the encroachment circled in red). This 'point' encroachment is a result of the shape of the building, with an angular façade at the corner. It should be noted that the remainder of the building is compliant, or exceeds the required setbacks. The development is consistent with the objectives of the control in that it provides articulation zones to complement building mass and emphasises key element, and in this instance is the corner of the building, which is at the intersection of Old Castle Hill Road and Garthowen Crescent. The variation to this control is supported in this instance.

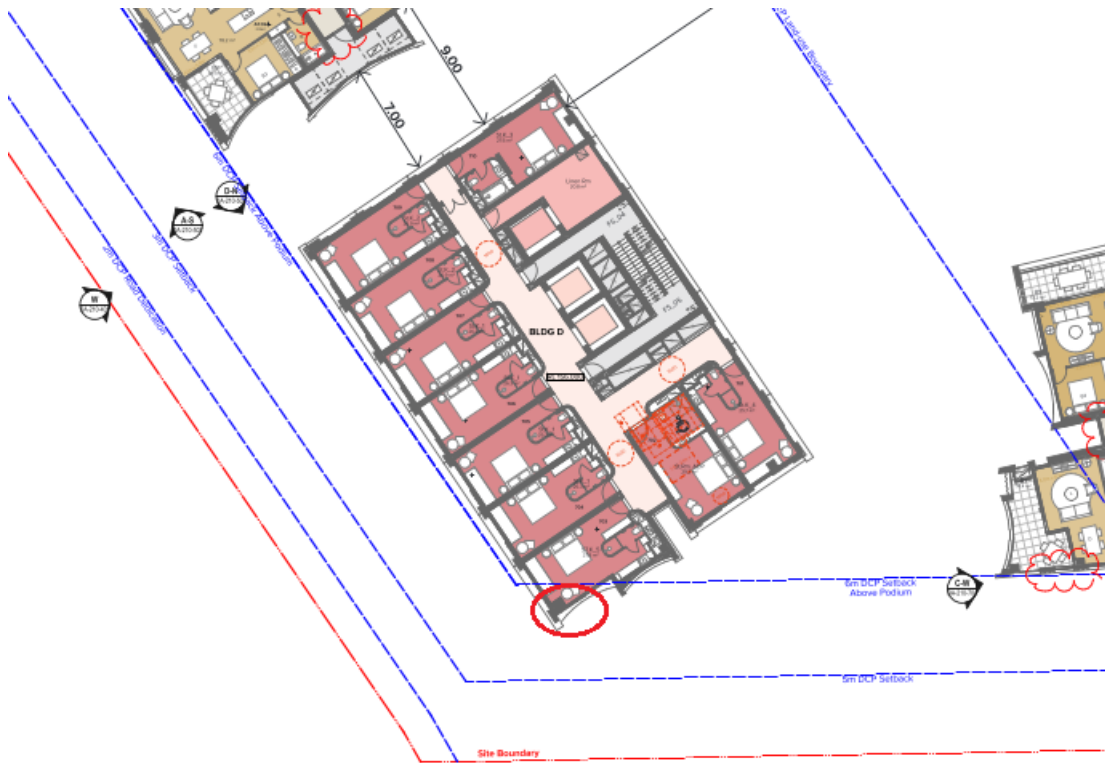


Figure 5: non-compliance with the setback circled in red

Communal Open Space

The DCP requires that a minimum of 10m² per dwelling shall be provided as communal open space. The development requires 2530m² of communal open space. The proposal provides 2277m² of communal open space, or 9m² per dwelling.

The Applicant has provided the following justification with respect to non-compliance with communal open space:

The development provides 9.0m² per dwelling of communal open space. The proposal is a mixed-use development including 206m² of setback open space and approximately 522m² of dedicated land, and required porte-cochere, all of which have contributed to a reduction of the public open space. All buildings are mostly within DCP setbacks and ADG building separation. All the open spaces provided are designed in collaboration with Land and Form to ensure they contribute to the design and amenity for the residence

The relevant objectives of the controls are as follows:

- c. *To provide communal open space for the enjoyment of residents.*
- d. *Communal open spaces: - Are accessible, usable and safe;*
 - *Enhance the attractiveness of the development;*
 - *Provide opportunities for social interaction; and*
 - *Create pleasantly shaded outdoor areas.*

Comment: The development provides for high quality communal open space for the residential component of the development. A mix of at grade and communal roof top spaces are available for residents. These areas include BBQ areas, picnic areas, casual seating (both in shaded and sunny areas) and an open turf area. The roof top provides for seating areas and a BBQ area. These spaces would provide future occupants with a high level of amenity. The non-compliance, when reduced to a numerical value is a reduction common open space of 1m² per unit. Furthermore, to the west of the site, across Old Castle Hill Road is Eric Felton Reserve which is a local park utilises by residents of the area. Given the nature of the development, and the mix of uses proposed, the development still satisfies the objectives of the control and the variation to common open space can supported in this instance.

Building Form Design - Length of Facades

Part D Section 20 Castle Hill North Precinct, Section 5.4(5) requires that on streets with a road reserve of less than 20m the width, the length of the façade shall not exceed 40m. On streets with a road reservation of 20m or greater in width the street frontage shall not exceed 65m. Garthowen Crescent has a road reserve of less than 20m, however buildings fronting Garthowen Crescent have a façade greater than 40m. On the northern side of Garthowen Crescent, Building B has a façade length of 57m, and on the southern side of Garthowen Crescent, Building C has a façade length of 41m.

The Applicant has provided the following justification with respect to non-compliance with the length of facades:

Multiple massing and envelope studies were presented to the council with the current proposal being the most well received without having buildings that is excessively long and tall. Most DCP setback and ADG building separations are compliant.

Tower B to the north is 32m long with a podium at 50-59m long. The tower façade has vertical articulation whilst the podium façade has horizontal separation, there is also a change of material, forming two distinct building elements with individual architectural expressions as suggested in section 5.4(7).

Tower C to the south employs the same principle, the tower is 41m long whilst the podium is 44m long

The relevant objective of the control is:

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

Comment: Despite the variation of 17m to Building B (see Figure 6 below) and 1m to Building C to the maximum building length. It is considered that the design of the development is well articulated, breaks up the mass of the building into two forms and the use 4 storey framing elements on the bottom levels juxtaposed with contrasting external finishes and colours to the tower element of the development which provides a positive streetscape outcome and

achieves a high-quality architectural design. In this regard, the variation can be supported in this instance.



Figure 6: Northern elevation showing façade length of Building B

Residential Uses on Ground Level

The DCP requires higher density development with residential ground and lower floor uses is to adopt a two storey terrace house appearance to present a fine grain articulation to the street frontage. A four storey terrace house appearance rather than a two storey appearance is provided (refer Figure 6 above and Figure 7 below).

The DCP also requires ground floor residential apartments be elevated from the street level by a minimum of 300mm and a maximum of 600mm. The proposal results in the ground floor units of Building C, fronting Garthowen Crescent south being elevated greater than 600mm (up to approximately 900mm) above the adjacent street level which is demonstrated in Figure 7 below.



Figure 7: Southern elevation of Building C with elevated ground floor units and 4 storey terrace house appearance.

The relevant objectives of the control are:

- To provide residential activation to streets.
- To introduce a fine grain-built form and architectural diversity within a street block and/or building development.

Comment: Given the site fronts three streets, a key consideration of the development is the architectural treatment of the buildings at its interface to the streets in and appropriate scale and context of the area. The desired future character of the area under the DCP envisages a 'Landscape Setback Streetscape' along Garthowen Crescent identifying that *"these areas will provide a transition of character from the urban streetscapes immediately surrounding the centre to lower density development towards the edges of the precinct. Developments will provide generous setbacks reflective of a landscaped garden character. Lower scale development with high quality landscape treatments shall be provided along interfaces with sensitive uses. Wide footpaths and tree lined verges will create a pleasant environment to encourage pedestrian movements"*. An 'Urban Active Edge' along Old Castle Hill Road is identified in the DCP noting that *"these streets will generally comprise high density residential and mixed use buildings with a compact urban feel and lively and vibrant streetscape achieved through a mix of uses and street level activation. Public domain treatments along these frontages will include high quality paving, street furniture and street trees to contribute to the consistency of the streetscape"*.

The development has been designed to cater to the changes in elevations and the overall scale of the site, and its context within close proximity to public transport and other facilities within the Castle Hill town centre. It is considered that the design of the development is well articulated, breaks up the mass of the building into two forms and the use 4 storey framing

elements on the bottom levels juxtaposed with contrasting external finishes and colours to the tower element of the development which provides a positive streetscape outcome and achieves a high-quality architectural design. A two storey terrace element would appear dwarfed against the 19-24 building elements. The elevated nature of the ground floor units is not overly prominent, and as the figure above illustrates is in an appropriate landscaped streetscape setting. The landscape plan provides for 6 street trees in front of the south facing units of Building C facing Garthowen Crescent (south). Overall, the development achieves the desired future characteristics identified in the DCP. The development has been reviewed by Council's Design Advisory Panel and has satisfied the design excellence clause in the LEP. Overall, the development provides for a high level of architectural design and merit, and the variations to the DCP can be supported in this instance.

Solar Access and Overshadowing

The DCP requires that development is to ensure that at least 50% of the landscaped open space of adjoining properties receives a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June. The development to the south, across Garthowen Crescent are the most impacted by the proposed development and do not achieve compliance with the solar access controls nominated in the DCP, and receive less than 4 hours of sunlight between the hours of 9am and 3pm on 21 June.

The relevant objectives of the control are:

- *To provide adequate solar access to common open spaces and the open space of adjoining properties, and to ensure that a high level of amenity is achieved for both future and adjoining residents.*
- *To ensure that overshadowing from new development does not result in significant loss of sunlight and diminish the enjoyment of public and private open spaces.*
- *To protect, and where possible, increase the level of sunlight to public and private open spaces during the times of the year when outdoor spaces are most commonly used.*

Comment: It is noted that the existing lots to the south of the development contain single dwelling houses and are zoned R1 General Residential which permit. The DCP has identified this site for high density residential having 4-20 storeys. However, as noted above, at nos. 16-20 Old Castle Hill Road, SEARs has been issued for the construction of a new residential apartment building development comprising approximately 330 apartments over 40 storeys (including 15% affordable housing) (SSD-85238209).

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

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

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

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions have been considered and addressed in the draft conditions (where necessary).

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 as outlined above. 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 has been zoned for a high density urban development and mixed uses. The proposed mixed use development is suitable outcome for the site and is consistent with the zone objectives.

The proposal will provide for shop top housing and hotel accommodation which is consistent with the intended outcomes for the Castle Hill Precinct area, responds to the site characteristics and is considered to be a suitable overall development for the site, which is well located to Castle Towers and the Sydney Metro.

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

These submissions are considered in Section 4.3 of this report.

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

The development provides a mixed-use development and suitable density of housing within an area that has been rezoned for higher density residential development and is located within a strategic centre with access public transport and recreational facilities. The proposal has been designed to be in generally in accordance with the controls for the emerging Castle Hill North Precinct and is in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to NSW Police, Sydney Water and Endeavour Energy for comment/referral as required by the EP&A Act. There are no outstanding issues arising from these referral requirements subject to the imposition of recommended conditions if development consent was granted for the application.

The proposal requires a Water management works approval under Section 90(2) of the Water Management Act, 2000 and the proposal was referred to WaterNSW, and General Terms of Approval (GTA) for the proposed development requiring a Water Supply Work approval were issued WaterNSW on 19 February 2025.

4.2 Council Referrals (Internal)

The development application has been referred to the following sections of Council:

- Engineering
- Traffic
- Tree Management/Landscaping
- Resource Recovery
- Environmental Health
- Land and Spatial Information
- Developer Contributions
- Property

All previous concerns raised have been resolved and conditions of development consent have been recommended by Council's internal departments.

4.3 Community Consultation

The proposal was advertised and notified on two occasions. A total of 26 unique submissions, were received. A conciliation conference (online MS teams meeting) was also held on 2 April 2025 which discussed the matters raised by local residents. The issues raised in these submissions have been summarised and are considered in the Table below.

ISSUE/OBJECTION	COMMENT
Traffic and Parking	
If the development is approved, existing traffic congestion will worsen on Garthowen Crescent and surrounding streets. The road improvement should occur before the development is constructed.	Transport for NSW has concluded that <i>the projected traffic generation has been derived using higher rates of 0.4 peak hour trips per room for both the AM and PM peak with 57.2 vph. It is unlikely that the hotel component would produce a maximum 113 trips and be fully occupied every day. As such, the traffic generated by the development will likely be well under 113.5 (AM) and 101.4 (PM) estimated for the residential, retail and hotel components and will unlikely be detrimental to the surrounding classified road network.</i> The Traffic Report provided with the DA which has been reviewed by Council's internal traffic engineering has concluded that <i>the projected nett increase in the traffic generation potential of the site as a consequence of the development proposal is consistent with the zoning objectives of the site, and subject to the local road upgrades detailed earlier in this report, the surrounding road network will be able to cater for the additional traffic from the proposed development.</i> The widening of Garthowen Crescent (and dedicated of land to Council) will occur once prior to the issue of an Occupation Certificate Refer condition no. 101.
Street parking should be restricted, time limited etc to ensure efficient traffic flow for morning peak / school times.	At this stage, Council is not proposing any changes to the parking restrictions / timing on Garthowen Crescent.

ISSUE/OBJECTION	COMMENT
We would like to request a construction management plan that ensures the road is never blocked so our childcare isn't interrupted.	A standard condition of development consent is recommended requiring the submission of a Traffic Control Plan to ensure that the traffic of construction vehicles are effectively managed. Refer condition 58.
The widening of Garthowen Crescent is unacceptable and will result in development closer to our residence.	The widening of Garthowen Crescent has been adopted by Council and identified in the DCP. Section 4.1 Movement Network and Design of Part D Section 20 Castle Hill North Precinct and Contributions Plan No. 17 Castle Hill North details the infrastructure works required and funding mechanism to facilitate road network upgrades to cater for the anticipated growth in the Castle Hill North Precinct.
The hotel will result in additional traffic issues on the road.	As noted in the comments above, the projected traffic generation has been derived using higher rates of 0.4 peak hour trips per room for both the AM and PM peak with 57.2 vph. It is unlikely that the hotel component would produce a maximum 113 trips and be fully occupied every day. As such, the traffic generated by the development will likely be well under 113.5 (AM) and 101.4 (PM) estimated for the residential, retail and hotel components and will unlikely be detrimental to the surrounding classified road network.
The Traffic and Parking Assessment report submitted with the DA provides an incomplete account of the traffic situation and implications with the proposed development, including the impact of large vehicles entering Garthowen Crescent.	Council's Senior Traffic Engineer, as well as Transport for NSW have reviewed the traffic report submitted with the proposal as swept path analysis for the development. Council's traffic engineer has recommended a condition of consent including the existing concrete median on Old Castle Hill Road, on the approach to the signalised intersection of Pennant Street, is to be extended across Garthowen Crescent to restrict traffic movements to left-in/left-out only, at no cost to Council (condition 11).
The subject DA should be reviewed within the wider context that includes the unacknowledged traffic loads from other apartment developments in the immediate vicinity and the impact of long heavy and long medium rigid vehicles and traffic flow in Garthowen Crescent and the unacceptable level of service on Old Castle Hill Road, Pennant Street and McMullen Avenue.	The site is located within a strategic centre as identified under the NSW Government's Sydney Region Plan and the Castle Hill North Precinct Plan. The traffic and infrastructure impacts for the Castle Hill North Precinct was considered at the planning proposal stage.
The development does not provide enough parking. The proposed one-bedroom units do not include parking spaces, which will	The proposal complies with the maximum parking provisions permitted under Clause 7.11 of The Hills LEP and Council's DCP. The proposal is consistent with the aims of

ISSUE/OBJECTION	COMMENT
result in an increased demand for street parking.	the Sydney Region Plan and Central City Plan which is underpinned by the principles of transit-oriented development.
The congestion of cars entering and exiting the buildings as there is only one entrance for the residents / patrons of the development.	The mixed use development has multiple entry and exit points. Access to the hotel, visitor and retail parking is located on the southern side of Garthowen Crescent (on the corner of Old Castle Hill Road). There are also two other access points to the basement car park, one on the northern side of Garthowen Crescent and the other on the southern side Garthowen Crescent. In total, the development has 3 access points.
Overshadowing	
The shadowing diagrams are incorrect. In the morning, the 23 storey development will overshadow the development at 33-35 Garthowen Crescent.	33-35 Garthowen Crescent is located to the north of the development site, therefore is not impacted by the proposed development in terms of overshadowing.
The development, particularly Buildings B and C will result in overshadowing to 7 & 7A and 3 & 5 Garthowen Crescent, and increasing the between the Buildings B & C and the setback to the development to the east (no. 8-18 Garthowen) will allow for more appropriate sunlight and solar access to theses lots.	Shadow diagrams in 30 minute increments for the winter solstice have been submitted with the development. It is acknowledged that any high density development will result in overshadowing to existing low density residential dwellings to the south. It is noted that the site to the south at Nos. 16-20 Old Castle Hill Road, the State government has issued SEARs for a 40 storey residential flat development containing 330 units (including 15% affordable housing). The western facing units at the development to the east of the site achieve solar access in the morning, but will be overshadowed in the afternoon. The development complies with the ADG building separation requirements for between the subject site, and the residential flat building development to the west.
Height, Setbacks and Scale	
The DCP for the site identifies building heights of 4-18 storeys, whereas the development is exceeding this, proposing 18-24 storeys.	The site does not contain a maximum height standard under Clause 4.3 of the LEP. The Castle Hill North Precinct was rezoned by the Department of Planning and Environment without a maximum height standard. The DCP provides a guide on the maximum number of storeys envisaged under the structure plan. The DCP contemplates departures from this control, as it is stated that <i>“where variations are proposed, development is to demonstrate how the vision, development principles, key elements for the Precinct and relevant specific objectives are achieved.”</i> The key elements of the precinct are to locate <i>“higher density</i>

