

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-77
DA Number	DA 1037/2020/JP
LGA	The Hills Shire Council
Proposed Development	Demolition of existing structures and construction of four residential flat buildings containing 292 units, 362 car spaces, neighbourhood shop, pocket park and the provision of a pedestrian cross through link.
Street Address	125-127 Showground Road, 4-10 Carrington Road, 15A-23 Sexton Avenue, Castle Hill
Applicant	Ecospective Fifth Land Pty Ltd
Consultant/s	LJB Urban Planning Turner Architects Australis Tree Management Turf Design Studio Ason Group Efficient Living Wood & Grieve Engineers/Stantec Adams Engineering Design Confidence McKenzie Group Haron Robson Douglas Partners Intrax Consulting Engineers Veris Australia Construction Consultants Barker Ryan Stewart
Date of DA lodgement	31 January 2020
Number of Submissions	Six
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$119,054,817)
List of all relevant s4.15(1)(a) matters	EPIs: • State Environmental Planning Policy (State and Regional Development 2011) • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • The Hills Local Environmental Plan 2019 Draft EPIs: • Draft Environment SEPP Relevant Development Control Plan/Guidelines The following sections of The Hills DCP 2012: • The following sections of The Hills DCP 2012: - o Part B Section 5 – Residential Flat Building

	- o Part C Section 1 – Parking - o Part C Section 3 – Landscaping - o Part D Section 19 – Showground Precinct • Apartment Design Guide Any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia): • Nil Relevant regulations: • Demolition of buildings – <i>Environmental Planning and Assessment Regulation 2000</i> - Clause 92(1)(b)
List all documents submitted with this report for the Panel's consideration	• Plans • Statement of Environmental Effects • Clause 4.6 • Concurrence from Sydney Metro • Concurrence from Transport for NSW
Clause 4.6 requests	• The Hills LEP 2019 • Clause 4.3 Height of Buildings • R4 High Density Residential zone
Summary of key submissions	• Bulk and scale • Height non-compliance • Amenity impacts to adjoining properties • Setbacks • Apartment Design non-compliances (cross ventilation and solar access) • Poor urban design and planning outcome • Non-compliance with DCP storeys control
Report prepared by	Cynthia Dugan - Principal Coordinator Development Assessment
Report date	Electronic Determination

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

Conditions

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

EXECUTIVE SUMMARY

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

- This application is accompanied by a request to vary Clause 4.3 Building Height development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan. Clause 4.3 of LEP 2019 limits the height of the development site to 40 metres. The proposed maximum building heights of Buildings A1, A2, B1 and B2 are 41.73m, 42.6m, 40.75m and 43.32m respectively. This represents a variation of 1.7m (4.5%), 2.6m (6.5%), 0.755m (1.9%) and 3.32m (8.3%) to the height standard. A Clause 4.6 written submission has been prepared and submitted with the application. It is considered that strict compliance is unreasonable and unnecessary in this instance and the variation can be supported.
- The application complies with the housing diversity and incentive FSR provisions under Clause 9.7 of The Hills Local Environmental Plan.
- The application was referred to Council's Design Review Panel. The Panel made a number of recommendations to ensure the proposal can be considered to exhibit design excellence. The Applicant has addressed the concerns raised by the Design Review Panel to the satisfaction of Council officers. It is considered that the proposal exhibits design excellence in accordance with Clause 9.5 of The Hills Local Environmental Plan.
- The site contains SP2 land that is subject to local road widening on the land acquisition map under Clause 5.1A of The Hills LEP and 2m land dedication under The Hills DCP 2012. The development includes a plan of subdivision indicating the SP2 land fronting Showground Road and Carrington Road to be dedicated and/or acquired by Transport for NSW and Council and the 2m road widening fronting Sexton Avenue to be dedicated at no cost to Council. The development has been designed to the new property boundary alignment after this road widening. Transport for NSW has granted concurrence to the development, subject to recommended conditions of consent.
- The development is located directly above the Sydney Metro railway corridor. Sydney Metro has granted concurrence to the development.
- Variations are proposed to the building separation, apartment layout design criteria, and minimum depth dimensions for balconies within the Apartment Design Guide. It is considered that subject to recommended conditions, the variations can be supported as adequate privacy mitigation measures have been implemented in the design to ensure negligible overshadowing and overlooking impacts occur to residents within the development and an acceptable level of residential amenity is provided to each unit.
- Variations are proposed to a number of controls within the DCP. These relate to site specific controls within the Showground Precinct including the structure plan, movement network, setbacks, site coverage, landscaping, building façade lengths, communal open space area, and residential uses on ground floors. It is considered that despite these variations, the proposal provides for a high quality landscaping and design outcome for the site and meets the intent and desired future character for the Showground Station Precinct.
- The application was notified for a period of 14 days on two occasions. Six submissions were received during the notification periods. The concerns raised relate to bulk and scale, height, amenity impacts to adjoining properties, inadequate setbacks, Apartment Design Guide non-compliances to cross ventilation and solar access, poor urban and

planning outcome, DCP non-compliance to number of storeys control. These issues have been satisfactorily addressed and do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

BACKGROUND

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

The subject Development Application was lodged on 31 January 2020 for the demolition of existing structures and construction of four residential flat buildings containing 296 units. The proposal was notified between 18 February 2020 and 10 March 2020. No submissions were received following the notification period.

Council's Design Review Panel reviewed the subject application on 25 March 2020. It is noted that the Panel previously reviewed the concept plans for this development at the pre-lodgement stage on 22 May 2019. The Panel made a number of design recommendations to the proposal. The Panel concluded that if the Applicant addresses the matters identified in the report to the satisfaction of the assessing officer, the project need not return to the Panel for further consideration.

A request for additional information letter was sent to the applicant on 3 April 2020 raising concerns relating to dual key units not meeting the unit mix/size provisions under Clause 9.7, calculation of Floor Space Ratio to not include land that is zoned SP2, height exceedance and design excellence. Information was also requested to address issues relating to non-compliances with SEPP 65 Apartment Design Guide compliance and The Hills DCP including setbacks, building length, communal open space, parking and street verge details. Requests for additional information from Sydney Metro and Transport for NSW were also forwarded to the Applicant.

A further request for additional information from Sydney Metro was sent to the Applicant on 6 May 2020, 16 September 2020 and 22 October 2020. Clarification was sought regarding the submitted Sydney Metro Engineering Impact Assessment Report and Acoustic Report. Additional information was submitted by the Applicant on 6 August 2020 and 15 October 2020. Concurrence was granted by Sydney Metro on 17 December 2020.

Further requests for additional information were sent to the Applicant on 5 May 2020 and 22 June 2020 regarding landscaping matters. Further requests for additional information were sent to the Applicant on 22 June 2020, 9 July 2020 and 15 October 2020 regarding outstanding engineering matters.

Additional information and amended plans were submitted on 24 July 2020. The amended application was notified between 28 July 2020 and 18 August 2020. Six submissions were received following the notification period.

Council officers briefed the SCCPP on 15 October 2020. The Panel noted the following matters of concern:

- *Height exceedances, particularly with regard to buildings fronting Showground Road. The Panel observed that these height exceedances are exacerbated by encroachments into setbacks at both the ground level of the building and at upper levels of the building and recommended review of the height exceedance and setback encroachments to ensure a built form that is sufficiently modulated and scaled.*
- *Sydney Metro concurrence has not yet been obtained.*

- *Transport for NSW has objected to the application and has requested the applicant produce SIDRA modelling for the precinct. The Panel considers this requirement unreasonable as the applicant cannot be required to solve the traffic challenges of the precinct, and that traffic studies for the precinct were undertaken relatively recently as part of the up-zoning of the locality. The Panel observed that Transport for NSW have made similar request in relation to other DA's in the Hills area.*

Additional information and amended plans were submitted on 30 November 2020 to address outstanding concerns raised by Council officers and the SCCPP.

A request for additional information was sent to the Applicant on 6 January 2021 regarding outstanding waste management matters. A further request for additional information regarding outstanding landscaping matters was sent to the Applicant on 14 January 2021.

Additional information and amended plans regarding landscaping and civil works were submitted on 29 January 2021.

DETAILS AND SUBMISSIONS

Zoning:	R4 High Density Residential and SP2 Infrastructure
Area:	10,666m ² (9,710m ² excluding SP2 land)
Existing Development:	Dwelling houses and ancillary structures
Section 7.11 Contribution	\$3,614,799.09
Exhibition:	Not required
Notice Adj Owners:	14 days on two occasions
Number Advised:	40 on both occasions
Submissions Received:	Six

PROPOSAL

The proposed development seeks consent for the demolition of existing structures and construction of a residential flat building development containing 292 units with a mix of 70 x 1 bedroom units, 163 x 2 bedroom units and 59 x 3 bedroom units and 362 car spaces within the basement. A neighbourhood shop, pocket park, the provision of a pedestrian cross through link and consolidation of all lots is also proposed.

The proposal comprises four interlocking buildings divided into two larger building forms which contain Buildings A1/A2 and B1/B2, ranging in height from 3 to 13 storeys above two basement levels. A centrally located ground level communal open space is proposed which incorporates a 20m swimming pool. Rooftop communal open space areas are also proposed on each of the four buildings.

A neighbourhood shop comprising an area of 100m² and a pocket park comprising an area of 547.1m² is proposed at the northern corner of the site. A public cross through link is proposed along the southern property boundary to connect Sexton Avenue with Carrington Road.

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

Car Parking is provided on the site with two basement car park levels and a split car park on ground level (due to the fall of the site). A total of 362 spaces is provided, with 296 resident spaces, 60 visitor space, 6 retail spaces and a car wash bay.

The Application is accompanied by a written Clause 4.6 request to vary the maximum height of 40m as required under Clause 4.3 of The Hills LEP 2019. The proposed maximum building heights of Buildings A1, A2, B1 and B2 are 41.73m, 42.6m, 40.75m and 43.32m respectively. This represents a variation of 1.7m (4.5%), 2.6m (6.5%), 0.755m (1.9%) and 3.32m (8.3%) to the height standard.

The proposal seeks to utilise the 'incentive' floor space ratio provision under Clause 9.7 of The Hills LEP 2019 which permits a maximum incentive FSR of 3.1:1 (maximum GFA of 30,101m²). The proposed total floor area of 30,088m² results in a floor space ratio of 3.0987:1.

The development includes a plan of subdivision indicating the SP2 land fronting Showground Road and Carrington Road to be dedicated and/or acquired by Transport for NSW and Council. Land acquisition of this SP2 zoned land will occur as a separate process to the subject application.

2m wide land dedication for road purposes is also provided along Sexton Avenue (at no cost to Council).

STRATEGIC CONTEXT

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). The subject site is located within 200m walking distance of the Showground Station.

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

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

Central City District Plan

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

The relevant Planning Priority of the Central City District Plan is Priority C5 which seeks to provide housing supply, choice and affordability and ensure access to jobs, services and public transport. The proposed development will assist in increasing housing supply in a location which will have access to high frequency public transport services. The proposal also includes a neighbourhood shop and publically accessible spaces including a pocket park and a pedestrian link from Sexton Avenue to Carrington Road which would provide services and better access to public transport. The development proposal is considered to be consistent with the Central City District Plan.

ISSUES FOR CONSIDERATION

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

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

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

The proposed development has a Capital Investment Value of \$119,054,817 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

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

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

Clause 7 of the SEPP states:

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

it has considered whether the land is contaminated, and

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

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

Council's Environmental Health Officer has reviewed the Preliminary Site Contamination Investigation prepared by Douglas Partners Pty Ltd, project number 86820.01, dated 17 December 2019. The report concludes that there is generally a low potential for contamination at the site and that the site can be made suitable for the proposed development subject to implementation of a hazardous material building survey prior to demolition of site features, soil sampling of footprints of site features and correct disposal of excavated soil.

Subject to conditions requiring the implementation of all recommendations made in the Site Investigations Report (refer condition 26), the site can be made suitable for its intended use.

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

The required Design Verification Statement was prepared by Stephen Cox, registration number 6391 of Turner Architects.

a. Design Quality Principles

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

Principle 1: Context and neighbourhood character

The proposal is compatible with the desired context and neighbourhood character of the Showground Station precinct. The subject development is located within a R4 High Density Residential zone. The future desired character for residential areas are to be green and walkable, reinforcing the garden shire character and lifestyle, provide a lifestyle alternative to the traditional suburban context, focused highly on an appropriate scale and an attractive environment for pedestrians. The proposal responds to the desired future character the area with a building design and public realm that provides good amenity for the residents and visitors to the site. A pedestrian link through the site from Sexton Ave to Carrington Road will provide for a more walkable and well connected development to the Sydney Metro station. In this regard, the proposal is compatible with the desired neighbourhood character of the Showground Station precinct.

Principle 2: Built form and scale

The proposal is consistent with the requirements of the Hills Council LEP, and is appropriately designed by modulation of the built form, generous front setbacks and stepping in scale to minimise the perceived scale and breaks between buildings. The street setbacks, podium level setback and varying typologies of built form provide an appealing scale to pedestrians. A break between the built forms provides a visual connection between Sexton Avenue and Carrington Road. The interface between the development and the public open space area has been duly considered with appropriate setbacks and façade treatments to ensure a high level of amenity is provided.

Principle 3: Density

The subject proposal provides for 292 dwellings for the site. The proposal complies with the incentivised FSR provision under Clause 9.7 of LEP 2019. The density is consistent with the site's strategic location and the surrounding character of adjoining development as Council's strategic vision for the Showground Station Precinct is to locate highest density development closest to the station and local centre and reduce the densities further from the station. In this regard, the proposal is appropriate for the site and future Showground Station precinct.

Principle 4: Sustainability

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

Principle 5: Landscape

The landscape plan indicates a comprehensive design for both private and public domains. The landscaping of the development has formed an integral element to the overall design of the development, with 30% of the site area being utilised for common open space. The common open space areas are located on the ground floor and on the roof top of all

buildings and have been designed with sufficient solar access and high levels of amenity with the provision of a swimming pool, flexible lawn areas, barbeque areas and covered lounging space. The proposal provides for deep soil to 16% of the site area. Generous setbacks are provided with high quality landscaping along the street frontages. It is considered the proposal results in a high quality landscape outcome for the site.

Principle 6: Amenity

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

Principle 7: Safety

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. The communal open space areas are gated from public access to the pocket park and cross through link. Private spaces are clearly defined and screened.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the unit mix and internal floor areas as required under the Apartment Design Guide and The Hills DCP 2012. The application includes 70 x 1 bedroom units, 163 x 2 bedroom units and 59 x 3 bedroom units where 24% of the units are one bedroom units and 20% of the units are three bedroom units and complies with the larger, family friendly unit size local housing diversity provision within the Showground Station Precinct under Clause 9.7 of the LEP.

Principle 9: Aesthetic

The proposed buildings provide a visually interesting and modern built form with a variety of buildings elements. The built form is well integrated with the landscape open areas. The architectural palette focuses on using richer natural/integrated finishes and materials on street level podiums, with simpler forms and materials on the upper levels. The articulation of different building blocks will provide for a varied and interesting street edge, reinforcing pedestrian scale and residential nature of the precinct. In this regard, the aesthetics of the proposal is appropriate for the site.

b. Apartment Design Guide

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

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct	Yes. 30% of the development site area (2,632,4m ²). The principal usable part of

	sunlight for 2 hours midwinter.	the roof top communal open space area will receive at least 50% direct sunlight for 2 hours during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes. Approximately 16% of the development site area is true deep soil zones as defined within the ADG.
Separation	For habitable rooms, 12m (6m to boundary) for 4 storeys, 18m (9m to boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	No. Refer to discussion below. Variation to the building setback/separation between the eastern property boundary and balconies and habitable room windows in building A1 occurs to the following units: 901, 906, 1001, 1008 and 1201 (9m provided where 12m required for above 8 storeys). Variation to the building separation between balcony to balcony and balcony to window occurs internally to buildings A2 and B1 for the following units: 513/521, 514/521, 613/621, 913/921, 914/921, 909/920, 1013/1021, 1014/1021, 1009/1020, 1105/1113, 1106/1113 and 1102/1112 (16m to 17m provided where 18m required for 5-8 storeys and 24m required for above 8 storeys).
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been considered with the placement of windows and balconies. Screening devices and blade walls set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Car parking	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:	Yes. The site is located within 200m of the future Showground Station. 330 spaces would be required in accordance with the RMS rate. 362 spaces provided.

	0.6 spaces per 1 bedroom unit. 42 0.9 spaces per 2 bedroom unit. 146.7 1.40 spaces per 3 bedroom unit. 82.6 1 space per 5 units (visitor parking). 58.4	
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 achieve two hours solar access for 70% (205 of 292) of apartments between 9am and 3pm midwinter. Yes. There are 13.7% (40 of 292) of apartments that will not receive any solar access 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. A total of 60% (139 of 231) of units in first nine storeys will meet the cross ventilation requirements or can be naturally ventilated. Yes. The maximum overall depth is 18 metres for a cross through apartment, measured glass line to glass line.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes. Floor to ceiling height at least 2.7 metres for all apartments. NA. Buildings are located on R4 zoned land. Neighbourhood shop comprises floor to ceiling height of 3.3m.

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. 1 bedroom 51m² - 65m² 2 bedroom 76m² - 119m² 3 bedroom 98m² - 146m² Where additional bathrooms are proposed, an additional 5m² has been provided. No four bedroom units proposed. All habitable rooms have windows greater than 10% of the floor area of the dwelling.
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.	Yes. No, Units 116,117,118,119, 212, 214, 217, 218, 318, 320, 333, 411, 418, 425, 426, 427, 516, 527, 616, 627, 716, 727, 816, 827, 916, 927, 1016, 1027, 1108, 1119 have maximum depths over 8m from a window. Refer to discussion below. Yes.
Balcony area	The primary balcony is to be: Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m	No, refer to discussion below. All balcony sizes comply however minimum depth of 2.4m is not achieved for the following units: 210, 310, 318, 333, 409, 418, 427, 509, 516, 527, 609, 616, 627, 709, 716, 727, 809, 816, 827, 909, 916, 927, 1009, 1016, 1027, 1102, 1106, 1108, 1119 and 1202. A number of air conditioning units are located in balcony areas which contain the

	For units at ground or podium levels, a private open space area of 15m ² with a minimum depth of 3m is required.	required depth. A condition is recommended that all air-conditioning units are to be located on the narrowest depth of the balcony to ensure adequate usable private open space is provided. Refer condition 1. Yes.
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight. However, where the design criteria is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes. Maximum of 9 units provided off a circulation core for Buildings A1, A2 and B2. Maximum of 12 units provided off a circulation core with double lifts for Building B1. Yes.
Storage	Storage is to be provided as follows: Studio – 4m ³ 1 bedroom – 6m ³ 2 bedroom – 8m ³ 3+ bedrooms – 10m ³ For the unit mix proposed, A total storage of 2,314m ³ required. At least 50% of the required storage is to be located within the apartment.	Yes. Each unit contains 50% of the required storage within the apartment. An individual cage with at least 6m ³ is provided for each unit within the basement levels (B1, G & L1). Whilst these storage cages are not allocated to units on the plans, the total storage space provided within the basement levels is 1,650m ³ . This exceeds 50% of the required storage for the units.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The apartment mix accords with the Clause 9.7 of The Hills LEP 2019 and is considered satisfactory.

i. Building Separation

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

The proposal results in a minimum of 9m setback to the eastern property boundary from the balcony/ habitable room windows in Building A1 for units 901, 906, 1001, 1008 and 1201

located on the ninth to twelfth storeys. This does not meet the minimum 12m setback to property boundaries required under the ADG for above eight storeys.

The proposal results in a 16m – 17m internal building separation between Buildings A2 and B1 for units 513/521, 514/521, 613/621, 913/921, 914/921, 909/920, 1013/1021, 1014/1021, 1009/1020, 1105/1113, 1106/1113 and 1102/1112 on the fifth to twelfth storeys. This does not meet the minimum 12m building separation required for the first to fourth storeys or minimum 24m building separation required for over nine storeys under the ADG.

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

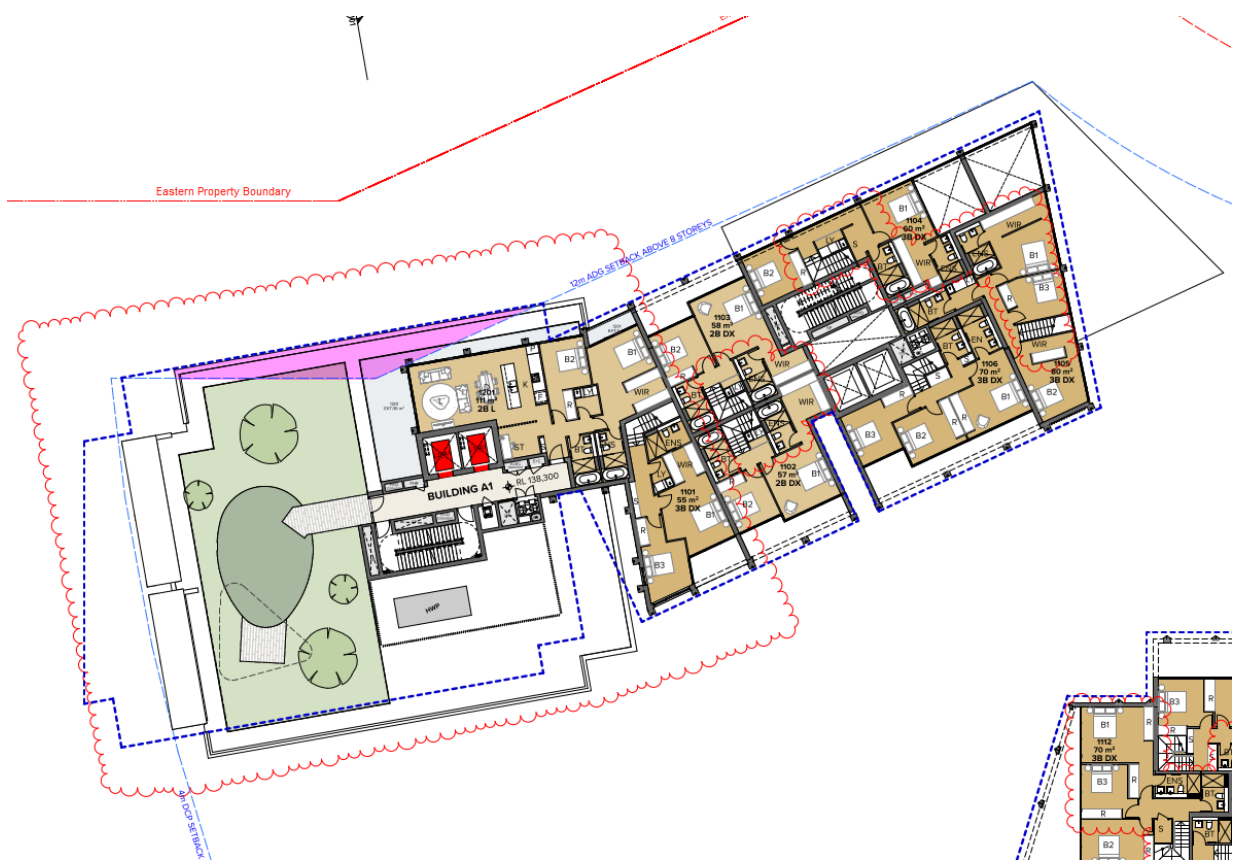
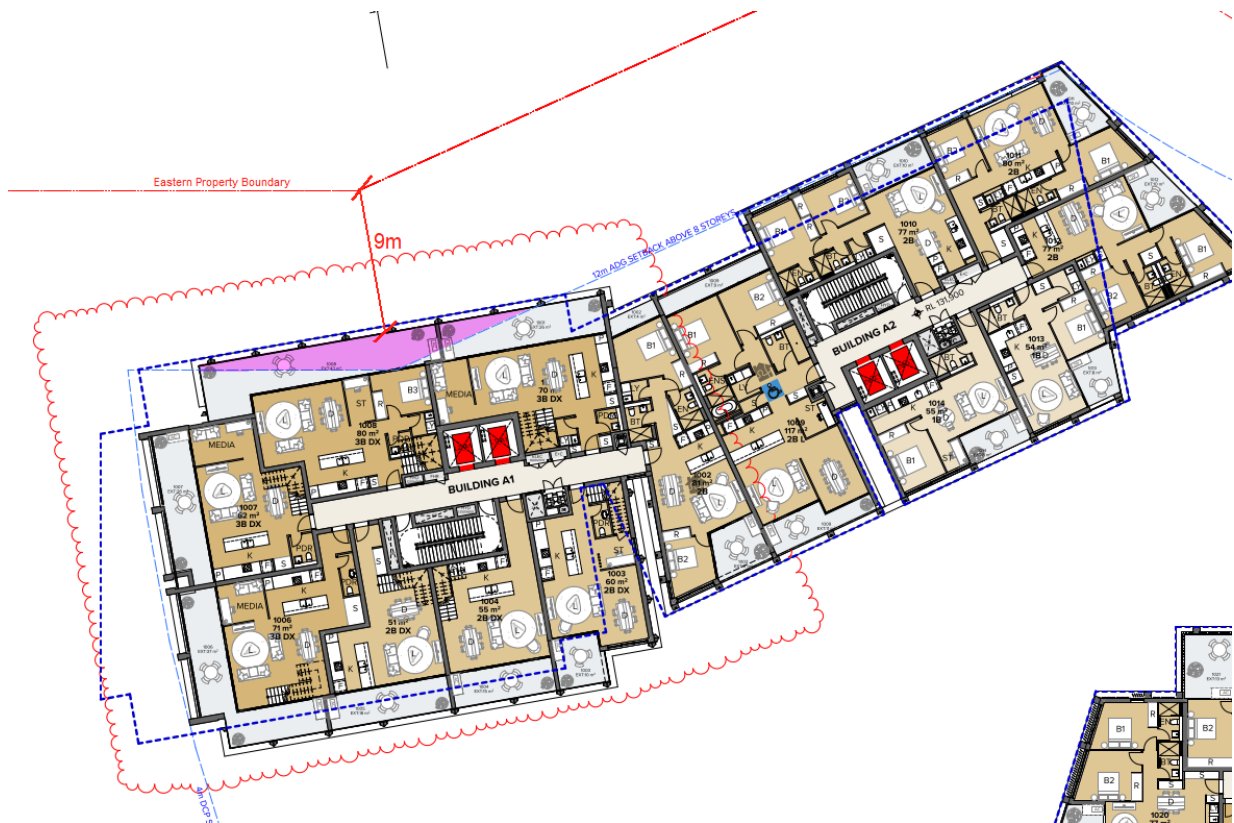
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual amenity.

Comment:

External Building Separation

The proposal generally complies with the external building separation design criteria of the ADG with the exception of habitable room windows and balconies on levels 9, 10 and 12. The extent of the variation is highlighted in pink in the below figures.





The variation occurs at an obtuse angled bend to the eastern property boundary. Due to the orientation of the site, the encroachment to this setback will not exacerbate overshadowing impacts compared to that of a fully compliant scheme (refer shadow diagrams at Attachment 12). The adjoining eastern property when developed to its full potential as a residential flat development will still achieve the required 4 hours solar access to landscaped open space areas during midwinter.

To ensure appropriate privacy mitigation measures are implemented for the adjoining eastern property, a condition is recommended that the east facing balconies serving Units 901, 908, 1001, 1008 are to be installed with a 1.5m high obscured privacy screen and east facing windows serving units 901 and 908 are to be installed with obscured glass at least 1.5m high from the finished floor level. Refer condition 1.

Internal Building Separation

The proposal complies with the internal building separation design criteria of the ADG for the majority of units with the exception of the separation distance of balconies and habitable room/balconies within inward facing units in Building A2 and B1. Refer to figures below.

