

**JOINT REGIONAL PLANNING PANEL  
(Sydney West Region)**

<b>JRPP No</b>	<b>JRPP Reference Number 2011SYW118</b>
<b>DA Number</b>	<b>DA/783/2011</b>
<b>Local Government Area</b>	<b>Parramatta</b>
<b>Proposed Development</b>	<b>Residential flat building complex containing 84 apartments</b>
<b>Street Address</b>	<b>294-302 Pennant Hills Road, Carlingford NSW</b>
<b>Applicant/Owner</b>	<b>Carlingford Development Corporation Pty Ltd</b>
<b>Number of Submissions</b>	<b>One</b>
<b>Recommendation</b>	<b>Approval with Deferred commencement conditions</b>
<b>Report by</b>	<b>Sasi Kumar</b> <b>Senior Development Assessment Officer</b>

## **ASSESSMENT REPORT – Residential Flat Building Complex S79C – Environmental Planning & Assessment Act 1979**

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### **SUMMARY**

#### **Application details**

DA No:	DA/783/2011
Assessment Officer:	Sasi Kumar
Property:	Lot 27, Lot 28, Lot 29, Lot 30 and Lot 31 DP 27262, 294-302 Pennant Hills Road CARLINGFORD
Proposal:	Consolidation of 5 lots, demolition, tree removal and construction of a residential flat building complex comprising 84 units over basement car parking with Strata subdivision.
Date of receipt:	7 Nov 2011
Applicant: Owner:	Carlingford Development Corporation Carlingford Development Corporation
Submissions received:	One
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Issues:	Proximity to Carlingford – Clyde Railway Corridor and Stormwater disposal
Recommendation:	Approval – Deferred commencement and subject to conditions of consent.
Determination	The development will be determined by the Western Sydney Joint regional Panel as the cost of development exceeds \$20 million .

#### **Legislative requirements**

Zoning:	R4 High Density Residential
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Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Parramatta Development Control Plan 2011 BASIX SEPP, Section 94A Plan,, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65.
Variations:	Height and floor space ratio.
Integrated development:	No
Crown development:	No

## **The site**

Site Area:	6956m <sup>2</sup>
Easements/rights of way:	Yes a right of way for vehicular access to the rear of the site to be dedicated to Council
Heritage item:	No
In the vicinity of a heritage item:	Yes, the subject site is located in the relative vicinity of the heritage listed monument to K 13 located in the nearby park to the North.
Heritage conservation area:	No
Site History:	Yes

Prelodgement Application PL/30/2011 for demolition of existing dwellings and construction of a new mixed use development consisting of 80 residential units and 300m<sup>2</sup> of retail space lodged on 28 March 2011.

The pre-lodgement meeting was held with the applicant on 28 April 2011 and the following major issues were identified with the proposed development:

- Non-compliance with Floor Space Ratio.
- Non-compliance with car parking requirements for the residential component.
- Basement car park design non compliance.
- non compliance with Rear Setback
- non compliance with Deep Soil
- Separation between the buildings (balcony encroachments into 6m setback)
- Stormwater issues in regards to the pump systems suitability.

It is noted that the above assessment and non-compliances were essentially under PLEP 2001. With the gazettal of the PLEP 2011 on 7 October 2011, the proposal has been resubmitted with substantial modifications.

## Relevant DA history

7 November 2011	Application lodged.
10 November 2011	The following additional information requested from the applicant;

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1. **Drainage**

*Information submitted with the application indicates that you are proposing to discharge water from the on-site detention system into a concrete spreader.*

*Council is unable to support this and requires that stormwater from a residential flat building be connected to an existing drainage system. In this regard you are required to provide a revised plan that indicates that stormwater will be connected into either the RailCorp system or connected to Adderton Road via an easement through downstream properties.*

2. **Revised Arborist Report**

*The submitted arborist report is inadequate as it:*

- Has not been prepared by an AQF Level 5 Arborist;*
- The report does not identify all the species adequately;*
- All species are to be identified by the currently accepted genus and species; and*
- The report needs to include recommendations that are consistent with the requirements of AS4970 – 2009.*

*As a result you are required to submit a revised arborist report prepared by a qualified AQF Level 5 arborist, which identifies all trees located within the subject site and all affected trees located on the adjoining properties. The report must evaluate all trees proposed to be retained and removed throughout the development process. The arborist report must provide details of:*