ISSUE/OBJECTION	COMMENT
	<i>residential and mixed use buildings in areas closest to the station.”</i> The proposed mixed use development is located across the road from Castle Towers shopping centre and the Sydney Metro – Castle Hill station. There is no building height standard for the site, and the development complies with the maximum (incentive) FSR.
Reduce the height of the development, and the number of units, and the size of the hotel.	As noted above, the development complies with the maximum FSR for the site. The DCP provides a guide on the maximum number of storeys envisaged under the structure plan. The proposed scale and size of the development is considered appropriate given the planning controls provided and the contextual location of the site.
Character	
The proposal hotel is out of character with the area.	The hotel site is located within an R1 General Residential zone under The Hills LEP 2019. Hotel accommodation is permitted in the zone with development consent. The proposal is a unique mixed use residential development that is permission with consent under the LEP.
The development will damage the Hills reputation as a prestige suburb and will change the community culture.	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and there is no evidence to substantiate this view.
Privacy	
Concern is raised with the balconies of Building B and C on the eastern elevation which is the closest to 8-18 Garthowen Crescent, known as ‘Grand Reve’. Particular concern is raised regarding the eastern balconies of Building C on levels 10-16 which have direct sight lines across corners with the respective balconies of the neighbouring property (No. 8-18 Garthowen Cres).	The balconies of the units are on the eastern side of Building C are either orientated to the street (Garthowen Crescent) or internal to the site which minimising direct overlooking to the neighbouring residential flat building to the east. From nine storeys and above, the development maintains a minimum distance of 24 metres which complies with the ADG building separation requirements.
Noise and Air Pollution	
With an increase in density and traffic, and the proximity to Castle Towers concern is raised regarding noise impacts from significant increase in cars and trucks in the areas.	An acoustic report was submitted with the application and reviewed by Council's Environmental Health Officer. Council's Environmental Health Team raised no objection to the proposal, and has recommended conditions of development consent requiring ventilation systems / basement carpark exhaust be treated to minimise noise so that the noise is not more than 5dB above the background noise level when measured at the boundary of any neighbouring premises or at the window or

ISSUE/OBJECTION	COMMENT
	balcony of any unit within the site. Refer conditions 14 and 40.
The scale of construction required for a project of this magnitude will undoubtedly cause prolonged noise, dust, traffic disruption, and general discomfort to residents in the area, especially during early mornings and weekends.	Various conditions of consent have been recommended to mitigate construction impacts to adjoining residents, including dust management, hours of operation and conditions that ensure construction noise is mitigated.
View Loss	
The development blocks the views of the adjoining development known as 'Grand Reve' which is 12 and 16 levels.	The subject site is zoned R1 General Residential and R4 High Density residential which was always envisaged to be high density residential, and mixed-use development. The Castle Hill North Precinct provides a guide on the maximum number of storeys envisaged under the structure plan, however the DCP contemplates departures from this control can be undertaken as noted in the comments above.
The loss of views, particularly to the north-west, will negatively impact both quality of life and property value.	The proposal is a permissible use in the zone under the provisions of LEP 2019 and is subject to the Castle Hill North DCP. It is acknowledged that the construction of the proposed development will change the skyline of the Castle Hill area and will modify the outlook the adjoining residents have in comparison to what is currently existing on the site, being vacant allotments and single dwellings.
Other Matters	
Council should uphold its duty to represent the best interests of the community and take swift action to reject this DA. Failure to do so will indicate that the Council may have intended to approve this project without property community consultation which would be unacceptable.	The proposed development has been notified and advertised in accordance with the required legislative requirements. A conciliation conference was held with Council staff, residents and the applicant to discuss the concerns raised with the development.
Most Australians don't want to live in high rise residential buildings. They are not family friendly, socially isolating and have poor environmental performance.	This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and there is no evidence to substantiate this view. The proposed development is a permissible land use for the site.
To protect our community, we demand that Council either consider rezoning our complex for compatible developments similar to what has been done in Kellyville where a certain radius from the station is uniformly zoned or limiting the height of the proposed development to match the nearby 12 storey buildings.	If neighbouring residents wish to attempt to re-zone their land, there are planning mechanisms in place for this to occur. Further, there is NSW planning legislation in place aimed at increasing housing diversity in well-located areas, including the Castle Hill station and town centre.
The application references potential future developments in the adjacent area,	The site is located within a strategic centre as identified under the NSW Government's

ISSUE/OBJECTION	COMMENT
including additional towers of up to 20 storeys. The cumulative effect of this density will place unsustainable pressure on local infrastructure and public services, further degrading liveability in the area.	Sydney Region Plan. The traffic and infrastructure impacts for the Castle Hill North Precinct was considered at the planning proposal stage.
The current plan appears to prioritise profit over people, offering minimal public infrastructure, open green space, or community amenities. A revised proposal should integrate, a community centre or library annex, expanded public green space or rooftop gardens, pedestrian-friendly design elements in alignment with Council's Liveability Strategy.	As noted above, the site is located within a strategic centre as identified under the NSW Government's Sydney Region Plan. The infrastructure for the area the Castle Hill North Precinct was considered at the planning proposal stage. It is noted that the development provides a roof top garden / communal open space. The development is well placed located across the road from Castle Towers and they Sydney Metro and is consistent with the Council's Liveable Strategy.
Concerns regarding the potential risks that the development poses to the structural integrity of adjoining buildings and the safety of its occupants. The proposed works are located in extremely close proximity to our building. Of particular concern is the planned excavation and foundation activity, which could have significant implications for soil stability and the integrity of surrounding structures.	A condition of consent has been recommend with respect to excavation / anchoring near boundaries (condition no. 22), and pre and post dilapidation reports (condition no 61 and 83) are required for adjoining buildings.

5. 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 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Housing) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

The development achieves a high level of compliance with the Apartment Design Guide, with the only variations identified being building separation and common circulation and spaces. Despite these variations, overall, the development provides for a high level of amenity for future occupants of the development and adjoining properties.

The proposal has been assessed under the provisions of The Hills DCP 2012. Variations have been identified with respect to the Precinct Specific Castle Hill North controls including number of storeys, site coverage, setbacks, ground floor uses, overshadowing, communal open space and building length. It is considered that these variations can be supported as

the proposal would still be consistent with the built form and character outcomes envisaged for the emerging Precinct and appropriate amenity can be provided for future residents.

Approval is recommended subject to conditions, refer Attachment A.

6. RECOMMENDATION

That the Development Application DA No 366/2025/JP for a mixed use development containing shop top housing, a 143 room hotel and 253 residential dwellings at Nos. 1/28, 2/28, 2-4, 22-26 Garthowen Crescent and Nos. 24-30 Old Castle Hill Road, 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: Zoning Map
- Attachment E: Clause 4.4 FSR (Base) Map
- Attachment F: Clause 7.11 FSR (Incentive) Map
- Attachment G: Site Plan
- Attachment H: Floor Plans
- Attachment I: Elevations
- Attachment J: Sections
- Attachment K: Landscape Plans
- Attachment L: Shadow Diagrams
- Attachment M: Finishes Schedule
- Attachment N: Perspectives
- Attachment O: Design Advisory Panel Report
- Attachment P: WaterNSW General Terms of Approval
- Attachment Q: Draft Subdivision Plan

ATTACHMENT A – DRAFT CONDITIONS

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
DA-010-020	03	Site Plan	Turner	12/12/2024
DA-051-001	02	Demolition Plan	Turner	12/08/2024
DA-110-005	10	GA Plans Basement 03	Turner	11/02/2025
DA-110-006	14	GA Plans Basement 02	Turner	11/02/2025
DA-110-007	14	GA Plans Basement 01	Turner	11/02/2025
DA-110-008	17	GA Plans Ground Level	Turner	08/07/2025
DA-110-010	17	GA Plans Level 01	Turner	08/07/2025
DA-110-020	17	GA Plans Level 02	Turner	08/07/2025
DA-110-030	16	GA Plans Level 03	Turner	08/07/2025
DA-110-040	13	GA Plans Level 04	Turner	11/02/2025
DA-110-050	14	GA Plans Level 05	Turner	11/02/2025
DA-110-060	13	GA Plans Level 06	Turner	11/02/2025
DA-110-070	14	GA Plans Level 07-08	Turner	11/02/2025
DA-110-090	13	GA Plans Level 09	Turner	11/02/2025
DA-110-100	12	GA Plans level 10	Turner	11/02/2025
DA-110-110	13	GA Plans Level 11-12	Turner	11/02/2025
DA-110-113	05	GA Plans Level 13-14	Turner	11/02/2025
DA-110-150	08	GA Plans Level 15-16	Turner	11/02/2025
DA-110-170	12	GA Plans Level 17-18	Turner	11/02/2025
DA-110-190	12	GA Plans Level 19	Turner	11/02/2025
DA-110-200	12	GA Plans Level 20	Turner	11/02/2025
DA-110-210	13	GA Plans Level 21	Turner	11/02/2025
DA-110-220	14	GA Plans Level 22	Turner	11/02/2025
DA-110-230	11	GA Plans Level 23	Turner	11/02/2025
DA-110-240	14	GA Plans Level 24	Turner	11/02/2025
DA-110-250	10	GA Plans Plant Level	Turner	11/02/2025
DA-110-260	10	GA Plans Roof Plan	Turner	11/02/2025
DA-210-101	07	GA Elevations North Elevation	Turner	12/12/2024
DA-210-201	07	GA Elevations East Elevation	Turner	12/12/2024
DA-210-301	07	GA Elevations South Elevation	Turner	12/12/2024
DA-210-401	07	GA Elevations West Elevations	Turner	12/12/2024
DA-210-501	07	GA Elevations Building A & D East Elevation	Turner	12/12/2024

	DA-210-502	06	GA Elevations Building A South & Building D North Elevation	Turner	12/08/2024
	DA-210-601	07	GA Elevations Building B South & West Elevation	Turner	12/12/2024
	DA-210-701	06	GA Elevations Building C North & West Elevation	Turner	12/08/2024
	DA-310-101	08	GA Sections Section AA	Turner	12/12/2024
	DA-310-201	07	GA Sections Section BB	Turner	12/12/2024
	DA-310-301	07	GA Sections Section CC	Turner	12/12/2024
	DA-310-401	08	GA Sections Section DD	Turner	12/12/2024
	DA-410-001	04	Detail Ramp Section Vehicle Ramp	Turner	12/08/2024
	DA-420-001	03	Detailed Façade Sections Façade Type 1 - Hotel	Turner	12/08/2024
	DA-420-002	03	Detailed Façade Sections Façade Type 2 – Building B	Turner	12/08/2024
	DA-420-003	03	Detailed Façade Sections Façade Type 3 – Building C	Turner	12/08/2024
	DA-430-101	02	Detailed Lobby Section Building A Lobby	Turner	12/08/2024
	DA-430-201	02	Detailed Lobby Section Building B Lobby	Turner	12/08/2024
	DA-430-301	02	Detailed Lobby Section Building C Lobby	Turner	12/08/2024
	DA-810-001	06	Adaptable & Liveable Plan Layouts (DA Stage) Pre & Post Adaptable/Liveable	Turner	12/12/2024
	DA-810-002	06	Adaptable & Liveable Plan Layouts (DA Stage) Liveable Plans	Turner	12/12/2024
	DA-890-001	01	Materials & Finishes Board External	Turner	12/08/2024
	LD-DA000	04	Cover Sheet & Design Statement	Land and Form	24/06/2025
	LD-DA001	03	Planting Schedule & Legends	Land and Form	24/06/2025
	LD-DA002	03	Tree Management Plan	Land and Form	24/06/2025
	LD-DA003	03	Compliance Diagram	Land and Form	24/06/2025
	LD-DA100	04	Site Plan	Land and Form	24/06/2025
	LD-DA101	04	Public Domain Plan	Land and Form	24/06/2025
	LD-DA110	03	Public Domain Plan & Level 3 Plan	Land and Form	24/06/2025
	LD-DA120	02	Level 09 Plan and Planting Plan	Land and Form	05/03/2024
	LD-DA200	04	Public Domain Plan & Level 3 Planting Plan	Land and Form	24/06/2025
	LD-DA400	02	Section 1	Land and Form	17/12/2024
	LD-DA401	02	Section 2	Land and Form	17/12/2024
	LD-DA402	01	Section 3	Land and Form	17/12/2024
	LD-DA900	02	Typical Details & Outline Maintenance Specification	Land and Form	17/12/2024
	-	D	Draft Proposed Plan of Subdivision	SDG Pty Ltd	12/09/2025

			Numbering Plan (GA Plans Roof Plan-Level 24)		
	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.	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.				
3.	Construction Certificate				
	Before building works commence for the approved development, it is necessary to obtain a construction certificate. A construction certificate may be issued by Council or a Registered Certifier. Plans submitted with the construction certificate are to be amended to incorporate the conditions of the development consent.				
	Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.				
4.	Compliance with WaterNSW – General Terms of Approval				
	The proposed development shall be in accordance with the General Terms of Approval issued by WaterNSW dated 19 February 2025, referenced as an Attachment in the relevant documents.				
	Condition reason: To ensure compliance with the general terms of approval.				
5.	Compliance with NSW Police Requirements				
	• 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 or 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 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 the Police requirements.
6.	Electrical Services
	Provision must be made for electrical services to the development, in accordance with the requirements of the service provider.
	Condition reason: To ensure the development is provided with sufficient electricity.
7.	Telecommunication Services
	Provision must be made for telecommunication services to the development, in accordance with the requirements of the service provider.
	Condition reason: To ensure the development is provided with adequate telecommunication services.
8.	Separate Application – Strata Title Subdivision
	A separate development application must be lodged and approved for any proposed strata title subdivision of the development.
	Condition reason: To make the applicant/ developer aware that separate approval is required for the strata subdivision of the development.
9.	Residential Storage
	The residential component of the development is required to be provided with the following storage requirements: • 1 bedroom apartment – 6m³ • 2 bedroom apartment – 8m³ • 3+ bedroom apartment – 10m³ At least 50% of the required storage is to be located within the apartment. Storage not located in apartments is secure and clearly allocated to specific apartments.

	Condition reason: To ensure compliance with the Apartment Design Guide and ensure residential development is provided with sufficient storage.																											
10.	Compliance with Endeavour Energy Requirements																											
	Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy, dated 09/09/2024 referenced as an Attachment in the relevant documents.																											
	Condition reason: To ensure compliance with relevant service provider’s requirements.																											
11.	Concrete Median – Old Castle Hill Road																											
	The existing concrete median on Old Castle Hill Road, on the approach to the signalised intersection of Old Castle Hill Road / Pennant Street / McMullen Avenue, is to be extended across Garthowen Crescent in accordance with Council’s ultimate road upgrade plan, to restrict traffic movements to left-in/left-out only, at no cost to Council.																											
	Condition reason: To ensure safe traffic movement.																											
12.	Provision of Parking Spaces																											
	Before the issue of an occupation certificate, the development is required to be provided with the following car parking spaces: • a maximum of 230 residential car parking spaces • a maximum of 51 residential visitor car parking spaces. • 168 car parking spaces for the hotel (143 spaces for the hotel rooms and 25 staff spaces) • 21 retail car parking spaces. Off-streetcar parking spaces and shall be labelled which spaces are for visitors and occupants/residents etc prior to occupation of the premises. These car parking spaces shall be available for off street parking at all times.																											
	Condition reason: To ensure compliance with parking requirements.																											
13.	Property Numbering and Cluster Mailboxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments																											
	The overall property address for this development is: -																											
	Building A: 22 Garthowen Crescent CASTLE HILL NSW 2154																											
	Building B: 20 Garthowen Crescent CASTLE HILL NSW 2154																											
	Building C: 4 Garthowen Crescent CASTLE HILL NSW 2154																											
	Building D: 2 Garthowen Crescent CASTLE HILL NSW 2154																											
	Approved unit numbering is as per approved Numbering Plans and as follows:																											
	<table><tr><td></td><td>Building A</td><td>Building B</td><td>Building C</td></tr><tr><td>Ground Level</td><td>N/A</td><td>N/A</td><td>G01-G03</td></tr><tr><td>Level 1</td><td>101-104</td><td>N/A</td><td>N/A</td></tr><tr><td>Level 2</td><td>206-208</td><td>N/A</td><td>201-205</td></tr><tr><td>Level 3</td><td>307-313</td><td>314-320</td><td>301-306</td></tr><tr><td>Level 4</td><td>406-413</td><td>414-421</td><td>401-405</td></tr><tr><td>Level 5</td><td>506-512</td><td>513-520</td><td>501-505</td></tr></table>		Building A	Building B	Building C	Ground Level	N/A	N/A	G01-G03	Level 1	101-104	N/A	N/A	Level 2	206-208	N/A	201-205	Level 3	307-313	314-320	301-306	Level 4	406-413	414-421	401-405	Level 5	506-512	513-520
	Building A	Building B	Building C																									
Ground Level	N/A	N/A	G01-G03																									
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Level 3	307-313	314-320	301-306																									
Level 4	406-413	414-421	401-405																									
Level 5	506-512	513-520	501-505																									

Level 6	606-610	611-618	601-605
Level 7	706-710	711-716	701-705
Level 8	806-810	811-816	801-805
Level 9	905-909	910-911	901-904
Level 10	1005-1008	1009-1010	1001-1004
Level 11	1105-1108	1109-1110	1101-1104
Level 12	1205-1208	1209-1210	1201-1204
Level 13	1305-1308	1309-1310	1301-1304
Level 14	1405-1408	1409-1410	1401-1404
Level 15	1505-1508	1509-1510	1501-1504
Level 16	1608-1608	1609-1610	1601-1604
Level 17	1705-1707	1708-1709	1701-1704
Level 18	1805-1807	1808-1809	1801-1804
Level 19	1095-1907	1908-1909	1901-1904
Level 20	2005-2007	N/A	2001-2004
Level 21	2105-2107	N/A	2101-2104
Level 22	2205-2207	N/A	2201-2204
Level 23	2301-2302	N/A	N/A

Unit numbering of Building D is to be allocated and managed by building/hotel management.

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW. Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

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

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

Mailboxes

Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible.

Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations as provided on plans DWG No DA-110-008 Rev 17 Dated 08/07/2025; DWG No DA-110-020 Rev 17 Dated 08/07/2025; DWG No DA-110-030 Rev 16 Dated 08/07/2025 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 number of mailboxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mailbox is to be located within the cluster located at **Building C, 4 Garthowen Crescent CASTLE HILL NSW 2154.**

Strata Developments

	All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section <u>before it is registered</u> for the approval and allocation of final property and unit numbering. <u>This applies regardless of whether the PCA is Council or not.</u> 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 <u>before it is registered</u> 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. <u>Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.</u> 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.
14.	Air conditioning unit acoustic levels Any air conditioning unit on the property must be designed so as not to operate: (i) During peak time-at a noise level that exceeds 5 dB above the ambient background noise level measured at any property boundary, or (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences. Condition reason: to prevent noise impacts
15.	Ventilation for basement carpark The basement car park is to be provided with ventilation in accordance with Australian / New Zealand Standard AS/NZS 1668.2 2012. The exhaust from the basement carpark shall be positioned so as to not cause a nuisance due to odour or noise to an occupier of any residential premises. Condition reason: to prevent noise impact on residences
16.	Contamination Assessment and Site Remediation The recommendations of the Site Assessment and Report prepared by Geotechnique Pty Ltd, referenced as 15 May 2024, dated 20554/1-AA are to be implemented. Contaminated waste must be disposed of at a licensed waste facility unless explicitly stated otherwise. Onsite burial of contaminated waste is prohibited, irrespective of the report's contents. Condition reason: To protect health, safety, and environment
17.	Tree Removal Approval is granted for the removal of Forty-nine (49) numbered Trees 1, 3, 4, 8, 12, 17-20, 22, 25, 26, 31, 44, 45, 53-56, 60, 66-69, 76, 78-80, 86, 88- 91, 103-104, 109, 114-115, 126, 137-142, 149,150, 157, 158 & 159 (10 trees in total are Street trees) as detailed in the Arboricultural Impact Assessment prepared by Redgum Horticultural Dated 6/08/2024. 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. Condition reason: To provide details of trees approved for removal.