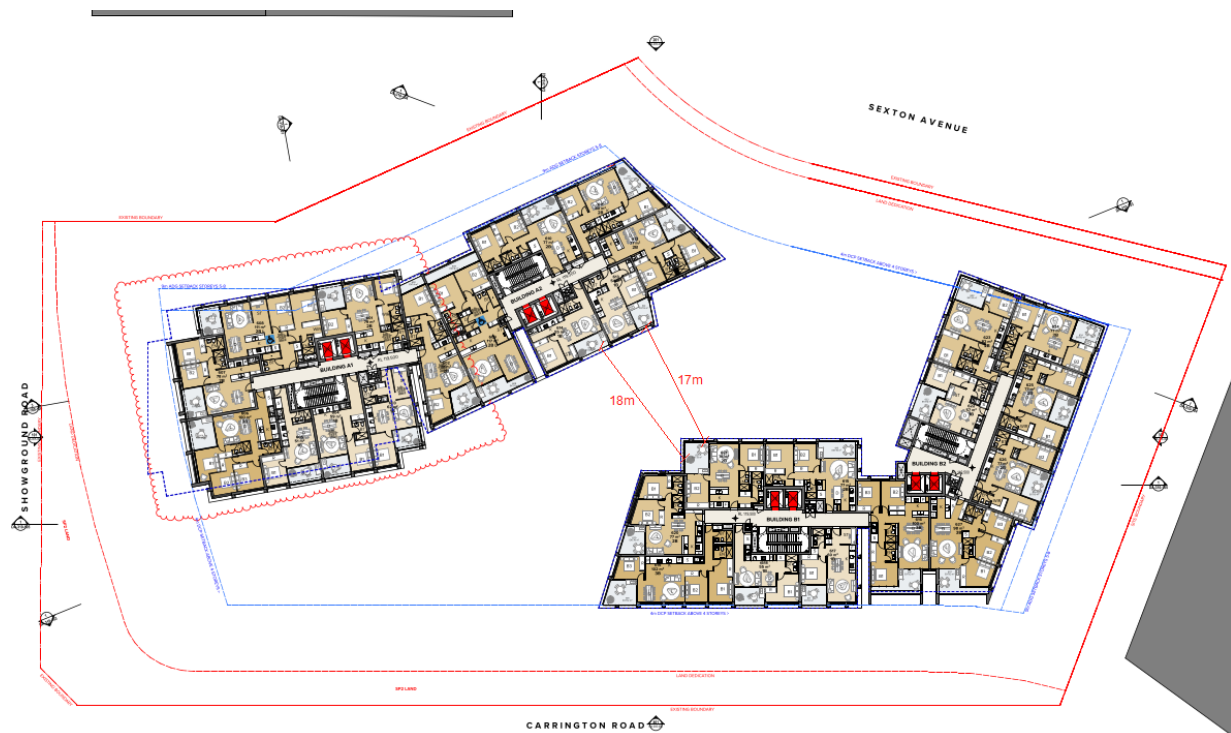


Figure 4: Levels 6 - 9 plan



Figure 5: Level 10 plan



Figure 6: Level 11 plan

This variation to the internal building separation only occurs to 12 out of 292 units which equates to 4% of the units. Privacy louvres are fixed to the north and eastern balconies and bedroom windows in Building B1 which prevent direct overlooking. It is considered that

despite the variation to internal building separation for the upper levels, the proposed development is considered to afford a reasonable degree of privacy for future residents.

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

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

ii. Apartment Layout

The ADG requires open plan apartment layouts to have a maximum habitable room depth of 8m from a window. A variation is proposed for habitable rooms in Units 116, 117, 118, 119, 212, 214, 217, 218, 318, 320, 333, 411, 418, 425, 426, 427, 516, 527, 616, 627, 716, 727, 816, 827, 916, 927, 1016, 1027, 1108, 1119 where the open plan layouts include a depth of 8.5m to 10m from a window.

The proposed kitchens in 30 out of the 292 apartments (10%) result in a numerical variation of up to 2m to the maximum depth of 8m from a window. It is noted the majority of these units are cross through layouts oriented to the north within Building B1. These units would receive at least 2 hours of solar access during the winter solstice and are naturally cross ventilated. The proposed open layouts are considered functional, well organised and provides maximum environmental performance.

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

iii. Balcony depth

The ADG requires 1 bedroom units be provided with a minimum balcony area of 8m² and a minimum depth of 2m, 2 bedroom units be provided with a minimum balcony area of 10m² and a minimum depth of 2m and 3 bedroom units be provided with a minimum balcony area of 12m² with a minimum depth of 2.4m.

Whilst all balconies comply with the ADG minimum balcony area requirements, 17 balconies do not achieve the 2m minimum depth for the minimum area required for 2 bedroom units and 13 balconies do not achieve the 2.4m minimum depth for the minimum area required for 3 bedroom units. Refer to figures below.

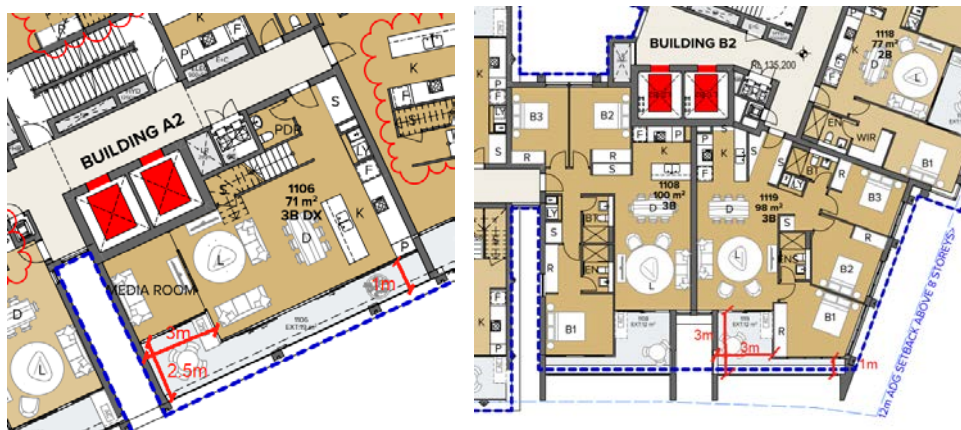


Figure 7: 3 bedroom units indicating balcony depth non-compliance

The intent of the balcony depth design criteria is to ensure balcony areas are useable, can be easily accessed and provides enough space for a small table for 2 bedroom units and a larger table for 3 bedroom units. It is considered that whilst each of the non-compliant 2 bedroom balconies have a minimum dimension of 1m, each balcony comprises an area with a suitable depth of at least 2m to allow for useable space for a small table. The non-compliant 3 bedroom balconies would require the relocation of air conditioning units to allow enough space for larger tables. In this regard, a condition is recommended that the air conditioning units in units 516, 527, 616, 627, 716, 727, 816, 827, 916, 927, 1016, 1027 and 1106 are relocated to the narrowest depth of the balcony to ensure adequate useable space is provided. Refer condition 1.

Subject to the above condition, the variation to the guide can be supported.

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

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

A BASIX assessment has been undertaken and indicates that the development will achieve the required targets for water reduction, energy reduction and measures for thermal performance. The commitments as detailed in the BASIX Certificate are imposed as a condition of consent. Refer condition 91.

5. Compliance with LEP 2019

a. Permissibility

The subject site is zoned R4 High Density Residential and SP2 Infrastructure under LEP 2019. The proposed residential flat building and neighbourhood shop are located in the R4 High Density Residential zoned land and is permissible with consent. The proposal satisfies LEP 2019 in this regard.

b. Zone Objectives

The objectives of the R4 High Density Residential zone are:

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

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

c. LEP 2019 – Development Standards

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

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Building Height	40 metres	Building A1: 41.73m (stair parapet) and 40.63m (top of roof). Building A2: 42.6m (lift overrun). Building B1: 40.75m (stair parapet). Building B2: 43.32m (acoustic screen), 42.95m (stair parapet) and 1.9m (top of roof).	No, refer to discussion below.
4.4 Floor Space Ratio	2.1:1	N/A	N/A as the proposal seeks to utilise the 'incentive' floor space ratio provision under Clause 9.7 of LEP 2019. Refer to discussion below.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment	A variation to Clause 4.3 Height of Buildings is proposed and addressed below.	Yes, 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 consistent with the public purpose identified on that map for the land.	The subject site comprises land zoned SP2 Infrastructure that has been identified on the Land Reservation Acquisition Map to be acquired for road widening purposes. The proposal has been designed wholly within the R4 zoned land and is consistent with the public purpose identified on the map for the land.	Yes
9.1 Minimum Lot Sizes for Residential Flat Buildings	Residential flat building with a height of 11 metres or more – R4 High Density Residential – 3,600m ²	9,710m ² in R4 zoned land	Yes
9.2 Site Area of Proposed Development includes dedicated land	Road dedication included as part of the site area for the purpose of calculating FSR.	Land dedication area of included in FSR calculation.	Yes
9.3 Minimum Building	Front Building Setbacks to be equal to, or	Carrington Road – 5m	Yes

Setbacks	greater than, the distances shown for the land on the Building Setbacks Map.		
9.5 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Design Review Panel. The proposal has addressed concerns raised by the Panel.	Yes, refer to discussion below.
9.7 Residential development yield on certain land	If the development is on a lot that has an area of 10,000m ² within the Showground Precinct and provides a specific mix, family friendly unit sizes and parking, the following incentivised Floor Space Ratio can be applied as identified on the FSR Mapping instrument: 3.1:1 (30,404m ² GFA)	Site Area: 10,666m ² (9,710m ² excluding SP2 zoned land) 3.0987:1 (30,088m ² GFA)	Yes, refer to discussion below.
9.8 Maximum Number of Dwellings	Development Consent must not be granted to development that results in more than 5,000 dwellings on land within the Showground Precinct	292 units proposed under the subject Development Application. If this development application is approved, the total number of dwellings approved within the Showground Precinct would be 3,138 units.	Yes

i. Variation to Clause 4.3 Height of Buildings

Clause 4.3 of LEP 2019 limits the height of the development site to 40 metres. The proposed maximum building heights of Buildings A1, A2, B1 and B2 are 41.73m, 42.6m, 40.75m and 43.32m respectively. This represents a variation of 1.7m (4.5%), 2.6m (6.5%), 0.755m (1.9%) and 3.32m (8.3%) to the height standard.

The applicant has provided a Clause 4.6 Variation which is provided at Attachment 17.

Clause 4.6 Exceptions to Development Standards states:

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

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

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,

- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (ca) clause 6.2 or 6.3,
- (cb) clause 7.11.
- (cc) clause 7.15.

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

- *The proposed development meets the objectives of the standard notwithstanding its non-compliance with the standard.*
- *The height of building is compatible with that of adjoining development and the overall streetscape in that the height of the development will be compatible with the desired future character of the Showground precinct. The site is located in a 40m height zone and the majority of the buildings comply or are significantly less than the control. This site is positioned in a prominent 'gateway' corner within the Showground Precinct, with limited parts of the building exceeding the 40m height plane permitted under THLEP 2019....the majority of these elements relate to design elements, plant, lift overruns and stairs to access the rooftop communal open space. The acoustic screens to the plant exceed the height control by a maximum of 3.3m on Building B2, however they are located internally within the site and are unlikely to be visible from the public domain. There is a minor variation of 635mm to the roof of unit 1201 on level 12. The main area of exceedance that relates to lift and stair elements are setback from the edge of each building. The plans have been amended to provide areas of communal open space on the roof. The lifts are providing disabled access to the communal space.*
- *The height controls surrounding the site vary. Commencing at 52m to the north of Carrington Road, stepping to 40m on the subject site and further west along Carrington and stepping again to 27m to the south. The intent of the controls is to transition building height to the south. The variations sought will maintain a transition in height.*
- *The position and orientation of the buildings on the site ensure all surrounding development are capable of achieving compliant solar access. The shadow diagrams demonstrate that site to the east along Showground Road are not impacted by the buildings on the site until approximately 1.30pm in the afternoon, maintaining in excess of 4 hours solar access. In regard to the properties to the south along Carrington Road, these properties have no impact from the subject development from approximately 12 noon for the rest of the day, allowing in excess of 3 hours solar access.*
- *The proposed development is consistent with the underlying objective of the R4 High Density Zone. The development will provide housing to meet the needs of the community which is appropriate given the sites proximity to Showground Metro Station and Showground Precinct within Castle Hill, which has identified the need for increased residential density. The development will deliver a variety of housing types as required by Clause 9.7 of the LEP. Without variations to the height control, the development would unlikely utilise the incentive floor space that delivers housing to meet the objectives of the zone.*
- *The underlying objective of the height control would be thwarted if compliance was required, as compliance is unreasonable in this instance as the development, notwithstanding the variation to the height control achieves compliance with the objectives of the development standard.*
- *There are sufficient environmental planning grounds to justify the variation as the established principal of transitioning building height in the precinct from the north to the*

south will still be achieved. The minor variations do not affect the transition from 52m to the north and 27m to the south. The majority of the proposed buildings comply with the 40m height control with only component of the buildings, in particular the lift overruns and plant exceeding the height. The variation of height to small components of the development is offset by the significant areas of the site that are well below the height control. In particular, the shifting of floor area from the Sexton Ave frontage to other parts of the site produced an improved interface at street level and with the public domain.

Comment:

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

Building	Maximum LEP height	Maximum height to top of roof of habitable floor	Extent of variation	Maximum height to top of lift overrun/stair/acoustic screen for plant	Extent of variation
Building A1	40m	40.63m	635mm (1.5%)	41.7m	1.7m (4.25%)
Building A2	40m	40m	Nil	42.6m	2.6m (6.5%)
Building B1	40m	37m	Nil	40.75m	755mm (1.9%)
Building B2	40m	41.9m	1.9m (4.75%)	42.95 (stair) 43.43m (acoustic screen)	2.95m (7.37%) 3.32m (8.3%)

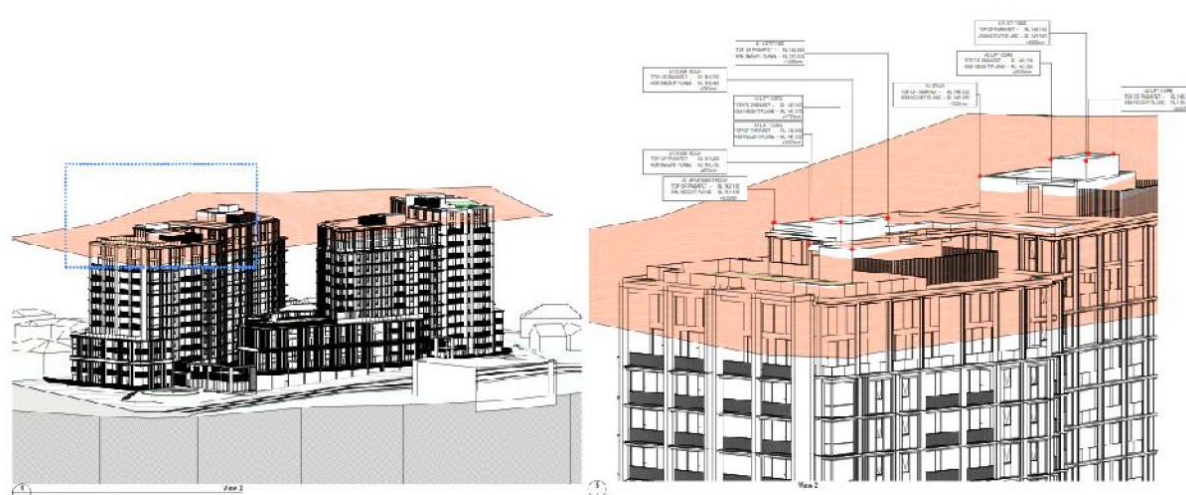


Figure 8: Applicant's diagram indicating exceedance to height standard including detail of Building A1/A2

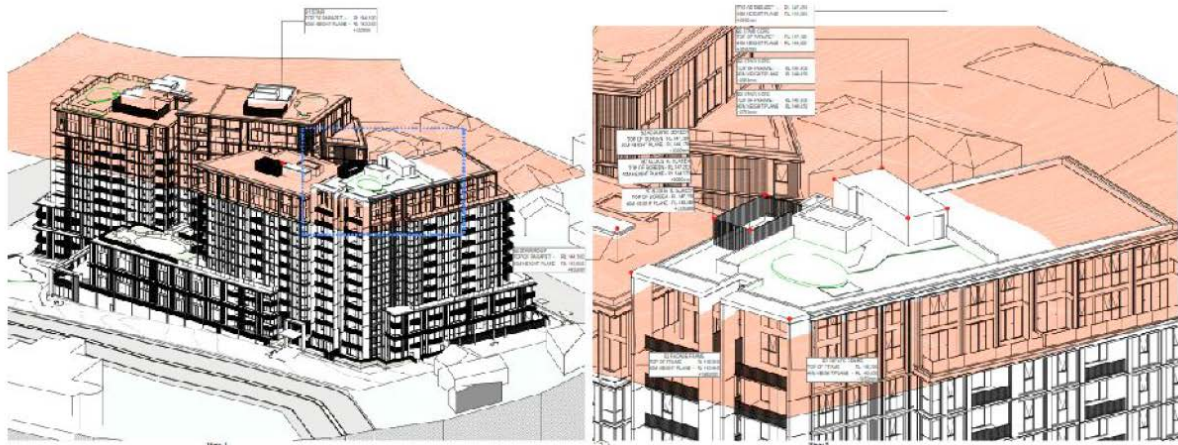


Figure 9: Applicant's diagram indicating exceedance to height standard including detail of Building B1/B2

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

The proposed departure to the building height development standard is generally limited to lift overruns, stair parapets and acoustic screens and will not cause adverse impacts on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The habitable floor space of the development generally complies with the height standard with the exception of 635mm (1.5%) to Building A1 for 2 units and 1.9m (4.75%) to Building B2 for 3 units.

Building B2 comprises a 3.32m (8.3%) exceedance to the height standard for an acoustic screen and a 2.95m (7.37%) exceedance to the stairs. Whilst this is located to the south of the roof plan, the Applicant has submitted shadow diagrams demonstrating that this variation results in negligible overshadowing impacts compared to that of a fully compliant scheme.

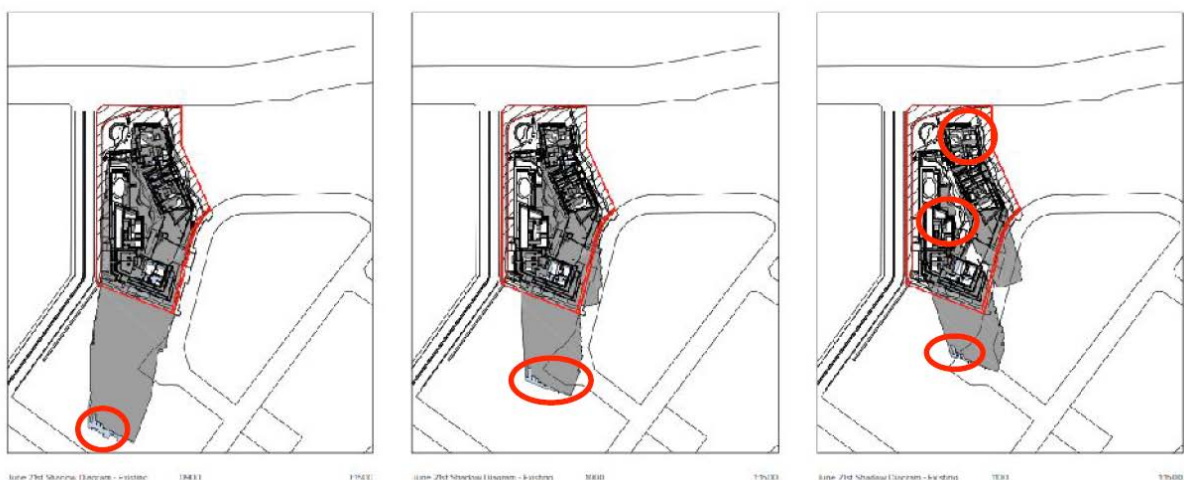




Figure 10: Applicant's shadow diagram comparing overshadowing to that of a complaint scheme

It is considered that the small scale of the acoustic screens and stair parapets will not be discernible from the streetscape and will result in negligible overshadowing and amenity impacts to the existing and future developments to the south.

Building A1 comprises a 635mm exceedance to the height standard for the roof form of unit 1201 and 1.7m height exceedance to the parapet of the stairs for access to the rooftop communal open space area. Whilst this building faces Showground Road, the exceedance is set back 17m from the front façade so the proposal would result in negligible visual amenity impacts and would not exacerbate the bulk and scale of the development compared to that of a fully compliant scheme. The front façade of Building A1 has been further setback from the original scheme and is now fully compliant with the 10m setback control required from the new boundary post road widening.

The exceedance to the height standard for Building A2 occurs to lift overruns and stair parapets providing access to the rooftop communal open space area and acoustic screens for plant equipment. The height exceedance to Building B1 occurs to the stair parapets to access the roof for maintenance purposes. The lift overruns, stair parapets and acoustic screens on these buildings are centrally located and would not result in additional overshadowing impacts to adjoining development and would result in negligible visual amenity impacts when viewed from the street or adjoining development. The acoustic screens serve as a functional and aesthetic measure to screen unsightly mechanical plants to enhance visual amenity to the built form.

The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints, being 200m south from the Showground Station,

complies with FSR standard for the site and is compatible with the scale and character of the Showground Station Precinct. This is consistent with the objectives of the R4 High Density zone which encourages high density residential development in locations that are close to population centres and public transport routes.

The site has a steep fall from the south to the northern corner of 9m. Land to be acquired for road widening purposes is located along the Showground Road and Carrington Road frontages. The front setbacks to Showground Road and Carrington Road fully comply with the setback controls under the LEP. The development has been designed to respond to the topography of the land and site constraints, ensuring all public domain areas are appropriately addressed. The four storey podium level setback, street setbacks and publically accessible spaces provide an appealing scale to pedestrians on Showground Road, Carrington Road and Sexton Avenue with a clear delineation between public and private areas. The articulation of interlocking building blocks provide a varied and interesting street edge reinforcing the pedestrian scale and residential nature of the precinct. The facades to all buildings are considered to provide a high level of amenity with appropriate setbacks and architectural treatments. The variations to the height standard are considered negligible when viewed from the public domain. In this regard, there are sufficient environmental planning grounds to justify the contravention.

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

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

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

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

It is also noted that in accordance with the Departments Circular PS 18-003 that Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

ii. Clause 9.7 Residential development yield on certain land

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

The site comprises R4 High Density Residential and SP2 Infrastructure zoned land. The subject site comprises an area of 10,666m² (9,710m² excluding SP2 zoned land). The SP2 Infrastructure zoned land is to be acquired for road widening purposes for the creation of roads. Therefore it is considered that the proposal meets the minimum area provisions under Clause 9.7.

The proposal meets the unit mix and diversity and car parking requirements as demonstrated in the below table:

Apartment Mix	LEP Standard	Development	Proposal	Compliance
One bedroom dwellings	25% (Maximum)	(73 units)	24% (70 units)	Yes
Three or more bedroom dwellings	20% (Minimum)	(58.4 units)	20% (59 units)	Yes

Apartment Diversity	LEP Standard	Development	Proposal	Compliance
Minimum internal floor area of 2 Bedroom dwellings is 110m ²	≥40%	(≥60.8 units)	40.13% (68 of 163 units)	Yes
Minimum internal floor area of 3 Bedroom dwellings is 135m ²	≥40%	(≥22 units)	45.76% (27 of 59 units)	Yes

Parking Type	LEP Standard	Development	Proposal	Compliance
1, 2, 3 & 4 Bedroom	1 car space per dwelling and 1 space per 5 units		292 resident spaces and 60 visitor spaces required. Total: 356 spaces. 292 resident car spaces and 60 visitor spaces provided. Total 356 spaces Note: 6 additional car spaces provided for neighbourhood shop not included in above.	Yes

It is considered that the proposal meets the required provisions under Clause 9.7 and the FSR incentive of 3.1:1 can be applied to the site. The proposal provides for an FSR of 3.0987:1 (Gross Floor Area of 30,088m²) which complies with the planning instrument.

iii. Clause 9.5 – Design Excellence

Clause 9.5 of LEP 2019 states the following:

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

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

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

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

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

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

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

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

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

(f) *how the development addresses the following matters:*

(i) *the suitability of the land for development,*

(ii) *existing and proposed uses and use mix,*

(iii) *heritage issues and streetscape constraints,*

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

(v) *bulk, massing and modulation of buildings,*

(vi) *street frontage heights,*

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

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

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

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

(xi) *the impact on any special character area,*

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

(xiii) *excellence and integration of landscape design.*

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

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

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

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

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

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

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

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

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

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

Comment:

The Design Review Panel first reviewed the proposal at pre-lodgment stage on 22 May 2019. Four concepts were presented to the Panel. The Panel preferred Option 4 and concluded that this strategy *“offered superior potential for achieving a high quality design outcome”*. The design excellence of the proposal was then further considered at a Design Review Panel meeting for the Development Application on 25 March 2020. The meeting minutes of the Design Review Panel are included at Attachment 18.

The Panel concluded the following:

“It is recommended that the Applicant address the matters identified in this report to the satisfaction of the responsible DA officer. The application does not need to return to the Panel for further consideration unless the DA Officer advises otherwise”.

The following recommendations were made by the Panel:

- A Statement of the scheme’s design response to its precinct and broader regional context has been satisfactorily addressed as per Panel’s previous recommendation.
- Ensure the building envelope complies with the height control. If variation sought provide detailed justification.
- Provide DCP compliant GFA tower plates. If variation sought provide detailed justification.
- Ensure that DCP urban design objectives are addressed.
- Consideration of new public space at site threshold.
- Avoid subterranean units and terraces.
- Provide a clear, safe and accessible pedestrian link within the development site between Sexton Avenue and Carrington Road.
- Ensure common facilities and related spaces are appropriate to the size of the development.
- Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.
- Provide external solar shading to exposed windows.
- Ensure wind conditions are appropriate to outdoor spaces.
- Provide a comprehensive landscape design that addresses WSUD, deep soil provision, high canopy tree planting and substantial under storey planting.
- Sign off from both Council Landscape DA officer and Manager of Vegetation works for removal of any trees over 3m in height in the street and building setback areas.
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.
- Vehicular access to be consolidated and wholly contained within the building footprint.

- Vehicular access to be relocated westwards and separation from main podium pedestrian path be explored.
- The pedestrian connection between Sexton Avenue and Carrington Road be made a fully public link.
- Reconsider the aggregation of vehicular access and allocation of space on Sexton Avenue frontage to improve street environment. This should include reduction of driveway entry width to provide a more attractive street frontage on Sexton Avenue.
- Review setback encroachment to Sexton Avenue frontage.
- Provide detail of screening and design detail to service element frontage to Sexton Avenue.
- Improve visual access through the site.
- Provide more equitable access to rooftop communal open space.
- Review encroachments to the ground level communal space.
- Review street tree species to Sexton Avenue with Council's Landscape Architect to provide larger trees with greater visual impact.
- Review shared path access to Carrington Road (in accordance with Public Domain Plan) with DA officer.
- Demonstrate effectiveness and sustainability of proposed landscape plantings to mitigate wind turbulence.

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

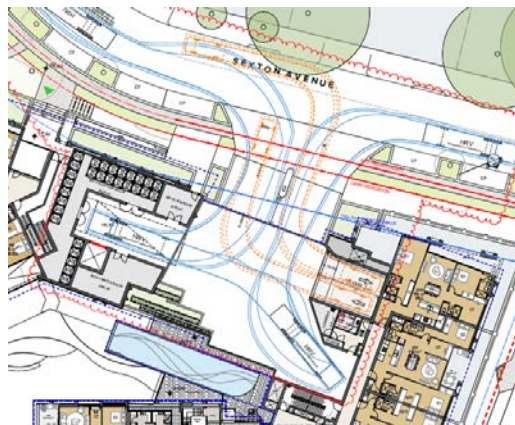
- An Architectural Report prepared by Turner Architects dated 24 June 2020 has been submitted with the Development Application which addresses the scheme's design response to its precinct and broader regional context.
- A Clause 4.6 variation to Clause 4.3 Height of Buildings standard has been submitted with the Development Application. It is considered adequate justification has been provided to support the variation to the development standard.
- The floor plates for each building area compliant as they are serviced by different lift cores. The design of the buildings with recesses and breaks in the building façade ensure that the building length and bulk and scale of Buildings A1/A2 and B1/B2 are minimised.
- A Statement of Environmental Effects and Architectural Report have been submitted with the application that addresses the DCP urban design objectives.
- A shared path has been provided to Carrington Road in accordance with the Public Domain Plan to address the new public space at the site threshold.
- Subterranean units and terraces have been avoided where possible.
- A 5m wide clear, safe and accessible pedestrian link has been provided along the southern property boundary within the site to connect Sexton Avenue and Carrington Road.
- Common facilities including a swimming pool, community rooms and two roof terraces are provided at ground level and are appropriate to the size of the development.
- The design of the buildings has been refined to provide an 'interlocking' design with a variety of materials, finishes and architectural treatments which provide diversity and articulation. Two storey terrace style units within the street frontages provide 'breaks' in the façade.
- The proposal has been amended to ensure external windows are shaded by slab edges.
- A Pedestrian Wind Environment Statement E849-01F02(REV2) – WS dated 4 December 2019 and Pedestrian Wind Environment Study WE849-02F01(REV0) dated 3 December 2019 prepared by Windtech Consultants has been submitted by

the Applicant. The assessment determines that the wind conditions are appropriate to outdoor spaces.

- An amended landscape design has been provided with the submission of a Landscape Report prepared by Turf Design Studio dated 28 January 2021. The amended design and report addresses WSUD, deep soil provision, high canopy tree planting and substantial under storey planting.
- Council's Landscape Assessment Officer has reviewed the amended landscape design and raises no objection to the removal of trees within the front setback areas, subject to recommended conditions for replacement planting. Refer conditions 11, 12, 13, 14 and 15.
- Vehicular access and street front utility services have been redesigned and fully integrated into the development's building fabric and landscaping.
- Vehicular access is now consolidated along Sexton Avenue and wholly contained within the building footprint.
- The gates and fences have been removed from the southern setback to allow a fully public link between Sexton Avenue and Carrington Road.
- The aggregation of vehicular access and allocation of space on Sexton Avenue frontage to improve street environment has been amended. The driveway entry width has been reduced to provide a more attractive street frontage on Sexton Avenue. This is demonstrated in the below figures.



Original Plan - Vehicular access



Amended Plan - Vehicular access

Figure 11: Vehicular Access Plan



Original Elevation – Vehicular access



Amended Elevation – Vehicular access

Figure 12: Vehicular Access Elevation

- Setback encroachment to Sexton Avenue frontage has been further reduced from original proposal. Minor encroachments occur however this is considered satisfactory. Refer to Section 6 of this report.