*A plan at 1:100 or 1:200 scale showing the location of all trees located within the subject site and all affected trees located on the adjoining properties;*

*The plan must show the existing ground levels at the base of each tree, the actual canopy spread to scale, the location of and DBH (diameter at breast height) of the trunk of the tree and a tree number;*

*The plan must show tree retention values, tree protection zones and recommended developable area given constraints imposed by trees;*

*A revised schedule showing all the trees information inclusive of the correct botanical/common names, age, dimensions inclusive of height, canopy spread and DBH (trunk diameter at breast height), the health, structure condition and provide recommendations in relation to retention values;*

*Address likely impacts of the proposed development on trees to be retained and provide recommendations of any construction mitigation measures that will minimise the impact in accordance with AS 4970 - 2009; and  
Detail the methodology that has been used to evaluate the health and condition of the trees; determine retention values and determine tree protection zones.*

*Where retained trees have a development setback and tree protection zone established, a recommended tree protection specification and diagram should be provided in accordance with AS 4970 - 2009. All site plans are to be amended to indicate the tree protection zone requirements as set forth in the arborist's report along with any other note requirements that the arborist deems necessary to ensure the long term health and retention of the trees.*

### **3. Alignment Plan**

*To ensure that the ground floor relates appropriately to the footpath you are required to submit an alignment plan that is in accordance with Council's Public Domain Guidelines that can be downloaded from the 'Build' section of Council's website. ([www.parracity.nsw.gov.au](http://www.parracity.nsw.gov.au))*

*A link is provided below to further assist: <http://www.parracity.nsw.gov.au/?a=80477>*

### **4. Arts Plan**

*Section 3.4.1 of Parramatta Development Control Plan 2011 indicates that when a development site exceeds 5,000m<sup>2</sup> an arts and cultural plan is to be submitted that includes art works to assist in understanding culturally significant elements associated with the Parramatta Municipality.*

*An outline of the arts plan process referred to in the DCP is attached. In accordance with this document you are required to submit an arts plan prepared by an arts planner.*

### **5. Revised Statement of Environmental Effects Required**

*To increase our understanding of the proposal a revised Statement of Environmental Effects must be prepared. The revised Statement of Environmental Effects is to include the following details:*

- Clarification as to whether you are seeking approval for a staged consent. If you are seeking approval for a staged consent a staging statement is required to be provided; and*
- Confirmation that all residential levels will be provided with an internal floor to ceiling height of at least 2.7m."*

23 November – 10 December 2011 Application notified and advertised.

24 November 2011 Communication from RailCorp requesting additional information as follows;

*"RailCorp is not in a position to make a decision on the granting of concurrence until Geotechnical and Structural documentation that meets RailCorp's requirements are*

*prepared and submitted to RailCorp for review. RailCorp's requirements are provided in the attached standard brief that the Applicant can use to prepare the required documentation. The purpose of the brief is to ensure that all risks are identified in order to ensure that the integrity of the Rail Corridor is not compromised through the physical activities of the development adjacent to the Rail Corridor. Therefore, RailCorp advises that it must 'stop-the-clock' on the assessment of this proposal, until such time the following information is submitted:*

*1. Revised Geotechnical report and Structural report that meets the requirements of the attached brief in relation to both the existing railway corridor and the Parramatta Rail Link (PRL).*

*2. Construction methodology with details pertaining to structural support during excavation in relation to both the existing railway corridor and the PRL.*

*3. Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor and location of the PRL. All distances measured from the rail corridor and rail infrastructure are to be confirmed as accurate by a Registered Surveyor.*

*4. Detailed Hydrological Report and additional information of the proposed drainage level spreader.*