18.	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.
19.	Protection of Public Infrastructure
	During works, Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.
	Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.
20.	Removal of Existing Drainage Line
	Prior to the demolition and removal of the existing Council stormwater drainage line traversing the development site, the public road stormwater drainage works along Garthowen Crescent and Old Castle Hill Road must be completed in accordance with Council's standards and design guidelines. Written confirmation that the road drainage system has been constructed in accordance with Council's standards and design guidelines must be submitted to the Principal Certifier before the demolition and removal of the redundant stormwater drainage line.
	Condition reason: To ensure satisfactory provision of stormwater drainage infrastructure within the public road and to maintain Council's drainage network prior to removal of redundant assets.
21.	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.
22.	Excavation/ Anchoring Near Boundaries
	Before the issue of a construction certificate, a suitably qualified Structural engineer must review Excavation/Anchoring Near Boundaries design and provide written certification on the approved plans to satisfy the certifier that: a) Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply: i. Written owner's consent for works on adjoining land must be obtained.

	ii. For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road. iii. Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment. iv. All anchors must be temporary. Once works are complete, all loads must be removed from the anchors. v. A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed. vi. The anchors must be located clear of existing and proposed services. Details demonstrating compliance with the requirements above must be submitted to the Certifier and included as part of any Construction Certificate been issued. Condition reason: To protect the road/private properties from the excavation and anchoring works.
23.	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: • Half Width Reconstruction of the Garthowen Crescent and associated Drainage works • Stormwater pipe construction under the existing Kerb and gutter of Old Castle Hill Road. • Extension of the Maiden Island on Old Castle Hill Road Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments, Public Domain Plan: Castle Hill North Precinct Aust road Guidelines and best engineering practice. Before the issue of a 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.
24.	Vehicle Crossing Application Before the issue of any construction certificate, the consent holder must lodge a vehicular crossing application with council. Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

	NOTE: The receipt shall be provided to the Certifier as evidence of lodgement.
	Condition reason: To ensure that the site has adequate access, and the vehicular crossing is not classing with other services.
25.	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 constructed of concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. h) 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.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

26.	Notice of Requirements
	Before the issue of a construction certificate, submit documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities. Following an application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway, and landscape design.
	Condition reason: To ensure compliance with Sydney Water requirements.
27.	Construction Site Management Plan
	Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to the Principal. The plan must include the following matters:

- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
- b) Provisions for public safety;
- c) Pedestrian and vehicular site access points and construction activity zones;
- d) Details of construction traffic management including:
 - i. Proposed truck movements to and from the site;
 - ii. Estimated frequency of truck movements; and
 - iii. Measures to ensure pedestrian safety near the site;
- e) Details of bulk earthworks to be carried out;
- f) The location of site storage areas and sheds;
- g) The equipment used to carry out works;
- h) The location of a garbage container with a tight-fitting lid;
- i) Dust, noise and vibration control measures;
- j) The location of temporary toilets;
- k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i. AS 4970 – Protection of trees on development sites;
 - ii. An applicable Development Control Plan;
 - iii. An arborist's report approved as part of this consent.

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

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

28.

Section 7.11 Contribution

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

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	Purpose: Credit
Open Space - Capital	\$ 3,009.65	\$ 3,186.69	\$ 4,425.96	\$ 5,488.19	\$ 5,665.23
Transport Facilities - Land	\$ 3,996.75	\$ 4,231.86	\$ 5,877.58	\$ 7,288.20	\$ 7,523.30
Transport Facilities - Capital	\$ 14,313.47	\$ 15,155.44	\$ 21,049.22	\$ 26,101.04	\$ 26,943.00
Water Management - Capital	\$ 1,990.66	\$ 2,107.76	\$ 2,927.44	\$ 3,630.03	\$ 3,747.12
Administration	\$ 279.44	\$ 295.87	\$ 410.93	\$ 509.56	\$ 526.00
Total	\$ 23,589.97	\$ 24,977.62	\$ 34,691.14	\$ 43,017.01	\$ 44,404.66

No. of 1 Bedroom Units: 26	No of 2 Bedroom Units: 158	No of 3 Bedroom Units: 58	No of 4 Bedroom Units: 11	Sum of units	No of Credits: 12	Total \$7.11
\$ 78,251.00	\$ 503,497.37	\$ 256,705.76	\$ 60,370.11	\$ 898,824.25	\$ 67,982.77	\$ 830,841.48
\$ 103,915.62	\$ 668,633.55	\$ 340,899.67	\$ 80,170.20	\$ 1,193,619.03	\$ 90,279.64	\$ 1,103,339.40
\$ 372,150.24	\$ 2,394,559.48	\$ 1,220,854.87	\$ 287,111.39	\$ 4,274,675.99	\$ 323,316.05	\$ 3,951,359.94
\$ 51,757.13	\$ 333,025.54	\$ 169,791.50	\$ 39,930.28	\$ 594,504.45	\$ 44,965.47	\$ 549,538.97
\$ 7,265.31	\$ 46,747.86	\$ 23,834.18	\$ 5,605.14	\$ 83,452.49	\$ 6,311.95	\$ 77,140.55
\$ 613,339.31	\$ 3,946,463.81	\$ 2,012,085.98	\$ 473,187.12	\$ 7,045,076.21	\$ 532,855.87	\$ 6,512,220.34

The contributions above are applicable until 30 June 2026. 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 17. Condition reason: To contribute towards public infrastructure for the area.								
29.	Design Verification Before the issue of a construction certificate, design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP (Housing) 2021. Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.								
30.	Housing and Productivity Contribution - Development Consents Before the issue of a Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made: <table border="1"> <thead> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td><td>\$2,844,918.72</td></tr> <tr> <td>Transport project component</td><td>-</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$2,844,918.72</td></tr> </tbody> </table> The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order)</i>. The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> agrees. The HPC 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 <i>Environmental Planning and Assessment Act 1979</i> to the development from the contribution. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025. Condition reason: To require contributions towards the provision of regional infrastructure.	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$2,844,918.72	Transport project component	-	Total housing and productivity contribution	\$2,844,918.72
Housing and productivity contribution	Amount								
Housing and productivity contribution (base component)	\$2,844,918.72								
Transport project component	-								
Total housing and productivity contribution	\$2,844,918.72								
31.	Groundwater Requirements The subsurface structure/basement must be designed with a waterproof retention system (e.g. tanking and waterproofing) that provides adequate allowance for future fluctuations of the water table plus 300 mm. The design must also consider uplift from water pressure and flotation (buoyancy) effects. Subsoil drainage around the subsurface structure/basement must be designed to allow free movement of groundwater around the structure and must not be connected to the internal drainage system. The design of the subsurface structure/basement, including tanking, waterproofing, and subsoil drainage, must be undertaken by a suitably experienced Chartered Structural Engineer. Design details and construction specifications must be included in the documentation accompanying the Construction Certificate. Prior to the issue of the Construction Certificate, the consent holder must submit a design compliance certificate prepared by a suitably experienced Chartered Structural Engineer to the Registered Certifier,								

	confirming compliance with the above requirements. These requirements must be reflected on the Construction Certificate plans and supporting documentation				
	Condition reason: To ensure the basement structure is protected from groundwater impacts and designed to withstand fluctuations in the water table.				
32.	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 (Public Domain Design) plan prepared by Revision S & G Consultants Pty Ltd Revision D Dated 05.09.2025 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that: a) Partial Width Road Reconstruction The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective: <table border="1"> <tr> <td>Road Name:</td><td>Formation: (Footpath/ Carriageway/ Footpath) (m)</td></tr> <tr> <td>Garthowen Crescent</td><td> Road Type: Local Road 2 3.4m/ 10.2m/ 3.9m (17.5m) Pavement Design: Access/ Local Road (Design Guidelines Section 3.12) </td></tr> </table> The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council. Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10.2m, which may require additional pavement reconstruction. Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.	Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Garthowen Crescent	Road Type: Local Road 2 3.4m/ 10.2m/ 3.9m (17.5m) Pavement Design: Access/ Local Road (Design Guidelines Section 3.12)
Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)				
Garthowen Crescent	Road Type: Local Road 2 3.4m/ 10.2m/ 3.9m (17.5m) Pavement Design: Access/ Local Road (Design Guidelines Section 3.12)				

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

Except where a modified kerb treatment is required (such as for roadside bio-retention swales) roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

Except where a one-way cross fall is required (such as for roadside bio-retention swales) all roads are to have a two-way cross fall with a crown in the middle of the carriageway.

Council has commissioned a detailed concept design for Round About Design at the intersection of the Garthowen Crescent and Old Castle Hill Road that needs to be used in preparing the detailed design for these works. Contact Council's Construction Engineer for a copy of this design.

Proposed kerb and gutter must align with Council's future design at the transition points.

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 Forum.

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

With respect to "local street" and "park street" roads in North Kellyville specifically, the parking lane on either side must be line marked to ensure the full width of the single trafficable lane is kept clear at all times.

c) Footpath Verge Formation

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

d) Concrete Footpath

2.5m wide concrete footpath, including access ramps at all intersections, must be provided on Garthowen Crescent across both frontages in accordance with the DCP and the Public Domain Plan for Castle Hill North

e) Driveway Requirements

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

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

Specifically, unless additional driveway crossings are clearly shown on the approved plans, only one driveway crossing is approved/ permitted.

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

f) 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. g) Service Conduits Service conduits to the proposed developments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings. h) Earthworks/ Site Regrading Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent. i) Interim Stormwater Drainage – Pipe Extension An interim stormwater drainage line must be extended from the existing downstream pit and constructed in accordance with Council's <i>Subdivision Design Guidelines</i> and the concept engineering (Public Domain Design) plan prepared by S & G Consultants Pty Ltd, Revision D dated 05/09/2025. The pipe extension must be located beneath the existing kerb, requiring the removal and reconstruction of the kerb and gutter, as well as the affected section of the road shoulder. The developer will be liable for the removal of the interim stormwater line at their own cost when the ultimate stormwater line is constructed in conjunction with the widening of Old Castle Hill Road. 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
33.	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
34.	Security Bond – Road Pavement and Public Asset Protection The applicant must provide a security bond of \$426,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$142.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (300m) multiplied by the width of the road (10m). 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 2025-2026 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
35.	Stormwater Pump/ Basement Car Park Requirements Before the issue of a construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that: The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.
	Condition reason: To protect the Basement Car Park from surface runoff.
36.	Works on Adjoining Land Before the issue of a construction certificate, the consent holder must obtain and submit a written owner consent from all affected adjoining property owners, where the engineering works included in the scope of this approval extend into the adjoining lands. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the adjoining owners are aware of the works on their land and to protect the existing stormwater easement that the adjoining properties are aware of the work and to obtain any access/consent.
37.	Works in Existing Easement Before the issue of a construction certificate, the consent holder must submit the written evidence to the Registered Principle Certifier that all adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure that the adjoining properties are aware of the work and to obtain any access/consent.
38.	Onsite Stormwater Detention – Hawkesbury River Catchment Area Before the issue of a 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.

	The stormwater concept plan prepared by S & G Consultants Pty Ltd Revision D dated 27/06/2025 is 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 revised plan must clearly show the connection of stormwater from the site (OSD) to the ultimate stormwater infrastructure in Old Castle Hill Road. For reference, the ultimate stormwater design for Old Castle Hill Road is contained in the General Stormwater Plan prepared by S & G Consultants Pty Ltd, Revision D dated 05/09/2025 b) The weep holes within the Discharge Control Pit (DCP) are to be removed. The base of the DCP is to be concrete benched to the invert of the orifice plate Water sensitive urban design elements, consisting of pit inserts and storm filter cartridges, 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 must include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets: • 90% reduction in the annual average load of gross pollutants • 85% reduction in the annual average load of total suspended solids • 65% reduction in the annual average load of total phosphorous • 45% reduction in the annual average load of total nitrogen All model parameters and data outputs are to be provided. The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate: a) Design/ construction plans prepared by an accredited OSD designer. b) A completed OSD Drainage Design Summary Sheet. c) Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes. d) A completed OSD Detailed Design Checklist. e) A maintenance schedule. Condition reason: To ensure runoff from the development do not impact local stormwater systems and waterways.
39.	Erosion and Sediment Control Plan Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the 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 c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
40.	Acoustic Requirements Before the issue of a construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of the Acoustic Assessment Report prepared by Acoustic Logic Pty Ltd, referenced as 20240537.1/3007A/R0/JHT, dated 30/7/24 have been implemented. In particular: 7.2.1 glazed windows and doors 7.2.2 external roof and ceiling construction 7.2.3 external walls 7.2.4 ventilation requirements
	Condition reason: To protect the acoustic amenity of the local area and of the development.
41.	Further Contamination Assessment Before the issue of a construction certificate, data gaps identified in the contamination assessment prepared by Geotechnique Pty Ltd dated 15 May 2024 and referenced 20554/1-AA will be assessed. A copy of the assessment report must be submitted to Council's Manager – Environment & Health.
	Condition reason: To ensure controls are in place for contamination management
42.	Provision of Bulky Goods Storage Area Before the issue of a construction certificate, construction plans that demonstrate a bulky goods storage area must be approved by the certifier. The area must: a) Be a separate room or caged area; b) Open directly onto the designated waste service bay; c) Have a minimum floor area of 4m² 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.
43.	Construction of Separate Waste Storage Areas Before the issue of a construction certificate, construction plans demonstrating separate waste storage areas must be approved by the certifier. The areas must provide minimum storage facility for 14x1100lt residential garbage bins, 13x1100lt commercial garbage bins, 14x1100lt residential recycle bins, 13x1100lt commercial recycle bins and 28x240lt FOGO bins and a 2x1100lt bin linear conveyor system. The waste storage area(s): a) must be sized to store and maneuver the 14x1100lt residential garbage bins, 13x1100lt commercial garbage bins, 14x1100lt residential recycle bins, 13x1100lt commercial recycle bins and 28x240lt 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. 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%. h) 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.
44.	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 12.5M LONG HEAVY RIGID VEHICLE (MINIMUM 4.5M CLEAR VERTICAL CLEARANCE). The following requirements must also be satisfied: a) All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per AS 2890.1. b) All manoeuvring and loading areas for waste collection vehicles must be clearly and permanently line marked, signposted, and maintained. c) Pedestrian paths around the designated waste collection areas must be clearly and permanently line marked, signposted, and maintained. d) The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three-point turn). e) The designated waste service bay must allow additional space servicing of bins. f) The loading area must have a sufficient level of lighting and have appropriate signage. such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”. i) 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.
45.	Communal Composting Areas Before the issue of a construction certificate, a communal composting area must be included within the building footprint or landscaping plans.
	Condition reason: To ensure the future possibility of communal composting can be achieved within the building footprint or externally in common landscaped areas.
46.	Provision of Bin Cupboards Before the issue of a construction certificate, construction plans must be submitted to the certifier that demonstrate a separate bin cupboard next to the chute openings on every residential floor that allows for the disposal of items unsuitable for chute disposal.
	Condition reason: To promote resource recovery and the storage of a potential third waste stream. It also allows for disposal of unsuitable items down the waste chute.
47.	Internal Pavement and Turntable Structural Design Certification a) Before the issue of a Construction Certificate, a Certified Practicing Engineer (CPEng) must certify that the internal pavement design will withstand the loads imposed by a loaded 12.5m long heavy

	rigid waste collection vehicle (i.e., 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.
	Condition reason: To ensure internal pavement design is adequate.

BEFORE WORK COMMENCES

48.	Demolition Management Plan
	Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters: a) The proposed demolition methods b) The materials for and location of protective fencing and any hoardings to the perimeter of the site c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines i) Details of any bulk earthworks to be carried out j) Details of re-use and disposal of demolition waste material k) Location of any reusable demolition waste materials to be stored on-site (pending future use) l) Location and type of temporary toilets onsite m) A garbage container with a tight-fitting lid.
	Condition reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.
49.	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.
50.	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.
51.	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.
52.	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 dial before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individual's 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.
53.	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.
54.	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
55.	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.
56.	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: - must be a standard flushing toilet, and - must be connected: - to a public sewer, or - 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.
57.	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.
58.	Traffic Control Plan Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the plan must be submitted to and approved by Council's Traffic team 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
59.	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.
60.	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.
61.	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 seven 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
62.	Tree Removal on Public Land Approval is granted for the removal of Eleven (10) street trees on Old Castle Hill Road and Garthowen Crescent as shown in the Arboricultural Impact Assessment prepared by Redgum Horticultural Dated 6/08/2024. 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.
63.	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.

DURING WORKS

64.	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.
65.	Surveys by a Registered Surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

	a) All footings / foundations in relation to the site boundaries and any registered and proposed easements; and b) At other stages of construction – any marks that are required by the principal certifier. Condition reason: To ensure buildings are sited and positioned in the approved location.
66.	Hours of Work Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
67.	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.
68.	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
69.	Waste Management While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to Principal Certifying Authority detailing the following: - The contact details of the person(s) who removed the waste; - The waste carrier vehicle registration; - The date and time of waste collection; - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; - The address of the disposal location(s) where the waste was taken; - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. c) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

70.	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.
71.	Rock Breaking Noise
	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays. Details of noise mitigation measures and likely duration of the activity must be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.
	Condition reason: To minimise noise impacts on neighbouring properties
72.	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.
73.	Construction Noise
	During building work, the emission of noise from the construction of the development shall comply with the <i>Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)</i> .
	Condition reason: To protect residential amenity
74.	Construction and Fit-out of food premises
	During building work, the design, construction and fit-out of the food premises must comply with the <i>Australian Standard 4674-2004 – Design, construction and fit-out of food premises</i> and the Food Standards Code (Australia). Note: Copies of <i>Australian Standard 4674-2004</i> 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
75.	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) <i>AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings</i> ; and b) <i>AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings</i> .
	Condition reason: To protect the amenity of the local area
76.	Washing of Vehicles
	During building work, the car wash bay is to be roofed and bunded to exclude rainwater. All wastewater from car washing must be discharged to the sewer under a Trade Waste Agreement from Sydney Water.
	Condition reason: To protect the environment
77.	Notification of New Contamination
	During building work, ground conditions must be monitored. If any evidence of potential soil contamination is discovered including, the presence of any substance (e.g. chemicals, heavy metals, building materials such as asbestos that may be considered to be above EPA or other relevant guidelines in force at the time, and/or likely to present a risk of harm to human health or the environment, works are to immediately cease and a site contamination investigation is to be carried out in accordance with

	the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The contamination investigation report is to be submitted to the principal certifier for review. If contamination is confirmed, a Remediation Action Plan must be prepared, remediation works carried out as per the recommendations of the report, and a validation report completed and submitted to the certifying authority. Contaminated waste must be disposed of at a licensed waste facility, unless explicitly approved otherwise. The onsite burial of waste, contaminated soil, or soil material of unknown contamination for which the contaminated status is unknown is prohibited, regardless of the findings of the report. Condition reason: To ensure controls are in place for contamination management
78.	Further contamination assessment During works, further assessment including sampling and testing is to be undertaken to address the potential contamination identified in the preliminary site assessment prepared by Geotechnique Pty Ltd dated 15 May 2024 and referenced 20554/1-AA are to be assessed. A copy of the assessment report must be submitted to Council's Manager – Environment & Health for approval. Condition reason: To ensure controls are in place for contamination management
79.	Retention of Trees While works are being carried out, only trees specifically identified for removal on the approved plans may be removed. All other trees (including neighbouring trees and street trees) are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment prepared by Redgum Horticultural Dated 6/08/2024. Condition reason: To ensure retained trees are adequately protected during works.
80.	Provision of Waste Chute System Before the issue of a 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 residential floor within the building corridors; b) waste chutes that must terminate into the waste storage rooms; c) Garbage discharge into 1100lt bins housed on 2 bin linear conveyor system with compactor (2:1 compaction ratio) d) Recycling discharge into 1100lt bins housed on 2 bin linear conveyor system. Condition reason: To ensure sufficient waste management on site.
81.	Subsoil Drainage During building works, the retaining walls are to be provided with an appropriate system of subsoil drainage which is to drain via gravity to a suitable system of disposal. The system of subsoil drainage is not to cause nuisance or impact on the amenity of the adjoining allotments. Condition reason: To minimise stormwater impacts on adjoining properties.
82.	Compliance with BASIX Certificate During works, all commitments listed in BASIX Certificate No. 1759892M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. Condition reason: To ensure compliance with the BASIX Certificate requirements.