- Landscaping provided in the form of planter boxes to screen service element frontage to Sexton Avenue.
- Visual access through the site is improved by reduction in height of vehicular access/loading bay element.
- The proposal has been revised to include additional rooftop communal open space areas to Building A1 and B2. The lifts for Building A1 have been extended to bring access to this level. All buildings now comprise rooftop communal open space areas ensuring equitable access for all residents.
- The ground level court to Unit 122 (previously identified as B1.01.11 on the original plans) has been reduced in size from 79m² to 42m² returning area to the communal courtyard.
- Larger canopy street trees have now been provided to Sexton Avenue to the satisfaction of Council's Landscape Assessment Officer.
- To ensure the shared path in the proposed pedestrian link is in accordance with the Public Domain Plan, a condition is recommended that the path is to be constructed above grade to ensure there is no damage to the structural root zones of any trees to be retained or planted.
- The proposed landscape plantings would be effective and sustainable in the mitigation of wind turbulence.

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

6. Compliance with DCP 2012

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

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

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Structure Plan	The structure plan indicates the subject site is for residential development up to 12 storeys in height.	Up to 13 storeys in height.	No, refer to discussion below.
Movement Network and Design	The street network is to be consistent with the indicative street network and hierarchy plan within Figure 8 of the DCP. Figure 8 does not include a pedestrian link on the subject site.	A pedestrian link is proposed along the southern boundary of the site which is not indicated in the Figure 8 indicative street network and hierarchy plan.	No, refer to discussion below.
Front Setbacks	7.5m from the existing property boundary to Sexton Avenue and 5m to Carrington Road. Storeys above the 4 th storey shall be setback a minimum of 4m behind	<i>Sexton Avenue</i> Building B2 6.8m from the existing property boundary. Upper level set back of 1.9m behind the front building line.	No, refer to discussion below.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	the front building line. Balconies shall not protrude into the setback areas.	Building A2 Upper level set back of 3.6m behind the front building line. <i>Carrington Road</i> 3.55m upper level setback	
Site Coverage	The site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose). Note: The Determination of site cover includes driveways, footpaths and other impervious surfaces	56% (including footpaths, driveways and impervious surfaces)	No, refer to discussion below.
Landscaping	A minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) shall be landscaped. Terraces and patios within 1m of natural ground level shall be included in the calculation of landscaped open space. A minimum of 10m ² per dwelling is to be provided as communal open space. Therefore 2,920m ² communal open space is required.	4,137 m ² or 44% provided. 2,632m ² provided.	No, refer to discussion below. No. Refer to discussion below.
Façade and Building length	On road reserves less than 20m in width, the length of the façade shall not exceed 40m. Buildings are to have a maximum length of 65m. Where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection.	Carrington Road (>20m road width) Building B1/B2 81m Showground Road (>20m road width) Building A1 29m Sexton Avenue (17m road width) Building A2 33m Building B2 23m	No, however the design of the building has been assessed as exhibiting design excellence in accordance with Clause 9.5 of the LEP. Refer to discussion below.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Residential Uses on Ground and First Floors	Residential ground floor units are to have individual gates and entrances accessed directly from the street.	Individual gates not provided for Units 116, 117, 118, 119, 120 and 121 fronting Carrington Road, Unit G01 and G02 fronting Showground Road and Unit 216 fronting Sexton Avenue.	No. Refer to discussion below.
	Ground floor apartments to be elevated a minimum of 300mm and a maximum of 600mm from street level.	Ground floor units elevated a minimum of 800mm and a maximum of 3.45m from street level along Carrington Road and a minimum of 1m and a maximum of 2m from Showground Road.	No. Refer to discussion below.

a. Showground Precinct Structure Plan

The DCP requires development to comply with the Showground Precinct Structure Plan which indicates residential development of up to 12 storeys for the subject site.

The proposal includes residential development of up to 13 storeys for the subject site.

The DCP provides the following objectives relating to the control:

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

The Applicant has provided the following justification for the variation:

The buildings will be stepped and divided into two building forms as the height increases. The height will vary from 2 storeys up to 13 storeys. The northern end of Building A1 and southern end of Building B2 will exceed the 12 storey height. However this variation is reasonable given the minor nature of the change. Refer to LEP discussion and accompanying Clause 4.6 variation.

Comment:

The Showground Station Structure Plan is indicative only and has not taken into consideration the additional heights required if the incentive FSR is applied to sites which meet the provisions under Clause 9.7 of LEP 2019. The site has a significant fall from

Sexton Avenue to the north eastern corner of Showground Road and Carrington Road. The development has been designed to respond to this gradient, ensuring all street edges are appropriately addressed. The proposal meets the provisions for housing diversity as required under the Clause and seeks to utilise the incentive FSR. A Clause 4.6 written variation to the height development standard has been submitted and is supported as the variation is consistent with the LEP objectives of Clause 4.3 Height of Building and the R4 High Density zone objectives; compliance with the standard is unreasonable in this instance and there is sufficient environmental grounds to justify the contravention; and the proposal is in the public interest.

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

b. Movement Network and Design

The DCP requires development to be consistent with the indicative street network and hierarchy plan. Refer figure below. The plan includes a pedestrian link that connects Sexton Avenue to Carrington Road on the adjoining properties between 16-18 Carrington Road and 25-27 Sexton Avenue.



Figure 13: THDCP Figure 8 Indicative Street Network and Hierarchy Plan

The proposal includes a pedestrian cross link along the south western boundary of the subject site which is not indicated on this plan.

The DCP provides the following objectives relating to the control:

- *To encourage residents to walk or cycle to shops, the railway station, recreation areas, community and other facilities by providing for safe and direct pedestrian and cycle connections between key locations.*
- *A functional and attractive new street network is provided that facilitates access, safety and convenience for all street and road users and minimises the negative impact of traffic.*
- *Carriageways and verge widths are consistent with the identified street hierarchy and profiles to allow streets to perform their designated functions within the street network, enhance functionality and amenity for users and accommodate public utilities and drainage systems.*
- *To improve the capacity and function of the road network to support higher density development.*

Comment:

The Movement Network and Hierarchy Plan is indicative only. The plans lodged with the original Development Application included a private pedestrian link along the southern property boundary. It is noted that the pedestrian link has been amended to a public cross-through link as recommended by the Design Review Panel. The proposal would encourage residents to walk to the Sydney Metro Station and provide a safe and direct pedestrian connection between residents and visitors. The proposal is in the public interest.

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

c. Front Setbacks

The DCP requires a setback of 7.5m from the existing property boundary to Sexton Avenue and a setback of 5m from Carrington Road. Storeys above the 4th storey are required to be setback a minimum of 4m behind the front building line and balconies shall not protrude into the setback areas. The proposal includes variations to the front and upper level setback for Sexton Avenue and upper level setback of the Carrington Road façade. The minimum front setback to Sexton Avenue is 7.1m for Building A2 and 6.8m for Building B2 which results in a variation of 0.4m and 0.7m respectively. The upper level setback for Building B2 is setback 1.9m behind the front building line which results in a maximum 2.1m variation. The proposal also includes a 3.45m upper level setback to the front building line of the Carrington Road façade which results in a variation of 0.45m.

The DCP provides the following objectives relating to the control:

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

The Applicant has provided the following justification for the variation:

The setback of Building A2 is a significant improvement to the street frontage and will improve integration with the public domain. These minor variations are due to the curvature of the road and building footprint layout. The separation of the building form between A2 and B3 has also assisted in reducing the scale of the development along Sexton Avenue and this combined with minor setback variations should be supported...overall the stepped building form and building footprints combined with landscaping and generous side setbacks will result in a highlight appropriate building form.

The plans have been further amended to ensure the building fully complies with the additional setback to Showground Road. As amended the building sets back to 14m above level 4.

There are minor variations above level 4 to the eastern boundary with Building A1 & A2, Sexton Avenue frontage to Building B2 and negligible variations to Carrington Road and western boundary.

Comment:

Minor encroachments occur to the Sexton Avenue front setback and Carrington Road upper level setback as depicted in the below diagrams. Refer Figure 14. The encroachments that occur on Sexton Avenue are point encroachments due to the irregular shape of the lot as a result of the curvature of the road. The encroachments of 0.4m for Building A2 and 0.7m for Building B2 are for slab edges to balconies. The encroachments are considered negligible compared to that of a fully compliant scheme. Similarly, the 0.45m encroachment to the upper level setback for Carrington Road for a slab edge is considered negligible compared to that of a fully compliant scheme.

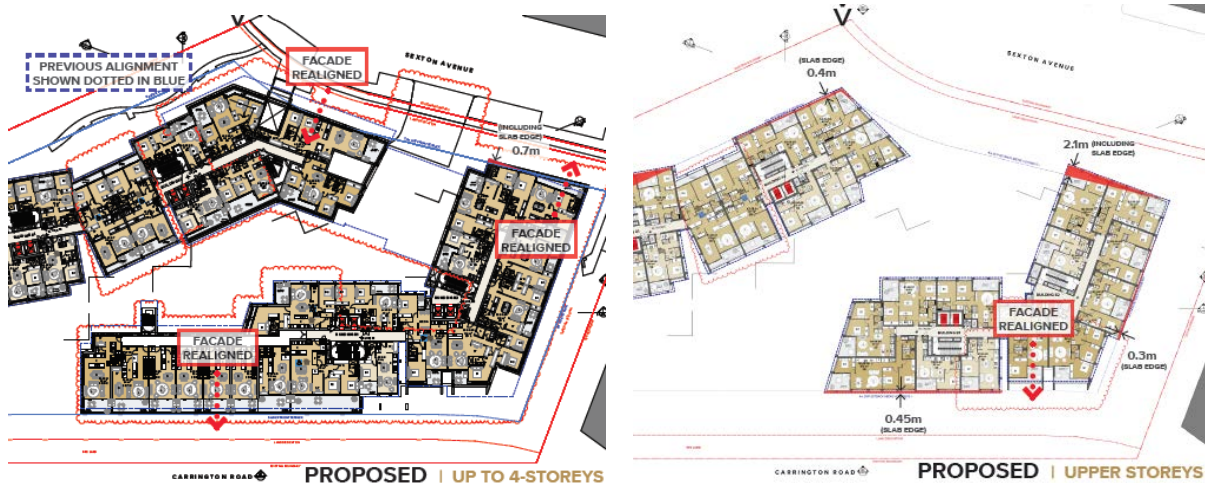


Figure 14: Variations to front and upper level setbacks

Despite the variations to the front setback controls, the proposed buildings when viewed from Sexton Avenue and Carrington Road still provide for a high quality architectural design, articulation zones that complement each building and emphasize entry points and attractive building facades integrated with landscape screening. Residential amenity is not compromised and sufficient solar access and privacy is provided for residents.

In this regard, the variation is considered satisfactory.

d. Site Coverage

The DCP requires site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose) and notes that determination of site cover includes driveways, footpaths and other impervious surfaces. In accordance with this definition, the proposal provides for 55% site coverage of the site area.

The DCP provides the following objectives relating to the control:

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

The Applicant has provided the following justification for the variation:

As amended, the development exceeds the site coverage. Notwithstanding, the development achieves compliant deep soil and areas of communal open space. The variation results from increased width to the driveway as required by Council and the

widening of Building A1 to accommodate the Showground Road setbacks as required by the DCP. The variation to the control is considered reasonable and will deliver a high standard of residential amenity.

Comment:

The DCP requires footpaths to be included in the site coverage calculation. If the footpaths for landscaping purposes were not included in the calculation, the proposal would comply with the control. The proposal provides a pedestrian cross-site link connecting Sexton Ave to Carrington Road along the south western property boundary and a publically accessible pocket park at the corner of Showground and Carrington Road. These publically accessible spaces would provide a community benefit in addition to the requirements of the DCP and is supported by the Design Review Panel. The proposal provides for a high quality landscape outcome for the site with 16% deep soil landscaping which is 9% more than the design criteria of the Apartment Design Guide.

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

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

e. Landscaping

The DCP requires a minimum of 50% of the site area (excluding building footprint, roads, access driveways and parking) shall be landscaped. Terraces and patios within 1m of natural ground level shall be included in the calculation of landscaped open space. The proposal provides 4,137m² or 44% of landscaped open space which is a shortfall of 6%.

The DCP requires a minimum of 10m² per dwelling is to be provided as communal open space. Therefore 2,920m² communal open space is required. The proposal provides 2,632m² which is a shortfall of 288m².

The DCP provides the following objectives relating to the control:

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

Comment:

Landscaped Open Space

The Applicant submits that the proposal provides for 55% landscaping which complies with the control. However, the land to be dedicated for road widening purposes is included in the landscaped open space calculation.

The DCP requires footpaths and other impervious surfaces to be included in the site coverage calculation. If the footpaths for landscaping purposes were not included in the calculation, the proposal would comply with the control. The proposal provides for a high quality landscape outcome for the site with 16% deep soil landscaping which is 9% more than the design criteria of the Apartment Design Guide. In addition, the amount and quality of soft landscaping and existing tree retention has increased compared to the scheme at the pre-lodgement stage.

It is considered that the proposal provides sufficient space for landscaping and complements the built form and character of the street.

Communal Open Space

Whilst there is a shortfall of 288m² of communal open space area, the proposal provides for 30% communal open space which exceeds the Apartment Design Guide criteria of 25%. The primary communal open space area is approximately 1,000m² on the podium level and incorporates satisfactory design elements to ensure useable spaces for recreational purposes including a 20m x 4m swimming pool, covered dining and barbeque areas, seating nook, paved and turfed lawn areas. The space is well articulated by landscaping beds that vary in depth to break-up the communal open space providing separate areas for use by residents.

In addition, the proposal includes the provision of 959m² publically accessible space including a forecourt, pocket park and accessible cross through link. The total amount of landscaped open space area would be 3,591m². The development provides sufficient space for landscaping and provides activation to the street frontages and complements the built form.

It is considered that the development provides sufficient space for landscaping and provides activation to the street frontages and complements the built form.

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

f. Façade Length and Maximum Building Length

The DCP requires that on road reserves of less than 20m in width, the length of the facade shall not exceed 40m. The DCP also requires that buildings are to have a maximum length of 65m and where a building has a length greater than 30m it is to be separated into at least two parts by a significant recess or projection. Showground Road is an arterial road and Carrington Road is a sub-arterial road which has road reserve in excess of 20m. Sexton Avenue is a local road with a road width of 17m. Therefore the length of façade shall not exceed 65m fronting Showground and Carrington Road and 40m fronting Sexton Avenue.

The proposal includes a total building length of 81m for Building B1/B2 on Carrington Road which does not comply with this control.

The DCP provides the following objective relating to the control:

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

Comment:

Whilst the proposal results in a maximum building length of 81m for Building B1/B2, the following diagram has been submitted by the Applicant that demonstrate that the maximum façade lengths are less than 65m. A model indicating the diversity in architectural treatment is also provided below.

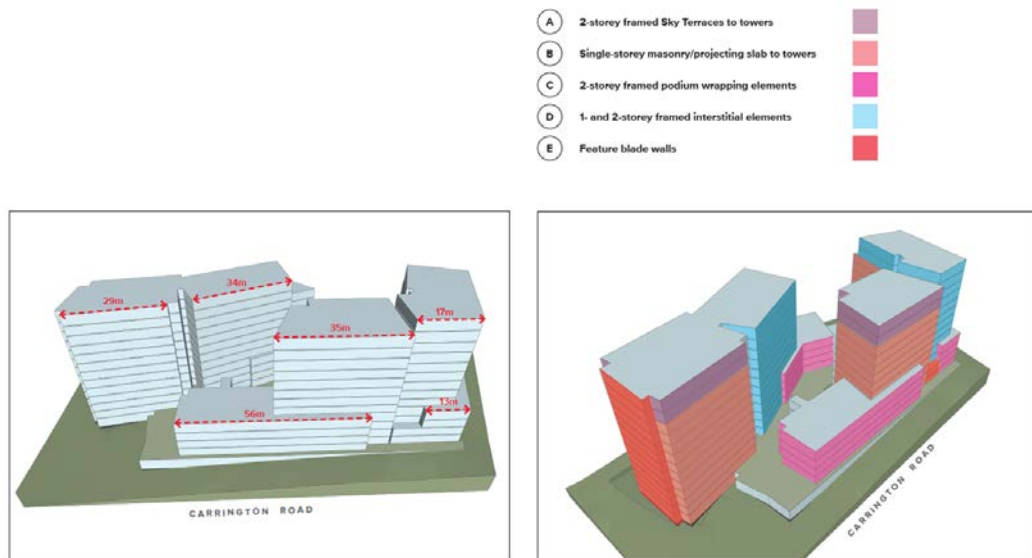


Figure 15: Amended façade lengths fronting Carrington Road and model depicting architectural treatment on facades

Whilst Buildings B1/B2 exceed the total building length, the variation is limited to the lower podium. The two storey framed podium wrapping elements are distinct from the mass of the B1 tower element. Similarly, the B2 tower includes indentations that also break up the building mass. This provides adequate modulation, differing architectural expression and well-articulated built forms. The use of horizontal and vertical framing elements, openings and fenestration as well as varying materials and colours differentiate between a distinct base and top results in high-quality architectural façades. The diversity in balcony forms includes louvred screens to add visual interest to the facades and linear banding elements provides a balanced juxtaposition to create an interesting design.

The proposal provides for a positive streetscape and achieves a high quality design. In this regard, the proposal meets the intent of the control and the variation is considered satisfactory.

g. Residential Uses on Ground and First Floors

The DCP requires residential ground floor units to have individual gates and entrances accessed directly from the street and be elevated a minimum of 300mm and a maximum of 600mm from street level.

The proposal does not provide individual gates for ground floor units 116, 117, 118, 119, 120 and 121 fronting Carrington Road, Unit G01 and G02 fronting Showground Road and Unit 216 fronting Sexton Avenue. Ground floor units are elevated a minimum of 800mm and a maximum of 3.45m from street level along Carrington Road for Units 116, 117, 118, 119, 120 and 121 and a minimum of 1m and a maximum of 2m from Showground Road for Units G01 and G02.

The DCP provides the following objectives relating to the control:

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

- *To provide for future flexibility in use.*

Comment:

The variation to the control requiring ground floor units to have individual gate entries and finished floor levels between 300mm and 600mm above street level is supported due to the topography of the site which falls approximately 9m from Sexton Avenue to the corner of Showground Road and Carrington Road. Whilst ground floor units 112, 113, 114, 115 front Carrington Road and are provided with individual entrances, the other ground level units on this elevation are located on a podium. It is considered that this podium is a suitable design element to separate the private domain with the publically accessible “pocket park” at the northern corner of the development. Similarly, the units fronting Showground Road are not individually accessed from the street and are elevated in excess of 600mm above street level to provide separation from the private and public domain. It is considered that there is sufficient residential activation to publically accessible spaces within the development to activate the street frontages. Further individual access from ground floor units to the arterial and sub-arterial road is not necessary in this instance.

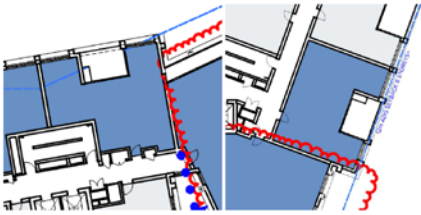
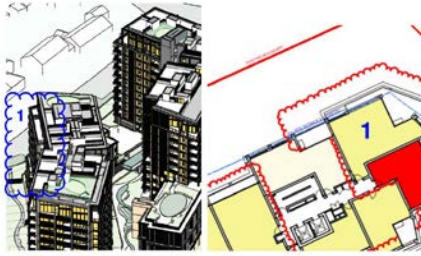
The proposal is considered to have achieved a balanced response to this control within the constraints of the site. It is considered that notwithstanding the variations to the ground floor units, the proposal still provides for fine grain built form with the implementation of architectural diversity, high quality landscaping and residential identity and legibility. In this regard, the variation to the control is considered satisfactory.

7. Issues Raised in Submissions

The application was notified for 14 days on two occasions. Six submissions from adjoining property owners were received during the notification periods. The issues raised in the submissions are addressed in the following table:

ISSUE/OBJECTION	COMMENT	OUTCOME
LEP Height non-compliance and bulk and scale of the development	The proposal includes a Clause 4.6 written submission to vary the height standard. The variation occurs predominantly to lift overruns or stairs which are centrally located and will not be visible when viewed from street level. Refer Section 5 of this report. The proposal has been reviewed by Council's Design Review Panel and substantial changes have been made as a response to the recommendations made by the Panel. It is considered that the proposal results in a built form outcome that is consistent with the envisaged character of the Showground Precinct.	Issue addressed.
Non-compliance to eastern boundary setback as required by the Apartment Design Guide results in overshadowing and privacy impacts to adjoining eastern properties.	The proposal generally complies with the external building separation design criteria of the ADG with the exception of a point encroachment for habitable room windows and balconies on levels 9, 10 and 12. This is due to an obtuse angled bend to the eastern property	Condition recommended. Refer condition 1.

ISSUE/OBJECTION	COMMENT	OUTCOME
	boundary. Notwithstanding, the submitted shadow diagrams demonstrate that the proposal is capable of achieving compliance to the minimum 4 hour solar access requirement to 50% of the landscaped open space during mid-winter for a future residential flat building development as envisaged by the planning controls. In addition, a condition has been recommended that the east facing balconies serving Units 901, 908, 1001, 1008 are to be installed with a 1.5m high obscured privacy screen and east facing windows serving units 901 and 908 are to be installed with obscured glass at least 1.5m high from the finished floor level. Refer condition 1.	
Amenity impacts to unimproved and future adjoining properties	The proposed development is located within the Showground Station Precinct which was rezoned by the Department of Planning, Industry and Environment in December 2017. It is envisaged that the properties to the east would not remain as single dwelling houses but will be amalgamated to form residential flat building developments. The site specific DCP for the Showground Precinct requires Residential Flat Buildings in the R4 High Density zone to provide at least 50% of the <u>landscaped open space</u> of adjoining properties receive a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June. This use of 'landscaped open space' rather than 'private open space' correlates to future residential flat buildings rather than individual dwelling houses. The submitted shadow diagrams demonstrate that the proposal is capable of achieving compliance to the minimum 4 hour solar access requirement to 50% of the landscaped open space during mid-winter for a future residential flat building development as envisaged by the planning controls.	Issue addressed.
Cross ventilation non-	The cross ventilation of the units has	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
compliance with the Apartment Design Guide. Example of non-compliance below. 	been assessed as satisfactory and complies with the requirements of the ADG. Refer to Section 3b. of this report. The examples included in the submission appears to relate to units 627, 727, 827 and 927 in Building B which is a corner unit comprising 3 windows as shown on the eastern elevation and two windows as shown on the southern elevation. In this regard, sufficient cross ventilation would be provided for these units.	
Solar Access non-compliance with the Apartment Design Guide. No glass is visible in the 3D views taken at 11am in mid-winter. 	The solar access of the units has been assessed as satisfactory and complies with the requirements of the ADG. Refer to Section 3b. of this report. The examples included in the submission appear to relate to the south eastern corner units in Building A2 (units 511, 611, 711, 811, 911, 1011). The ADG requires that living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter. The north elevation (Drawing No. DA-210-101) indicates that the north eastern facing windows are full height windows serving living rooms. The 3D solar model submitted with the application demonstrates that the units in question would receive 2 hours of direct sunlight to the living room and private open space between the hours of 9am and 11am in midwinter. In this regard, sufficient solar access would be provided for these units.	
Non-compliance with DCP storeys control	The Showground Station Structure Plan is indicative only and has not taken into consideration the additional heights required if the incentive FSR is applied to sites which meet the provisions under Clause 9.7 of LEP 2019. The site has a significant fall from Sexton Avenue to the north eastern corner of Showground Road and Carrington Road. The development has been designed to respond to this gradient, ensuring all street edges are appropriately addressed.	Issue addressed.
Poor urban design and planning outcome	Council's Design Review Panel has reviewed the proposal on two occasions. The Panel provided	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	recommendations to ensure the proposal exhibits design excellence. These recommendations have been incorporated into the design of the proposal. It is considered the proposal exhibits design excellence in accordance with Clause 9.5 of the LEP. All other relevant planning matters have been considered under Section 4.15 of the Environmental Planning and Assessment Act 1979.	
Adverse impacts to development potential of adjoining eastern properties.	Approval of the subject Development Application will not result in the isolation of lots. There is sufficient land area (over 10,000m ²) for adjoining lots to amalgamate and develop to their full potential as residential flat buildings.	Issue addressed.

8. External Referrals

The application was referred to the following external authorities:

SYDNEY METRO

The proposal was referred to Sydney Metro under Clause 86 of SEPP (Infrastructure) 2007 as the development is located directly above the railway corridor. The lowest point of the development (RL95.1) is located approximately 7.6m above the Sydney Metro Substratum (RL 87.5) and 16.4m above the tunnel (RL78.7). On 15 December 2020, Sydney Metro granted concurrence to the proposal. A number of conditions of consent have been recommended to ensure that the site is appropriately protected (refer Condition 5).

TRANSPORT FOR NSW

The proposal was referred to Transport for NSW under Section 138 of the Roads Act, 1993 as works are proposed within a classified road. Transport for NSW requested SIDRA NETWORK modelling on a 2036 scenario of the Showground/Carrington Road, Carrington Road/Middleton Avenue, Carrington Road/Doran Drive and Carrington Road/Victoria intersections. The Applicant submitted an Addendum Transport Assessment by Ason group dated 29 September 2020 to address the concerns raised. The assessment noted that the Hills Showground Station Precinct Proposal (SSD-9653) was supported by Traffic and Transport Assessment¹ by SCT Consulting dated 20 October 2019. This assessment report included SIDRA modelling of the requested intersections to 2031. Whilst the report concludes that the intersections at Showground/Carrington Road, Carrington Road/Middleton Avenue, Carrington Road/Victoria will fail by 2031 with a Level of Service (LoS) "F", the report identifies improvements that will resolve these issues to ensure an acceptable LoS is achieved. Improvements to Carrington Road are currently being designed by Council's Infrastructure and Transport Planning Team which will be funded by the Showground Precinct Contributions Plan. The report also concludes that the Carrington Road/Doran Drive intersection performance will operate well by 2031, with a LoS "A" or "B". In this regard, it is considered that the Transport for NSW request for SIDRA modelling on a 2036 scenario was unreasonable and unnecessary for the subject application.

Transport for NSW also noted that as there is land under investigation for possible future road widening, identified as SP2 land on Showground Road, the development is to be clear

of this land. The proposal has been redesigned for this road widening with a 10m setback to the new road alignment should Showground Road be widened in the future.

On 31 January 2021, Transport for NSW granted concurrence to the proposal subject to a number of conditions of consent (refer Condition 6).

ENDEAVOUR ENERGY COMMENTS

The proposal was referred to Endeavour Energy. No objections were raised to the proposal. Endeavour Energy's recommendations have been incorporated into conditions of consent (refer Condition 8).

SYDNEY WATER COMMENTS

The proposal was referred to Sydney Water. No objections were raised to the proposal. Standard conditions have been imposed (refer Condition Nos. 53, 79 and 116).

NSW POLICE COMMENTS

The proposal was referred to the NSW Police. No objections were raised to the proposal. A number of Crime Prevention Through Environmental Design (CPTED) conditions of consent have been recommended to ensure that the site is appropriately protected (refer Condition 7).

9. Internal Referrals

The application was referred to the following sections of Council:

SUBDIVISION ENGINEERING COMMENTS

No objections to the proposal subject to conditions.

ENVIRONMENTAL HEALTH COMMENTS

No objection is raised to the proposal subject to conditions.

RESOURCE RECOVERY COMMENTS

No objections to the proposal subject to conditions.

TRAFFIC COMMENTS

No objection is raised to the proposal.

TREE MANAGEMENT/LANDSCAPING COMMENTS

No objections to the proposal subject to conditions.

FORWARD PLANNING (SECTION 7.11 CONTRIBUTIONS) COMMENTS

No objection is raised to the proposal subject to conditions.

LAND INFORMATION SYSTEMS COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 65, SEPP 64, SEPP 55, LEP 2019 and The Hills Development Control Plan and is considered satisfactory.

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

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

The variations to the Apartment Design Guide design criteria with regard to building separation, apartment layout design criteria, and minimum depth dimensions for balconies are supported subject to recommended conditions to ensure adequate privacy mitigation measures have been implemented in the design to ensure negligible overlooking impacts occur to residents within the development and an acceptable level of residential amenity is provided to each unit.

The variations to the DCP with respect to the structure plan, movement network, setbacks, site coverage, landscaping, building façade lengths, communal open space area, and residential uses on ground floors have been assessed on merit and are considered worthy of support.

It is considered that the proposal exhibits design excellence, is consistent with the desired future character of the Showground Station Precinct, provides for a high quality architectural design incorporating transitions in heights and substantial landscaping within the frontages and provides appropriate residential amenity for future occupants of the site and adjoining properties.

Six submissions were received objecting to the proposed development and have been addressed in the body of the report. The issues raised do not warrant refusal of the application.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

The Hills Local Strategic Planning Statement

The Hills Future 2036 Local Strategic Planning Statement was made on 6 March 2020. The proposal has been considered against the outcomes planned within the Local Planning Strategic Planning Statement and Implementation Plan. In particular, Planning Priority 8 seeks to plan for a diversity of housing with access to jobs and services. It is envisaged that the Showground Station Precinct would provide approximately 9,000 additional dwellings by 2036. The Showground Station Precinct provides for a housing diversity clause under The Hills LEP which promotes family friendly dwellings within the Precinct. The proposal meets this housing diversity clause by providing larger apartment sizes and mix and would provide for an additional 292 dwellings to the emerging precinct. In this regard, the proposal is considered to be consistent with the outcomes planned under The Hills Local Strategic Planning Statement.