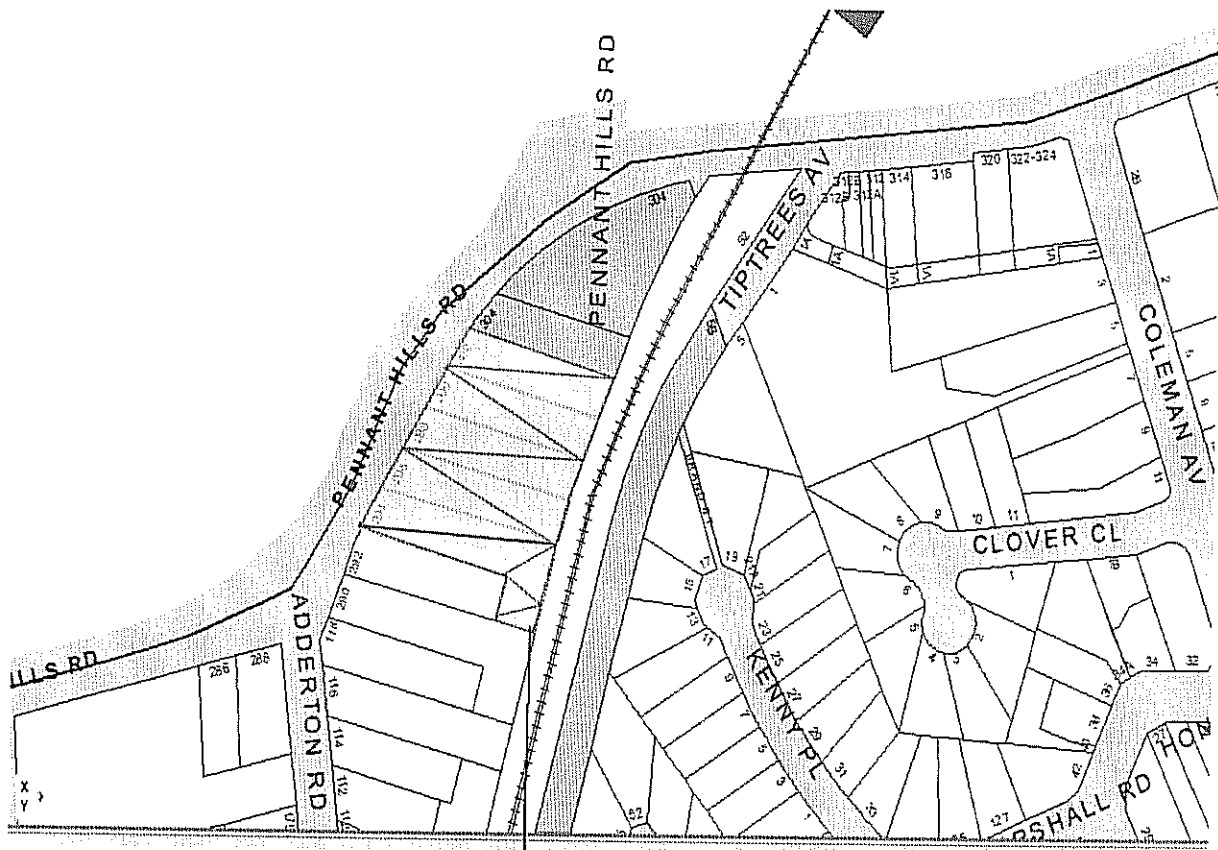
*The Applicant should also be advised to contact Project Coordinator Sarkis Valda, of the Rail Corridor Management Group (RCMG) on 8922 4286 for any assistance on the above items. RailCorp also requests that the above items and development application documentation package be forwarded in pdf format on CD to enable RailCorp to undertake the required internal review within the required statutory timeframe. It is requested that this information be referred to the Applicant and recommended that the Applicant consult with RailCorp before submitting revised or new documentation to Council."*

25 November 2011	Applicant advised of RailCorp requirements.
5 December 2011	Additional information submitted by applicant.
14 December 2011	Design                      Review                      Panel recommendations provided.
21 December 2011	Additional information for RailCorp provided.
22 December 2011	RMS comments received.
20 January 2012	Amended plans on the basis of DRP recommendations received.
1 February 2012	Additional information including an Arts Plan requested.

7 February 2012	JRPP briefing held.
20 February 2012	Amended plans taking in JRPP comments received.
23 February 2012	Railcorp concurrence received
26 March 2012	Additional conditions of concurrence from Rail Corp received.
27 March 2012	Meeting held with Applicant, Council Officers to determine the vehicular access requirements.
28 March 2012	Arts plan comments received.
20 April to 4 May 2012	Amended plans notified.
24- 26 March 2012	all additional plans ( Landscape, Floor plans) provided.