ON COMPLETION OF WORKS

83.	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
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	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.
84.	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)
85.	Removal of waste upon completion After completion of all site work: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the Principal Certifying Authority. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

86.	Provision of Telecommunication Services Before the issue of an occupation certificate, a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act must be submitted confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier. Before the issue of an occupation certificate the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for: The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier. Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth). For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities. For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication
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	services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. Condition reason: To ensure the relevant service provider's requirements are provided to the certifier.
87.	Provision of Electricity Services Before the issue of an occupation certificate, a compliance certificate from the relevant service provider must be submitted confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
88.	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.
89.	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.
90.	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.
91.	Waterproof Basement (tanked Basement) Prior to the issue of any Occupation Certificate, the consent holder must provide written certification from a suitably qualified Chartered Structural Engineer confirming that the subsurface structure/basement:

	- Has been designed and constructed as a waterproof retention system (i.e. tanking and waterproofing) with adequate allowance for future fluctuations of the water table plus 300 mm; and - Has been constructed with subsoil drainage that allows free movement of groundwater around the structure and is not connected to the internal drainage system. The certification must confirm compliance with the approved Construction Certificate plans and the conditions of this consent. A design compliance certificate prepared by a suitably qualified Chartered Structural Engineer satisfying the above requirements must be submitted to the Registered Certifier prior to the issue of the Occupation Certificate. These requirements must also be reflected on the Occupation Certificate and supporting documentation. Condition reason: To ensure the basement is adequately protected from groundwater impacts.
92.	Registration of Subdivision Plan Prior to the issue of any Occupation Certificate, a draft subdivision plan prepared by SDG Pty Ltd, Revision D dated 12/09/2025, must be registered with NSW Land Registry Services (LRS). A copy of the registered plan must be provided to the Principal Certifier prior to the issue of the Occupation Certificate. Condition reason: To ensure that the subdivision is legally registered with NSW Land Registry Services and that the development is consistent with the approved subdivision plan prior to occupation.
93.	Removal/ Amendment of Existing Easement Before the release of an Occupation Certificate the existing easement running through lot 33 DP 222257 and lot 21 DP 222257 must be removed. 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
94.	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.
95.	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.
96.	Security Bond – Interim Stormwater Drainage Line Before the release of a Occupation Certification security bond for the maintenance and removal of the Interim Stormwater Drainage Line must be provided. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$30,000.00. The bond amount must be confirmed with Council prior to payment.

	The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the Interim Stormwater Drainage Line these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount. This bond is not required if the temporary road is not required to be constructed. The rate is based on The Hills Shire Council Fees & Charges 2025-2026 which is applicable at the time this consent was issued. Upon lodgment 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. Condition reason: To ensure maintenance and where required removal of Interim Stormwater Drainage Line This is an outstanding works bond in accordance with Section 4.17(6) of Environmental Planning and Assessment Act 1979
97.	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 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 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
98.	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
99.	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.
100.	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.
101.	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 Garthowen Crescent. Condition reason: To ensure any land required under this consent to be dedicated is dedicated prior to occupation of the structure
102.	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
103.	Creation of Restrictions / Positive Covenants Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used. a) Restriction/ Positive Covenant – Onsite Stormwater Detention The subject site must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals. b) Restriction/ Positive Covenant – Water Sensitive Urban Design The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals. c) Positive Covenant – Stormwater Pump The subject site must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals. d) Positive Covenant – Onsite Waste Collection The subject site must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

	Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.
104.	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
105.	Notice of food business Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements. Condition reason: To enable council to ensure compliance with the consent when the business is operating
106.	Food Premises Final Inspection Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises. Condition reason: To enable council to ensure compliance with the Food Act 2003 before the business commences
107.	Planting Requirements Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by the private certifier. All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m2. Any species that need substituting requires confirmation from Council. Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
108.	Completion of Landscape and Tree Works Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
109.	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; 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
110.	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.
111.	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 12.5m long waste collection 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.
112.	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.
113.	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.
114.	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.
115.	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.
116.	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.
117.	Provision of Kitchen Waste Storage Cupboard

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

118.	Hotel Operating Hours				
	During ongoing use of the premises, the hours of operation of the hotel are restricted to:				
		From	To		
	Restaurant	6am	11pm, everyday		
	Bar	10am	Midnight, everyday		
119.	Function area			6am	Midnight, everyday
	Hotel			24 hours	
	Condition reason: To protect the amenity of the local area.				
	Location of mechanical ventilation				
	During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.				
120.	Condition reason: To protect the residential amenity of neighbouring properties.				
	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;				
121.	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				
122.	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.				
122.	Condition reason: To protect public health				
	Public Swimming Pool Requirements				
122.	Before the issue of the occupation certificate, the public swimming pool is to be registered with Council in accordance with the Public Health Regulations 2022. The registration form is available is available from Council's website.				

	Condition reason: To protect public health													
123.	Offensive Noise 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 <i>Protection of the Environment Operation Act 1997</i> . Condition reason: To protect the amenity of the local area													
124.	Operational Noise Level Limits During occupation and ongoing use of the premises, the operational noise level limits for the development are as follows: <table><tr><th>Location</th><th>Time</th><th>Trigger noise level dB(A)_{L_{Aeq},15min}</th></tr><tr><td rowspan="3">At any residential property boundary</td><td>Day (7am-6pm)</td><td>53</td></tr><tr><td>Evening (6pm-10pm)</td><td>43</td></tr><tr><td>Night (10pm-7am)</td><td>37</td></tr><tr><td>Commercial</td><td>When in use</td><td>63</td></tr></table> These noise level limits are to be complied with at all times when the premises is in operation. Condition reason: To protect the amenity of the local area	Location	Time	Trigger noise level dB(A) _{L_{Aeq},15min}	At any residential property boundary	Day (7am-6pm)	53	Evening (6pm-10pm)	43	Night (10pm-7am)	37	Commercial	When in use	63
Location	Time	Trigger noise level dB(A) _{L_{Aeq},15min}												
At any residential property boundary	Day (7am-6pm)	53												
	Evening (6pm-10pm)	43												
	Night (10pm-7am)	37												
Commercial	When in use	63												
125.	Waste and Recycling Collection Contract 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 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.													
126.	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.													
127.	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.													

ATTACHMENT B – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED
FIRST NOTIFICATION PERIOD

- ★ SUBMISSIONS RECEIVED
SECOND NOTIFICATION PERIOD
- ONE SUBMISSION RECEIVED OUTSIDE
SCOPE OF MAP - FIRST NOTIFICATION PERIOD

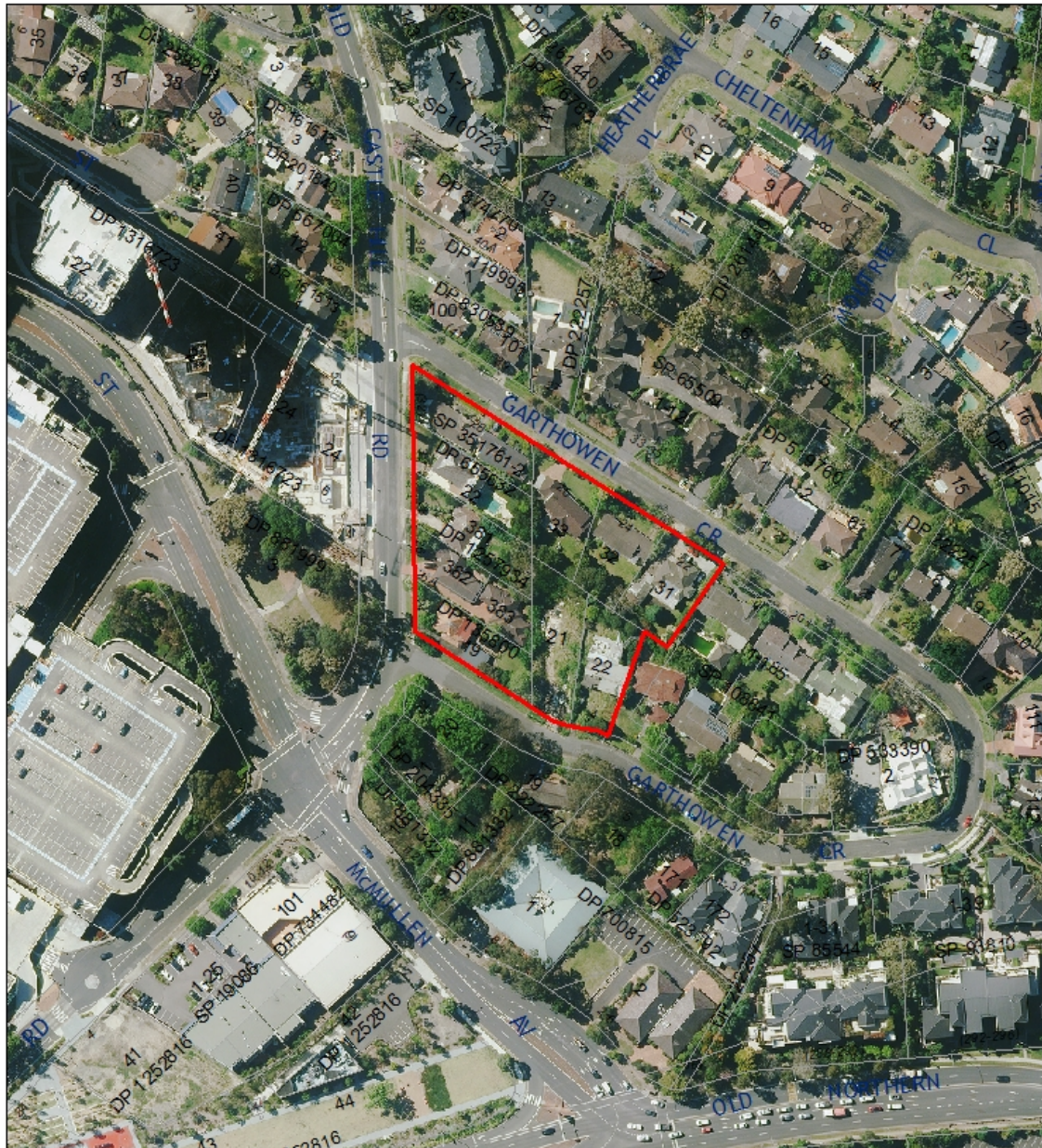
THE HILLS
Sydney's Garden Shire

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ATTACHMENT C – AERIAL PHOTOGRAPH



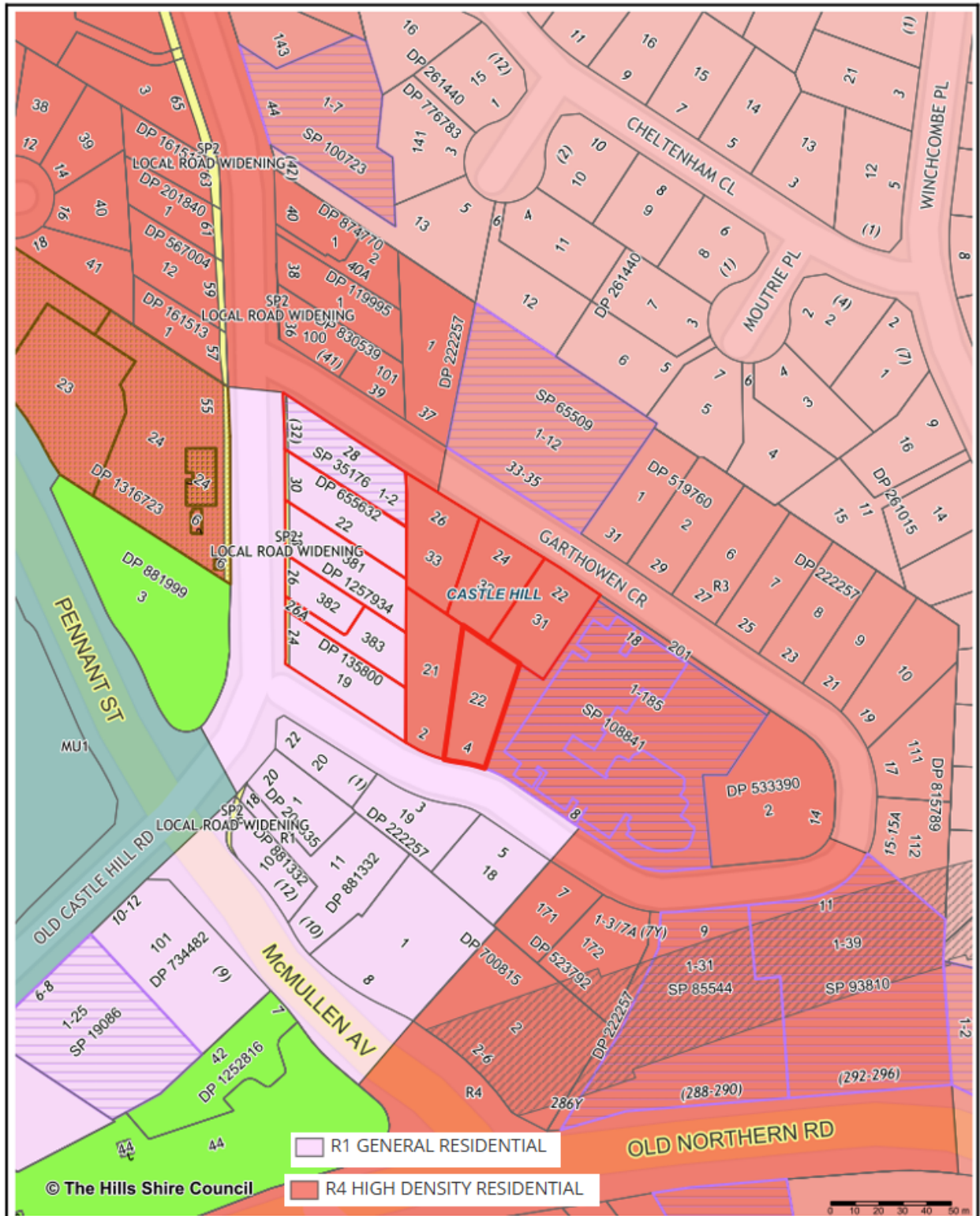
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

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ATTACHMENT D – LEP 2019 ZONING MAP