RECOMMENDATION

The Development Application be approved subject to the reasons listed below and subject to the following conditions.

Clause 4.3 of the LEP prescribes a maximum height of 40m for the subject site. The proposed development exceeds the maximum building height by 1.7m (4.5%) for Building A1, 2.6m (6.5%) for Building A2, 0.755m (1.9%) for Building B1 and 3.32m (8.3%) for Building B2 to the height standard. The variation to the development standard can be supported for the following reasons:

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

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

Amendments in red are to include the following:

- All air-conditioning units are to be located on the narrowest depth of the balcony to ensure adequate usable private open space is provided.
- The east facing balconies serving units 901, 908, 1001, 1008 are to be installed with a 1.5m high obscured privacy screen.
- The east facing windows serving units 901 and 908 are to be installed with obscured glass at least 1.5m high from the finished floor level.
- The minimum basement storage areas for each unit are to be at least 3m³ for each 1 bedroom unit, 4m³ for each 2 bedroom unit and 5m³ for each 3 bedroom unit.
- All services and service provision visible from the street and public domain are required to be carefully and substantially screened in a manner to match the aesthetic of the approved development.
- The Ground Level Plan is to be amended as per SK-110-008-02 Sketch layout for linear waste track system submitted to Council on 19/2/2021.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
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DA-010-013	Demolition Plan	P02	30/11/2020
DA-010-009	Site Plan	P03	30/11/2020
DA-110-007	Basement 01	P03	30/11/2020
DA-110 - 008	Ground Level	P04	30/11/2020
DA-110 - 010	Level 01	P04	30/11/2020
DA-110 - 020	Level 02	P05	19/02/2021
DA-110-030	Level 03	P04	30/11/2020
DA-110-040	Level 04	P04	30/11/2020
DA-110-050	Level 05	P04	30/11/2020
DA-110-060	Level 06-09	P04	30/11/2020
DA-110-100	Level 10	P01	30/11/2020
DA-110-110	Level 11	P04	30/11/2020
DA-110-120	Level 12	P04	30/11/2020
DA-110-130	Level 13	P04	30/11/2020
DA-110-140	Roof Level	P04	30/11/2020
DA-210-101	North Elevation	P03	30/11/2020
DA-210-201	East Elevation	P03	30/11/2020
DA-210-301	South Elevation	P03	30/11/2020
DA-210-401	West Elevation	P03	30/11/2020
DA-310-101	Section AA - (North Elevation B1)	P03	30/11/2020
DA-310-102	Section BB	P03	30/11/2020
DA-310-103	Section CC - (East Elevation Building B1 & B2)	P03	30/11/2020
DA-310-104	Section DD	P02	30/11/2020
DA-310-105	Section EE (West Elevation Building A1 & A2)	P03	30/11/2020
DA-310-106	Driveway Profile Ramp	P03	30/11/2020
DA-830-001	External Materials & Finishes Board	P03	30/11/2020
DA-910-001	3D Views – Perspective 01	P04	30/11/2020
DA-910-002	3D Views – Perspective 02	P04	30/11/2020
DA-910-003	3D Views – Perspective 03	P04	30/11/2020
DA-910-004	3D Views – Perspective 04	P02	30/11/2020
-	Landscape DA Report prepared by Turf Design Studio	E	28 January 2021
L-DA-11	Landscape Plan – Ground and Podium	E	January 2021
L-DA-13	Landscape Plan - Rooftops	E	January 2021
L-DA-14	Landscape Plan – Tree Management Plan	E	January 2021
L-DA-15	Landscape Plan – Communal and Public Open Space	E	January 2021
L-DA-32	Planting Plan – Ground and Podium – Tree Plan	E	January 2021
L-DA-33	Planting Plan – Ground and Podium – Understorey Plan	E	January 2021
L-DA-34	Planting– Ground and Podium – Species List	E	January 2021
L-DA-35	Planting Plan – Rooftops	E	January 2021
L-DA-36	Planting– Rooftops – Species List	E	January 2021
8331	Draft Plan of Subdivision	-	3/12/2020
SK-110-008-02	Sketch layout for linear waste track system – Ground Level Plan	-	Received on 19/2/2021

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

2. External Finishes

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

3. Building Work to be in Accordance with BCA

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

4. Construction Certificate

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

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

5. Compliance with Sydney Metro Requirements

Compliance with the requirements of Sydney Metro as outlined in their letter dated 15 December 2020 Reference: SM-20-00139444 attached to this consent.

6. Compliance with Transport for NSW Requirements

Compliance with the requirements of Transport for NSW as outlined in their letter dated 31 January 2021 TfNSW Reference: SYD20/00195/06 (A35999385) attached to this consent.

7. Compliance with NSW Police Requirements

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

Surveillance:

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

Lighting:

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

Territorial Reinforcement:

- All public access points are to be well marked.

Environmental Maintenance:

- Use of anti-graffiti building materials.

Access Control:

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.

- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.
- Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.
- High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Park smarter signage to be installed around the car park.
- Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.

8. Compliance with Endeavour Energy requirements

Compliance with the requirements of Endeavour Energy as outlined in their letter dated 27 February 2020 uploaded and attached to this consent.

9. Air Conditioner Location

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

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

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

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

The property address for this development is: -

Block A1	6 Carrington Road, Castle Hill
Block A2	19 Sexton Avenue, Castle Hill
Block B1	8 Carrington Road, Castle Hill (Primary Address & Proprietors mail box)
Block B2	8 Carrington Road, Castle Hill

Unit numbering supplied on plans submitted and numbered as Project No: 18073; Drawing Title: GA Plans; Drawing No. DA-110-008, DA-110-010, DA-110-020, DA-110-030, DA-110-040, DA-110-050, DA-110-060, DA-110-110, DA-110-120, DA-110-130; Rev: P04; Dated: 30/11/2020; & DA-110-100 P01 19/12/2019 **does comply** with Council and NSW Addressing Policy.

Level	Block A1	Block A2	Block B1	Block B2
Gnd	G01 – G03	-	G04 (shop)	-
1	101 – 107	108 – 111	112 – 122	-
2	201 – 209	210 – 213	214 – 215	216 - 219
3	301 – 309	310 – 316	317 – 328	329 - 333
4	401 – 408	409 – 416	417 – 421	422 - 427
5	501 – 508	509 – 514	515 – 521	522 - 527
6	601 – 608	609 – 614	615 – 621	622 - 627
7	701 – 708	709 – 714	715 – 721	722 - 727

8	801 – 808	809 – 814	815 – 821	822 - 827
9	901 – 908	909 – 914	915 – 921	922 - 927
10	1001 - 1008	1009 – 1014	1015 – 1021	1022 - 1027
11	1101	1102 – 1106	1107 – 1113	1114 - 1119
12	1201	-	-	1202 - 1207

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

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

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

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

Mail Boxes

Cluster mail boxes are located on the ground floor at each Lobby Entrance shown on plans submitted marked as DWG No DA-110-008, DA-110-010, DA-110-020; Rev P04. Written correspondence from Australia Post certifying that they agreed to the proposed location of the cluster mail box must be obtained prior to issue of Construction Certificate. Australia Post contact is Richard Arraiza at the Seven Hills Delivery Centre – email Richard.Arraiza@auspost.com.au or phone 02 9674 4027.

The number of mail boxes to be provided is to be equal to the number of units; plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building B1 – 8 Carrington Road, Castle Hill.

Strata Developments

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

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

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

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

11. Planting Requirements

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

For all planting on slab and planter boxes the following minimum soil depths are to be provided:

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

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

One (1) additional 75L *Angophora costata* (Sydney Red Gum) street tree is to be planted to replace recently removed Tree number 13 within the Council nature strip.

12. Replacement Planting Requirements

To directly replace trees numbered 17 and 18 located in the Tree Management Plan prepared by Turf Design Studios Issue E dated 28/01/21, two (2) minimum 200L pot size trees from the following list are to be planted within 2m of the existing location of tree 17 and 18.

<i>Angophora costata</i>	Smooth barked Apple
<i>Eucalyptus creba</i>	Narrow Leaved Ironbark
<i>Eucalyptus pilularis</i>	Blackbutt
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus resinifera</i>	Red Mahogany
<i>Eucalyptus saligna</i>	Sydney Blue Gum
<i>Eucalyptus tereticornis</i>	Forest Red Gum

13. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment prepared by Australis Tree Management dated 29/01/21 with the exception of Tree 17 and 18.

The section of the shared pedestrian path located within the eastern setback stand of trees must be constructed above grade under the supervision of the Project Arborist to ensure there is no damage to roots within the Tree Protection Zones of any trees to be retained and protected.

14. Tree Removal on Public Land

Approval is granted for the removal of trees numbered 80-82, 122, 123, 134-136, as located on the Tree Management Plan prepared by Turf Design Studios Issue E dated 28/01/21 located on the Council nature strip that will be impacted by works associated with the development.

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

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

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and

provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

15. Tree Removal

Approval is granted for the removal of trees in accordance with the Tree Management Plan located in Landscape Plan set prepared by Turf Design Studio Issue E dated 28/01/21. Additional trees numbered 17 (Golden Ash) and 18 (Jacaranda) are also approved for removal due to impacts from stormwater.

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.

16. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

17. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

18. Provision of Kitchen Waste Storage Cupboard

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

19. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste

management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

20. Construction of Separate Waste Storage Areas

The development must incorporate separate dedicated waste storage areas, to facilitate the separation of residential waste and recycling from commercial material, designed and constructed in accordance with the following requirements. The Residential Bin Collection Room must provide minimum storage facility for 34 x 1100 litre bins. The Residential Waste Discharge Rooms for Buildings A1, A2 and B1 must provide minimum storage facility for 1 x 2-(1100 litre) bin linear track system with compaction unit for garbage and 1 x 2-(1100 litre) bin linear track system for recyclables. The Residential Waste Discharge Room for Building B2 must provide minimum storage facility for 1 x 1100 litre bin with compaction unit for garbage and 1 x 1100 litre bin for recyclables. The Commercial Bin Collection Room and Commercial Waste Storage Room must each provide minimum storage facility for 2 x 1100 litre bins.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The design of the waste storage areas must ensure that commercial tenants do not have access to the residential waste storage areas, and vice versa for residential occupants.
- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The Residential Bin Collection Room and Commercial Bin Collection Room must each have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The Residential Bin Collection room's waste servicing door must be able to be closed and locked (lock and key). The key should not have access to any other areas of the development.
- All doors of the waste storage areas, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas, it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.

- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (Council approved designs for residential and NSW EPA for commercial), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

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

21. Access and Loading for Waste Collection

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

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

22. Communal Composting Areas

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

23. Commercial Waste and Recycling Collection Contract

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated by commercial uses 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 any authorised officer of the Council who asks to see it.

24. Provision of Waste Chute System

The development must incorporate a dual chute system with a total of 4 x chutes for garbage and 4 x chutes for recyclables. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the Waste Discharge Rooms. Garbage must discharge into 1100 litre bins housed on a 2-bin linear track system with compactor (2:1 compaction ratio) and recyclables must discharge into 1100 litre bins housed on a 2-bin linear track system. No compaction for recyclables. The Waste Discharge Room for Building B2 does not require a linear track system for either garbage or recyclables. A compaction unit for garbage must be provided for Building B2's Waste Discharge Room (2:1 compaction ratio). The waste chute system must be maintained in accordance with manufactory standards.

25. Provision of Bin Cupboards

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

26. Contamination Requirements

The recommendations contained within the Preliminary Site Contamination Investigation for proposed residential development prepared by Douglas Partners Pty Ltd, project number 86820.01 and dated 17 December 2019 are to be complied with as part of this development, specifically:

1. A hazardous building materials survey is to be undertaken on all existing site features prior to demolition works.
2. Soil sampling is to be undertaken following the demolition of site features to confirm (or otherwise) that there is an absence of contamination.
3. Soils to be disposed of off-site are to be do so in accordance with the NSW EPA's Waste Classification Guidelines.

Note: Contaminated soil, soil for which the contamination status is unknown, waste (including but not limited to concrete / bricks / demolition material) is prohibited from being buried, capped, contained or similar onsite (including under public or private roads and land which will become public).

27. Subdivision – Road Widening (Sexton Avenue and Carrington Road)

(a) Sexton Avenue:

The subdivision component of the development relating to Sexton Avenue widening within the development must be in accordance with the concept Plan of Subdivision prepared by Matthew Plowman Surveyor's Ref: 8331 dated 3 December 2020 submitted with the application.

The construction and the dedication as public road reserve is to be at no cost to Council as stated in this subdivision plan.

Carrington Road:

The subdivision component of the development relating to the widening of Carrington Road fronting the site is to be created as a separate lot and be reserved for future acquisition by Council under a separate process.

The extent of the land for widening must be consistent with the SP2-Local Road Widening identified in the Local Environmental Plan. The Plan of Subdivision prepared by Matthew Plowman Surveyor's Ref: 8331 submitted with the application must be amended to be consistent with this.

28. Separate Application for Strata Subdivision

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

29. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

30. Structures Adjacent to Piped Drainage Easements

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

31. Requirements for Council Drainage Easements

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

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

32. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

33. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to support excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifier and included as part of any Construction Certificate or Occupation Certificate issued.

34. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

35. Street Trees

Street trees must be provided for the section of Showground Road, Carrington Road and Sexton Avenue fronting the development site in accordance with the Showground Road Public Domain Plan.

The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

36. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

37. 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.

38. Subdivision Works Approval - Road Widening

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

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

39. Section 7.11 Contribution

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

Payments comprise of the following:-

	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>	<i>Purpose: Credit</i>
Open Space - Land	\$ 4,285.10	\$ 5,999.13	\$ 7,427.50	\$ 9,712.55
Open Space - Capital	\$ 2,165.97	\$ 3,032.36	\$ 3,754.35	\$ 4,909.37
Transport Facilities - Land	\$ 1,065.73	\$ 1,492.02	\$ 1,847.27	\$ 2,415.58
Transport Facilities - Capital	\$ 1,658.42	\$ 2,321.79	\$ 2,874.59	\$ 3,758.95
Water Management - Capital	\$ 433.00	\$ 606.21	\$ 750.55	\$ 981.45
Administration	\$ 56.98	\$ 79.80	\$ 98.79	\$ 129.17
Total	\$ 9,665.21	\$ 13,531.30	\$ 16,753.04	\$ 21,907.07

<i>No. of 1 Bedroom Units: 69</i>	<i>No. of 2 Bedroom Units: 163</i>	<i>No. of 3 Bedroom Units: 60</i>	<i>Sum of Units</i>	<i>No. of Credits: 12</i>	<i>Total S7.11</i>
\$ 295,672.23	\$ 977,858.23	\$ 445,649.91	\$ 1,719,180.37	\$ 116,550.62	\$ 1,602,629.75
\$ 149,451.83	\$ 494,274.68	\$ 225,260.97	\$ 868,987.48	\$ 58,912.45	\$ 810,075.03
\$ 73,535.61	\$ 243,199.38	\$ 110,835.92	\$ 427,570.91	\$ 28,986.92	\$ 398,583.99
\$ 114,430.93	\$ 378,451.61	\$ 172,475.52	\$ 665,358.06	\$ 45,107.42	\$ 620,250.63
\$ 29,877.07	\$ 98,811.50	\$ 45,032.76	\$ 173,721.33	\$ 11,777.37	\$ 161,943.95
\$ 3,931.62	\$ 13,006.79	\$ 5,927.37	\$ 22,865.78	\$ 1,550.05	\$ 21,315.73
\$ 666,899.28	\$ 2,205,602.19	\$ 1,005,182.45	\$ 3,877,683.91	\$ 262,884.83	\$ 3,614,799.09

<i>Development Category</i>	<i>Rate per M² of Total Floor Space: 100</i>	<i>Total S7.11</i>
Transport Facilities - Land	\$ 44.42	\$ 4,442.00
Transport Facilities - Capital	\$ 69.13	\$ 6,913.00
Water Management - Capital	\$ 12.03	\$ 1,203.00
Administration	\$ 1.09	\$ 109.00
Total	\$ 126.67	\$ 12,667.00

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

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

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

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

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

40. Parking Spaces

The development is required to be provided with 362 (296 resident, 60 visitor and 6 retail) off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

41. Amended Stormwater Plan

An amended stormwater plan is to be submitted to the satisfaction of Council's Manager – Environment and Health. The plan must:

- a) Locate all pits and pipes as far outside of the TPZ of trees on site and neighbouring trees as possible. Note: Trees 17 and 18 are additional trees approved for removal under this consent.
- b) Swales to the Showground Road setback, Carrington Road setbacks, and south-western setback are to be removed and replaced with pits and pipes located as above.

42. Irrigation

An automatic watering system to be installed as a minimum to all common areas, and raised planter boxes throughout the development. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

43. Internal Pavement Structural Design Certification

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

44. Erosion & Sediment Control Plan

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

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles

- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

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

45. Acoustics - Internal Noise Levels (Residential Unit Development)

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

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

In particular the acoustic statement shall detail that all recommendations contained within Acoustic Report prepared by Wood & Grieve Engineers referenced as 43435 and dated 10 December 2019, have been included in the construction plans of the development.

46. Integrated Stormwater System (OSD and WSUD) – Hawkesbury River Catchment Area

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

A set of Stormwater concept plan and associated both prepared by Adams is not to be used for construction. The detailed design must reflect the stormwater concept plans listed below:

Document Description	Reference No. & Revision	Date
Stormwater Management Report		
Ground Floor Drainage Plan sheet 1	Drawing C130 - Revision 4	27/11/2020
Ground Floor Drainage Plan sheet 2	Drawing C131 - Revision 4	27/11/2020
Catchment Plan	Drawing C140 - Revision 3	27/11/2020
OSD Tank Base Plan	Drawing C005 - Revision 2	27/11/2020
OSD Tank Lid Plan	Drawing C006 - Revision 2	27/11/2020
OSD Tank Details Sheet	Drawing C007 - Revision 2	27/11/2020

Detailed plans shall include the following amendments:

- a) Proposed swales along the Showground Road and Carrington Road front setback area must be replaced with adequate drainage pits and pipe network in order to ensure the public verge is protected from nuisance runoff.
- b) Proposed swale along the western boundary must be replaced with adequate drainage pits and pipe network in order to ensure the collection of surface runoff via underground pipe system. The pits and pipes must be located to the conditions relating to landscape requirements.
- c) All drainage pits including OSD discharge control pit provided mass concrete benching to the invert of orifice and/or outlet pipes.

Water sensitive urban design elements, consisting of Rainwater Tank (10kL), Enviropod 200 (20 Nos), PSorb MCC Storm Filters (15), are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

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

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

47. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 – Plumbing and Drainage – Stormwater drainage. The system must be connected to the OSD system along with the remaining site runoff, under gravity. Where Onsite Stormwater Detention is required, the system must be connected to that Onsite Stormwater Detention system. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

48. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate or Subdivision Works Certificate is issued.

49. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$397,000.00 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (190m – Carrington Road and 185m – Sexton Avenue) multiplied by the width of the road (13.5m – Carrington Road and 9m – Sexton Avenue).

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

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

50. Security Bond – External Works

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

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

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

51. Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept Sexton Avenue Public Domain Plan drawings 190190-C200 and 190190-C201 Revision 7 dated 27/11/2020 prepared by Adams are for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

Detailed design and construction activities fronting to Carrington Road must be consistent to the Council's road design. Council must be contacted in writing for such details prior to commencement of construction drawings.

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

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

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

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

b) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

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

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

d) Concrete Footpath

A 1.5m wide concrete footpath, must be provided on one side of Sexton Avenue in accordance with the DCP and the above documents.

e) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the Showground Road and Carrington Road in accordance with the DCP and the above documents.

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

52. Design Verification

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

53. Notice of Requirements

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

54. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

55. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan within the Arboricultural Impact Assessment prepared by Australis Tree Management dated 29/01/21 with the exception of Tree 17 and 18 which are approved for removal b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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

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

Note: Where the provision of the tree protection fencing is impractical due to a tree's location on the council nature strip trunk protection shall be erected around nominated trees to avoid accidental damage. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8m metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with galvanised hoop strap.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

56. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

57. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

58. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention and trees within

adjoining properties without prior notification to Council (72 hours notice) or under supervision of a project arborist.

The location of stormwater pipes and pits are to be as per the Amended Stormwater Plan condition of this consent to minimise trenching within tree protection zones of trees on the site and neighbouring sites.

The section of the shared pedestrian path located within the eastern setback stand of trees must be constructed above grade under the supervision of the Project Arborist to minimise any excavation required within the TPZ of trees to be retained and protected.

The project arborist must provide certification of submission of any trenching or excavation within the TPZ of trees to the Certifying Authority within 14 days of completion of the works.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

59. Engagement of a Project Arborist

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

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

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

60. Notification of Asbestos Removal

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

61. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

62. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service

are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

63. Construction and Demolition Waste Management Plan Required

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

64. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

65. Site Water Management Plan

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

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

A copy of the plan is to be kept on site at all times and made available upon request. The plan is to be implemented throughout the excavation and construction stages of the development.

66. Erosion & Sediment Control Plan Kept on Site

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

67. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

68. Transport for NSW Design Approval

The design and construction of the relevant works must be approved by Transport for NSW before any works commence on that road. A copy of the Transport for NSW stamped approved construction plans must be submitted to Council.

69. Erection of Signage – Supervision of Subdivision Work

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifier (Council);
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

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

70. Contractors Details

The contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

71. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

72. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining properties within the likely zone of influence from any excavation, dewatering or construction induced vibration.

73. Property Condition Report – Public Assets

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

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

Details

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

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

Signage

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

- a) the name, address and phone number of the PCA for the work,

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

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

75. Management of Building Sites

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

76. Consultation with Service Authorities

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

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

77. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

78. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

79. Sydney Water Building Plan Approval

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

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

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

DURING CONSTRUCTION

80. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

81. Rock Breaking Noise

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

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

82. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*. In addition, the recommendations contained within the Construction Noise Management Plan prepared by Acoustic Logic Pty Ltd, project ID 201910034.1 and dated 30 November 2019 are to be implemented. Specifically the recommendations contained within Section 8.1 which requires a 2.4m high plywood hoarding to be erected to all site boundaries.

83. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health "Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)" available from the NSW Health website (<http://www.health.nsw.gov.au/>).

Note: Methods 1.1 & 2.1 (Demolition) are not permissible.

84. Contamination

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

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

85. Asbestos Removal

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

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

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

86. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- 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
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

87. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

88. Critical Stage Inspections

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

89. Working Hours

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

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

90. Survey Report and Site Sketch

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

91. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1061251M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

92. Washing of Vehicles

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

934. Landscaping Prior to Issue of any Occupation Certificate

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

94. Project Arborist Certification Prior to Issue of any Occupation Certificate

The project arborist is to provide certification of all supervision of tree protection fencing, signage, mulching, trenching, and all supervision of any works within the TPZ of trees prior to Occupation Certificate. The project arborist is to certify that all tree protection conditions have been complied with during construction prior to Occupation Certificate.

95. Internal Pavement Construction

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

96. Final Inspection of Waste Storage Area(s)

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

97. Provision of Signage for Waste Storage Areas

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

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

98. Domestic Waste Collection Risk Assessment

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

99. Waste Chute System Installation Compliance Certificate

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

100. Validation report

A validation report (if contamination was identified and remediated) shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

101. Acoustic Compliance Report

The acoustic consultant shall inspect the installation of the required noise suppressant components (roof top mechanical plant barriers and internal noise levels) as recommended in report titled Acoustic Report prepared by Wood & Grieve Engineers referenced as 43435 and dated 10 December 2019 (and any further acoustic reports accepted by Council's

Manager – Environment and Health.) Written certification is to be provided to Council's Manager – Environment and Health.

102. Completion of Subdivision Works/ Satisfactory Final Inspection

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent. A satisfactory final inspection by Council's Construction Engineer is required.

103. Subdivision Works – Submission Requirements

Once the subdivision works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

A template public asset creation summary is available on Council's website and must be used.

104. Performance/ Maintenance Security Bond

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

105. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

106. Property Condition Report – Private Assets

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties in the locality and the means of rectification for the approval of Council.

107. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

108. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

109. Public Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/ road widening have been dedicated in accordance with the undertaking submitted relating to dedication Sexton Avenue road widening at no cost to Council.

110. Consolidation of Allotments

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

111. Pump System Certification

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

112. Stormwater Management Certification

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

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

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

113. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

a) Dedication – Road Widening (Sexton Avenue and Carrington Road)

Sexton Avenue:

- i. The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to dedication of Sexton Avenue at no cost to Council.

Carrington Road:

- ii. The extent of proposed Carrington Road widening must be included on the final plan as a separate lot until the acquisition by Council.

114. Creation of Restrictions/ Positive Covenants

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

a) Restriction – Bedroom Numbers

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

b) Restriction – Rainwater Tanks

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

c) 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.

d) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

e) 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.

f) 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.

115. Clearance Certificate

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

116. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

117. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the undergrounding of the existing electrical services fronting the site and removal of all redundant

poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

118. Provision of Telecommunication Services

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

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

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

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

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

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

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

119. Design Verification Certificate

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

THE USE OF THE SITE

120. Waste and Recycling Management

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

121. Commercial Waste and Recycling Collection

All waste generated on the site from commercial uses must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

122. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

123. Offensive Noise - Acoustic Report

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

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

124. Acoustic – Maintenance

All approved acoustic attenuation measures installed as part of the development are to be maintained at all times, in a manner that is consistent with the approved acoustic reports, the consent and so that the noise attenuation effectiveness is maintained. This includes but is not limited to mechanical plant acoustic barriers.

125. Ventilation for Basement Carpark

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

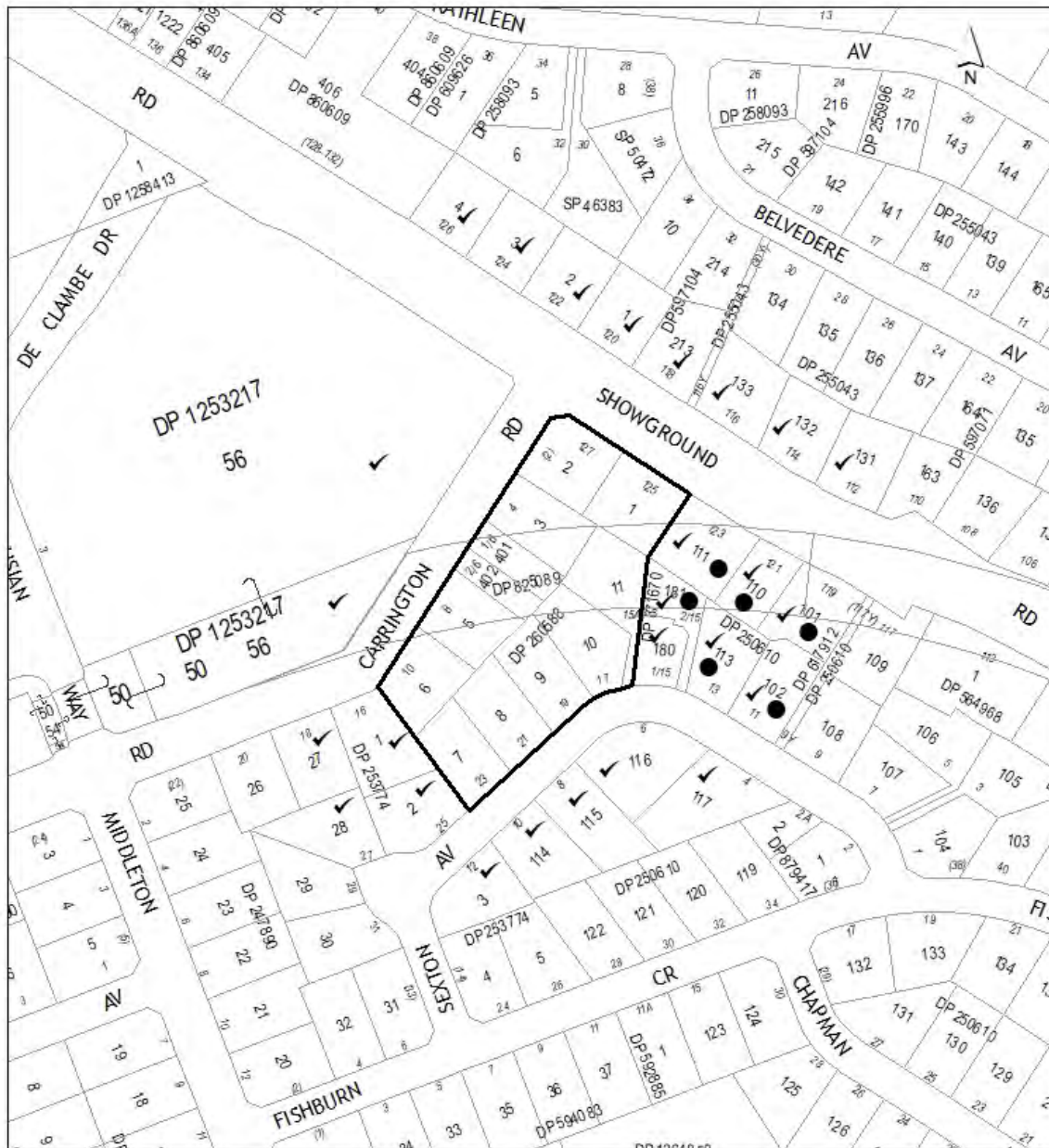
Certification of compliance shall be submitted to the Certifying Authority.