## SECTION 79C EVALUATION

## SITE & SURROUNDS



**Subject site 294-302**  
**Pennant Hills Road**

The site is located on the eastern side of Pennant Hills Road between Adderton Road to the south east and Tiptrees Avenue to the north east. The site contains 5 separate allotments of land and is legally described as Lot 27 to 31 in DP 27262, with a combined site area of 6956m<sup>2</sup>.

The site is irregular and rectangular in shape and has an east-west orientation. The site has the following dimensions:

- Western (front) boundary is 88.065m.
- Southern (side) boundary is 84.485m.
- Eastern (rear) boundary is 104.535m.
- Northern (side) boundary is 67.14m.

The immediate adjoining property to the north is a local heritage item, namely K13 Memorial Park. The subject sites slope sharply to the rear. The rear of the site to the east adjoins the Carlingford – Clyde Railway Line. To the south of the site are residential dwellings and across the Railway line to the east is high density residential development. The site is in close proximity to Carlingford Railway station and a neighbourhood shopping centre to the north. There are five dwelling houses existing on each of the lots.

The combined site area is 6956m<sup>2</sup>.



## THE PROPOSAL

The details of the proposal are as follows:

### 1. Consolidation

The proposal requires the consolidation of 5 lots (Lot 27, Lot 28, Lot 29, Lot 30 and Lot 31 DP 27262) into 1 lot.

### 2. Demolition

The demolition of the existing 5 dwellings

### 3. Removal of Trees

Removal of twenty nine (29) trees.

### 4. Construction

Four separate residential flat buildings are proposed over a 3 level basement. The applicant will seek separate construction certificate for each of the four buildings.

Building A: (four storey)

1. 9 x 1 bedroom units
  2. 12 x 2 bedroom units
- Total 21 units

Building B (four storey)

1. 16 x 2 bedroom units
- Total 16 Units

Building C (part four and part five storey)

1. 19 x 2 bedroom units
  2. 12 x 3 bedroom units
- Total 31 units

Building D (four storey)

1. 16 x 2 bedroom units
- Total 16 units

Total units= 84

A three level basement car park with 119 car spaces, 42 bike/bicycle parking spaces, 1 car share space and 1 loading bay.

The staging plan submitted indicates the following;

Stage 1

- Demolition,
- Excavation,
- Tree removal
- Building A(21 units)

- Vehicular access to service full development,
- Garbage facilities to service full development,
- Pedestrian access,
- Part basement levels 1,2, & 3,( total of 38 resident spaces and 22 visitor spaces )
- Rainwater tank to service full development,
- OSD tank 1 and outlet devices,
- Landscaping Stage 1 as appropriate,
- Strata Subdivision.

#### Stage 2

- Excavation,
- Building B( 16 Units)
- Part basement levels 2, & 3,( 31 resident spaces)
- Landscaping Stage 2 as appropriate,
- Strata Subdivision.

#### Stage 3

- Excavation,
- Building C(31 units)
- Part basement level 3( 12 resident spaces)
- OSD Tank 2,
- Pedestrian access,
- Landscaping Stage 3 as appropriate,
- Strata Subdivision.

#### Stage 4

- Excavation,
- Building D(16 units)
- Part basement level 1,(15 resident car spaces)
- Landscaping Stage 4 as appropriate,
- Strata Subdivision.

### 5. Laneway Construction and Dedication

To facilitate future vehicular access to Adderton Road and pedestrian access to the K13 reserve and in accordance with the requirements of Section 4.1.1 of DCP 2011 a vehicular laneway/ pedestrian access is to be constructed and dedicated to Council prior to the issue of the Occupation Certificate for Stage 4.

The staging plan submitted indicates the facilities being constructed at each stage. Stage 1 has the main basement to the northern end of the site, with the maximum number of car parking spaces being constructed. The rest of the construction moves in stages to the lower end of the site (south eastern corner), which is feasible. However since the OSD requirements are subject to the drainage plan being approved through a deferred commencement condition, it will be considered as part of the deferred commencement conditions and have been included as such.

## PERMISSIBILITY

### Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a residential flat building.

The definition of a 'residential flat building' is as follows:

**Residential flat building** means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

A 'subdivision' is undefined under PLEP 2011. However, the EP&A Act defines the 'subdivision of land' under Clause 4B as the "...division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition".

Part 2.6(1) of the PLEP 2011 lists 'subdivision' as a permissible development with Council consent.