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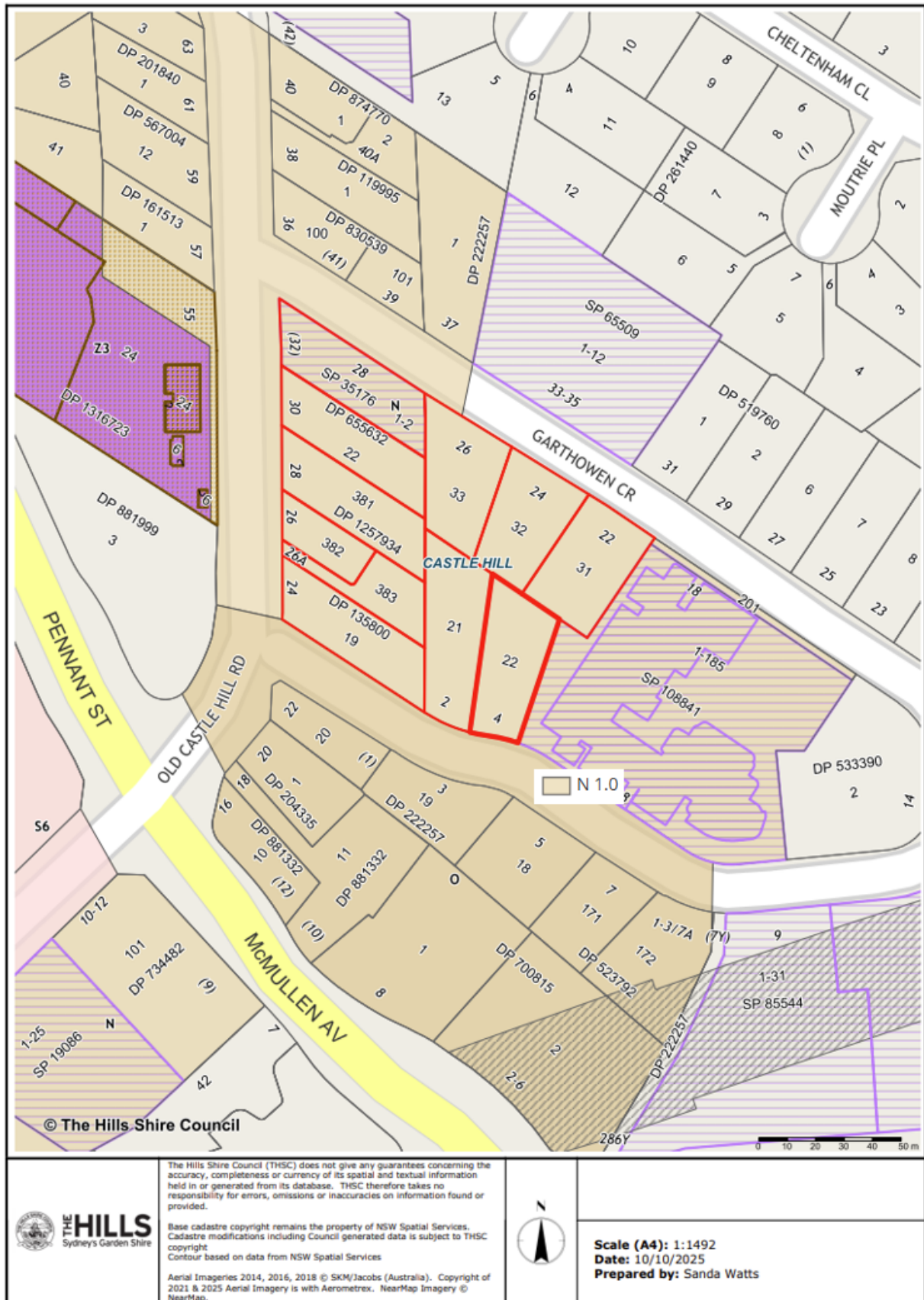
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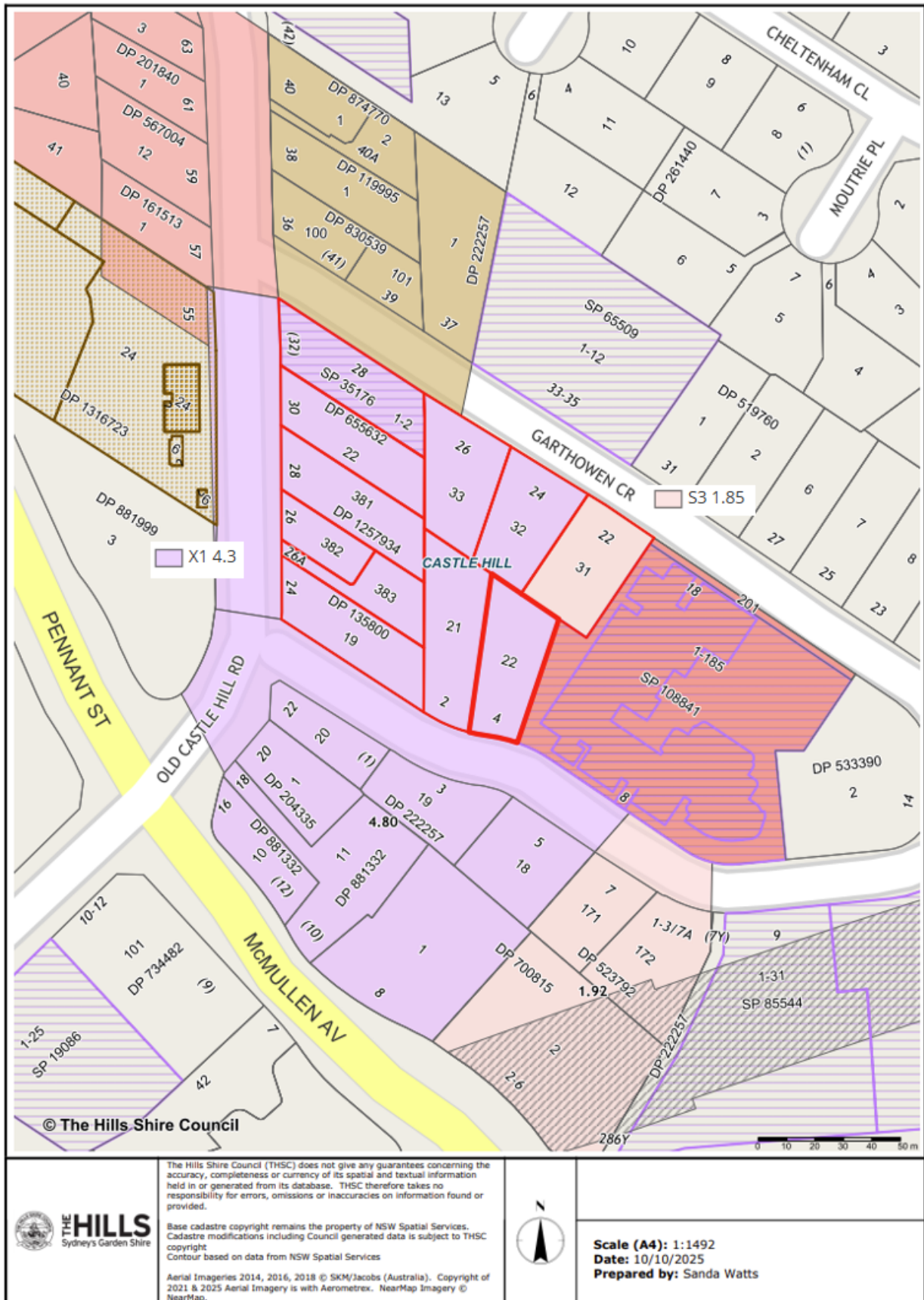