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

ATTACHMENTS

1. Locality Plan
2. Aerial Map
3. Zoning Map
4. Height of Buildings Map
5. LEP Floor Space Ratio (Base) Map
6. LEP Floor Space Ratio (Incentive) Map
7. Site Plan
8. Floor Plans
9. Elevations
10. Sections
11. Landscape Plans
12. Shadow Diagrams
13. 3D Solar Model
14. Cross Ventilation Diagram
15. Finishes Schedule
16. Perspectives
17. Clause 4.6 Written Submission
18. Design Review Panel Minutes
19. Sydney Metro Concurrence Letter
20. Transport for NSW Concurrence Letter
21. Draft Plan of Subdivision

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL MAP



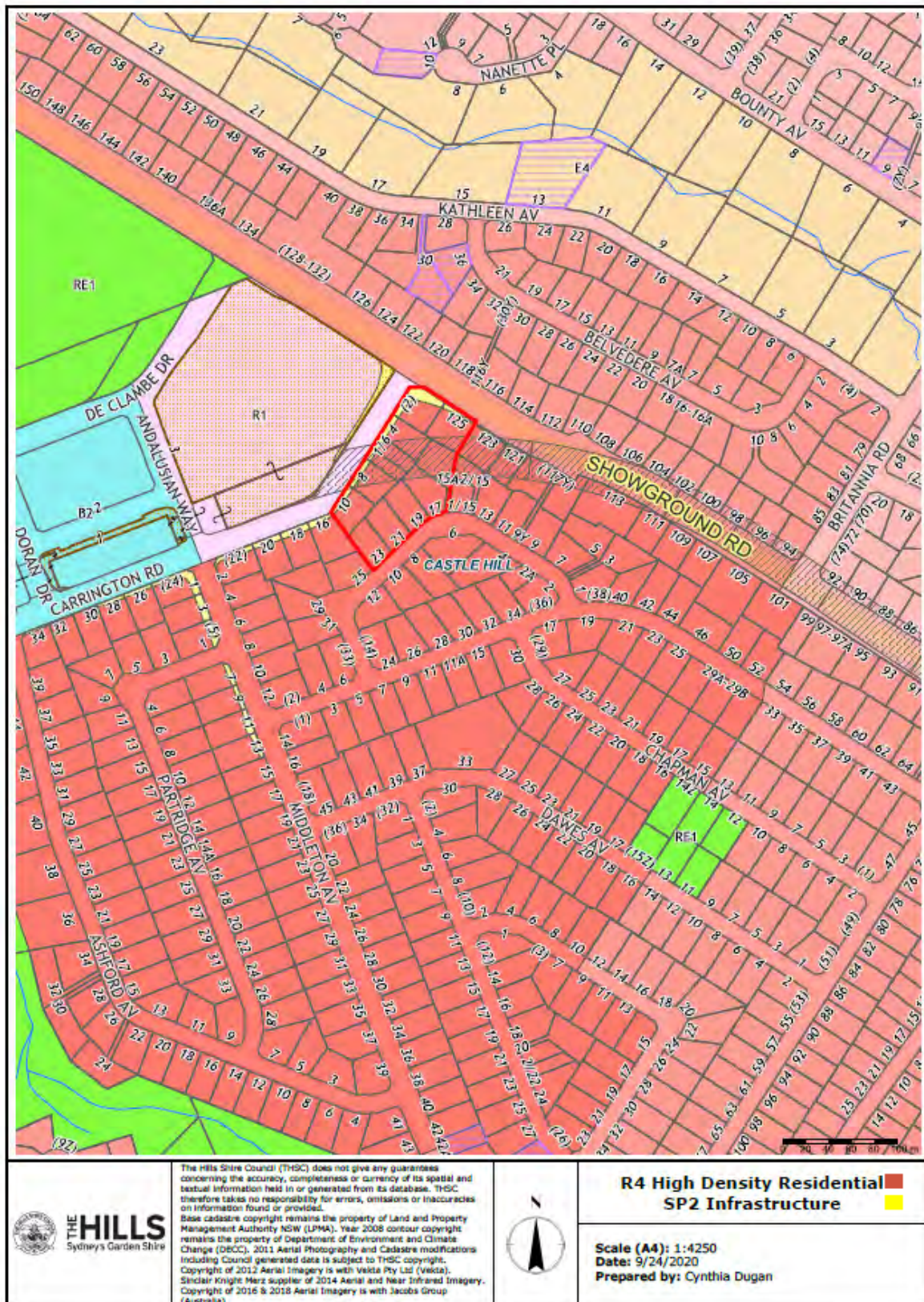
 SUBJECT SITE

THE HILLS
Sydney's Garden Shire

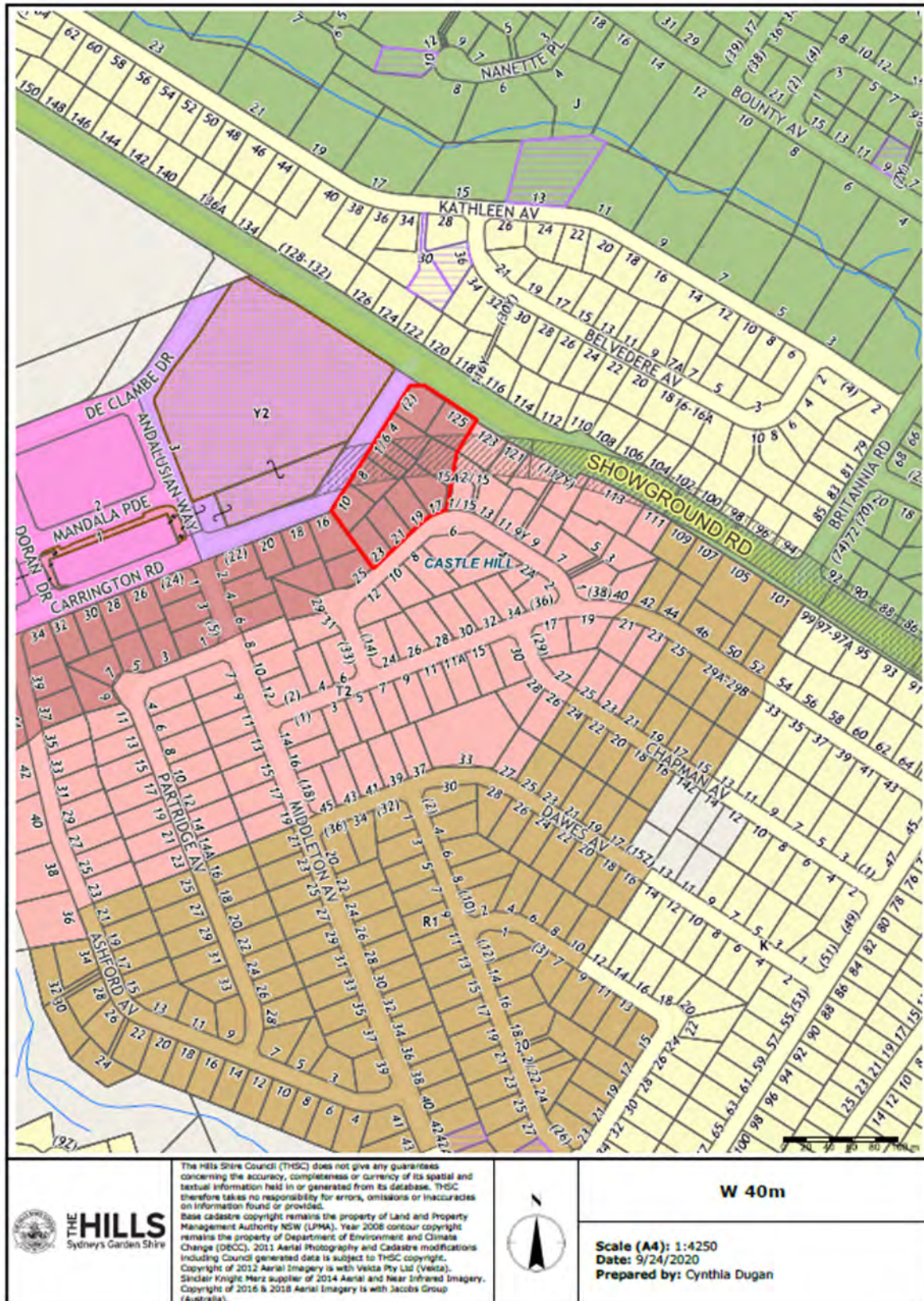
THE HILLS SHIRE COUNCIL

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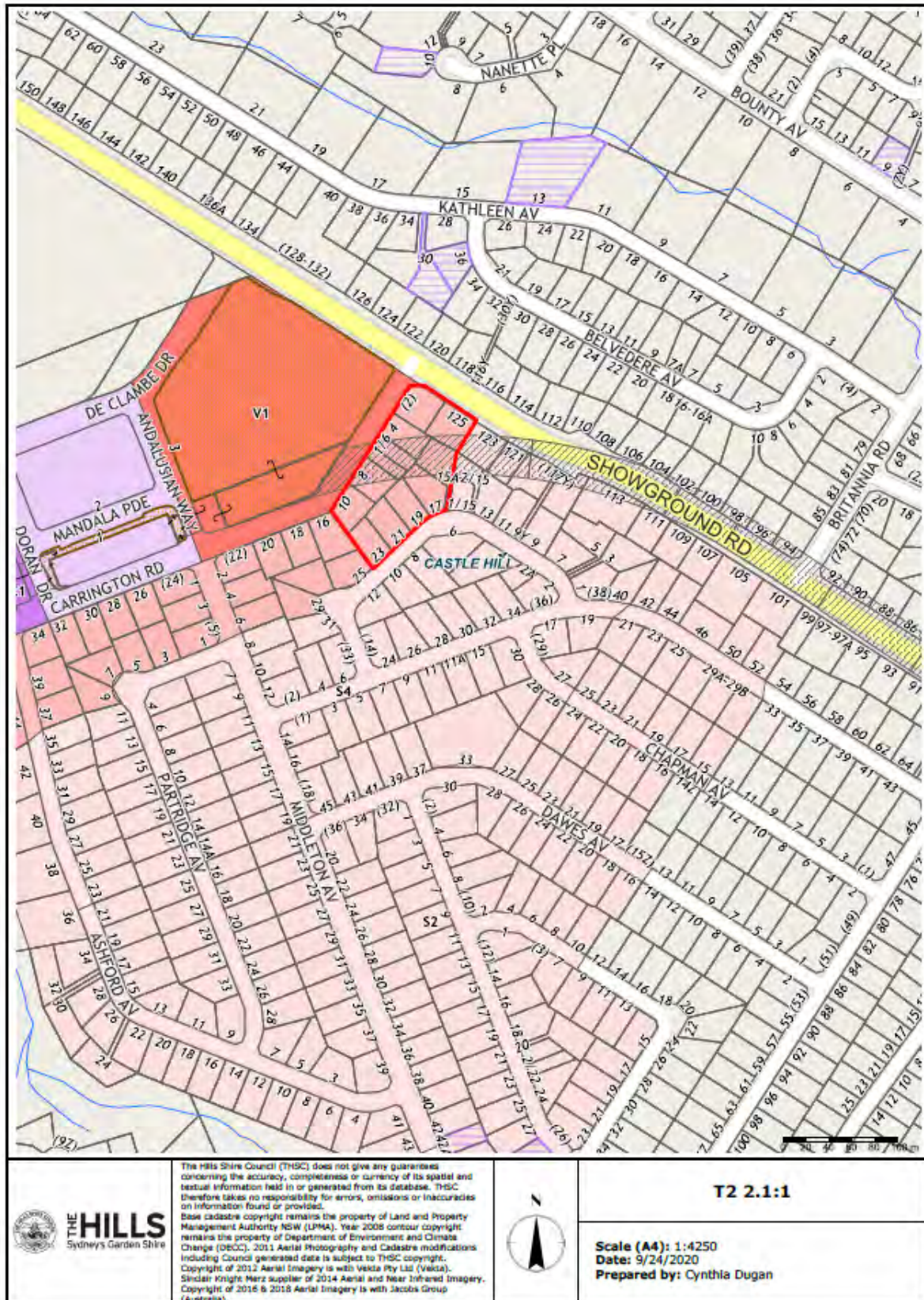
ATTACHMENT 3 – ZONING MAP