Accordingly, the proposed residential flat buildings and strata title subdivision are permissible.

## REFERRALS

### Civil Assets

The development application was referred to the Council's Civil Assets for comment, and to assess the proposed alignment of the buildings and the access from the Street. On 23 January 2012 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent and the comments are as follows;

*"I have reviewed the amended cross sections and am now satisfied with the alignments plan/sections"*

### Planning comment:

The recommended plans have been incorporated within the recommended conditions.

### Arts & Culture

The development application was referred to the Senior Project Officer – Arts & Culture for comment. On 28 March 2012 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The comments have been provided as below;

*"After review of the Arts Concept Plan provided, I offer the following comments to your assessment.*

*The framework of the Arts Plan is commendable and has adopted a broad scope that has as its strengths the consideration of sound suburban principles that compliment and activate the gateway to the neighbouring memorial park.*

*A number of creative opportunities for site specific artworks have been developed giving consideration to the prominent and significant K13 memorial*

*Council is supportive of both Pole Displacement: A Celebration of Suburbia and Ensigns for an Urban Landscape. These two options meet the requirements of Council's planning control that states 'An Arts Plan should include the provision of high quality artworks within the development in a publicly accessible or visible location'.*

*In addition, both of these options provide an entry point to the development and as stated in the plan, further enhance and enrich the sense of place.*

*At this stage Council is satisfied with the intent of the Arts Plan based on the selection of either of the two options as outlined above. However, some reassurances will be needed that the Arts Plan will be implemented and artwork/s installed prior to occupation of the site by the client, as required in the conditions of consent. Therefore the following requirements must be met in full:*

- *That the Applicant engages an Artist/s to develop site specific artwork/s which is consistent with the concepts outlined in the Arts Plan.*
- *On completion of the artwork design stage, the Applicant will be required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management including specific information indicating the scale of the artwork **during the construction certificate phase of development.**"*
- *The artworks are to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate."*

Planning comment:

The recommended plans have been incorporated within the recommended conditions.

**Traffic and Transport Investigations Engineer:**

The development application was referred to the Traffic and Transport Investigations Engineer for comment. On 22 May 2012 the Traffic Engineer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The following comments were offered;

**"Proposed Development**

2. *The proposed development seeks approval for the demolition, tree removal and construction of a residential flat building complex comprising 83 units over basement carparking with strata subdivision.*

3. The details of the proposal as per submitted amended development plans, Traffic Report and SEE are summarised as follows:

- 4 residential apartment buildings consisting of 84 apartments (9 x 1-bedroom apartments; 63 x 2-bedroom apartments; 12 x 3-bedroom apartments)
- Provision for loading and garbage collection on-site adjacent to the car park access;
- Provision of 3 basement level parking with a total of 119 spaces (including 86 spaces for residents, 10 disabled parking spaces, 22 visitor spaces and 1 carwash bay);
- Provision of 42 bicycle spaces on-site and 1 car share space
- Vehicular access is provided via Pennant Hills Road.

### **Parking Requirements**

4. In accordance with Council's DCP 2011, the proposed development should provide 106.15 (107) parking spaces (based on "1 space per 1 or 2-bedroom unit; 1.2 spaces per 3-bedroom unit plus 0.25 space per dwelling for visitors; 1 bicycle space per 2 dwellings; and 1 carshare for RFB containing more than 50 residential units") as follows:

- (86 for residents and 21 for visitors);
- 41.50 (42) bicycle spaces, and
- 1 carshare space (based on "1 space per 1 or 2-bedroom unit; 1.2 spaces per 3-bedroom unit plus 0.25 space per dwelling for visitors; 1 bicycle space per 2 dwellings; and 1 carshare for RFB containing more than 50 residential units

### **Traffic Generation**

5. The traffic generation data and intersection analysis of Pennant Hills Road and Adderton Road as per submitted Traffic Report is noted.

### **Parking Provision and Layout**

6. The proposed development provides a total of 119 parking spaces (including 86 spaces for residents, 10 disabled parking spaces, 22 visitor spaces and 1 carwash bay), 42 bicycle spaces on-site and 1 car share space on-site. The on-site parking provision is 12 greater than required in accordance with Council's DCP 2011.
7. The dimensions for parking spaces and aisle width, as shown on the plan, comply with AS 2890.1-2004 (2.4m wide x 5.4m long and 6.2m aisle width, with an aisle extension of 1.0m at blind aisle beyond the last parking space.