Scale (A4): 1:1865
Date: 10/10/2025
Prepared by: Sandra Watts

ATTACHMENT E – LEP 2019 CLAUSE 4.4 FSR (BASE) MAP



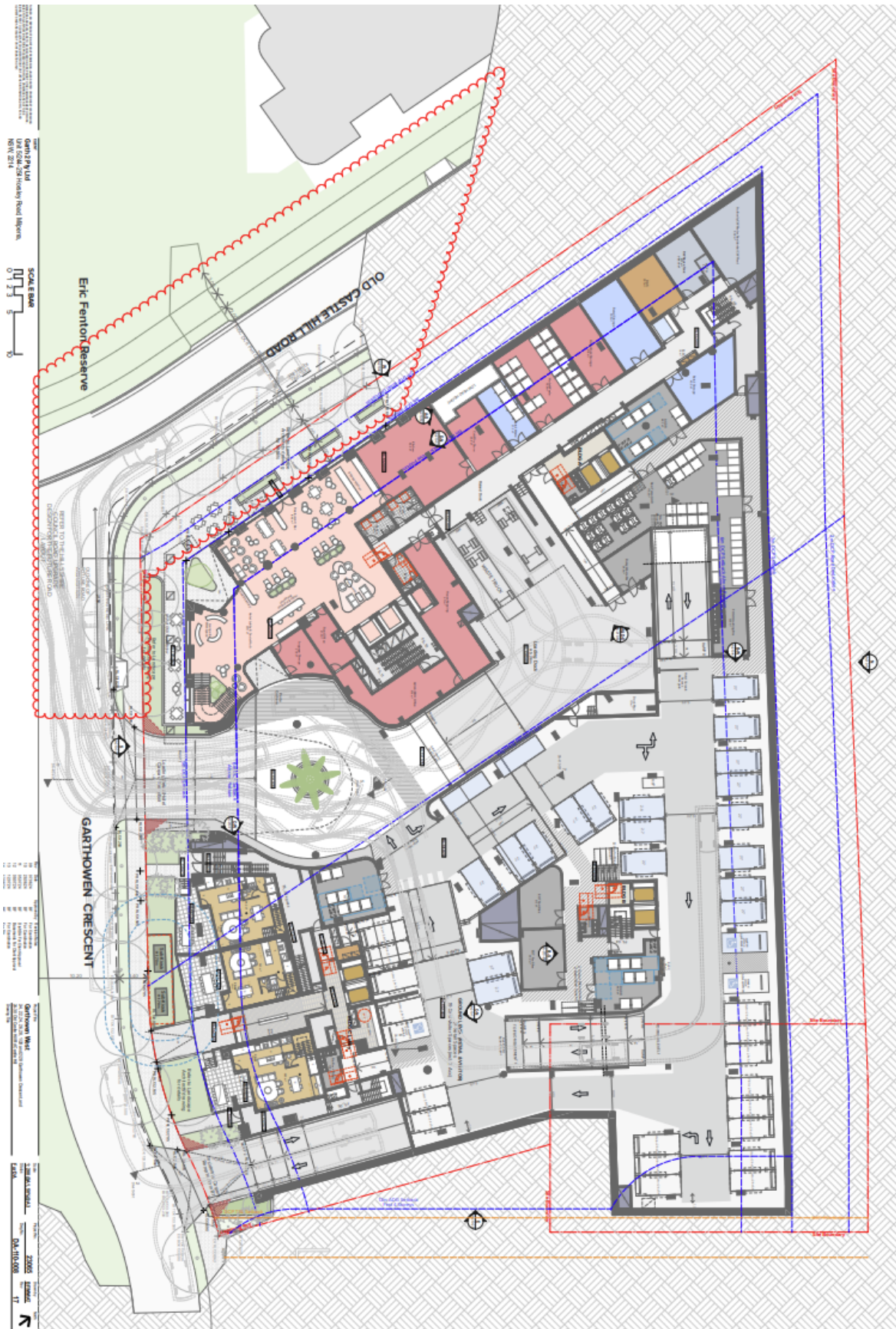
ATTACHMENT F – LEP 2019 CLAUSE 7.11 FSR (INCENTIVE) MAP



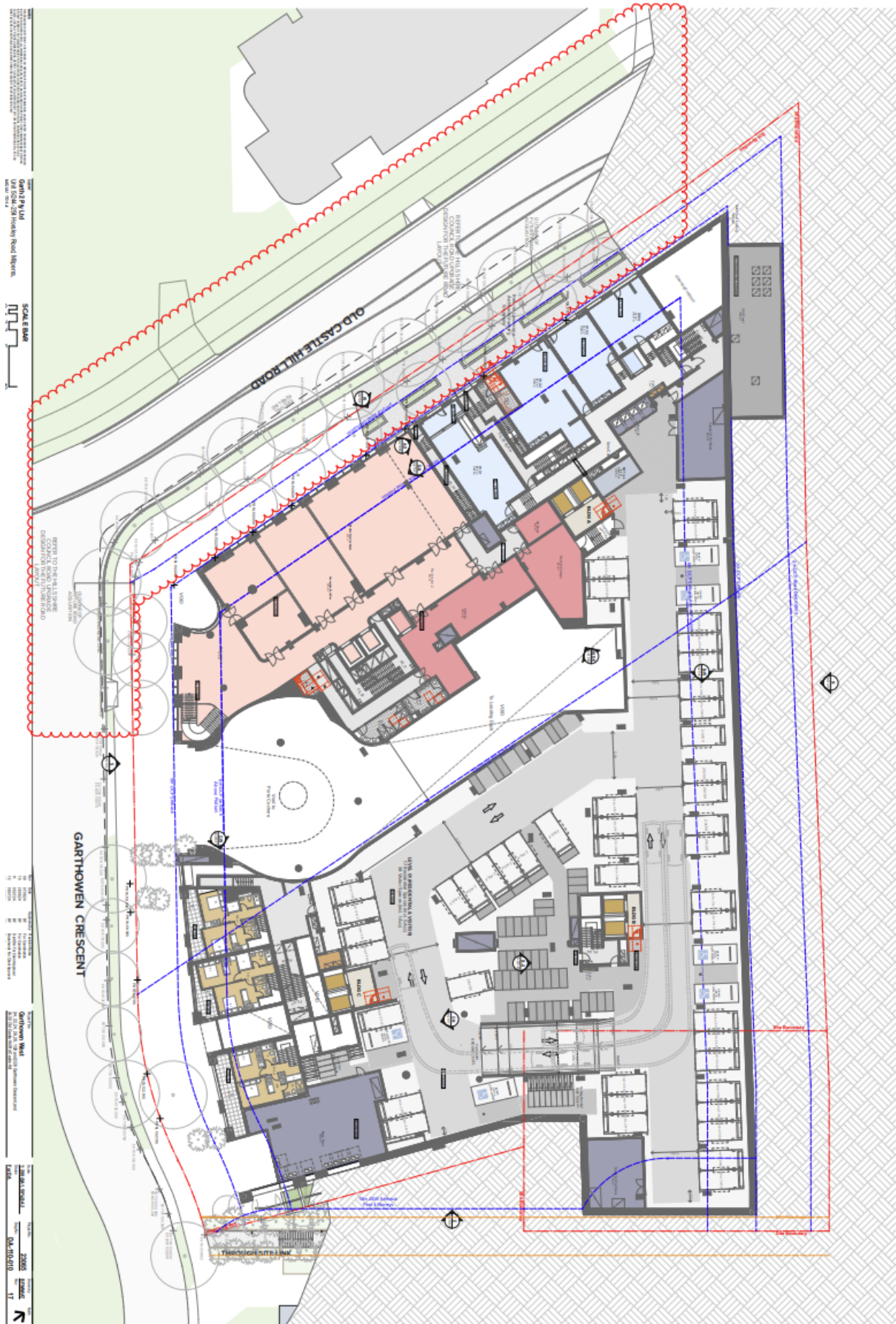
ATTACHMENT G – SITE PLAN

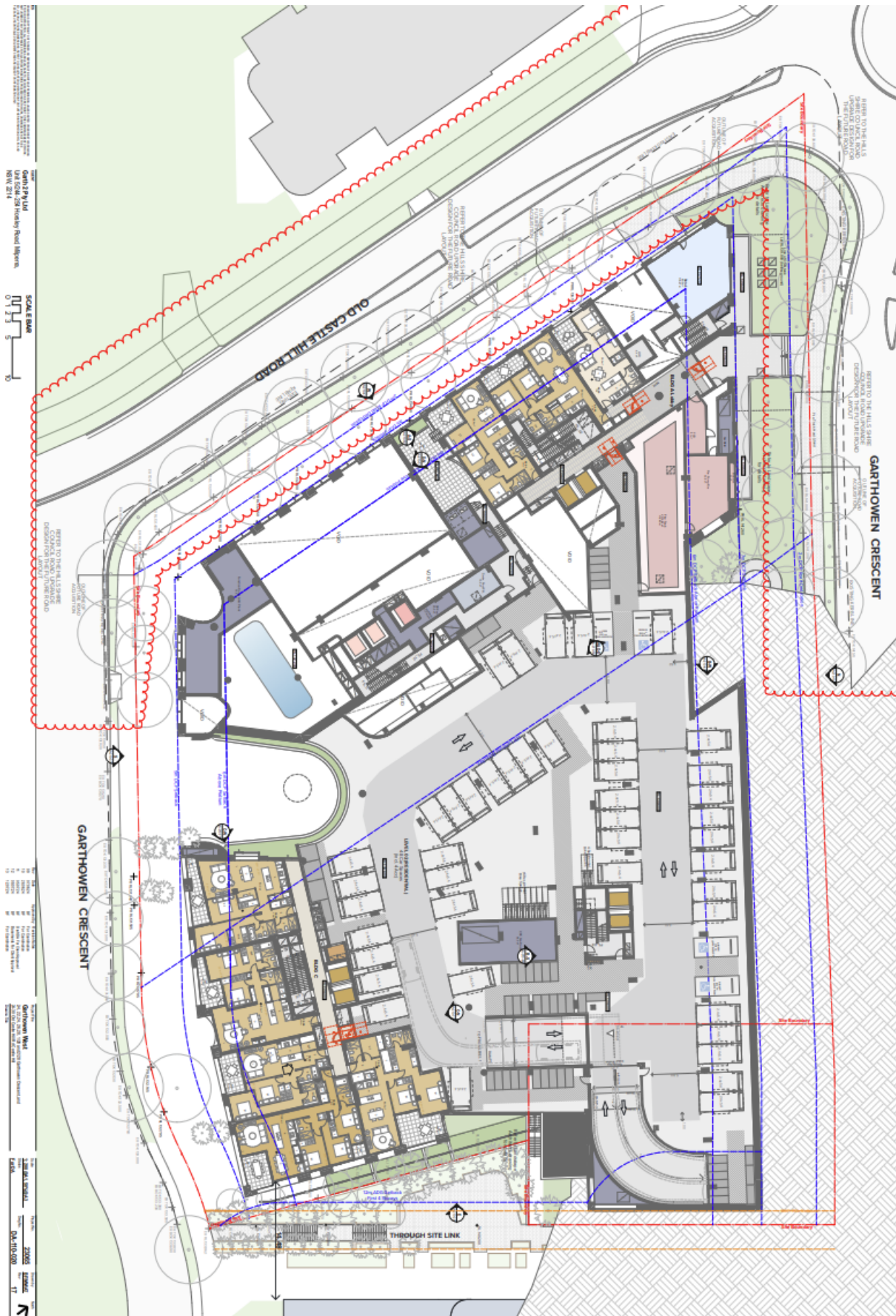


ATTACHMENT H – FLOOR PLANS

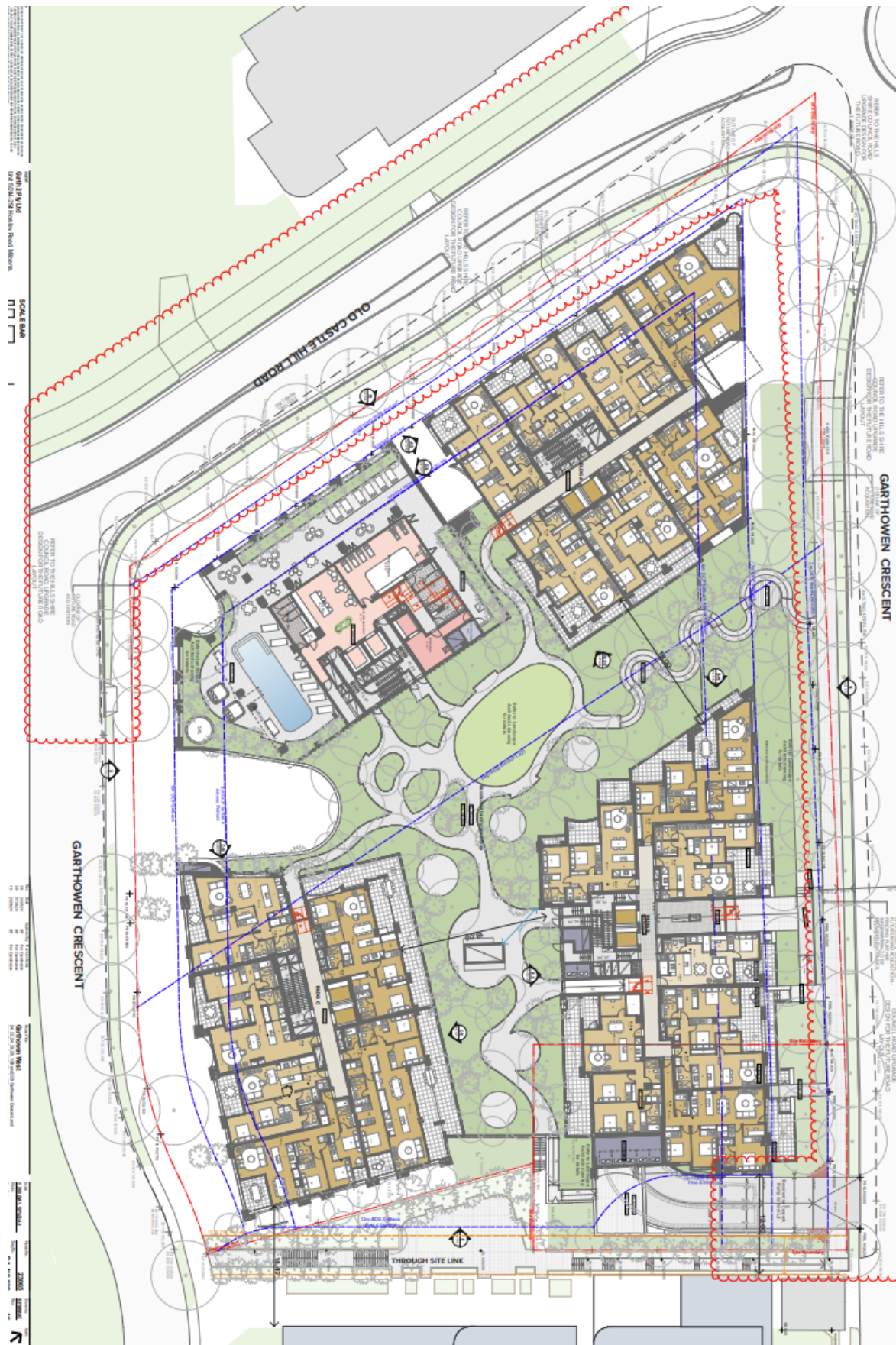


Ground Floor Plan

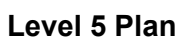




Level 2 Plan



Level 3 Plan



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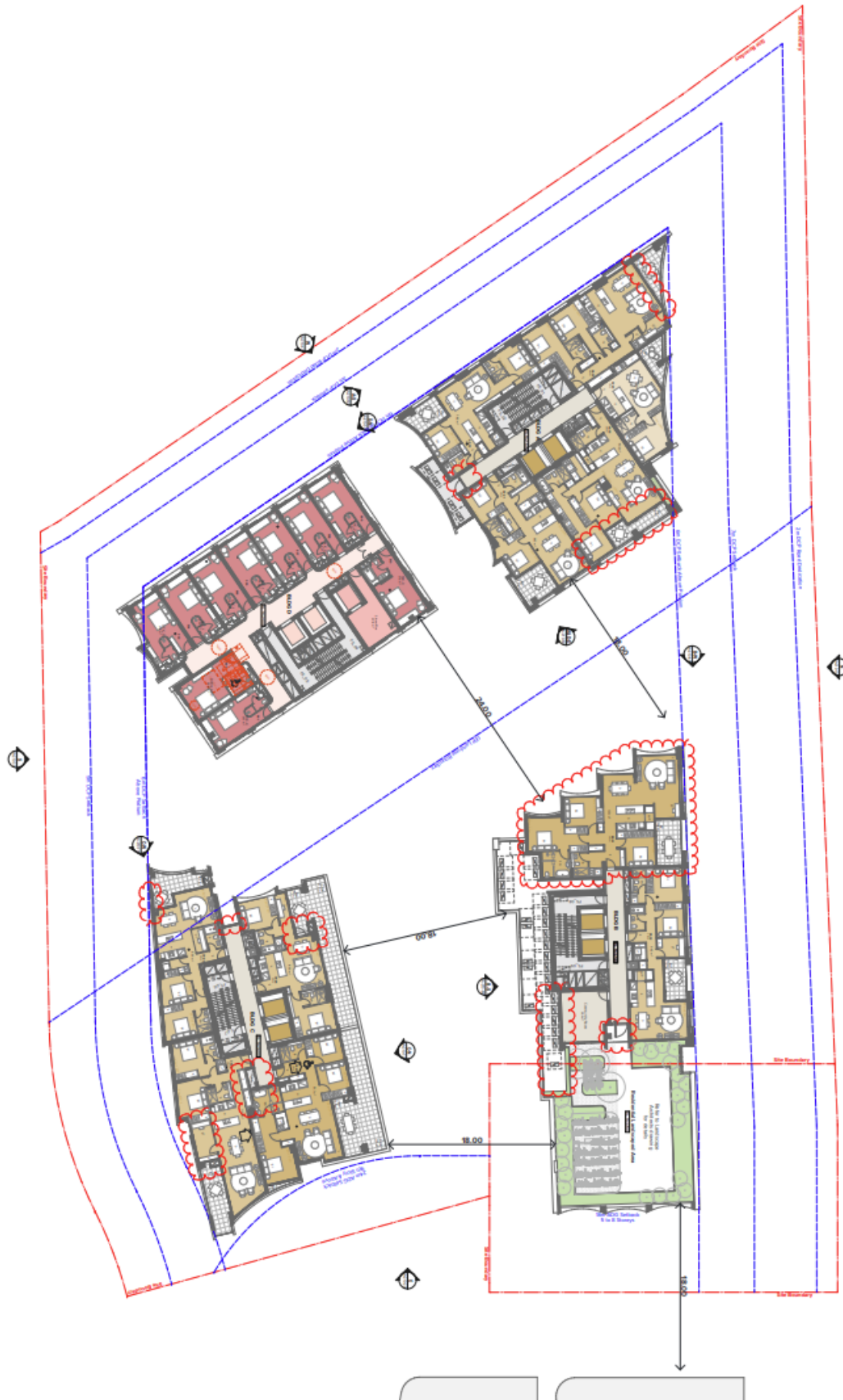
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Level 9 Plan





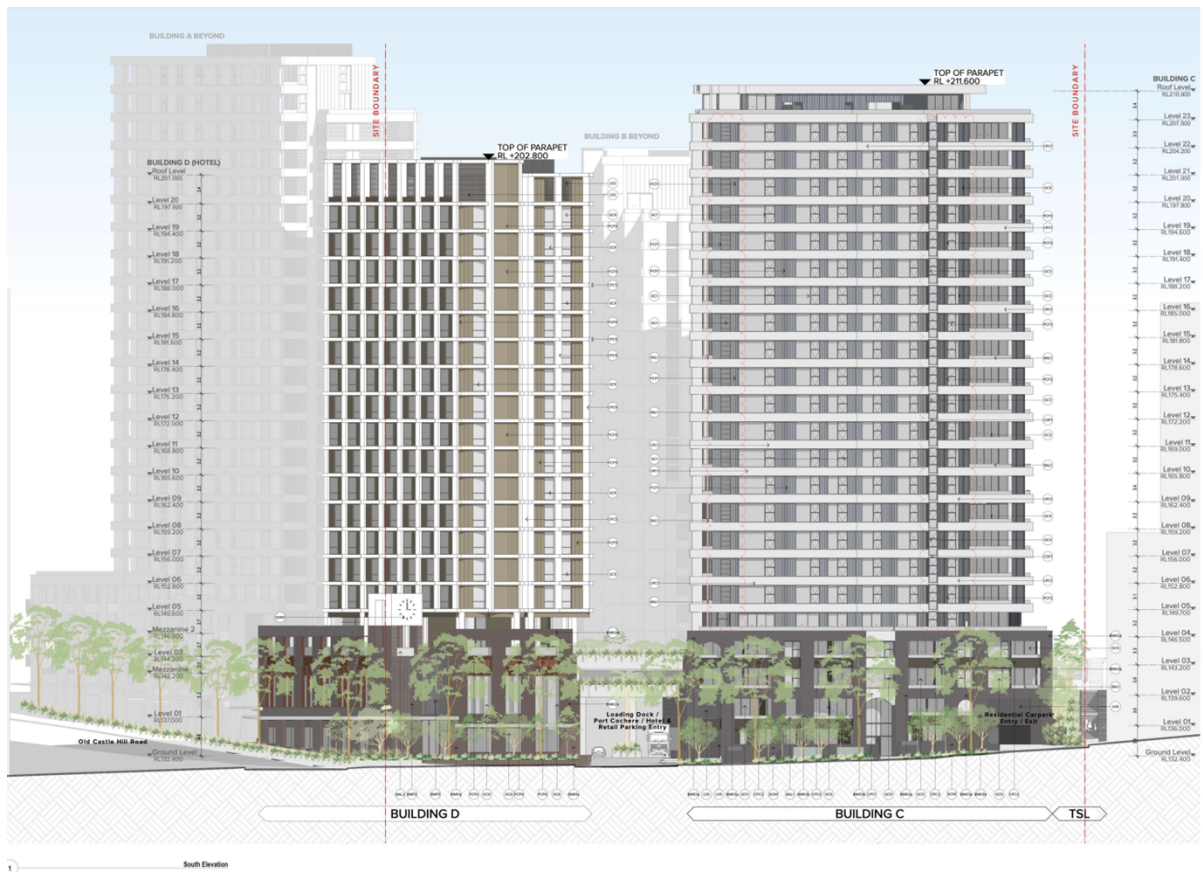
ATTACHMENT I – ELEVATIONS



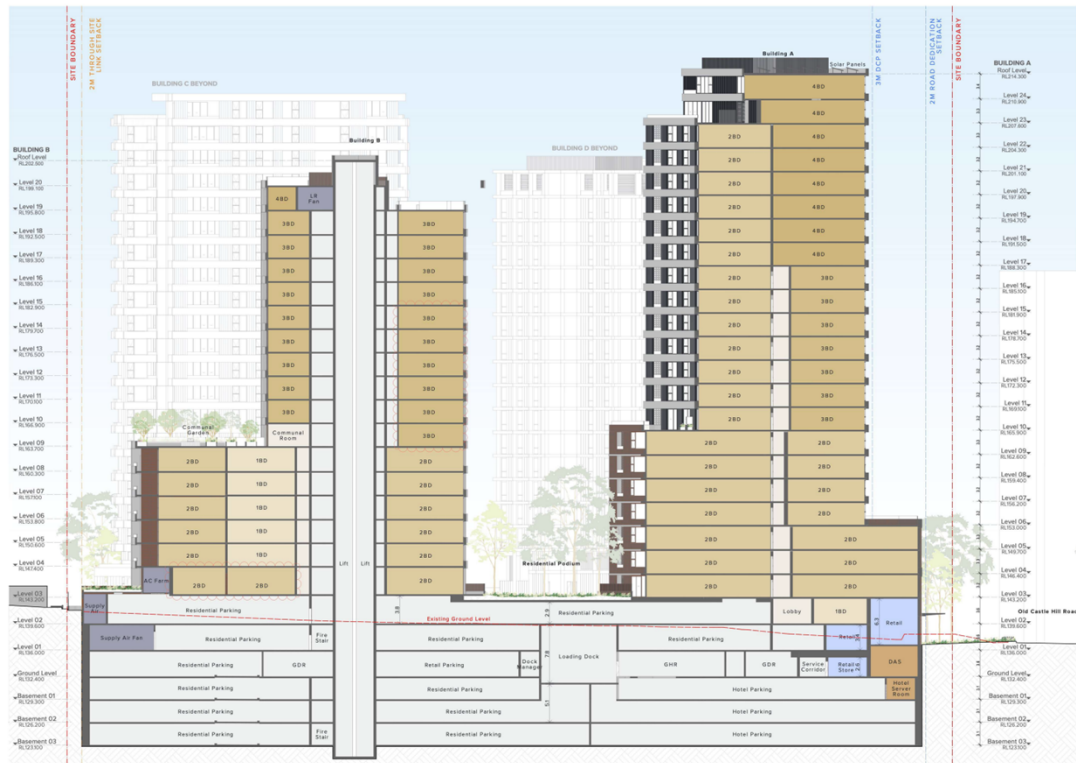
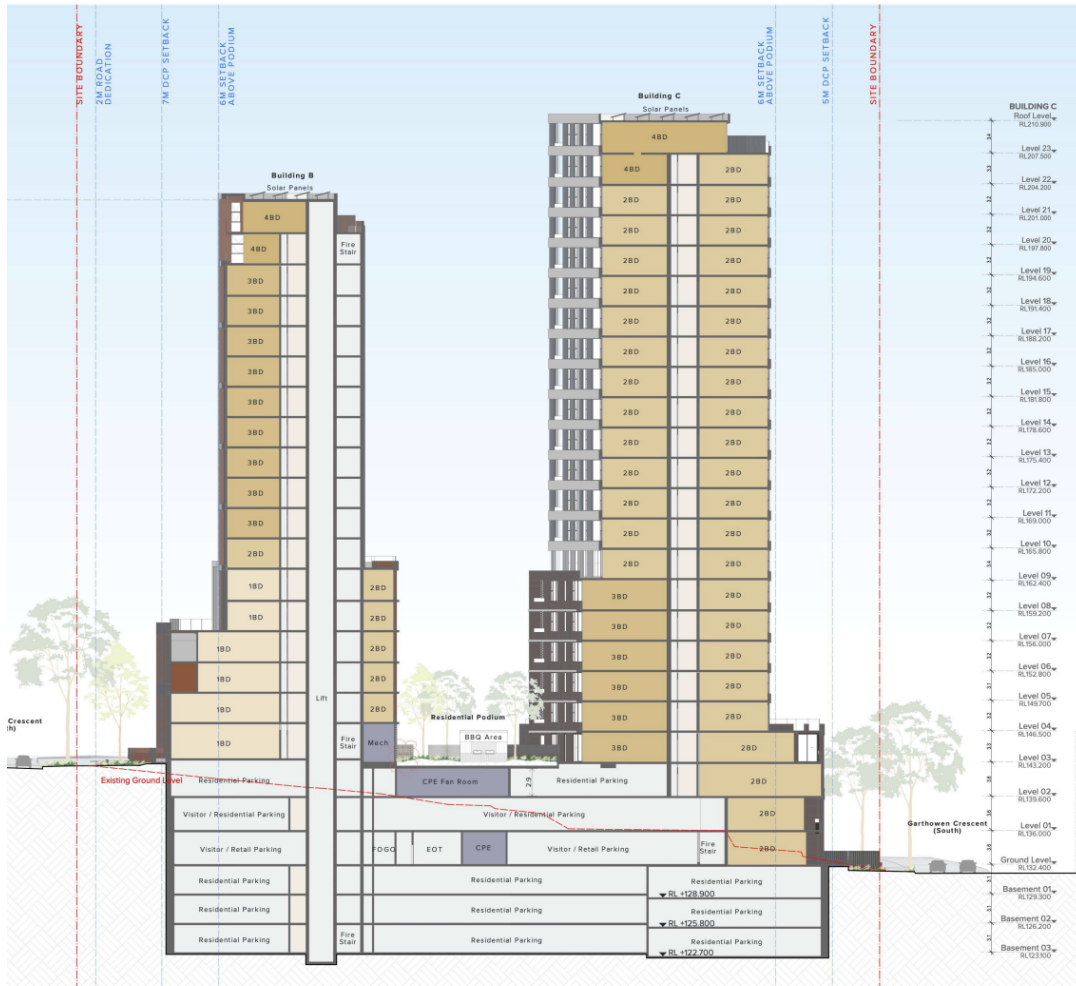
North Elevation (Garthowen Crescent north)

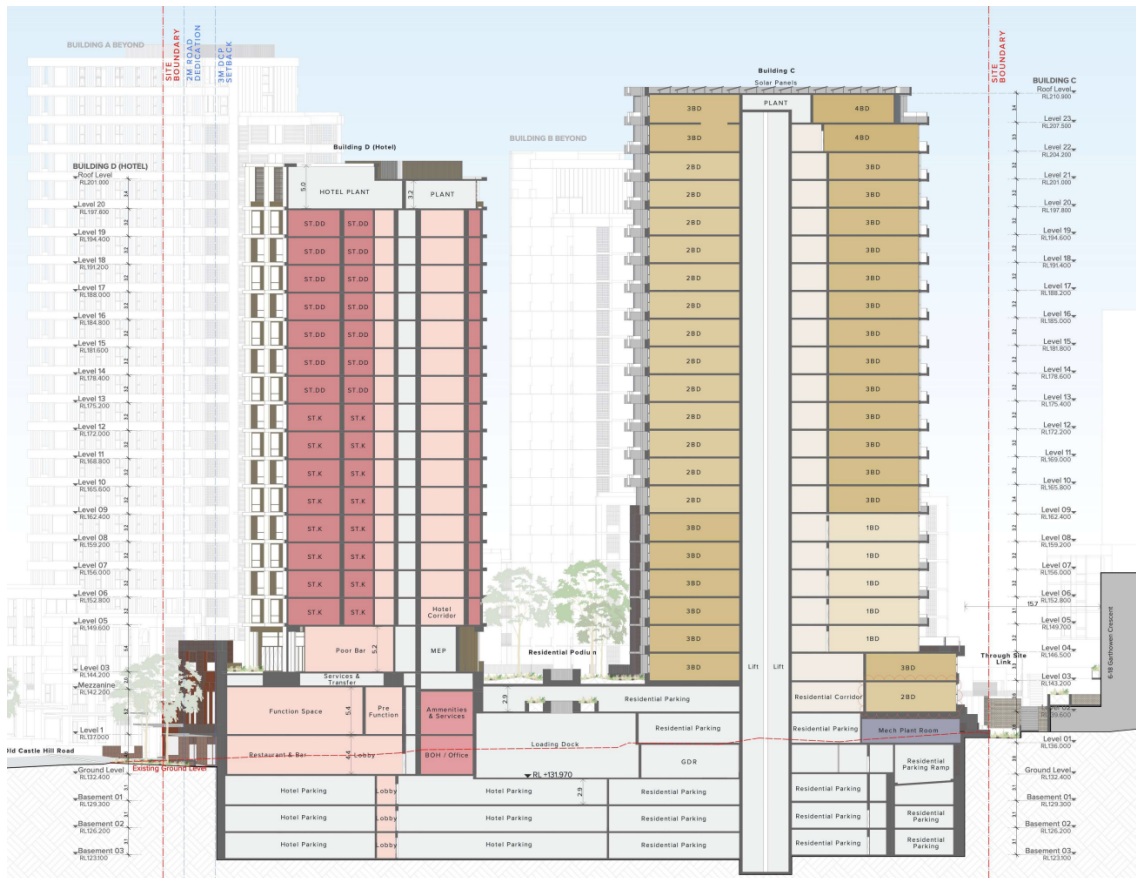
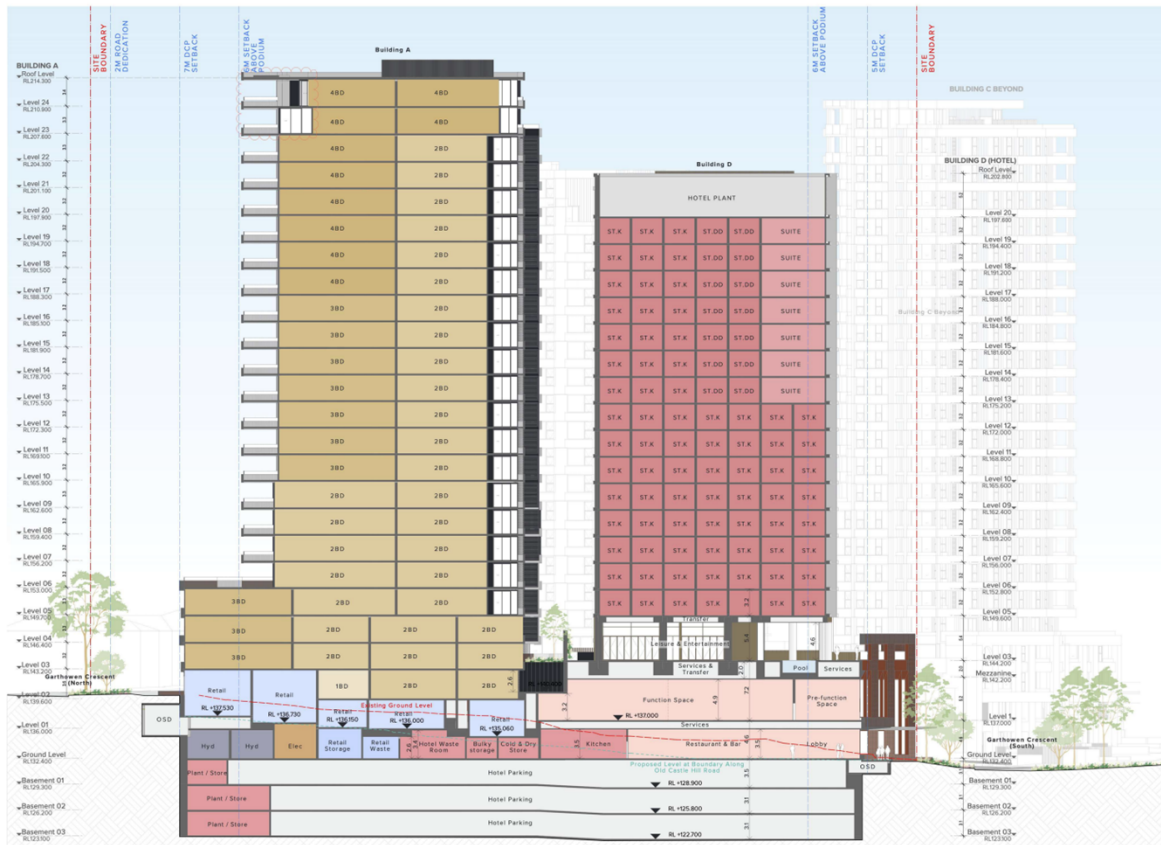