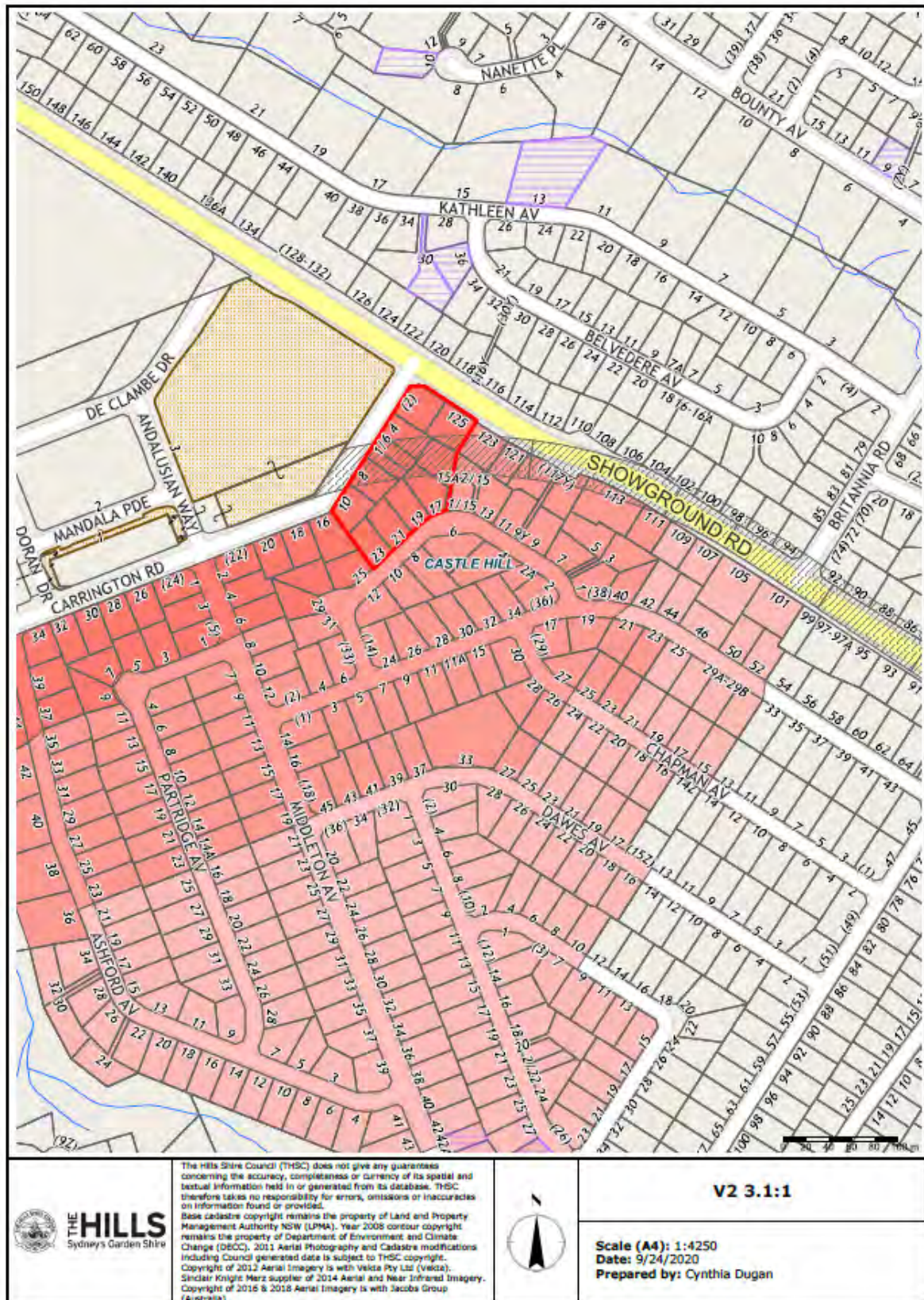
ATTACHMENT 4 – HEIGHT OF BUILDINGS MAP



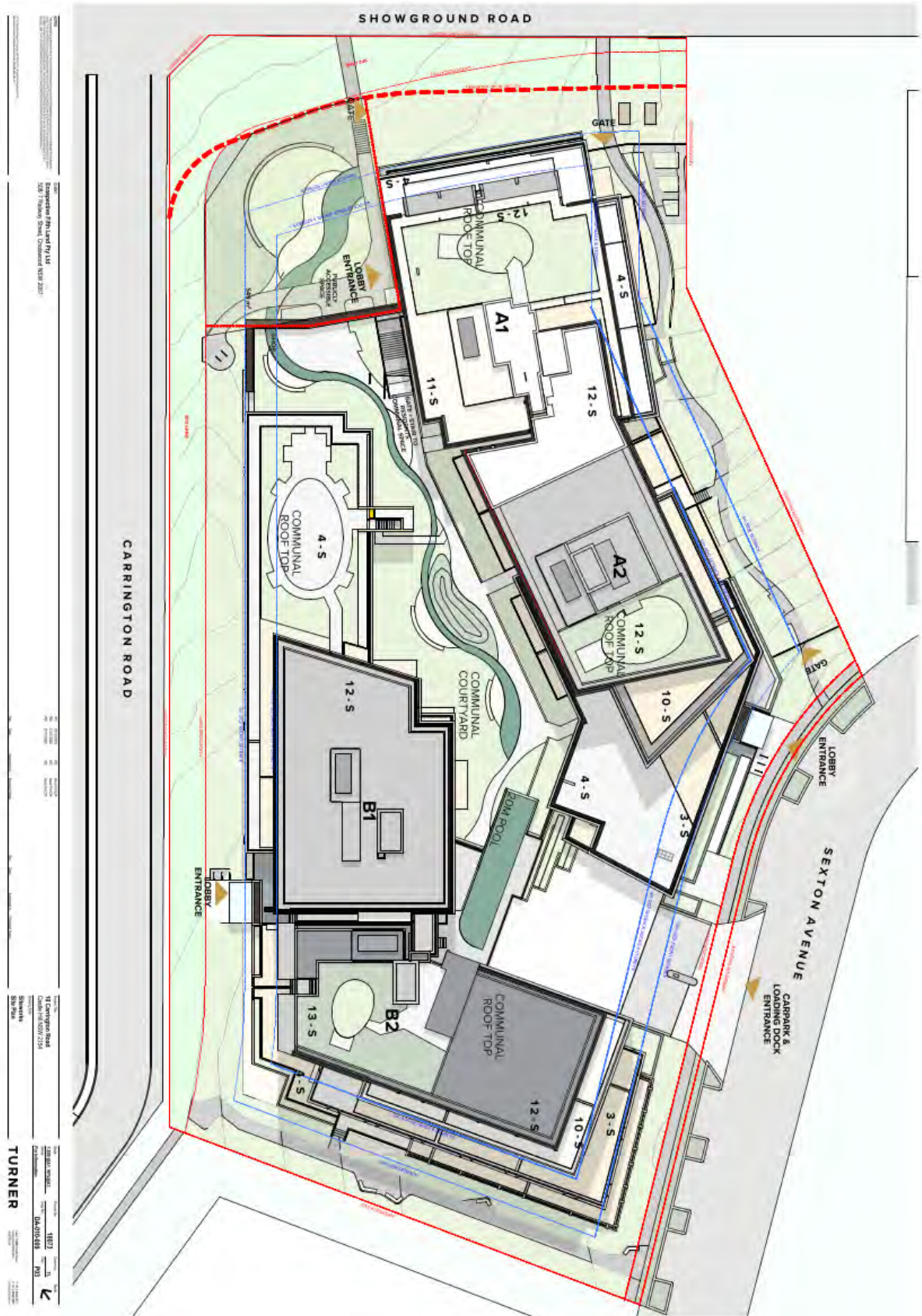
ATTACHMENT 5 – LEP FLOOR SPACE RATIO (BASE) MAP



ATTACHMENT 6 – LEP FLOOR SPACE RATIO (INCENTIVE) MAP

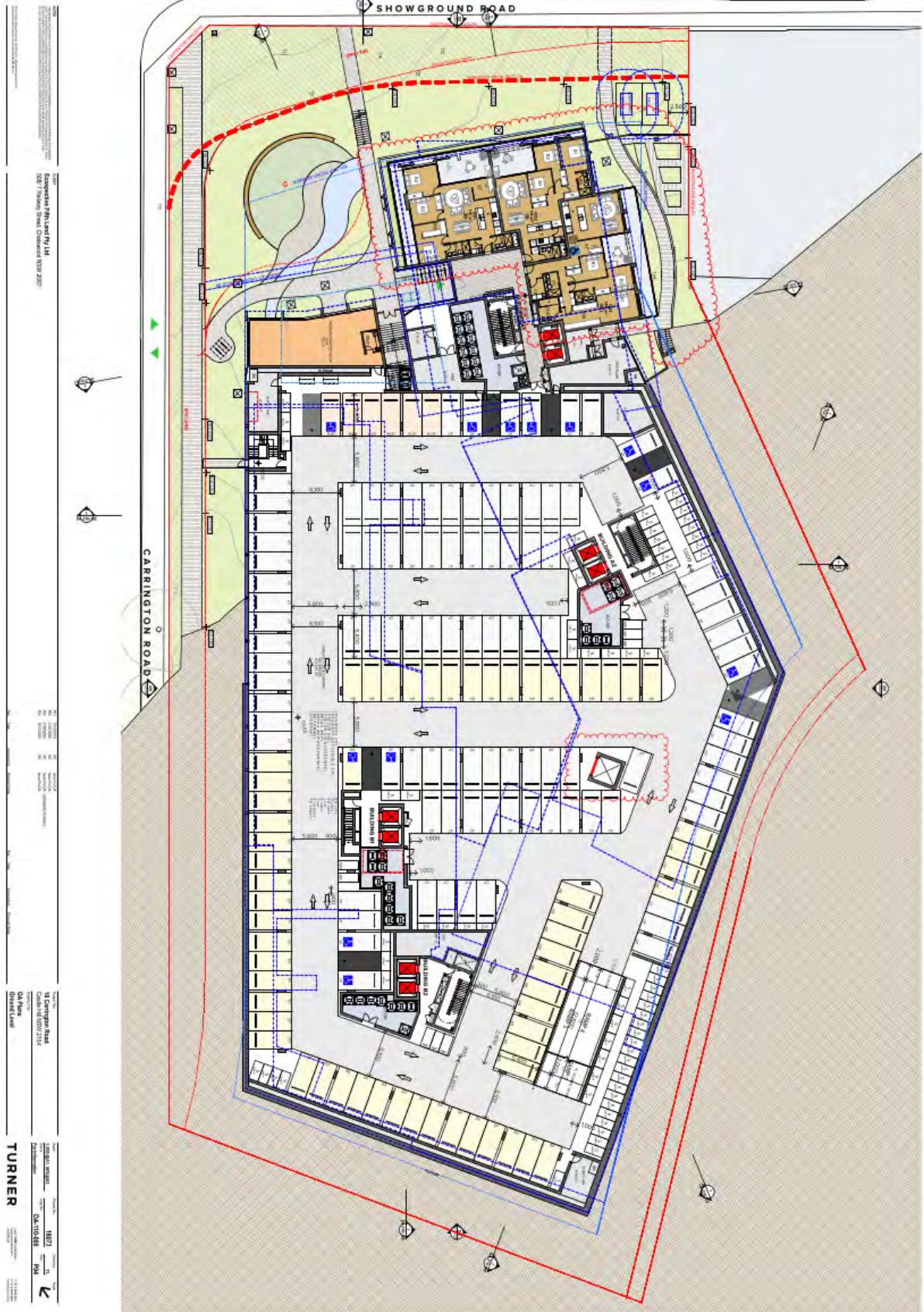


ATTACHMENT 7 – SITE PLAN



ATTACHMENT 8 – FLOOR PLANS

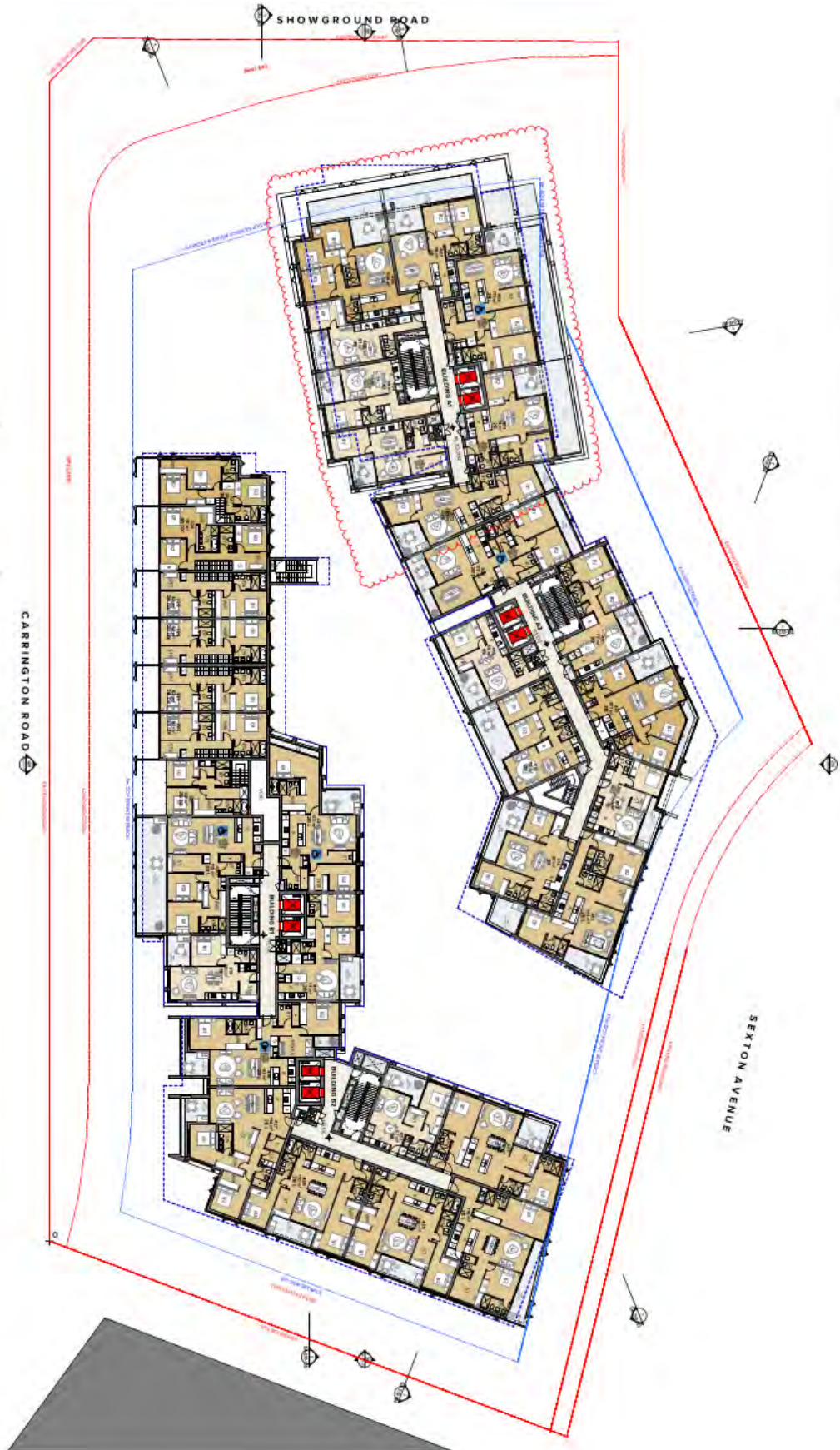


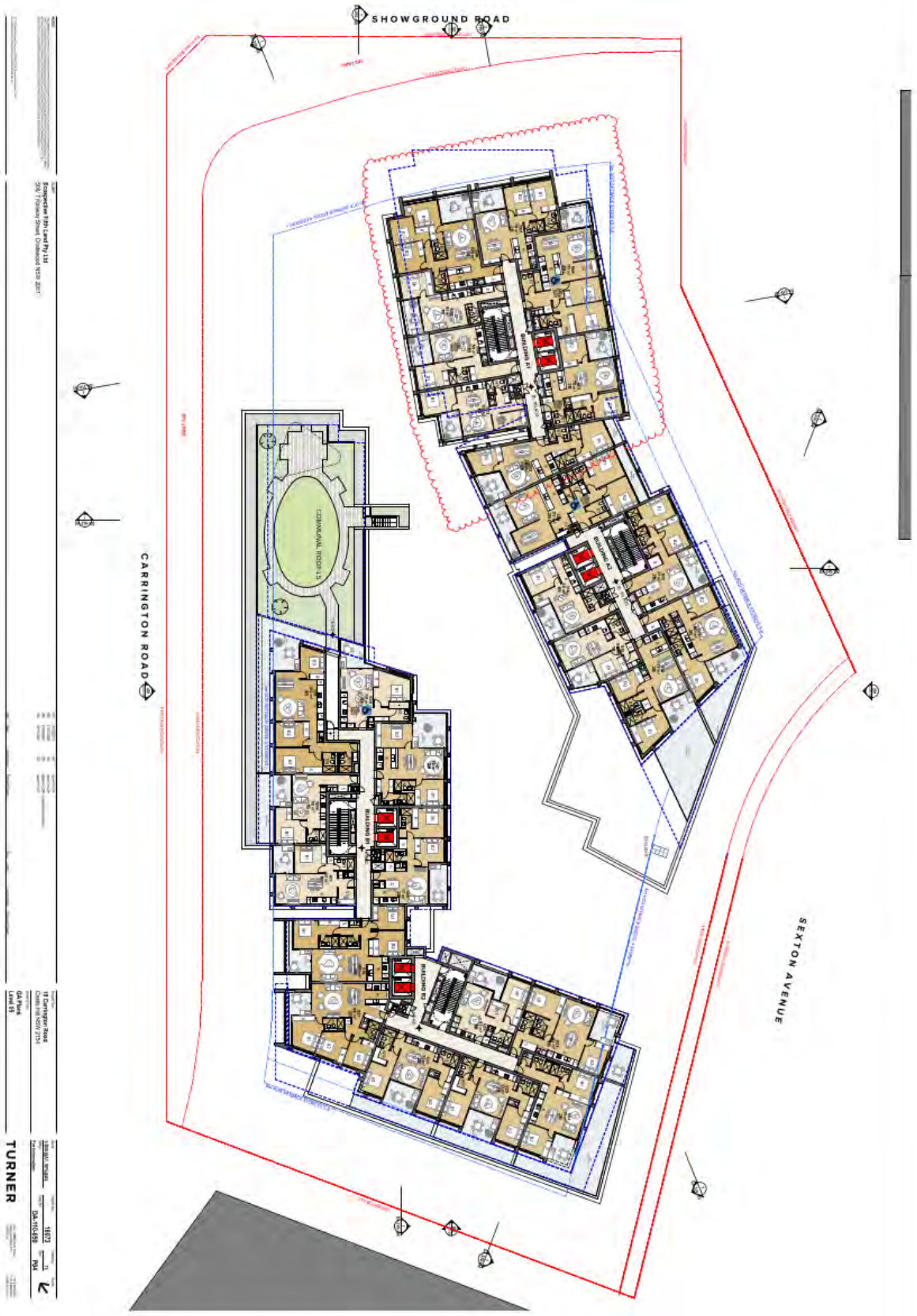


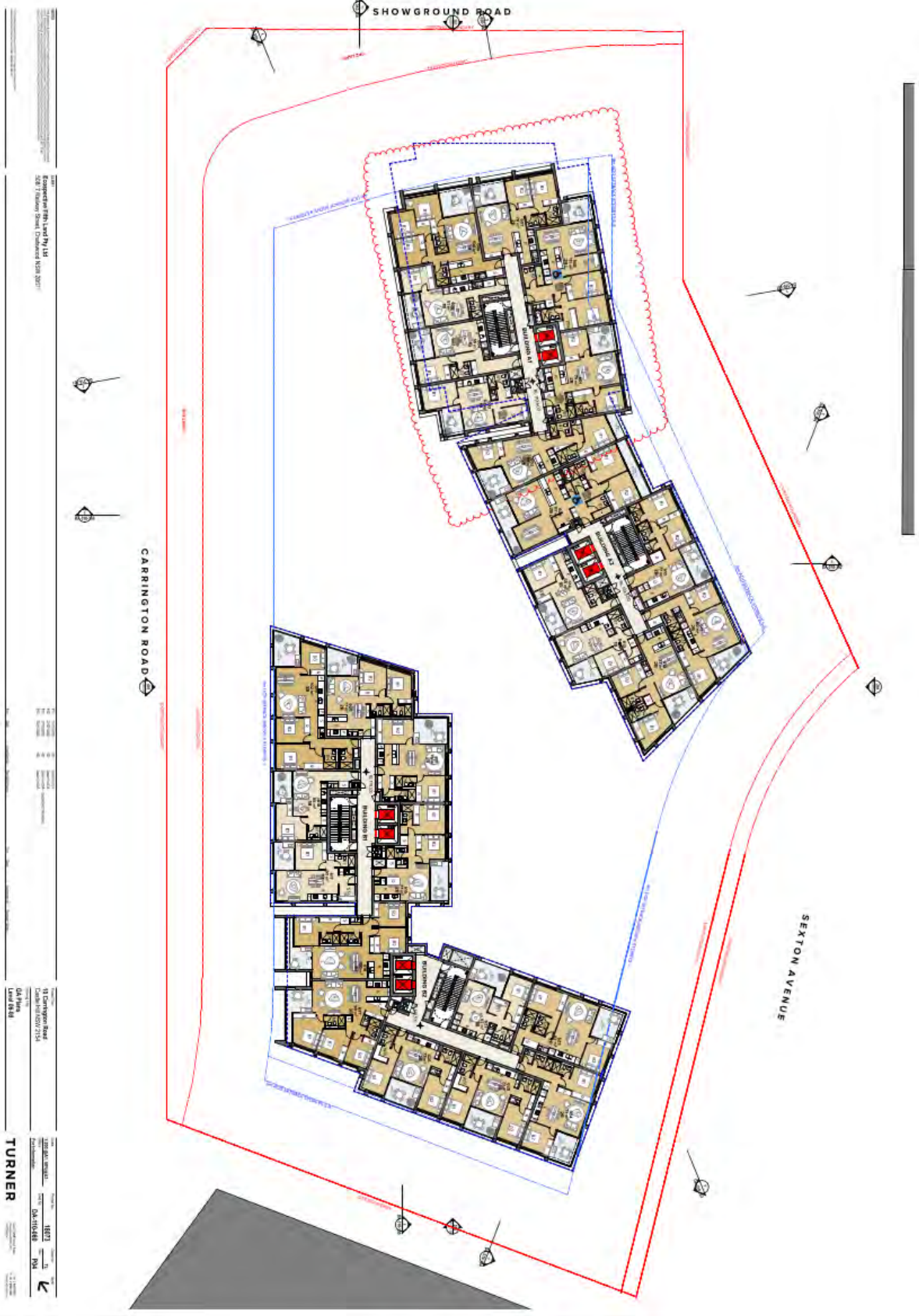


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Client: Carrington Road Residential Development Ltd		Date: 15/03/2021	
Site Name: Carrington Road		Scale: 1:500	
Drawing Title: Site Plan		Author: Turner	
Drawing Number: 19327298-01		Check: Turner	
Date: 15/03/2021		Version: 5	
Turner		Turner	

Project Name: Respective 480 Land Pty Ltd 520 / Railway Street, Cheltenham VIC 3192		Date: 18/03/2021 Drawn by: DA/10/444 Scale: 1:100	
Project No: 10000000000000000000 Drawing No: DA/10/444 Layer: 10		Project Name: 10000000000000000000 Date: 18/03/2021 Drawn by: DA/10/444 Scale: 1:100	
TURNER		TURNER	

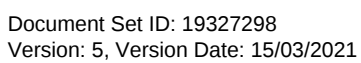


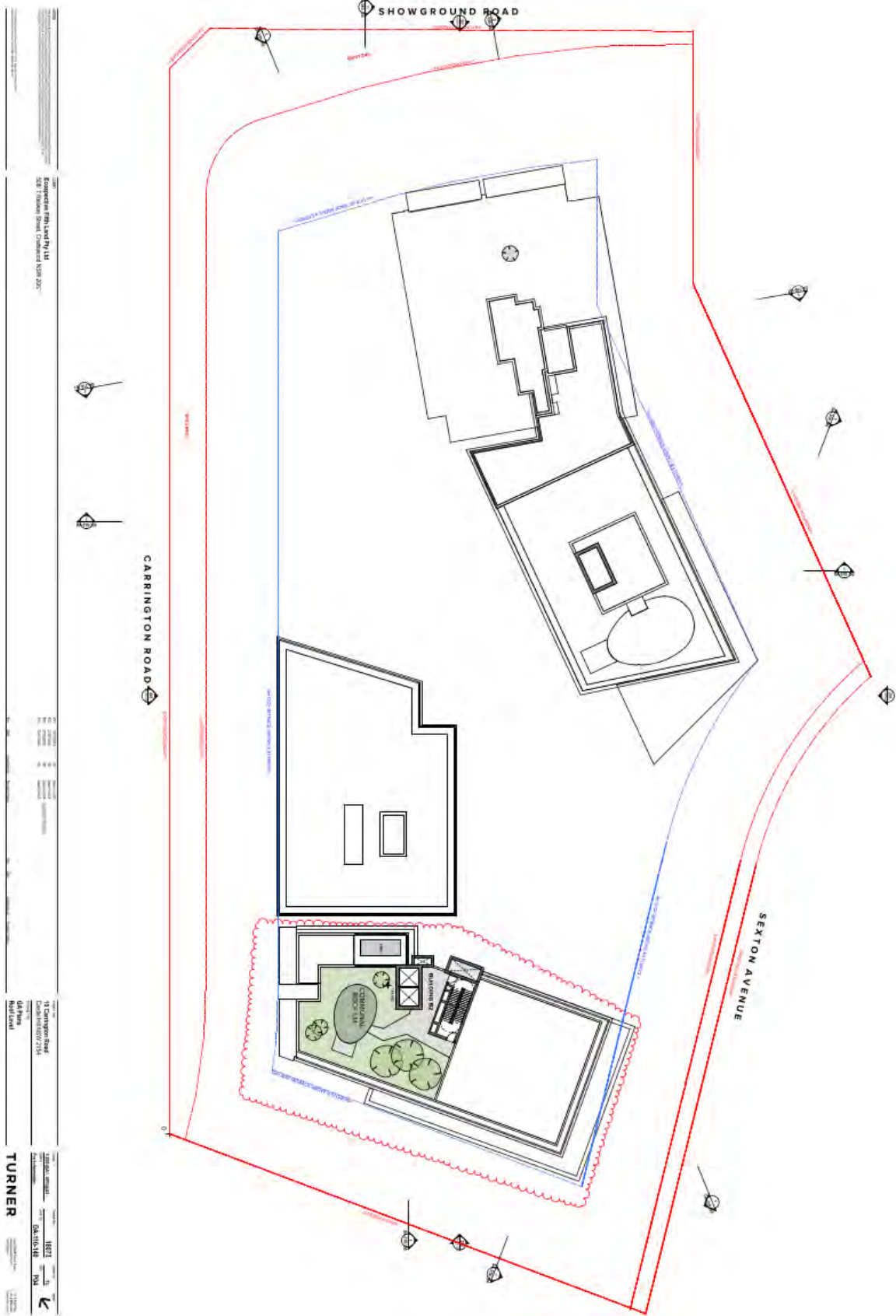




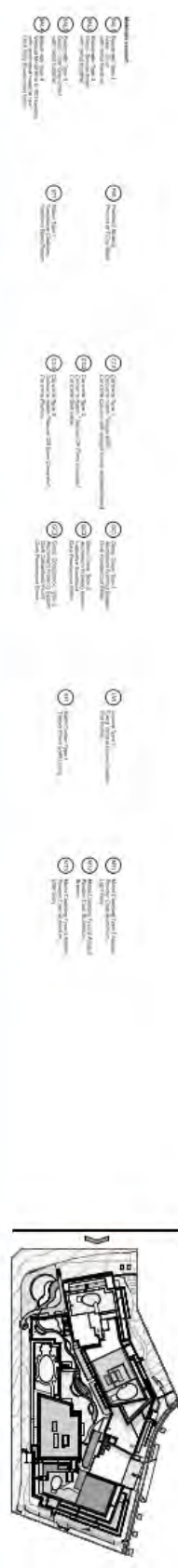


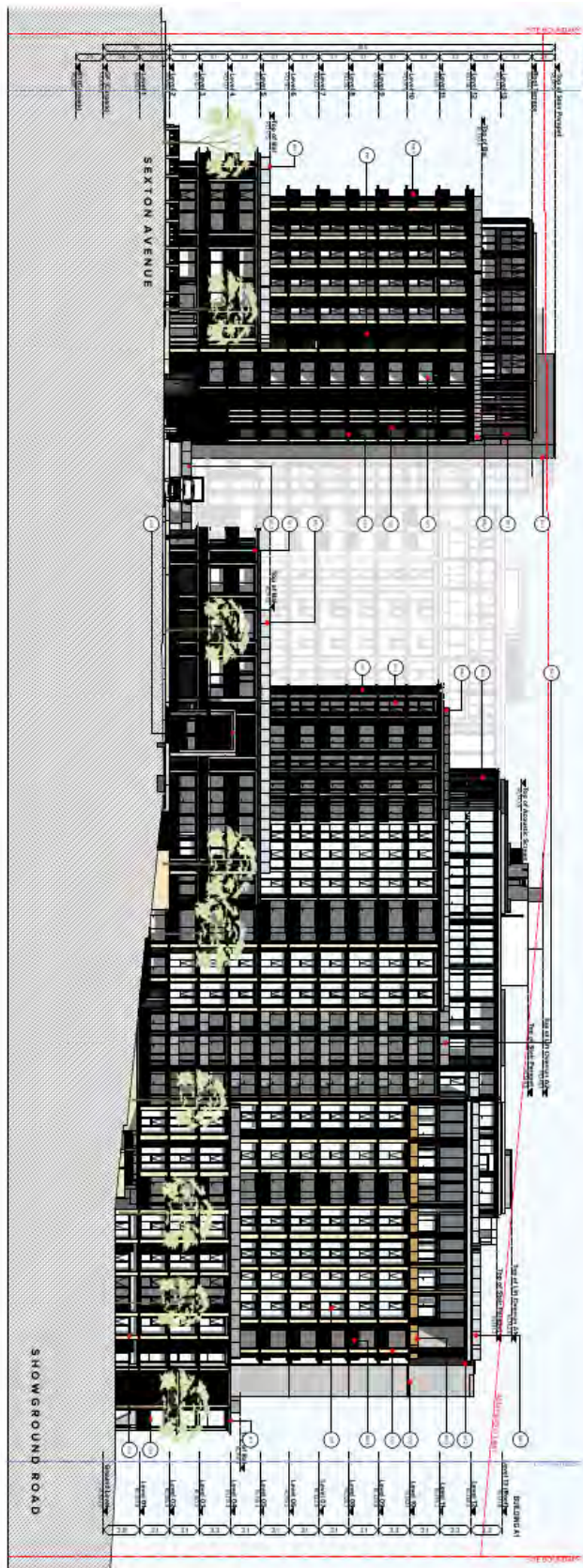


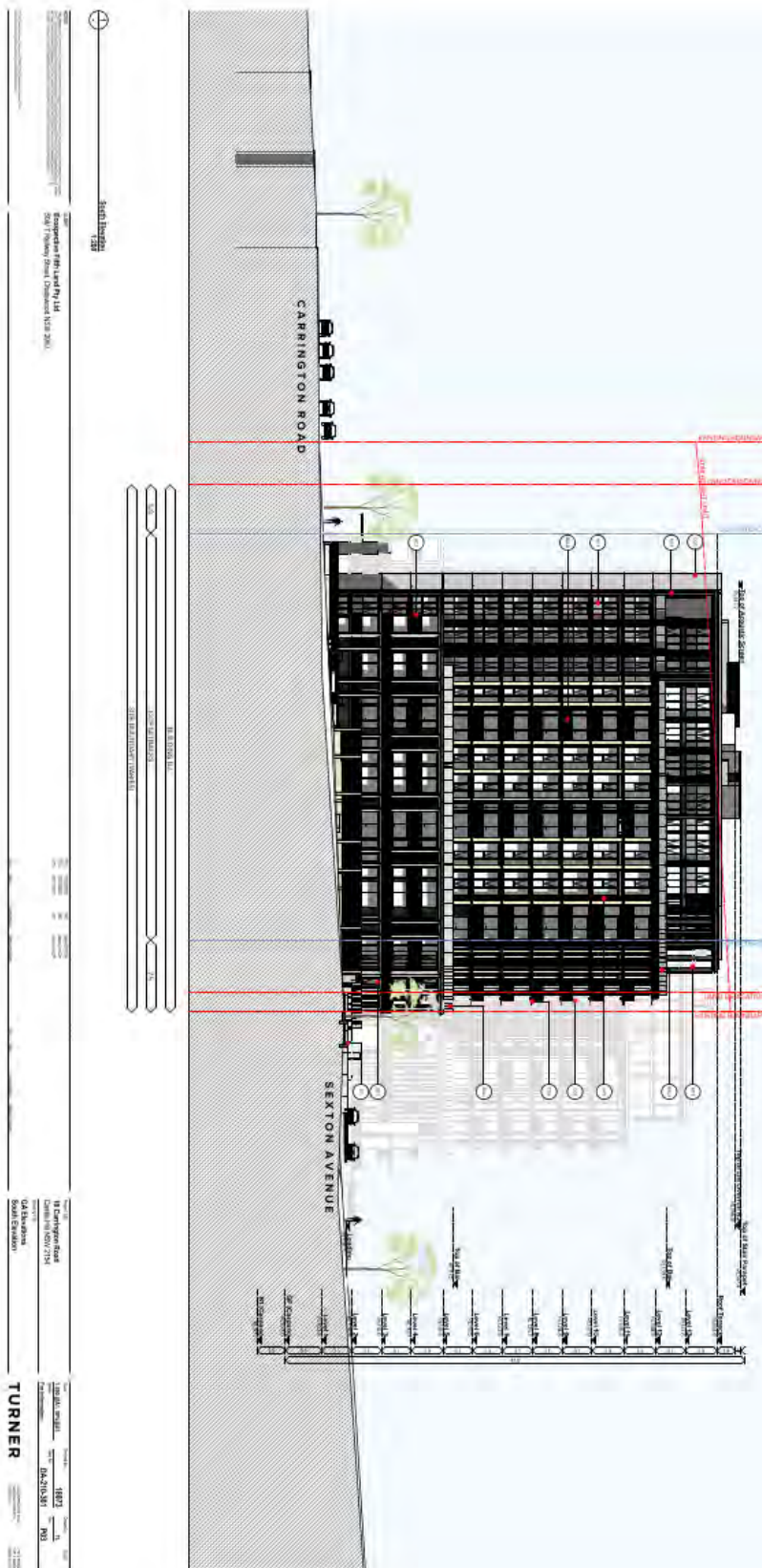
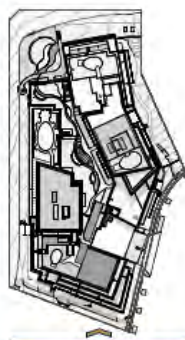


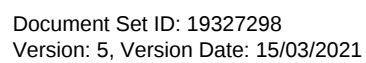


ATTACHMENT 9 – ELEVATIONS

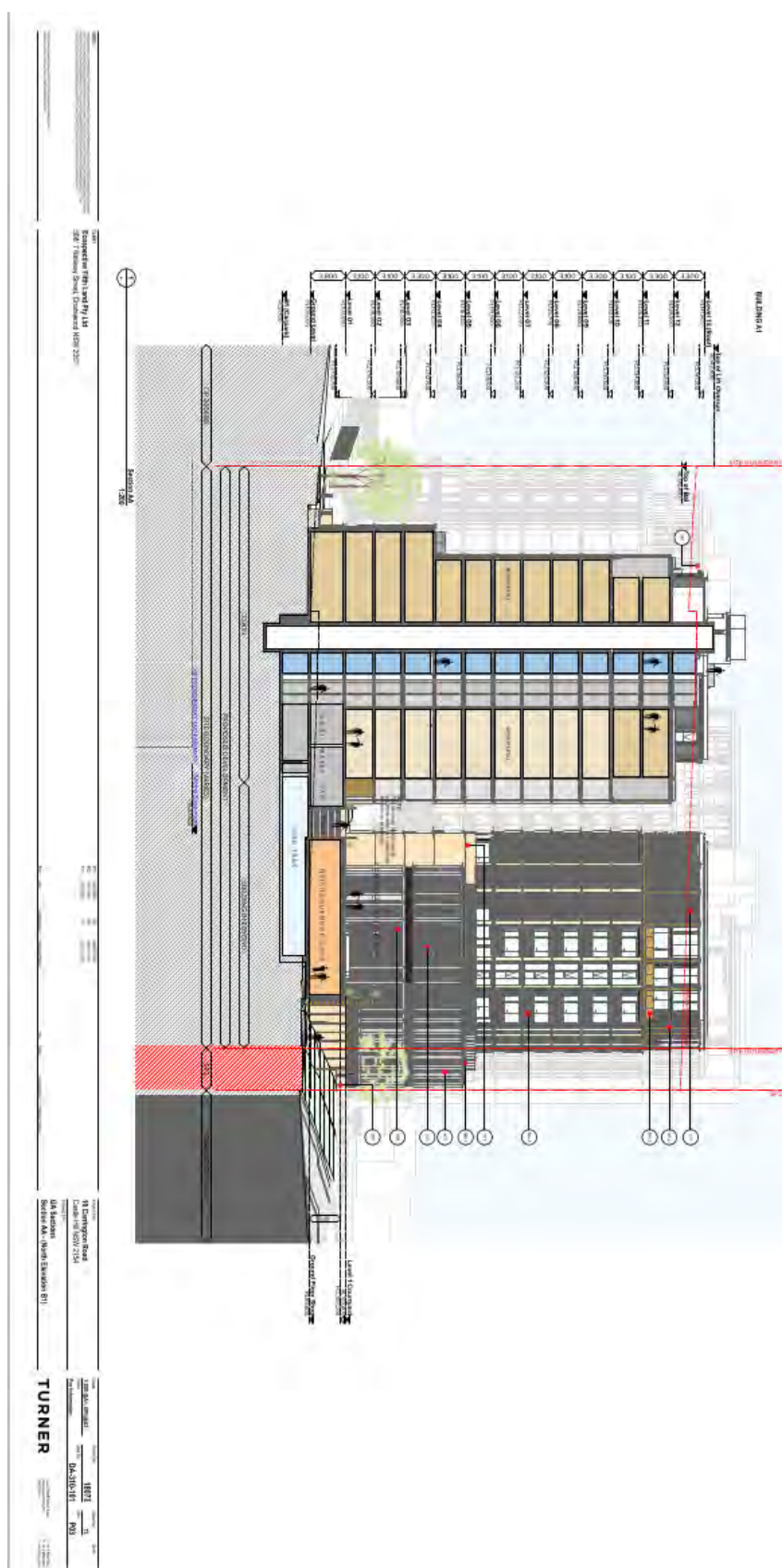
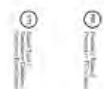


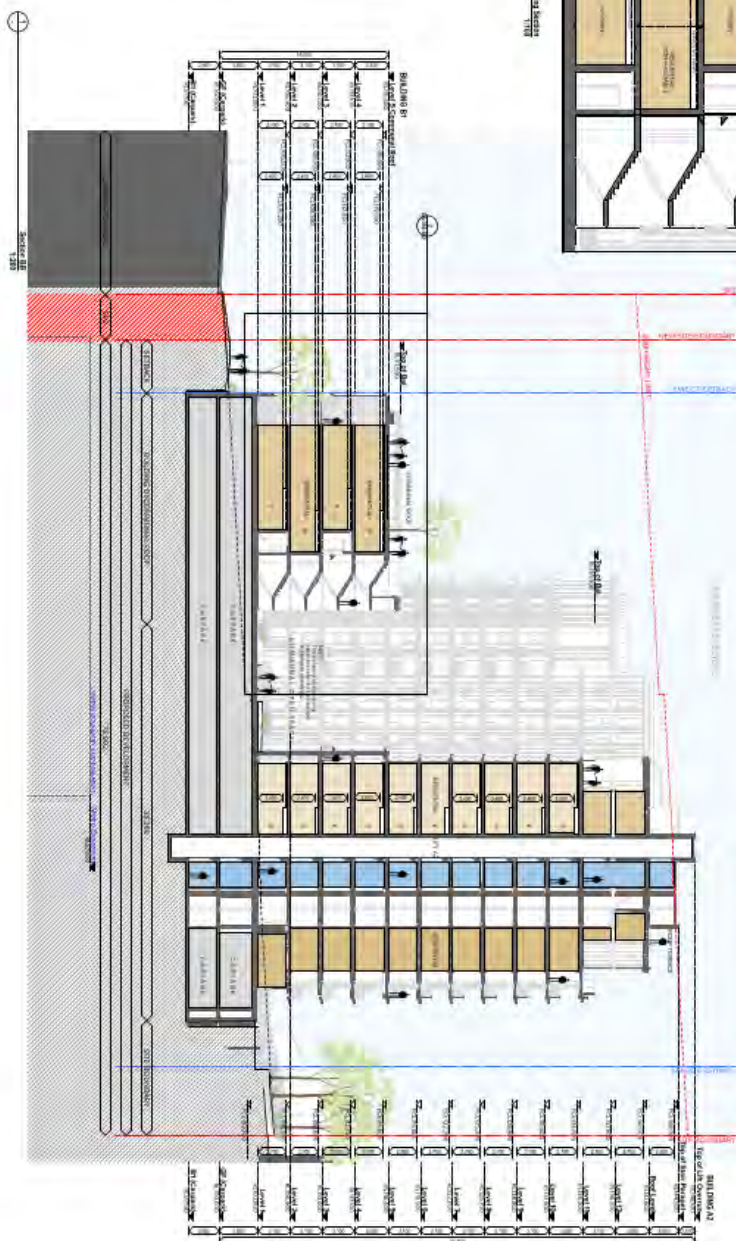
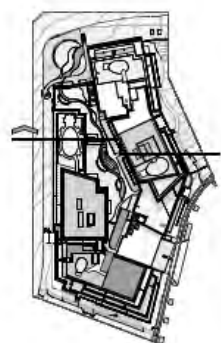




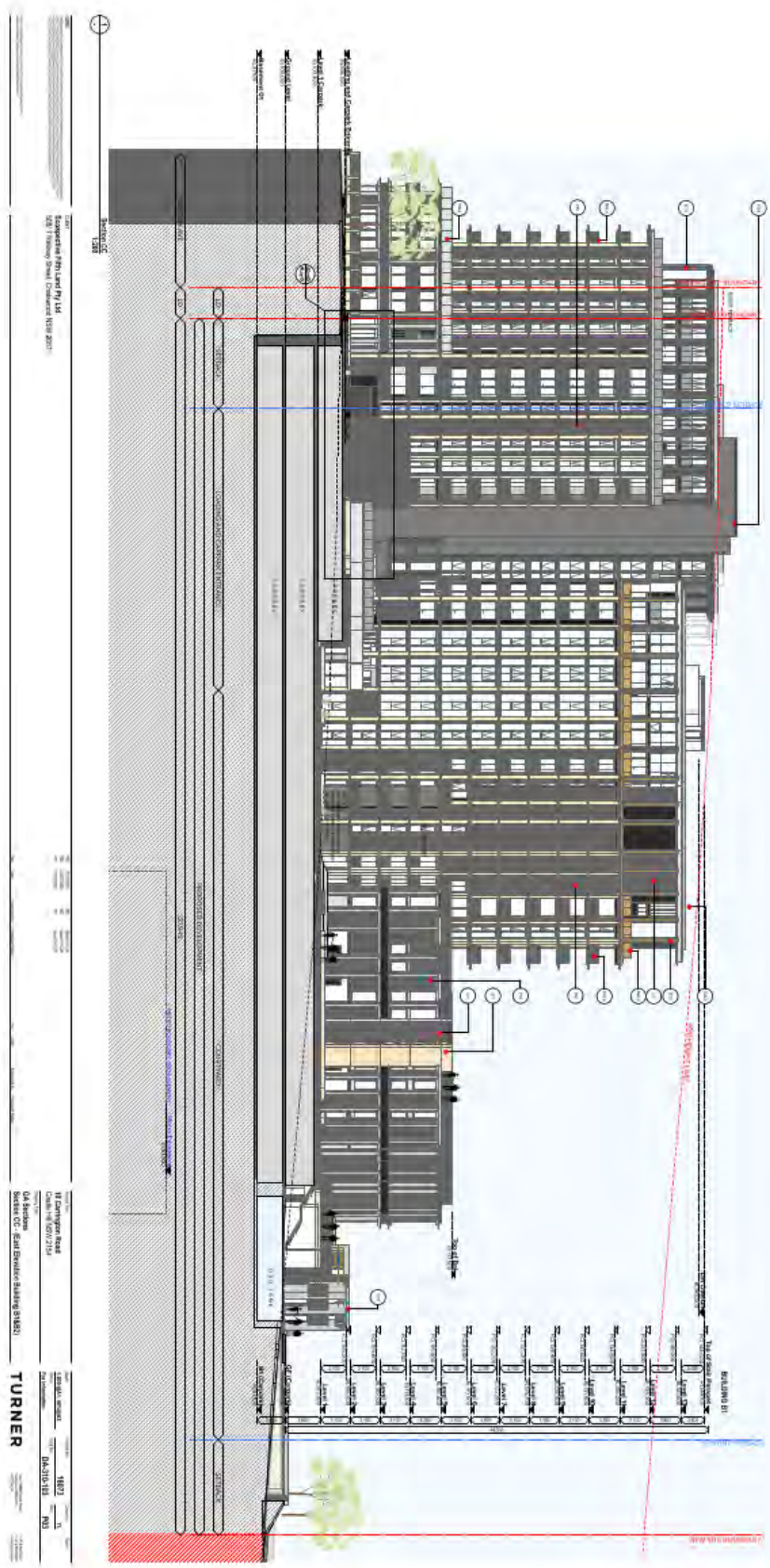
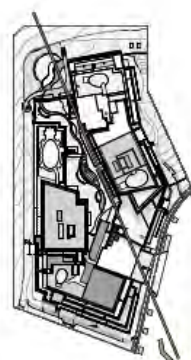


1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms and the underlying causes of the problem.