*The dimensions and configuration of the disabled parking spaces, as shown on the plan, comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).*

8. *Accordingly, the parking layout is acceptable.*

### **Access Arrangement**

9. *Access into and out of the development site is provided via a combined entry and exit driveway (8m wide) off Pennant Hills Road. There is an additional rear access*
10. *A loading area and a car share space have been provided to the north of the driveway near the garbage collection room.*
11. *The gradients of the ramp access driveway to the basement level from the property boundary is 20% (1:5) with transitions of 10% (1:10) and comply AS 2890.1-2004. The gradients of the ramp access along to basement levels 2 and 3, as shown on the plan, comply with AS 2890.1-2004.*
12. *The width of the ramp access driveway to all basement levels vary from 6.2m to 7.1m. The width of the ramp access from the ground level is 5.5m as shown on the plan.*

### **Conclusion**

*Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on this section Pennant Hills Road and the surrounding road network. The proposal can be supported on traffic and parking grounds subject to the following traffic related conditions.*

### **Recommendation**

*If this DA is to be approved, then the following traffic related conditions should be included in the conditions of consent:*

- a) *"119 off-street parking spaces (including 86 spaces for residents, 10 disabled parking spaces, 22 visitor spaces and 1 carwash bay) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum), as shown on the DA plans. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space, as shown on the amended DA plans.*
- b) *The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).*

- c) *A combined entry and exit driveway (8m wide with 300mm clearance both sides between kerbs), as shown on the plan, off Pennant Hills Road is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.*
- d) *The additional access driveway (5.5m wide) at the rear of the site, as shown on the amended DA plans, to the basement level is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.*
- e) *Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.*
- f) *The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).*
- g) *Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.*
- h) *Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.*
- i) *Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.*
- j) *Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.*
- k) *The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.*
- l) *A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.*
- m) *Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The*

*applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.*

- n) *Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA. "*

Planning comment:

The recommended conditions have been incorporated within the recommended conditions.

Open Space and Natural Areas

The development application was referred to the Open Space and Natural Area Planner for comment. On 21 November 2011 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The comments provided as follows;

"

1. *K13 Memorial Park is a lookout and the proposed development has a potential to impact on significant view corridors. Request the applicant to provide a **Views study** to ensure no significant impacts on view corridor due to building heights.*
2. *To soften the visual impact of the proposed development building heights on the park, additional trees to be planted in K13 Submarine Memorial Park along the boundary with the proposed development site. Appropriate species and locations to be determined through Views Study, with tree planting to be undertaken in accordance with Councils Standard Tree Planting specification, with the trees to be protected and maintained by the applicant until properly established.*
3. *No access through or storage of materials in the reserve to ensure protection of the waterway bushland riparian corridor and unrestricted public access (including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes);*
4. *- Liriope is a common garden escapee into riparian areas and potentially invasive (see attached information). Replace with native Dianella spp. or Lomandra tanika.*
5. *To minimise disturbance to existing mature trees located in the adjacent reserve, no excavation shall take place within the critical root zone (CRZ)\*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)\* but only by hand. In the event that major structural roots or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, appropriate measures should be implemented to ensure the long term retention of the tree.*

*\*CRZ = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)*



*\*PRZ = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)"*

Planning comment:

The comments at 1 above have been reviewed and it is considered that there are no view corridors designated or identified in the PLEP 2011 or PDCP 2011. The "View Report" is not considered necessary, since the proposed buildings do not encroach upon any views from the K13 Submarine Park.

The other recommended conditions have been incorporated within the consent.

**Environmental Health**

The development application was referred to the Environmental Health Officer for comment. On 11 Nov 2011 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

Planning comment:

The development has more than 30 units and therefore will not be serviced by Council's Waste collection. A private commercial contractor will be required to be engaged prior to occupation and this condition has been incorporated within the Recommendations section of this report.