East Elevation

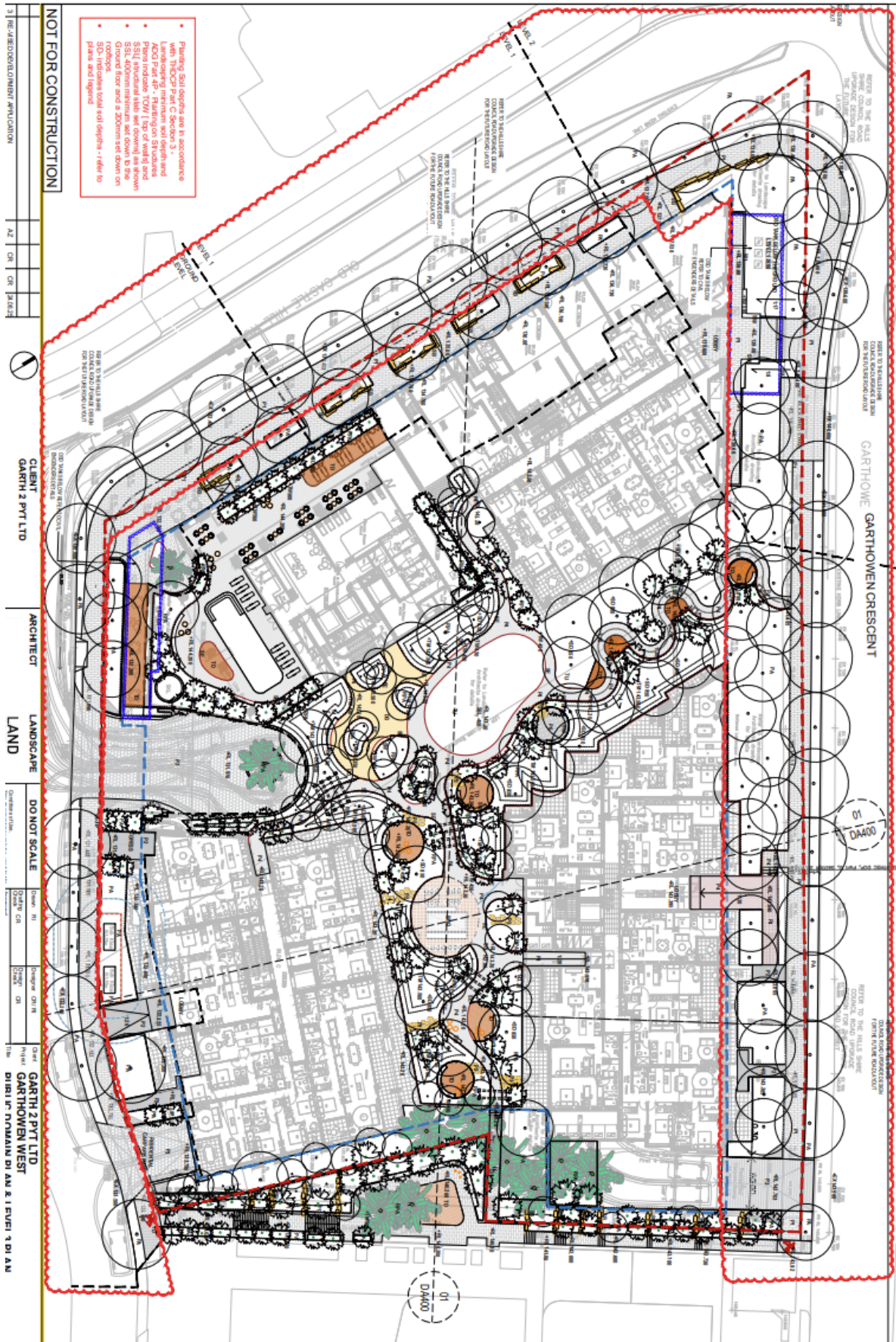


ATTACHMENT J – SECTIONS

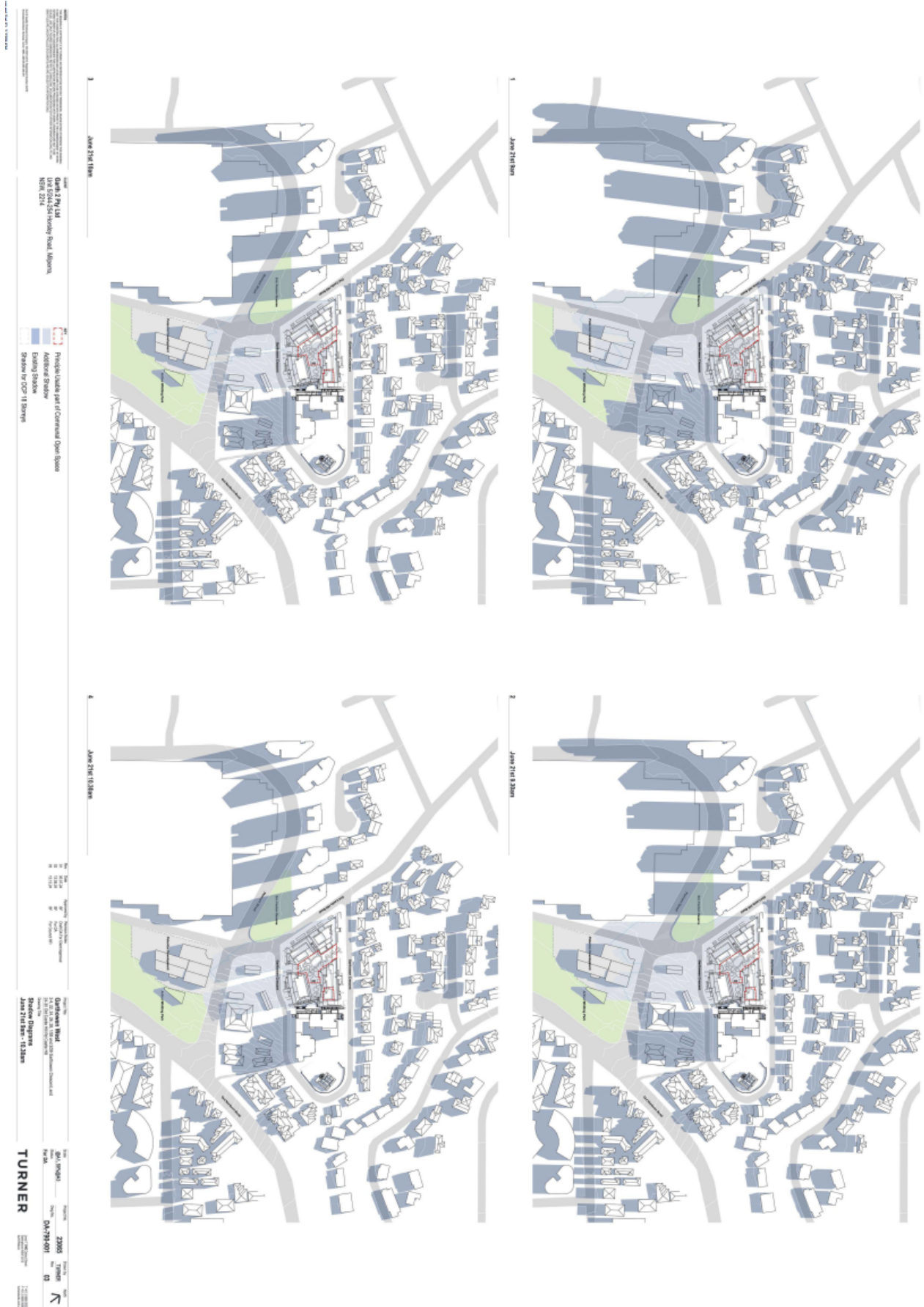


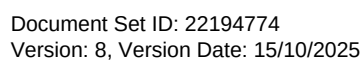


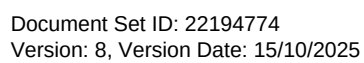
ATTACHMENT K – LANDSCAPE PLANS



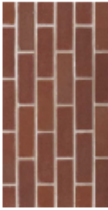
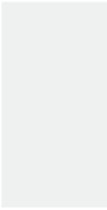
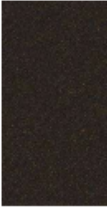
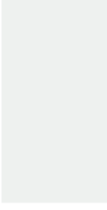
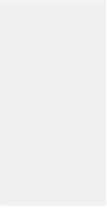
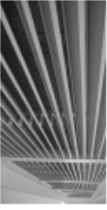
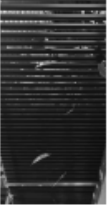
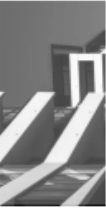
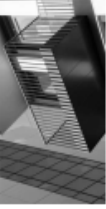
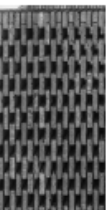
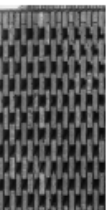
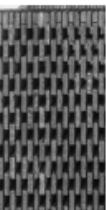
ATTACHMENT L – SHADOW DIAGRAMS







ATTACHMENT M – FINISHES SCHEDULE

Building B Materials & Finishes		Building D Materials & Finishes		Building C Materials & Finishes	
	BW4 Dry pressed brickwork. Mixed colour equal to Royal Delft 'Barnaby' with lighter Colour 'SUNWAVE' or similar		BW2 Dry pressed brickwork. Mixed colour equal to Royal Delft 'Barnaby' with lighter Colour 'SUNWAVE' or similar		BW1 Glazed brick tile. Colour equal to Astral Brick 'Barnaby' (Specially Selected 'Barnaby' with lighter Colour 'SUNWAVE' or similar)
	PC77 Powder Coat Finish. In red colour to match 'W802'		PC72 Powder coat finish. In Colour & Finish 'W810'. Pigment to Red or similar		PC75 Powder Coat Finish. In red colour to match 'W802'
	PC76 Powder Coat Finish. In red colour to match 'W802'		PC73 Powder coat finish. In Colour & Finish 'W810'. Pigment to Red or similar		PC75 Powder Coat Finish. In red colour to match 'W802'
	BW5 Dry pressed brickwork. Mixed colour equal to Royal Delft 'Barnaby' with lighter Colour 'W1' white or similar		BW3 Dry pressed brickwork. Mixed colour equal to Royal Delft 'Barnaby' with lighter Colour 'W802' or similar		BW1 Glazed brick tile. Colour equal to Astral Brick 'Barnaby' (Specially Selected 'Barnaby' with lighter Colour 'SUNWAVE' or similar)
Building A Materials & Finishes		Building C Materials & Finishes		Building D Materials & Finishes	
	PC78 Powder Coat Finish. In Colour & Finish to match 'W810'. Natural 'W802' or similar		PC74 Powder coat finish. In Colour & Finish 'W810'. Natural 'W802' or similar		PC74 Powder coat finish. In Colour & Finish 'W810'. Natural 'W802' or similar
	PC79 Powder Coat Finish. In Colour & Finish 'W810'. Natural 'W802' or similar		PC74 Powder coat finish. In Colour & Finish 'W810'. Natural 'W802' or similar		PC74 Powder coat finish. In Colour & Finish 'W810'. Natural 'W802' or similar
	PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B
	PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B
	PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B
	PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B
	PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B
	PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B		PC7 Decorative Precast Concrete. Colour and Finish to match PC7B

ATTACHMENT N – PERSPECTIVES



At the corner of Garthowen Crescent (north) and old Castle Hill Road looking down to the south-east



At the corner of McMullen Avenue and old Castle Hill Road looking north up to the development (Castle Towers and the Metro to the left)

ATTACHMENT O – DESIGN ADVISORY PANEL REPORT

DESIGN ADVISORY PANEL
DESIGN ADVISORY PANEL MEETING REPORT
9th OCTOBER 2024

Item 3.1	9.30am – 10.30am
DA Number	DA 366/2025/JP
DA officer	Sanda Watts
Applicant	Allan Caladine, Town Planning Consultant, CALADINES TOWN PLANNING PTY Ltd
Planner	Allan Caladine
Property Address	2, 4, 22, 24, 26, 28, 1/28, 2/28 Garthowen Crescent, Castle Hill and 26, 26A, 28, 30 Old Castle Hill Road, Castle Hill.
Proposal	 Residential flat development comprising four residential blocks delivering 264 dwellings and 143 hotel keys, and retail over a single structured basement car park.
Design review	First review DA (previous review pre-DA 10/04/2024)
Background	The site has been inspected by all Panel members
Applicant representative address to the design review panel	Landscape Architect: Charlie Robinson Architect: Stephen Cox Registration number: 6391
Key Issues	Summary of key issues discussed: • Tower heights • Cross site link interface • Deep soil and landscape • Solar access to communal open space

Panel Location	Hybrid meeting hosted by The Hills
Panel Members	Chairperson – Tony Caro Panel Member – Paul Berkemeier Panel Member – Matthew Taylor Apologies – Emili Fox, Keith Stead
Declaration of Interest	None
Councillors	None present
Council Staff	Sanda Watts, Marika Hahn, Shaylah Morgan
Other attendees	Sam Kassis - Owner Romio Georges –Owner Stephen Cox - Turner Architects Madeline McCarthy - Turner Architects Brian Fong - Turner Architects Charlie Robinson – Land and Form Anita Zhou – Land and Form

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 New South Wales Government Architect, which 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 7.7. 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.

DOCUMENTATION

The Design Advisory Panel reviewed the following 33 files issued to Council by the Applicant:

In summary, a total of 35 files are in the presentation folder.

Statement of Environmental Effects, dated August 2024, by Caladines Town Planning Pty Ltd

Architectural report, dated August 2024, by Turner Architects

Landscape Design report, dated August 2024, by Land and Form

Arborist report, dated August 2024, by Redgum Horticultural

Pre-DA DAP meeting report, dated April 10, 2024, by THSC DAP

Response to Panel comments, dated September 17, 2024,

Architecture drawing set comprising 25 file packages, dated August 2024, by Turner Architects

Landscape drawing set comprising 3 file packages, dated August 2024, by Land and Form

PANEL COMMENT

DA 366/2025/JP

The meeting commenced at 9.30am with the Applicant presentation and Panel questions clarifying changes. For clarity, the following minutes are based on the Panel's previous meeting report of 10 April 2024 (*repeated below in italics*). New comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DEP report. New comments from the meeting on 9th October 2024 are indicated in blue.

The Applicant confirmed that the isolated site No.22 Garthowen Crescent, Castle Hill is now included as part of the overall landholding.

1. Response to Context

*The Panel noted the topographical challenges of the site and the architect's consideration of this in the proposal. **New comment: This comment remains relevant.***

- *Whilst not discussed at the meeting, there is an overland flow path that potentially impacts this development (refer Councils Pre-lodgement notes). This can be accommodated through aligning the flow path along the eastern edge of the Old Castle Hill Road widening. The Applicant should demonstrate how this matter is to be resolved at the next meeting.*

New comment: This comment remains relevant.

- *The Panel advised the Applicant to provide a response for the concept design proposal that addresses the NSW Government Architects Connecting with Country Framework. This can inform placemaking and help to find resolution in some of the current design issues that have been highlighted in this early design phase.*

<https://www.planning.nsw.gov.au/sites/default/files/2023-10/connecting-with-country.pdf>

New comment: This comment remains relevant. The Applicant has responded to the existing landscape context through landscape design.

- *The Panel noted the development had potential to overshadow existing (Eric Felton Reserve/Arthur Whitting Park) and proposed (expansion of Arthur Whitting Park) public open space and that the application is subject to THSC DCP Section 20 Part 5.8 Solar Access and Overshadowing Control 3 "The development shall not create additional overshadowing of land identified for public open space between the hours of 11am-2pm on 21 June. This includes public open spaces outside and adjacent to the precinct". The draft Castle Hill Precinct Plan illustrates the potential expansion of Arthur Whitting Park, which could be impacted by overshadowing from the proposed development. Any impacts of shadows cast by the proposed development onto existing and proposed open space, as well as privately owned land, is to be clearly identified on plans at the next Panel meeting.*

New comment: This comment remains relevant. This has been resolved with the provision of drawing DA-790-002, illustrating that the shadow cast by the development does not impact upon the proposed expansion of Arthur Whitting Park between the hours of 11am -2pm.



Extract from the Draft Castle Hill Precinct Plan - Proposed new rooftop public open space.

Clause 7.7 Design Excellence
<i>4(c) Does the development detrimentally impact upon view corridors?</i>
<i>4(d) Whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,</i>
<i>f(iii) How does the development address the heritage issues and streetscape constraints?</i>

2. Site Planning and Built Form Strategy

- *The Panel supports the Applicants advice that Option 12 was preferred, subject to some building block massing modifications as described in this Report.*

New comment: Addressed. The Panel is supportive of option 12, noting comments below in relation to height variation between towers.