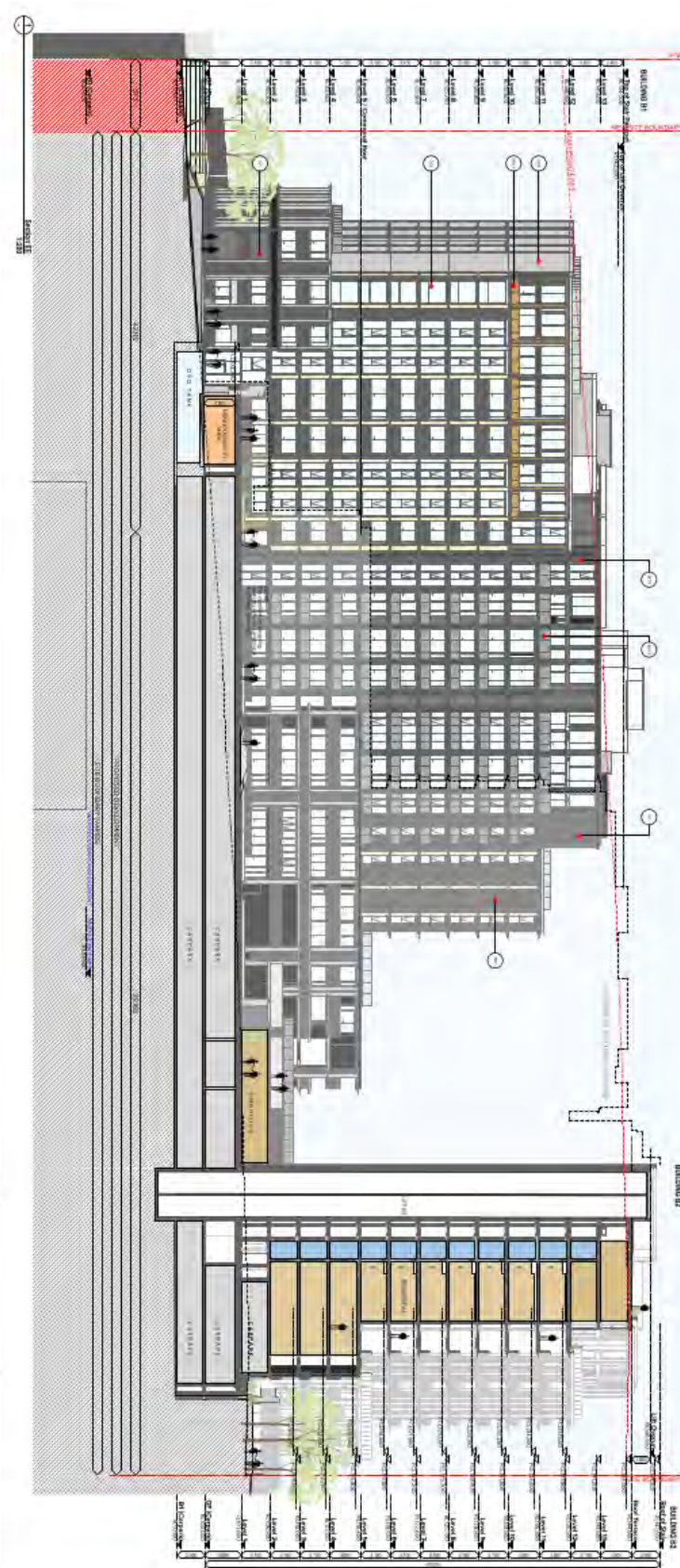
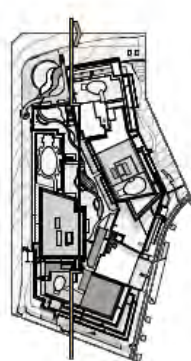




- Legend**
- 1. Floor 1: Ground Floor
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 - 3. Floor 3: Third Floor
 - 4. Floor 4: Fourth Floor
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 - 6. Floor 6: Sixth Floor
 - 7. Floor 7: Seventh Floor
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 - 100. Floor 100: One Hundredth Floor



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Project Information

Project Name: [Project Name]

Client: [Client Name]

Architect: [Architect Name]

Location: [Location]

Date: [Date]

Scale: [Scale]

Sheet: [Sheet Number]

Turner

ATTACHMENT 11 – LANDSCAPE PLANS

LANDSCAPE PLAN | GROUND AND PODIUM



CARRINGTON ROAD | CASTLE HILL | LANDSCAPE DA REPORT

PREPARED BY TURF DESIGN STUDIO

ISSUE E | JANUARY 2021

L-DA-11

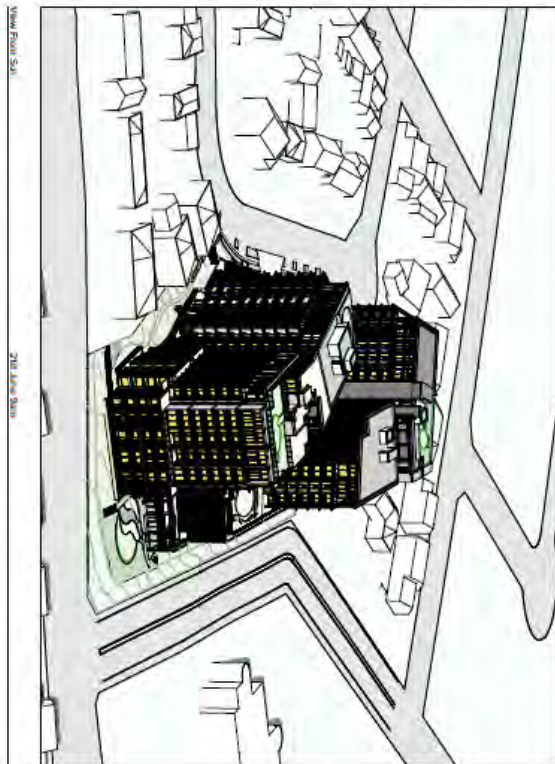
LANDSCAPE PLAN | ROOFTOPS

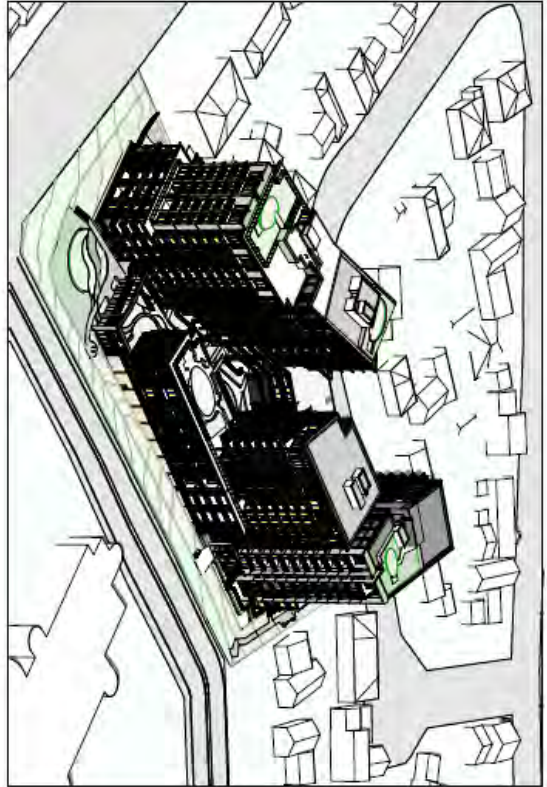


Figure 1 consists of six aerial photographs arranged in a 3x2 grid, showing the proposed development site at various stages of construction. The site is outlined in red and labeled 'Proposed Development'. The images are labeled as follows:

- Top Left: 'Proposed Development - Existing' (1990)
- Top Right: 'Proposed Development - Existing' (1990)
- Middle Left: 'Proposed Development - Existing' (2000)
- Middle Right: 'Proposed Development - Existing' (2000)
- Bottom Left: 'Proposed Development - Existing' (2000)
- Bottom Right: 'Proposed Development - Existing' (2000)

ATTACHMENT 13 – 3D SOLAR MODEL





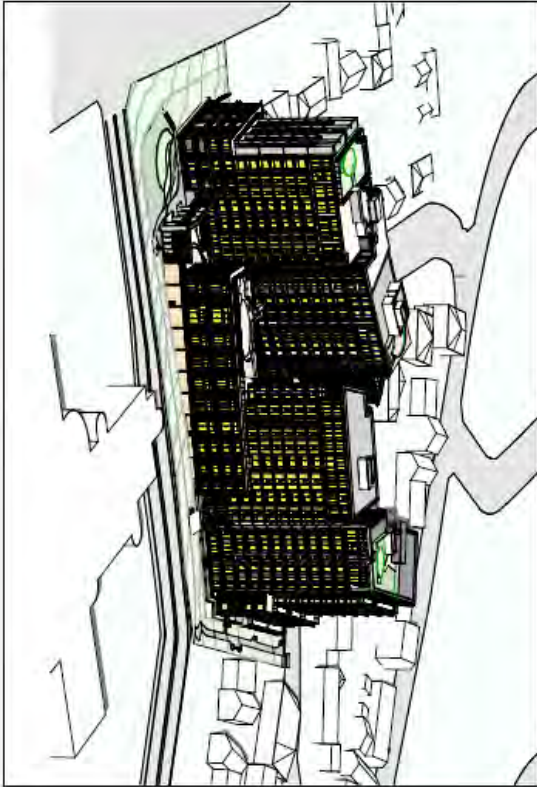
View From Sky

2nd June 2018



View From Sky

2nd June 2018



View From Sky

2nd June 2018

ATTACHMENT 14 – CROSS VENTILATION DIAGRAM



ATTACHMENT 15 – FINISHES SCHEDULE



ATTACHMENT 16 – PERSPECTIVES



Exception FTH Land Pty Ltd 508 / Flaming Street, Cheltenham NSW 2207	Lot 461 (100%) 462 (100%) 463 (100%)	Area 100.00 m² 100.00 m² 100.00 m²	Address 18 Carrington Road Cashin NSW 2258
3D VIEWS Perspective 1/1	3D VIEWS Perspective 1/1	3D VIEWS Perspective 1/1	TURNER



1801 Essexport on Fifth Land P/L 1051 Tisbury Street, Chesham NSW 2570	1802 18 Carrington Road Cashmere NSW 2174 20 VIEWS Prospectus 62	1803 18 Carrington Road Cashmere NSW 2174 20 VIEWS Prospectus 62
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AMENDED
CLAUSE 4.6 VARIATION
REPORT

10 CARRINGTON RD,
CASTLE HILL

Includes 125-127 Showground Rd, 4-10 Carrington
Rd and 15A-23 Sexton Avenue, Castle Hill

12 December 2019

Updated 9 July 2020

Updated 30 November 2020

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1.0 INTRODUCTION

- 1.1 This Clause 4.6 variation report accompanies DA drawings submitted for approval. This report supports the proposed variation to the Height development standard pursuant to Clause 4.3 of The Hills LEP 2012.
- 1.2 The subject site is zoned part R4 High Density Residential and SP2 (Local Road widening) under The Hills LEP 2019.
- 1.3 Clause 4.3 of the LEP relates to height. The accompanying map specifies a maximum height of 40 metres.
- 1.4 Clause 4.6 allows for the contravention of a development standard with approval of the consent authority.
- 1.5 The report is structured to address the requirements of Clause 4.6 and in reference to the following Land and Environment Court judgements:
 - *Whebe V Pittwater Council* NSW [2007] LEC 82
 - *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90
 - *Randwick City Council v Micaul Holdings* [2016] NSWLEC 7
 - *Initial Action Pty Ltd v Woollahra Municipal Council* [2016] NSWLEC 2018



2.0 CLAUSE 4.6 VARIATION REPORT

Standard to be varied

- 2.1 Clause 4.3 of the LEP relates to height. The accompanying map specifies a maximum height of 40 metres.
- 2.2 The proposed heights for the buildings are provided below:

Building	Maximum height permitted	Max height to Top of roof features	Variation to Top of roof features	Max Height to Top of Lift Overrun / stair/ plant	Variation to Top of Lift Overrun / plant
A1	40 metres	40.63 metres	635mm	41.73 metres	1.73 metres
A2	40 metres	40 metres	NIL	42.6 metres	2.6 metres
B1	40 metres	40.75 metres	755mm	NIL	NIL
B2	40 metres	41.9 metres	1.9 metres	42.95 metres (stair) 43.32 metres (acoustic screen)	2.95 metres (stair) 3.32metres (acoustic screen)

- 2.3 The maximum variation sought is 2.95 metres to the top of the stair providing access to the communal open space of Building B2. In summary the elements that exceed the height control on each building is as follows:
- Building A1 – Lift core and stairs to COS on the roof. Acoustic screens to plant. Roof to unit 1201 on level 12.
 - Building A2 – Lift core and stairs to COS on the roof. Acoustic screens to plant.
 - Building B1 – Top of stair
 - Building B2 – Façade frame, portion of roof and stairs to COS on the roof and plant. Acoustic screens around the plant.

Clause 4.6(3)(a)(i) - Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

- 2.4 The proposed variation to the height control is assessed with consideration to the principles established by the Land and Environment Court in *Whebe v Pittwater Council* (2007) NSW LEC 82. His Honour Preston CJ set out 5 ways of establishing that compliance with the standard is unreasonable or unnecessary. The 5 parameters were further tested in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 where Justice Pain found that meeting the objectives of the standard was not sufficient to demonstrate that compliance was unreasonable or unnecessary.



Clause 4.6 Development Standards Variation Report- Carrington and Showground Roads, Castle Hill



- 2.5 In *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, it was held that 'establishing that the development would not cause environmental harm and is consistent with the objectives of the development standard is an established means of demonstrating compliance with the development standard is unreasonable or unnecessary'.
- 2.6 In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 2018 Preston CJ held that 'an applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way'.
- 2.7 Accordingly, clause 4.6(3) of the LEP can be satisfied if a development satisfies one or more of the 5 ways which are addressed in detail below:

(a) The proposal meets the objectives of the development standard notwithstanding its non-compliance with the standard.

- 2.8 Yes, the proposal meets the objectives of the standard as demonstrated below:

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

- 2.9 The height of the development will be compatible with the desired future character of the Showground precinct. The site is located in a 40metre height zone and the majority of the buildings comply or are significantly less than the control. This site is positioned on a prominent 'gateway' corner within the Showground Precinct, with limited parts of the building exceeding the 40m height plane permitted under the THLEP 2019. Refer to **Figure 1 & 2** below:



Figure 1: More detailed plans showing areas within Building A1 & A2 that exceed the 40m LEP height control. Areas above 40m height are generally the lift core and stairs to provide access to the CGS. A minor variation is also sought to the roof to unit 1201 on Level 12.





Figure 2: More detailed plans showing areas within Building B1 & B2 that exceed the 40m LEP height control. Areas above 40m height are generally the lift core and stairs to provide access to the COS. In addition frame elements and part of the roof to Building B2.

*The above are extracts from Drawing DA-780-100 Rev 3.

- 2.10 As demonstrated above, the majority of the areas exceeding the 40m THLEP 2012 height control relate to design elements, plant, lift overruns and stairs to access rooftop communal open space. The acoustic screens to the plant exceed the height control by a maximum of 3.3 metres on Building B2, however they are located internally within the site and are unlikely to be visible from the public domain. There is a minor variation of 635mm to the roof of unit 1201 on level 12. The main area of exceedance that relates to lift and stair elements are setback from the edge of each building. The plans have been amended to provide areas of communal open space on the roof. The lifts are providing disabled access to the communal space.
- 2.11 The height controls surrounding the site vary. Commencing at 52m to the north of Carrington, stepping to 40m on the subject site and further west along Carrington and stepping again to 27m to the south. The intent of the controls is to transition building height to the south.
- 2.12 The variations sought under this application will maintain a transition in height taking into consideration that the main variation relates to the lifts and stairs on the roof which are centrally located. The buildings on this site transition to the south and are therefore compatible with future adjoining developments.

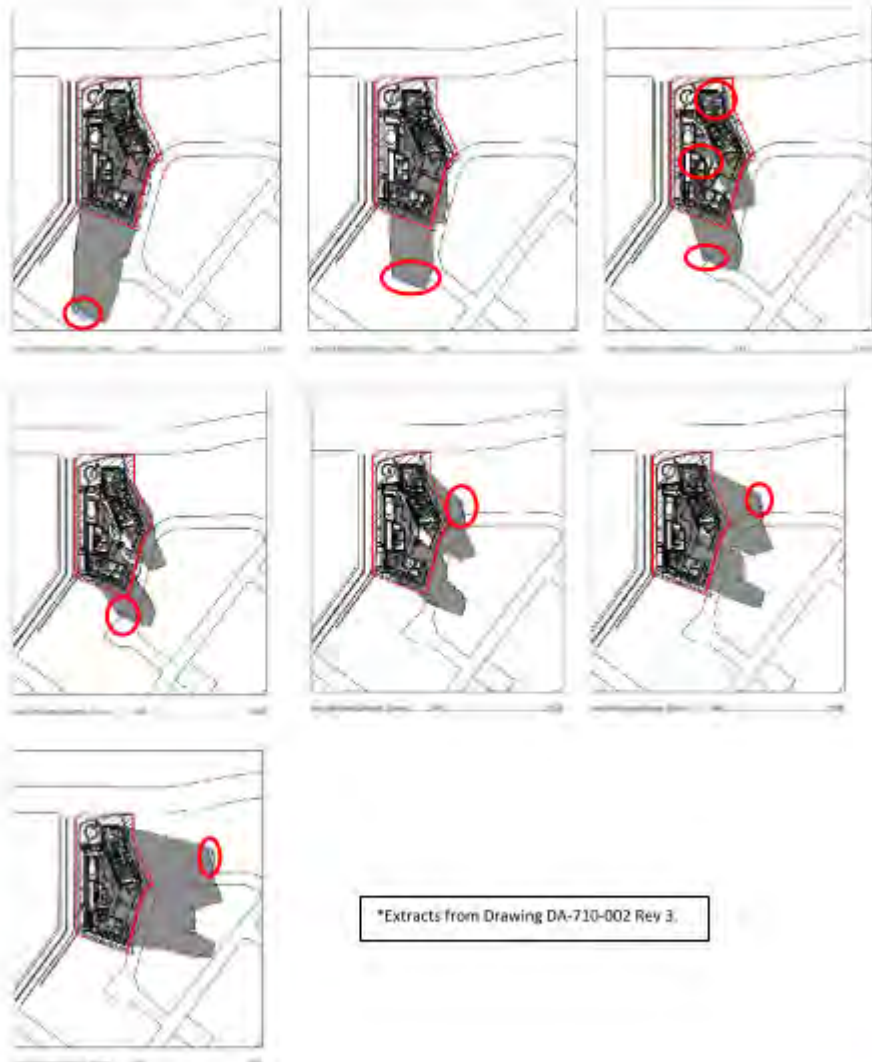
(c) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

Overshadowing

- 2.13 The position and orientation of the buildings on the site ensures all surrounding development sites are capable of achieving compliant solar access. The shadow diagrams demonstrate that sites to the east along Showground Road are not impacted by the buildings on the site until approx. 1.30pm in the afternoon. Maintaining in excess of 4 hours solar access.
- 2.14 In regard to the properties to the south along Carrington, these properties have no impact from the subject development from approx. 12noon for the rest of the day, allowing in excess of 3 hours solar access.



- 2.15 The following extracts of the submitted shadow diagrams demonstrate the negligible impact of the parts of the building that exceed the height control. The shadow from the non-complaint elements are shown in blue and circled in red. Refer to Drawing DA-710-002 for further clarity:



Visual Impact



- 2.16 The increased height at the northern and southern ends of the site has been designed to step up to respect the 'focal' areas within the development.
- 2.17 Given the overall height of the buildings, visually the non-compliant portions of the buildings will not be discernible from the public domain surrounding the sites. The buildings will appear of a consistent height and scale of future buildings in the precinct due to the location of the variations.
- 2.18 The largest variation is centrally located at the lift cores and this will have no unreasonable visual impact. From all vantage points, you will be able to appreciate the positioning of building heights and space between the building forms and achieve vistas through the site. The reduction in building footprint, breaks between buildings and stepping of the building heights enables this to be achieved. Both buildings step down towards the corner of Carrington & Showground Road and combined with the lower elements as determined by the setback controls presents a form and massing that will not overwhelm the public domain and will complement the location of the publicly accessible open space.
- 2.19 Furthermore, by shifting floor space from the Sexton Avenue frontage to the higher parts of the building improves the interface with the public domain and the visual amenity and presentation of the development to Sexton Avenue.

Privacy impacts

- 2.20 The non-compliant portions of the buildings relate to part of the roof to Unit 1201 on level 12 with the remainder being primarily plant, lifts and stairs. portion of the upper storey and roof elements. Due to the height controls to the east, there will be no building to the same height and therefore the minor variation to the roof of Unit 1201 will have no impact on the privacy of the adjoining buildings. The increased setbacks at the lower levels (up to 5 storeys) improve the interface and visual / aural privacy between future development sites which is a positive outcome.
- 2.21 The buildings will comply with the requirements and intent of the ADG and provide adequate setbacks to adjoining sites and to buildings within the development to ensure privacy is maintained for adjoining residents and future residents within this development. The development incorporates minor variations to setback along the eastern boundary for levels above 8 storeys. This occurs due to the subdivision pattern and compliance would require an irregular shaped building that would adversely impact on internal unit planning. Due to the angle of the boundary, the variation to the setback is unlikely to have an adverse visual impact on future development to the east.
- 2.22 There is no public open space that would be impacted by the proposal.
- 2.23 The variation to height will not make a tangible impact on adjoining properties in terms of overshadowing, visual impact and privacy for the reasons addressed above.
- 2.24 For the reasons discussed above, the variation to the height control will still achieve the building height objectives.

(d) The underlying objective or purpose is not relevant to the development;

- 2.25 The underlying objectives for height are still relevant.



(e) The underlying objective or purpose would be defeated or thwarted if compliance was required with the standard;

- 2.26 The underlying objective or purpose of the height control would be thwarted if compliance was required, as compliance in this instance is unreasonable as demonstrated in this section of the report. The development, notwithstanding the variation to the height control, achieves compliance with the objectives of the development standard.

(f) The development standard has been virtually abandoned or destroyed by Council's own actions.

- 2.27 Council has not abandoned the height controls.

(g) The zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable and unnecessary.

- 2.28 The zoning of the land R4 High Density Residential is appropriate.

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

- 2.29 In the judgement of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 2018 it was established that a Clause 4.6 variation need not establish that a development containing a variation provides a better or even neutral outcome for a development site compared with a compliant development. Further, the environmental planning grounds relied upon must be "sufficient". There are two respects in which the request needs to be "sufficient".

1. The environmental planning grounds advanced in the written request must be sufficient "to justify the contravening of the standard". The focus is on the aspect or element of the development that contravenes the development standard, not the development as a whole.
2. The request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard.

- 2.30 There are sufficient environmental planning grounds to justify the variation as follows:

- Notwithstanding the height variation, the established principle of transitioning building height in the precinct from the north to the south will still be achieved. The minor variations do not affect the transition from 52 metres to the north and 27 metres to the south. The majority of the proposed buildings comply with the 40 metre height control with only components of the buildings, in particular the lift overruns and plant exceeding the height. This will not affect the stepping down of heights across the precinct.
- The variation of height to small components of the development are offset by the significant areas of the site that are well below the height control. In particular, the shifting of floor area from the Sexton Ave frontage to other parts of the site produces an improved interface at street level and with the public domain.



- The variation to the height will not unreasonably affect future development of adjoining sites (as demonstrated in diagrams above) with compliant solar access being maintained and adequate privacy through increased lower level setbacks and use of window orientation and screen placement at the upper levels;
- The communal open space on the roof will provide high residential amenity and the provision of such areas will improve amenity for future residents. The stairs and lift overruns to access these spaces are appropriately located and will not be visible from the public domain; and
- The development complies with the maximum FSR of 3.1:1. The shifting of the permitted GFA around the site creates a better planning outcome compared with strict compliance with the height control.

2.31 Based on the above, there are sufficient planning grounds to justify the variation.

Clause 4.6(4)(a)(i) – Has the request addressed the matters in 4.6(3)

2.32 The matters required in 4.6(3) have been addressed in detail above.

Clause 4.6(4)(a)(ii) – Is the development in the Public Interest?

2.33 In the judgement of *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 2018*, Preston CJ indicated that a consent authority must consider if the development *is in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed. It is the developments consistency with the objectives of the development standard that make the proposed development in the public interest.*

2.34 The development satisfies the objectives of the development standard as outlined above.

2.35 The zoning of the land is part R4 High Density Residential and part SP2 (Local Road Widening). The works relate only to the R4 zone.

2.36 The proposed development maintains compliance with the objectives of the zoned R4 High Density Residential Use zone.

2.37 The objectives of the R4 High Density Residential Zone under the THLEP 2019 are as follows:

- 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.

2.38 The development satisfies the objectives in the following ways:

- The development will provide housing to meet the needs of the community which is appropriate given the sites proximity to Showground Road Metro Station and Showground Precinct within Castle Hill, which has identified the need for increased residential density.



- The development will deliver a variety of housing types and in particular it will deliver the incentivised unit mix, size of apartments and number of parking spaces required by Clause 9.7 of the LEP. Without the variations to the height control, the development would be unlikely to utilise the incentivised floor space that delivers housing to meet the objectives of the zone.
- The future neighbourhood shop will meet the day to day needs of emerging residents.
- The site is located immediately to the east of the Showground Metro Station, approximately 250 metres to the south-east of the Castle Hill Showground and approximately 500 metres to the east of the Showground Road business precinct. A residential development of this scale within such close proximity to existing public transport and nearby services will maximise public transport patronage.
- The development will enhance the public domain at the street/pedestrian level with the provision of a through-site link that will allow pedestrians/commuters to traverse the site from Sexton Avenue to Carrington Road for improved access to the Metro Station.
- The development will make a substantial contribution to the Showground Precinct and will enhance this gateway to the emerging precinct, with its quality architectural design. The development will provide housing choice within this transitioning precinct.
- The additional residential development will support the existing and future services and facilities located within Castle Hill and each building will integrate appropriately with the surrounding public domain.

2.39 The site is located within the Showground Precinct which is positioned within the wider Castle Hill area. It is anticipated that the site would be redeveloped to a higher density consistent with the future character of the area guided by the planning controls and given its proximity to public transport, schools, open space, shops and services.

2.40 It is therefore considered that the development, notwithstanding the variation to the development standard, achieves the objectives of the R4 High Density Residential zone.

Clause 4.6(5) – Secretary to consider

- 2.41 In deciding whether to grant concurrent, the Secretary must consider:
- a) Whether contravening the development standard raises any matter of significance for state or regional environmental planning, and
 - b) The public benefit of maintaining the standard; and
 - c) Any other matters required to be taken into consideration by the Secretary before granting consent.
- 2.42 The variation to the height control does not raise any matters of state or regional significance.
- 2.43 Furthermore, there is no material benefit of maintaining compliance with the standard for the reasons explored in this Clause 4.6 request.

CONCLUSION

- 2.44 This Clause 4.6 report has considered the requirements under Clause 4.6 to determine whether a variation to the height development standard is appropriate. For the reasons outlined in the report, a variation to the height control is considered appropriate.



- 2.45 The development as submitted will produce a quality urban design outcome consistent with the objectives of the standard and the R4 High Density Zone. Maintaining strict compliance is considered unreasonable and unnecessary in the circumstances of this site as there are sufficient environmental planning grounds to justify the variation.



Larissa Brennan
DIRECTOR
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ATTACHMENT 18 – DESIGN REVIEW PANEL MINUTES



<b style="font-size: 1.2em;">DESIGN REVIEW PANEL <b style="font-size: 0.9em;">DESIGN ADVISORY MEETING REPORT – 25th March 2020
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Item 4.1	11.00am – 12.30pm
DA Number	DA 1037/2020/JP
DA officer	Cynthia Dugan
Applicant	Miller Zhang, Ecospective Property
Planner	LJB Urban Planning Pty Ltd
Property Address	125 – 127 Showground Road, 4 – 10 Carrington Road and 15A – 23 Sexton Road, Castle Hill
Proposal	 Residential flat development in 4 development blocks comprising 296 dwelling units over basement car parking.
Design review	First review DA (Reviewed pre-DA stage 22/05/19)
Background	The site was inspected by the panel on 22/05/19 between 9am-10am and on the 25/03/20 by Stephen Pearse and Adam Hunter. Tony Caro having visited the sites in the previous fortnight.
Applicant representative to address the Panel	Stephen Cox Registration number: 6291
Key Issues	Summary of key issues discussed: ▪ Changes made since the pre - DA ▪ Cross site links ▪ Building address to Sexton Avenue. ▪ Height exceedance ▪ Dual key apartments
Panel Location	THSC Community Rooms 1+2
Panel Members	Chairperson - Tony Caro Panel Member - Stephen Pearse Panel Member - Adam Hunter
Declaration of Interest	None
Councillors	None present
Council Staff	Marika Hahn, Cynthia Dugan (Skype)

Other attendees	Miller Zhang, Project Manager, Ecospective Property Larissa Brennon, LJB Urban Planning Pty Ltd, (Skype) Mike Horne, Landscape, Turf, (Skype)
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SUBJECT SITE LOCATION

The subject site is located in the showground planned precinct and is located in a prominent location on the corner of Showground Road and Carrington Road. The metro line passes directly underneath the site and vehicular access is permitted only from Sexton Avenue.



Location plan (THSC)

DOCUMENTATION – provided for 22/05/19 Panel Meeting

The Design Excellence Panel reviewed the following drawings issued to Council by the applicant:
Carrington road / Castle Hill Design Review Panel Presentation, 3rd May 2019, by Turner Studio
Landscape: Carrington Road / Castle Hill, May 2019, by Turf Design

DOCUMENTATION – provided for 22/05/19 Panel Meeting

The Design Review Panel reviewed the following drawings issued to Council by the applicant:
Development Application, 10 Carrington Road, Rev P01, by Turner Studio
Architectural DA Report, 18th December 2019, by Turner Studio
SEPP 65 Design Verification report, undated, by Turner Studio
Detailed Apartment Schedule, December 2019, by Turner Studio
Landscape DA Report, 19 December 2019, Issue A, by Turf Design Studio
Tree Schedule, 9 December 2019, by Australis Tree Management
Sub Surface Utility Plan, 23 July 2019, by Vens
Pedestrian Wind Environment Statement, 4 December 2019, by Windtech
Sustainability Advice, 18th December, by Efficient Living
Public Domain, Civil drawings, 18/12/19, by Adams

PANEL COMMENT

The Panel previously reviewed the project as a pre-DA submission on May 22nd, 2019.
The Panel commenced at 11am. Due to government restrictions on gathering no more than six people were present in the meeting room.

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

1. Precinct planning, appreciation and response to context

The applicant previously presented 4 options to the Panel in both drawings and a physical model that described the anticipated future context of the site. Option 4 was elected to proceed and the comments regarding option 4 are noted in the following:

Option 4 – Option 4 retains the positive elements of Option 3, and also better addresses the issue of urban form required by the DCP. Alignment of the southern block with the street edges to Carrington Rd and Sexton Avenue presents a built form more in keeping with the desired future urban setting of the precinct, whilst retaining the slimmer, more visually permeable built form from the Carrington Rd threshold. It also appears to offer a better balance of communal open space at ground level. Height non-compliance is restricted to the northern building only (presented as one additional storey).

General considerations for all options:

- Solar access to communal open space
- Ensuring clear public pedestrian permeability to Carrington Road and the station from development blocks to the south
- All options are preliminary and require further development and consideration to meet the objectives of the primary controls (LEP, DCP and SEPP65).

NEW COMMENTS

- Noting that Council intends that the pedestrian connection between Sexton Avenue and Carrington Road be used by residents only, the Panel recommends that it be made continuously accessible to the public and designed to Council public domain guidelines.
- This is not the location of the DCP suggested pedestrian link, however due to the substantial increase in density of residents in the immediate surrounds the Panel maintains that a full public pedestrian link is desirable, provided a quality landscape, lighting and CPTED compliance are achieved. The Panel also felt that this link could be in addition to the future implementation of the DCP pedestrian link further to the west.

2. Site planning and built form strategy

NEW COMMENTS

- The Panel is concerned that in developing Option 4, there has been a loss of visual connection through the site to Sexton Avenue, which was a key attribute of the pre-DA concept.
- This is because the scheme has been adjusted to better comply with the planning controls, particularly as they apply to location of access to car-parking. The Panel understands that this is a visual link only, however the sense of permeability was a strong attribute previously and the design should try and retain a tangible sense of this.
- Whilst acknowledging that the aggregation of vehicular access on Sexton Avenue is difficult, provisions for waste management and service/furniture removalists appear to be over-generous and are contributing to the above issue.
- This is also creating a poor street environment along Sexton Avenue, with inactive frontages and extensive paved areas. This area needs to be fundamentally reconsidered by the applicant.

In reconsideration of the overall bulk and impact upon Sexton Ave and adjacent neighbours, the following items should be addressed by further investigations, including:

- a. The extensive undercover manoeuvring for service vehicles. This circulation area is to be minimised and the potential to accommodate on open paved area or partially enclosed area be investigated with appropriate screening the aim being to reduce the amount of built form.
- b. Traffic cross-over conflicts for car park and services - Investigate separate vehicle access to provide more direct and obvious car/resident entry separated from the service access and loading dock zone.
- c. Architectural resolution of any resulting element for dock/car park - investigate treatment of built elements as green facades, so as to reduce mass of the building and encourage reading as part of landscape. (potentially a landscape wall/roof element).
- d. Creation of actual separation of the blocks B2 and A2 at grade/street level - investigate how planning may be adjusted to achieve view from street level through to central green space as was illustrated in option study. This may benefit the pool and common open space zone, which seems cramped within the pinch point behind the dock area.
- e. Width of driveways to Sexton Ave - Analyse in more detail to reduce impact upon footpath zones and street generally, especially given the impact on any adjacent development.

- The incorporation of a small public piazza at the main access point to the precinct with provision for a neighbourhood shop is supported by the Panel.

Bulk, Scale and Massing (all options)

- The maximum façade lengths set out in the DCP should be reviewed, and the built form further developed to satisfy this objective.
- All levels above 8 stories are designated "tower" levels in the DCP, with a maximum floor plate GFA of 750sqm. Building floor plates should be reviewed to satisfy the objectives of this control.
- The central common areas are largely in shade as a result of the bulk and mass of the development. Provide ADG compliant proposals for communal open space.

NEW COMMENTS

- The Panel commented that although the development is described as being of 4 towers it presents as two cranked podium forms surmounted by articulated upper elements. This creates a sense of monolithic bulk, particularly when viewed from the south near the Metro station along Carrington Street.
- The Panel is concerned that from this important viewpoint there is insufficient articulation and differentiation in the form, character and materiality, and suggest that the applicant review this with reference to the DCP requirements. The view from the entry threshold on Showground Road is a better outcome, as the tower presents as a less imposing, slender element marking the corner of the site and threshold to the Showground planned precinct.

Site Coverage/ Landscaped Open Space

- The sequence of communal open spaces presented in Options 3 and 4 offers a good opportunity for a range of landscapes with different characters and qualities.
- Provide open spaces to suit seasons, shaded courts for hot days and roof top terraces for sun.
- Consider utilising some rooftops to provide common open space with solar access.
- Consider providing a publicly accessible forecourt at threshold corner (retail activation).
- The panel noted a potential conflict between residents/ pedestrians leaving the site to the north adjacent the major driveway entry. The location of the drive may also be problematic as its location may not provide safe/compliant distance to the intersection.
- This conflict may be exacerbated with the inclusion of retail at the communal open space. It was suggested to move the drive to the west.

NEW COMMENTS

- The Panel noted that boundary setback zones should not be planned as communal open space as this does not meet with the objectives provided in the ADG. These setbacks should be dedicated to deep soil planting for consolidated high tree canopy.
- The provision of roof top communal open space adds to the variety of areas available and improves year-round solar access compared to the ground level spaces. However, these should be more equitable for a development of this size. There is scope to provide access for residents from common lift cores to these areas. Solar access provision at the ground level is restricted.
- The Panel noted and supports the general landscape strategy as presented to the meeting. The sequence of interlinked communal gardens offer commendable variety in character and a welcome capacity to be useable over all seasons.

3. Compliance

Height

- The Panel does not generally support LEP height non-compliance. On sloping sites or in other specific circumstances consideration is given to minor exceedance for roof access elements and shading devices serving roof top communal open space, provided that such elements are not seen from the surrounding public domain or impact on the amenity of adjacent development.
- The site location is a "gateway" to the Showground precinct and some additional height may be appropriate subject to demonstration of acceptable solar and privacy impacts on adjacent neighbours and residents of this development.

NEW COMMENTS

- The Panel recommends that the scheme be reviewed and adjusted so that any height non-compliant elements be minimised, and when provided be allocated as communal open space, and not as internal or external private open space.
- The Panel stated that any height non-compliance must be accompanied by a well-considered and detailed statement of justification.

Density

- *Compliance with the LEP FSR controls is required. If the incentivised FSR provisions in LEP cl.9.7 are to be sought by the applicant, compliance must be confirmed to Council's satisfaction.*
- *Substantial FSR uplift is available for this site already, and a compliant proposal should be sought.*

COMMENT – no further comment

Setbacks

- *In principle ADG separations and DCP setbacks should be complied with (including basements and balconies).*
- *The proposal seeks a reduced upper setback along Carrington Rd. Because of the relatively narrow site width, this may be warranted to limit unacceptable impacts to the south. The applicant will need to further consider the objectives of the DCP in regard to fine grain and urban scale.*

NEW COMMENTS

- The Panel recommends that all street setbacks comply with the DCP, to ensure the envisaged urban and landscape context is achieved. In particular the Panel noted that incursions to the setbacks along Sexton Avenue may be constraining public domain potential on this frontage.
- Confirm the civil public domain drawings provided show the correct indented car parking detail. Refer to specific detail drawings available on council website.

Apartment Mix and Building Design

- *To be reviewed with more detailed DA submission.*

COMMENT

- The Panel notes that legal advice is being sought in relation to the proposed dual key apartments.
- To improve design amenity and housing diversity, the Panel considers that dual key apartments can provide a greater choice of apartment types and sizes for a wider range of occupants. However, the proposed dual key apartments comprise two-bedroom apartments that could be split evenly into standard one-bedroom apartments, and if this was to occur there would be issues with ADG compliance.
- An appropriate alternative would be to design the dwelling for a larger/extended family where a smaller, independent studio for teenager or elderly relatives could be provided. This is more reflective of family friendly apartments that are designed to support changing family needs.
- This matter is related to LEP cl.9.7 Incentivised Apartment Provisions, and advice from the responsible Council Planner should be sought now to ensure that the proposal satisfies these requirements.

4. Landscape Design.

Public Domain

- *All existing established trees should be retained where practicable and described by an arborist report.*
- *Landscape plans are to clearly indicate landscape areas: site coverage and deep soil zones.*
- *The Panel recommends that a significant quantum of large, high canopy peripheral trees be provided around the edges of the site, to meet the requirements of a high-density residential environment in a strong, verdant landscape setting.*

- *There should be a strong presence of mature trees and concomitant deep soil provision within setback zones to ensure that the development is sited within a landscape setting of canopied trees.*
- *Provide appropriate ratio of small to medium sized trees to deep soil landscape areas in accordance with ADG.*

NEW COMMENTS

- The Panel is generally supportive of the proposed landscape design treatments, which provide a well-considered response to diverse user groups and seasonal climatic conditions.
- The palette of suggested materials and fencing detail was considered to be appropriate.
- The Panel notes there are a number of protrusions into the communal open space at the ground level which impact upon the visual aesthetic and sense of enclosure of the space as follows:
 - The stair leading from Communal roof level 5 appears redundant and should be removed.
 - The ground level court to apartment number 15 is 79sqm and is considered to be excessive and adversely impacts on the amenity of the central court area.

The Panel recommends the removal of extraneous elements from the internal communal ground level open space such as the open stair and the ground level privatised courtyard area.

- The Panel recommends fully coordinated architectural, landscape and engineering/civil drawing sets be submitted to the Council officers to aid with assessment of the next design phase.
- Required soils depths on podium planters should be achieved through a combination of slab set downs and walling to enable variation in edge wall heights to planting in communal areas. All heights of retaining walls and ground levels are to be clearly noted.
- The Panel requests liaison with Councils Landscape officer to review designated Public Domain Plan tree species. For Sexton Avenue selection of a larger tree species that screens the buildings visual impact is recommended.
- In addition to the review of uses and required spaces through the carpark entry/loading dock spaces as noted previously, the Panel recommends softening the impact of this street frontage through vertical trellis plantings or similar.
- As a post meeting note, the DCP clearly indicates a 2.5m shared cycle path along Carrington Road. Any further detail regarding the road profile is to be directed to the DA officer.

Private Domain

- *For a proposal of this size, high quality communal private open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.*
- *Ensure that on podium planting areas provide required on podium soils depths and clear volumes un-encumbered by walling etc and in accordance with ADG*
- *Provide appropriate ratio of small to medium sized trees to on podium landscape areas in accordance with ADG.*
- *The potential impacts of wind movement between the built form and proposed tree planting and lower level planting along with its potential impact on resident amenity needs to be assessed and understood.*

COMMENT

- Private courtyard/balcony areas at any level greater than 20sqm are considered to add unduly to the bulk and scale of the development and/or subtract from public communal open space provision. By comparison the minimum ADG requirement for a 3-bedroom apartment is 12sqm.
- The Panel recommends the ground level court to unit B1.01.11 be reduced in size to return area to the communal courtyard.
- The Panel notes the AC units placed on the balconies have been screened.

5. SEPP 65 Items to be clarified or revised:

Apartment Design Guide

Compliance with the ADG is to be demonstrated in DA submission. Specific items requiring attention that were noted for this preliminary submission;

- Building separation internally and to boundaries
- Cross privacy between units facing into the courtyard
- Acoustic privacy
- Solar access to communal open space at ground level
- Solar access compliance

Additional Items

- Ensure exposed windows are adequately shaded
- Access provisions in event of a lift being out of service
- Planning of larger units to maximise opportunities for flexibility and amenity of occupants
- Demonstrate that adjacent neighbours solar access is not reduced by more than 20% as a result of the development height. – ADD on June 21st between the hours of 9am to 3pm

COMMENT - no further comment.

6. Sustainability and Environmental amenity

- Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground precinct. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC. (Central City District Plan, Planning Priority C16).
- Beyond satisfying ADQ requirements, the Panel recommends that this proposal is reviewed by the applicant with a sustainability engineer and a report prepared that demonstrates how an appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.

NEW COMMENTS:

- Although not discussed at the meeting, the recommendations made by Windtec should be embedded into the scheme.
- The remediation and mitigation of wind effects by Windtec predominantly comprise the provision of dense foliage. The next phase of design should demonstrate that proposed plantings address the Windtec targets and are suitable to the site conditions including reflected and channelled wind exposure.
- The ESD DA report was not available for review.
- As per previous comments.

7. Architecture and Aesthetics

- A diverse architectural approach should be developed for this large site, including introduction of architectural variety, fine grain and human scale into the precinct.
- All utility services elements in the public domain are to be suitably screened and integrated into the building fabric and/or landscape. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.
- The Panel requests a statement from the architects describing how their design proposal has considered and responds to the specific social, cultural and environmental character of regional north-western Sydney.

NEW COMMENTS:

- As noted above, any opportunity to re-establish the view corridor through the site as proposed in the pre-DA model should be investigated.
- As noted above, further work is required to reduce the visual bulk of built form at the south-west corner of the site.
- Further design work and documentation is required to demonstrate appropriate interfaces between the building and public domain, clear view lines /wayfinding to entry points, and visually discreet integration of utility services.
- The architectural palette is generally supported. It is recommended that there be a focus on using richer natural/integral finishes and materials in the street level podiums, with simpler forms and materiality appropriate for upper levels.

SUMMARY OF PANEL RECOMMENDATIONS

- Provide a statement of design response to the precinct broader regional context

- Ensure that the building envelope complies with the height control. If variation sought, provided detailed justification.
- Provide DCP compliant GFA tower plates. If variation sought, provided detailed justification.
- Ensure that DCP urban design objectives are addressed.
- Consideration of new public space at site threshold.
- Avoid subterranean units and terraces.
- Provide a clear, safe and accessible pedestrian link within the development site between Sexton Avenue and Carrington Road.
- Ensure common facilities and related spaces are appropriate to the size of the development.
- Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.
- Provide external solar shading to exposed windows.
- Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.
- Provide a comprehensive landscape design that addresses WSUD, deep soil provision, high canopy tree planting and substantial landscape understorey planting.
- Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.
- Vehicular access should be consolidated and wholly contained within a building footprint.
- Vehicle access should be relocated westwards and separation from main podium pedestrian path be explored.

NEW RECOMMENDATIONS:

- The pedestrian connection between Sexton Avenue and Carrington Road be made a fully public link.
- Reconsider the aggregation of vehicular access and allocation of space on Sexton Avenue frontage to improve street environment. This should include reduction of driveway entry width to provide a more attractive street frontage on Sexton Avenue. It is noted that there are other approved DA's of comparable size that provide these requirements in a more modest and integrated manner. (eg. Refer to DA 192/2019/JP).
- Review setback encroachment to Sexton Avenue frontage.
- Provide detail of screening and design detail to service element frontage to Sexton Avenue.
- Improve visual access through the site.
- Provide more equitable access to rooftop communal open space.
- Review encroachments to the ground level communal space.
- Review street tree species to Sexton Avenue with Council's Landscape Architect to provide larger trees with greater visual impact.
- Review shared path access to Carrington Road (in accordance with Public Domain Plan) with DA officer.
- Demonstrate effectiveness and sustainability of proposed landscape plantings to mitigate wind turbulence.

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

PANEL CONCLUSION

The Panel previously concluded:

The Panel agrees that of the four strategies presented, Option 4 offers superior potential for achieving a high-quality design outcome. It is recommended that the applicant address the issues identified in this report prior to DA submission. The DA application should be reviewed by the DRP.

The Panel does not support the proposal in its current form, as it is yet to satisfy the requirements of design excellence. It is recommended that the applicant address the matters identified in this report to the satisfaction of the responsible DA officer. The application does not need to return to the Panel for further consideration unless the DA Officer advises otherwise.

ATTACHMENT 19 – SYDNEY METRO CONCURRENCE LETTER



SM-20-00139444

15 December 2020

The General Manager
The Hills Shire Council
By Email: council@thehills.nsw.gov.au
Cc: msparkes@thehills.nsw.gov.au

Dear Madam,

State Environmental Planning Policy (Infrastructure) 2007
Development Application – 1037/2020/JP
125-127 Showground Road, 4-10 Carrington Road, 15-23A Sexton Avenue, Castle Hill

Sydney Metro refers to Development Application 1037/2020/JP (DA) submitted by Miller Zhang – Ecospective Property (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 17 February 2020 in accordance with clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro - City & Southwest and Metro North West Line rail corridors to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Metro North West Line rail corridor for the purpose of the ISEPP.

Assessment requirements under the ISEPP

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 17 February 2020, 2 April 2020, 15 October 2020 and 1 December 2020. It is noted that additional information was sent via email on 7 September 2020.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of clause 86(4) of the ISEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Sydney Metro

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240
T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515

Concurrence granted subject to conditions

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at *Attachment A*.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

Next steps

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Metro North West Line rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to Section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

Please contact Peter Bourke, Senior Manager Corridor Protection or Lauren McMahon on email sydneymetrocorridorprotection@transportnsw.gov.au should you wish to discuss this matter further.

Yours sincerely



Stephen Scott
Deputy Executive Director
Northwest Operations

Development Application – 1037/2020/JF

Attachment A

1 Prior to issue of a Construction Certificate

Engineering

1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:

- (a) Sydney Metro Engineering Impact Assessment Report [Ref. 19135843] Revision 3 prepared by Adams Consulting Engineers and dated 17 July 2020, including the following appendices:
- Appendix A: Preliminary Structural Concept prepared by Turner Studio;
 - Appendix B: Drawings prepared by Douglas Partners;
 - Appendix C: Results of Field Work prepared by Douglas Partners;
 - Appendix D: Results of Laboratory Testing prepared by Douglas Partners;
 - Appendix E: Geotechnical Finite Element Analysis prepared by Douglas Partners;
 - Appendix F: Verified Survey Plan prepared by Veris;
 - Appendix G: Noise and Vibration Assessment Report prepared by Wood & Grieve Engineers; and
 - Appendix H: Electrolysis and Stray Traction Current Report prepared by Cathodic Protection Services.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

Rail Corridor:

1.2 All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Metro North West Line rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Metro North West Line rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

Survey and services

1.3 Prior to the issue of a Construction Certificate:

- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
 - (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.
- 1.4 Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Noise & Vibration

- 1.5 The Applicant must prepare an acoustic assessment report which confirms compliance with each of the following matters:
- (a) *comply with State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);*
 - (b) *be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and*
 - (c) *not have any noise or vibration impacts on the rail corridor or rail infrastructure.*

A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

Traffic

- 1.6 Prior to the issue of a Construction Certificate, a Truck Movement Plan (or amended Traffic and Parking Assessment Report) is to be provided for review and endorsement to Sydney Metro demonstrating that truck movements will have a negligible impact on the operation of the Sydney Metro City and Southwest project. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.

Electrolysis

- 1.7 Prior to the issue of a Construction Certificate, the Applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development

from stray currents. The Applicant must incorporate in the development all the measures recommended in the electrolysis report to control that risk. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

Design

- 1.8 The roots and foliage of trees planted beside the rail corridor as part of the development must not impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Metro. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Construction

- 1.9 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.10 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.11 Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction; and,
 - (b) Demolition, excavation and construction methodology and staging.
- The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.12 Prior to the issue of a Construction Certificate, a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.13 A tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is required to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- 1.14 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- 1.15 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.
- 1.16 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Drainage

- 1.17 The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not to issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

Documentation

- 1.18 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

2 During construction

Supervision

- 2.1 Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Consultation

- 2.2 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:

- (a) *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;*
 - (b) *acts as the authorised representative of the Applicant; and*
 - (c) *is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.*
- 2.3 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- 2.4 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

Drainage

- 2.5 The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- 2.6 The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

Inspections

- 2.7 If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- (a) *site investigations;*
 - (b) *foundation, pile and anchor set out;*
 - (c) *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
 - (d) *foundation, pile and anchor excavation;*
 - (e) *other excavation;*
 - (f) *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
 - (g) *other concreting; or*
 - (h) *any other event that Sydney Metro has notified to the Applicant in writing so that Sydney Metro may inspect the carrying out or completion of those works on the development site.*
- 2.8 If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the

development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

3 Prior to the issue of an Occupation Certificate

Documentation

- 3.1 Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 3.2 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

Inspections

- 3.3 If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

4 General

Inspections

- 4.1 At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (b) attend on-site meetings with the Applicant and its contractors, to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Other

- 4.2 Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with

by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).

- 4.3 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro

ATTACHMENT 20 – TRANSPORT FOR NSW CONCURRENCE LETTER



Transport
for NSW

31 January 2021

TfNSW Reference: SYD20/00195/06 (A35999385)
Council Reference: 1037/2020/JP

The General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS NSW 2153

Attention: Cynthia Dugan

Dear Sir/Madam,

AMENDED APPLICATION FOR PROPOSED RESIDENTIAL FLAT BUILDINGS - 125 SHOWGROUND ROAD, CASTLE HILL

Reference is made to Council's correspondence dated 6 January 2021 and the Addendum Transport Assessment provided by Ason group dated 29 September 2020 (attached document), regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for concurrence in accordance with Section 138 of the *Roads Act, 1993*.

TfNSW has reviewed the submitted amended documentation and grants concurrence under Section 138 of the *Roads Act 1993* subject to the following conditions being included in any consent issued by Council:

1. TfNSW has previously acquired a strip of land for road along the Showground Road frontage of the subject property, as shown by blue colour on the attached Approval Plan 0157 031 SP2321.

A splay corner has previously been dedicated as Public Road by private subdivision (DP260588), as shown by yellow colour on the attached Aerial – "X".

TfNSW has previously vested a strip of land as road along the Showground Road frontage of the subject property, as shown by grey colour on the attached Aerial – "X".

The subject property is within an area under investigation for future road widening project along Showground Road as shown by pink colour on the attached Approval Plan 0157 031 SP2321. The project is not approved and the investigations have not yet advanced to the stage where options have been defined. Accordingly it is not possible at this date to identify if any further part of the subject property would be

Transport for NSW

27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124
P (02) 8849 2666 | W transport.nsw.gov.au | ABN 18 804 239 602

required to accommodate this proposal. The development should be clear of the land required for proposed future road widening as shown by pink colour on the attached Approval Plan. The applicant should be advised to contact Brad Hamilton (Email:Bradley.HAMILTON@transport.nsw.gov.au) if further information is required.

In addition to the above, TfNSW is currently negotiating the disposal of part Lot 1 DP 260588 to the applicant of this DA, as shown by blue edge on the attached Approval Plan 0157 031 SP2321.

Subject to the TfNSW satisfactory negotiation and disposal of part Lot 1 DP 260588 to the applicant, there are no objections to the development proposal on property grounds provided all buildings and structures, together with any improvements integral to the future use of the site are erected clear of the land required for road and the Showground Road boundary.

2. The redundant driveways on the Showground Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Showground Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@rms.nsw.gov.au

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued

5. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Showground Road.

Furthermore, TfNSW has the following comments for Council's consideration in the determination of the application:

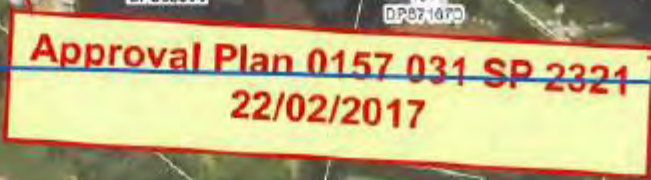
7. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.
8. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Showground Road during construction activities.
9. It is noted the proposed on site car parking is well above the TfNSW requirements as per its 'Guide to Traffic Generating Developments'. Given the accessibility to the public transport including Hills Showground Metro station, Council should give consideration to a reduction in the provision of car parking spaces to encourage sustainable transport.

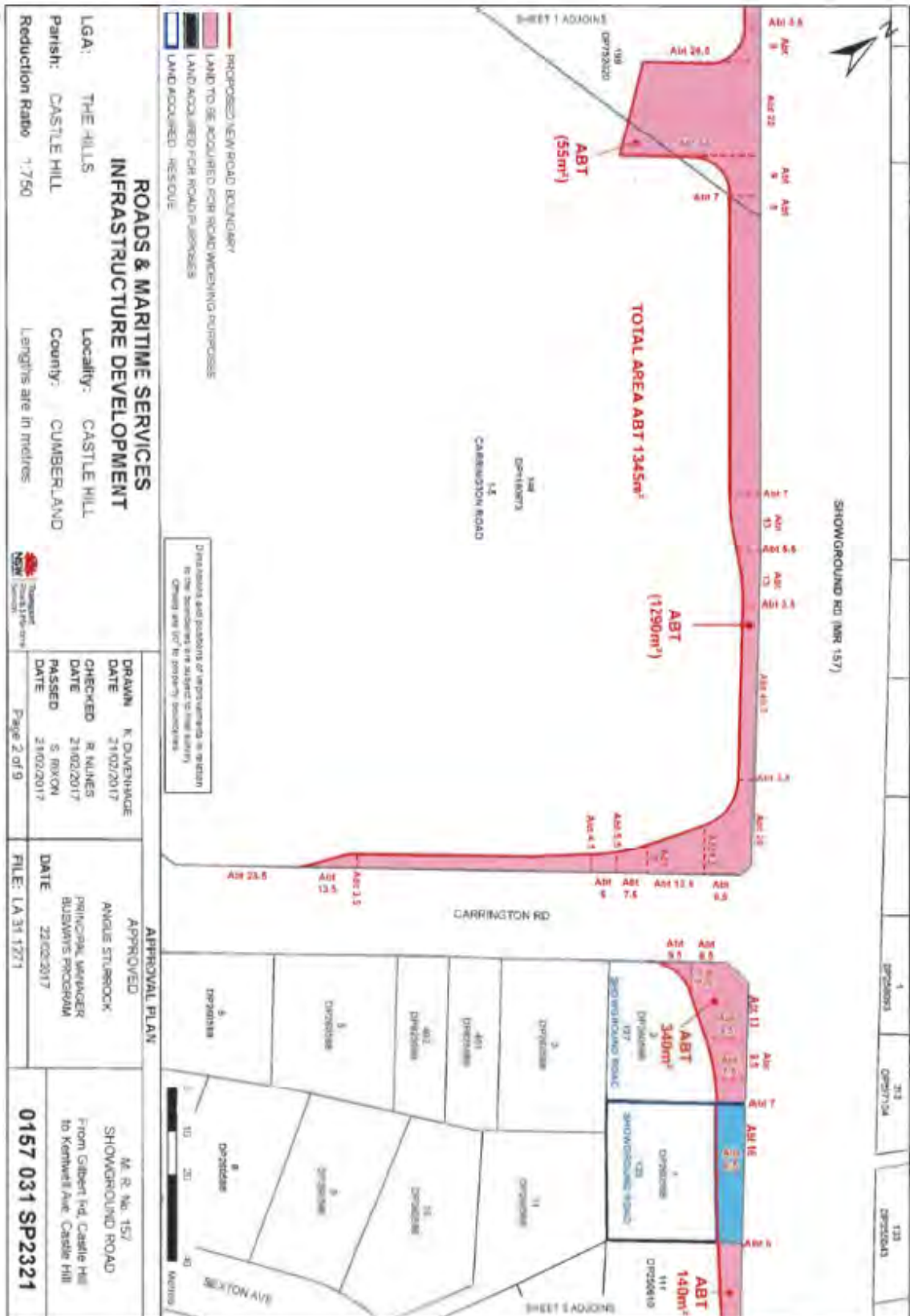
If you have any further questions, Ms Zhaleh Alamouti would be pleased to take your call on 8849 2331 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely



Pahee Rathan
Senior Land Use Assessment Coordinator





SHEET 1 OF 1 SHEETS