Clause 7.7 Design Excellence
<i>f i) How does the development address the suitability of the land for development?</i>
<i>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?</i>
<i>f(ix) How does the development address the pedestrian, cycle, vehicular and service access, circulation and requirements?</i>

Bulk, Scale and Massing

- *Noting that Building D is a hotel, the Panel does not support the proposed building separation between building blocks A and D. This will would create unacceptable building bulk and character in the precinct. It is not consistent with ADG objectives for residential amenity and DCP maximum building length controls.*

New comment: Addressed by increased separation to Block A and D

- *The Panel suggested that the Applicant, in consultation with planning staff, explore alternative distribution of height and floor layouts that better achieve building separation compliance and improved amenity outcomes.*

New comment: Partially addressed by increased plan separation between Blocks A and D

- *The Panel also noted that whilst the DCP identifies a maximum number of storeys, there is no LEP height control applicable for the bulk of this site. The generous maximum allowable GFA (FSR 4.3:1) may be better accommodated by a judicious increase in height and corresponding reduced plan footprints for Building A, Building D or both.*

New comment: The architects have investigated and made minor adjustments.

- *The Panel noted and supports the relatively small footprints of the proposed residential towers, and a design that varies height to achieve some more slender elements would be a positive outcome in terms of built form, view capture and building separation.*

New comment: The Panel notes the applicant has made Block D (hotel) floor plate slightly smaller.

- *The Applicant should demonstrate how adverse wind conditions as a result of the development block arrangement will be mitigated to not adversely impact upon residents use on private open space in development block A and the podium communal open space areas.*

New comment: This comment remains relevant. Wind mitigation to pedestrianised/planted areas will constrain vegetation growth and needs to be addressed.

Clause 7.7 Design Excellence
<i>f(v) Does the development successfully resolve and integrate the bulk, massing and modulation of proposed buildings?</i>
<i>f(x) Does the development address the impact on any proposed improvements to the public domain?</i>

Site Coverage/ Landscaped Open Space.

- *The site coverage was not stated. This information should be provided at the next Panel meeting.*

New comment: The applicant has stated a 12% coverage has been provided.

- *The Panel advises the development is to achieve the minimum 15% deep soil zone area specified in the ADG for sites exceeding 1,500m², or as close to 15% as possible. Providing the minimum 7% deep soil zone area is not considered to be design excellence.*

New comment: This comment remains relevant.

- *The Panel advises that a more detailed landscape concept be provided for the next Panel meeting. This concept should include all recommendations made by Council's Landscape Officer prior to returning the meeting. The landscape concept should include:*

- *response to site context and Connecting with Country*
- *spatial arrangement, circulation, and function of different spaces*
- *levels and grading, including wall and fence heights.*
- *deep soil zones as an integrated response with canopy cover and landscape area soil standard calculations (depth width and volume) for planters on structure canopy cover calculations.*
- *landscape area calculations.*
- *proposed materiality, including hard and soft landscape.*

New comment: The Panel notes the biophilic aspirations stated by the applicant, yet some planted areas on structure appear to have only 400mm soil depth. The Applicant should ensure that minimum soil depth and width requirements are achieved for all planting areas.

- *The Panel would like to see plans identifying all communal open space on the site and on buildings, as well as internal spaces for communal use.*

New comment: This comment remains relevant. The Panel recommends that measured drawings and a planting plan are also required for the cross-site link.

New comment: The Landscape Architect should confirm with Council's landscape staff that the species proposed are appropriate to the site context.

3. Compliance

Height

- *As noted above, the Panel recommends consideration of alternative options that may result in height increases to some of the towers to provide greater variety on the skyline and to also redistribute floor space in order to meet ADG minimum distance separation between building blocks A and D.*

New comment: The Panel has previously suggested that more variation in height between the two taller buildings could lead a less dense perception of the overall built form and a more diverse skyline. There is an opportunity on the subject site to achieve this, as there are no height controls metrics in the LEP. Existing development to the NW of the site is an example of how high FSRs and blanket height controls result in an aggregated mass and bulk that creates a level of visual oppressiveness unsuited to The Hills LGA.

Density

- *It is unclear if the LEP requirements of the LEP incentivised clause are met to council's satisfaction. This is to be confirmed with the DA officer and clarified prior to the next Panel meeting.*

New comment: The LEP requirements appear to be met. Confirm with Council's planning officer.

Setbacks

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

New comment: This comment remains relevant. The architects advised that this has been achieved with some minor local variations due to irregular site geometry and road alignments.

- The Panel notes that the street setbacks are generally compliant with the DCP objectives and controls. All street widening requirements particularly on Old Castle Hill Road should be confirmed with council prior to detailed design documentation and the next meeting.

New comment: Refer above.

Apartment Mix and Building Design

- Apartment mix is to be confirmed by council officers as being satisfactory in meeting the intent of the incentivised clause and Housing SEPP 2021 Schedule 9 Design Principle 8 Housing diversity and social interaction.

New comment: This comment remains relevant.

- The Panel advised that community facilities provision for the residents of the development should be clearly articulated at the next panel meeting. This includes community rooms, children's play areas and other recreation facilities as per Housing SEPP 2021 Schedule 9 Design Principle 8 Housing diversity and social interaction.

New comment: This has been addressed. The Panel has undertaken an overview of typical unit planning, and notes the efficiency and accomplished spatial planning provided by the architects.

- The Panel suggested more clarity of access, entry, natural light and generosity of space in residential lobbies at ground floor levels.

New comment: This comment remains relevant.

New Comment: The Panel noted that the signage for the hotel should be carefully considered as the nominated location is a prominent in the local visual catchment.

Clause 7.7 Design Excellence
LEP controls
4 (e) the requirements of any development control plan to the extent that it is relevant to the proposed development,
f(vi) Does the development comply with street frontage heights?
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 the involvement of a landscape architect at the early stages of the process to enable meeting the objectives and criteria stated in Housing SEPP 2021 Schedule 9 Design Principle 5 Landscape and to ensure that landscape design is considered at the site planning and massing stage of projects.

New comment: This comment remains relevant. The Panel is not convinced that the planting selection, soil depth and width in the artificial environment between the substantial proposed built form will thrive. Limited sun access and wind shear combined with restricted planters will result in a poor outcome for the landscape. The panel is doubtful that the canopies shown will be achieved and therefore the canopy cover will not be realised.

- The visual connection into the podium open space from Garthowen Crescent (north) between the buildings is supported by the Panel.

New comment: This comment remains relevant.

- The Panel notes THSC DCP Part D Section 20 Clause 5.3 Open Space and Landscaping has specific requirements that should be documented as being achieved for the next meeting. This includes 50% Landscape Area requirement which may include consideration of green roofs and planter boxes.

New comment: Compliance to be demonstrated to Council's Landscape Officer prior to the DA submission.

- The Panel also notes the recommendations made in the Greener Neighbourhoods Guide part 6 (DPIE) as well as compliance with ADG Landscape Design requirements are to be addressed and presented at the next Panel meeting.

New comment: This comment remains relevant.

- Detailed landscape plans are required at the DA stage with all level changes clearly indicated. As indicated above, the Panel would like the recommended ADG deep soil areas for large sites to be achieved (15%) and for the plans to demonstrate soil standard requirements for trees and planting, including on structure, with Council staff.

New comment: Compliance to be demonstrated to Council's Landscape Officer prior to the DA submission.

- The Panel advises more detail is to be provided regarding the podium design which includes consideration of structural set downs for some areas with adequate soil volume as per the ADG minimum soil standards to support medium as well as small sized trees in the centre of the site. Use of raised planters only throughout the podium, especially for tree planting with deeper soil requirements, can compromise soil volumes and amenity and is not conducive to achieving design excellence.

New comment: The Panel noted that some information is still be required to be provided to council's Landscape officer and recommends this be provided in full prior to the DA submission.

- The principal communal open space is compromised by the location of ventilation shafts located within the centre of the common open space. The size and height of these objects was not clear, and alternative locations for ventilation shafts should be identified.

New comment: This comment remains relevant. The carpark exhaust is indicated within and impacting the public domain. The Panel considers that the exhaust from the car park should not impact upon the public domain areas or communal open space or where residents may be affected. General advice from the Panel is that exhaust should only occur in areas where there is not going to be a conflict of function and residential amenity, or otherwise be ducted to roof of the building. The Panel advises the current scenario does not achieve consistency with the ADG Design Criteria 4J Noise and pollution and should be resolved.

- The Panel advises that setbacks are not considered as being communal open space and should not be included in the communal open space calculation.

New comment: This comment remains relevant. The architect's response to the previous Panel Report and recommendations challenges this advice.

- The Panel notes that the landscape design should achieve minimum 40% tree canopy cover to mitigate urban heat island impacts and provide adequate shade. Calculations for canopy cover should be presented at the next Panel meeting.

New comment: This comment remains relevant.

Clause 7.7 Design Excellence

f (xi) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,

Public Domain

- The Panel discussed and noted that the interface between the site and the designated public pedestrian cross-site link requires consideration both from a design, pedestrian amenity and a CPTED review. The proposed basement entry off Garthowen Crescent (north) immediately adjacent to the cross site link appears to compromise the public nature and amenity of the link.

New comment: This comment has been addressed.

- Provision of cross sections along the length of the cross site link facing both directions (east and west) and views illustrating the interface and pedestrian experience should be provided at the next Panel meeting. Coordination with all site levels is to be demonstrated.

New comment: This comment remains relevant.

- Where there is an interface with car parking along the cross-site link this must be clearly identified.

New comment: This comment remains relevant. This wasn't clarified in the meeting and does not appear visible in the cross section.

Streetscape

- *All entries to lobbies, public open spaces and retail facilities are to be compliant with DDA regulations.*

New comment: This comment remains relevant.

- *Localised adjustment of longitudinal grades to suit building/ development entries is not considered to be a good design outcome.*

New comment: This comment remains relevant. The Panel advises this appears to have been taken into consideration with the stepping of the podium along Old Castle Hill Road.

- *The DCP requires an activated street frontage along Old Castle Hill Road. The provision of street trees and/or soft landscape treatments to soften this edge must be carefully coordinated with Council's Landscape Architect.*

New comment: This comment remains relevant. The Panel advises that generous landscape treatments will benefit both pedestrians, hotel guests and retailers along Old Castle Hill Road in providing an appropriate and defensible public open space.

- *Further detail is required to demonstrate how the topography of the Old Castle Hill Road frontage works with the hotel entry and the floor levels of the retail spaces.*

New comment: Appears to be resolved.

- *The landscape proposal for the treatment of the Garthowen Crescent frontages in accordance with street typology articulated in the DCP should be fully documented and presented at the next meeting by the Landscape architect.*

New comment: Appears to be resolved.

- *The southern side car parking entry and below grade areas require further design development. Coordination with street levels and the development interface is to be demonstrated.*

New comment: This comment remains relevant.

Private Domain

- *More information is required with respect to the provision of equitable communal open space that receives solar access. If access is to be restricted to a single tower the Panel recommends a plan of management be prepared that clearly establishes how equitable access is to be maintained for all residents of the development. The applicant is to provide to Council an analysis of the open spaces that are within a 5- 10 minute walking distance from the proposal so that private domain area can address the needs of the residents and visitors in relation to the existing open spaces.*

New comment: This comment remains relevant.

4. SEPP 65 items to be clarified or revised:

Apartment Design Guide

ADG compliance is not yet adequately demonstrated in a number of key areas. Additional information be provided to demonstrate that the development is meeting the objectives and design criteria in many parts of the ADG. Specific items as noted at the meeting were:

- *Building separation internally and to boundaries.* New comment: to satisfaction of Planning Officer.
- *Cross privacy between units facing into the courtyard.* New comment: to satisfaction of Planning Officer.
- *Insufficient deep soil provision.* New comment: Not yet resolved.
- *Solar access to communal open space at ground level.* New comment: Demonstrated

Additional Items

- *Ensure exposed windows are adequately shaded.*
- *Detailed planning of larger units to maximise opportunities for flexibility and amenity of occupants.*

5. Sustainability and Environmental amenity

- *The requirements of Housing SEPP Schedule 9 Design Principle 4 Sustainability should be further considered and demonstrated through design actions and presented at the next Panel meeting these being:*
- *New comment: Further detail on sustainability measures should be provided if required by the Planning Officer during the assessment process.*
- *The Panel also notes the specific sustainability requirements of Clause 7.7 of the Hills LEP and recommends that these be addressed in full at the next Panel meeting.*
- *The Panel notes the statements made by the applicant concerning the use of recycled materials, photovoltaics on the tower roofs, and deep soil zones. It is unclear if there is adequate deep soil zone provision, above what is required. The Panel recommends rain water storage for reuse be provided.*
- *Shadow diagrams have yet to be provided that illustrate the impact of the development on the site and surrounding sites, including public domain open space. The Panel recommends these be provided clearly illustrating the full impact of the cast shadows created by the proposed development at ½ hourly intervals on June 21st between the hours of 9am to 3pm.*

New comment: This has been provided in the drawing package.

- *The Panel notes that statutory requirements and minimum ADG design objectives and design criteria that pertain to sustainability will need to be provided for a design to be considered as achieving design excellence. The Panel is confident that the Applicant is able to not only meet these minimum requirements but also present innovative sustainability solutions. Refer also to THSC DCP Part D Section 20 Clauses 4.5 & 4.6.*

New comment: To be provided to Council's Assessment Officer.

Clause 7.7 Design Excellence
<i>f(vii) How does the development address environmental impacts such as sustainable design, overshadowing, wind and reflectivity ?</i>
<i>f(viii) How does the development address the achievement of the principles of ecologically sustainable development ?</i>

6. Architecture and Aesthetics

- *This was not discussed in detail at the meeting. A range of different façade treatments were presented, but it is not clear what the design strategy is. Podium elements should have a character appropriate to their street presence and function and be articulated from setback tower elements above.*

New comment: This comment remains relevant. The Panel supports the clear differentiation of tower and podium materiality, the latter of which includes use of glazed brick at the retail podium level and the proposed gradation in brick colour as the building transitions from Old Castle Hill Road and moves up Garthowen Crescent.

- *The Panel supports the use of well detailed low maintenance, durable external materials (such as face brickwork) that require less maintenance in comparison to painted masonry/concrete.*
- *The Panel queried the efficacy of the dual scalloped balconies facing north for Tower A. In addition, there was concern expressed about how this element resolved at its upper levels, and that a calmer visual resolution may be preferable.*
- *Street front utility service elements are required to be integrated into building fabric and landscape as per THSC DCP. Refer to the following council facts sheets for design guidance:*
- *New comment: This comment remains relevant. The fact sheets must be understood, and the OSD tank would be better located under the driveway to provide more opportunity for deep soil within the street setback.*
- *It appears that some rooftop HVAC equipment may be visible from Old Northern Road and consideration should be given to screening.*

[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%20sheet%20-%20building%20design%20site%20facilities%20-%20mail%20boxes%20in%20medium%20and%20high%20density%20development.pdf)

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Clause 7.7 Design Excellence

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

f(x)How does the development address the impact on, and any proposed improvements to, the public domain?

SUMMARY OF PANEL RECOMMENDATIONS

- Review building envelopes for better compliance with setbacks and distance separation as per ADG objectives, to Council officer's satisfaction.
- Ensure communal facilities and related spaces provide appropriate, equitable amenity, to Council officer's satisfaction.
- Provide a comprehensive landscape design that addresses deep soil provision (volume, width and depth), high canopy tree planting and substantial landscape understorey planting, longevity of infrastructure supporting plantings, with clear diagrams that explain the scheme and adherence to the ADG and DCP as a minimum. The drawings are to be documented to a DA submission standard for a future DA Panel submission, to Council's Landscape officer's satisfaction.
- The private public domain demonstrates an appropriate amenity that provides a range of areas, spaces and types for the community, for congregating in both groups and singly. The Panel advises consideration of appropriate ecological comfort zones be provided for the seasonal changes experienced in Castle Hill.
- Comply with the solar access requirements for public open space within and around the site. The Panel advises this has been demonstrated with shadow diagrams.
- Provide design solutions coordinated with the landscape architect for all interfaces with the public domain in particular:
 - Interface with the publicly accessible pedestrian cross site link along the eastern boundary. To Landscape officer's satisfaction.
 - Interface with Old Castle Hill Road, utilisation of public domain treatments similar to those utilised in the Castle Hill Strategic Centre to soften street edges could be considered to provide separation between the busy road and pedestrians. The Panel advises the Applicant has made appropriate design changes that will improve the pedestrian amenity and visual appearance from the street.

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 presenting at the pre-DA stage and considers the proposal as presented has merit but is yet to satisfy the requirements of Clause 7.7 – Design Excellence of the Hills LEP. It is recommended that the Applicant addresses the issues identified in this report and presents a revised application to the Panel after consultation with council staff and consideration of the recommendations provided.

New comment: The Panel thanks the Applicant for presenting at the DA stage and considers the proposal as presented has merit but is yet to satisfy the requirements of Clause 7.7 – Design Excellence of the Hills LEP. It is recommended that the Applicant addresses the issues identified in this report and presents a concise update of the application to the Panel, if required, after consultation with council staff and consideration of the recommendations provided.

ATTACHMENT P – WATERNSW GENERAL TERMS OF APPROVAL



General Terms of Approval

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

Reference Number:	IDAS1157740
Issue date of GTA:	19 February 2025
Type of Approval:	Water Supply Work
Description:	Excavation
Location of work/activity:	2, 4, 22-28 & 1-2/28 Garthowen Crescent, 24-30 & 26A, Old Castle Hill Road, Castle Hill NSW 2154
DA Number:	366/2025/JP
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 paragraph 17A, 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

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water.enquiries@waterNSW.com.au | www.waterNSW.com.au



General Terms of Approval

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

Reference Number: IDAS1157740

Issue date of GTA: 19 February 2025

Type of Approval: Water Supply Work

Description: Excavation

Location of work/activity: 2, 4, 22-28 & 1-2/28 Garthowen Crescent, 24-30 & 26A, Old Castle Hill Road, Castle Hill NSW 2154

DA Number: 366/2025/JP

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2023

- standing water level of the groundwater; iii. Water quality: Include a programme 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.watarnsw.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

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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: IDAS1157740

Issue date of GTA: 19 February 2025

Type of Approval: Water Supply Work

Description: Excavation

Location of work/activity: 2, 4, 22-28 & 1-2/28 Garthowen Crescent, 24-30 & 26A, Old Castle Hill Road, Castle Hill NSW 2154

DA Number: 366/2025/JP

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Groundwater Sources 2023

Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise 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.

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 366/2025/JP as provided by Council:

- - Geotech Investigation Report, JKGeotechnics, 20-8-2024,
- - SEE, Caladines Town Planning Pty Ltd, 26-8-2024,
- - Site Hydrology Report (SHR), JKGeotechnics, 8-11-2024,
- - Dewatering Management Plan, JKGeotechnics, 8-11-2024,
- - Architectural Drawings, Turner,
- - WNSW Various Env't Maps eg ASSoils, WSP Distances
- - Varous Searches eg AHIMs, EPA, Heritage

ATTACHMENT Q – DRAFT SUBDIVISION PLAN