**Heritage Advisor**

The development application was referred to the Heritage Advisor for comment. On 17 November 2011 the officer provided advice that they raised no issues to the proposed development. The comments are reproduced below;

***"DISCUSSION***

*The site of the proposed development is not of heritage interest but located in the relative vicinity of the listed heritage item, the monument to K13, located in the near-by park.*

*The K13 Memorial commemorates the famous submarine, but also all HM submarines and submarine crews. It is of significance for Parramatta LGA for aesthetic, social and reasons of rarity. The Memorial has a major social significance and is relatively rare in the local area. Some additional importance is derived from the associations with its architect and sculptor.*

*However, given the nature of the item and the proposal (which will not impact on the surrounding sites), it is deemed that any potential heritage impacts are likely to be negligible. I would therefore have no objection to the proposal from heritage perspective."*

Planning comment:

Therefore there are no additional recommendations for consideration.

**Landscape**

The development application was referred to the Tree and Landscape Management Officer for comment. On 24 May 2012 the officer provided advice that they raised no

issues to the proposed development subject to conditions being incorporated into the development consent. The comments provided are as below;

**"DISCUSSION**

**Issues**

**Impact on adjoining trees**

*The proposed retaining walls along the southern boundary will have a negative impact upon trees 42 and 43 as identified in the arboricultural impact assessment which are located within the adjoining property. Modifications are required to the location of these walls. As discussed, it has been recommended that this issue be addressed as a prior to CC condition.*

**Landscape**

*The proposed landscape plan is considered satisfactory and can be supported in concept. A revised plan is required to be submitted prior to CC which relocates walls proposed to the southern boundary.*

*Trees to be retained are:*

*Trees numbered 8-10,11A, 12, 15, 21-26, 40-44 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report*

**Reason:** *To protect significant trees which contribute to the landscape character of the area.*

*Trees to be removed are:*

*Trees numbered 1, 3, 4, 5, 5A, 6, 7, 11, 13, 14, 16, 17, 18, 20, 27-36, 36A, 36B, 37,38 & 39 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report"*

### Planning comment:

The recommended conditions have been incorporated within the Recommendations section of this report. The proposed removal of 29 trees have been assessed and permitted and is not considered to belong to any endangered ecological community.

### **Development Engineer**

The development application was referred to the Development Engineer for comment. On 29 May 2012 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The comments are reproduced below;

### ***"DISCUSSION***

#### ***Stormwater Disposal***

- *The location of private infrastructure within an area of land to be dedicated to Council cannot be supported.*
- *The stormwater design providing an OSD tank beneath habitable floors and dispersing via a spreader cannot be supported also.*

#### ***Conclusion:***

*Should this application be considered for approval it is recommended that it be subject to deferred commencement:*

- *A deferred commencement condition requiring discharge of stormwater to be via an easement to either Adderton Road or the Railway corridor.*
- *The deferred commencement condition will also need to include wording for a new stormwater plan to be approved by council which locates OSD appropriately on site and discharges via a pipe into Council's system.*

***The following engineering deferred commencement conditions are provided as requested:***

#### ***Deferred Commencement***

*Pursuant to the provisions of S. 80(3) of the Environmental Planning and Assessment Act, 1979 the development application be granted a Deferred Commencement Consent subject to the completion of the following:*

- *Submission to Council of suitable documentary evidence that indicates the creation of an easement to drain water a minimum 1.2m wide over a downstream property or properties( in this case it is either Adderton Road or the Railway corridor), connecting into Council's stormwater system or an approved drainage system by Council, has been registered with the NSW Land and Property Information Service.*

- *An amended stormwater drainage plan shall be submitted to Council, prepared by a qualified and practicing drainage engineer, indicating that the on-site detention tank is not located under habitable areas or living rooms and the site stormwater discharge pipe is connected to Council's existing stormwater system or connected to the RailCorp drainage system.*

*The above requirement(s) must be satisfied within 24 months or the consent will lapse.*

*Advisory Note:*

- *Council will not support a spreader located on land owned/dedicated to Council.*
- *Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.*

*Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions."*

#### Planning comment:

The proposed spreader is proposed to be located within to the south eastern portion of the site. This is within the land to be dedicated to the Council for access purposes and cannot be accepted. The issue regarding the dedication of land is discussed elsewhere in the report.

The recommendations of the Development Engineer have been included in the Recommendations section of this report.

### **External Referrals**

#### **JRPP**

The Joint Regional Planning Panel (Western Region) was also briefed on the matter on 7 February 2012. The following issues were raised by the panel members and subsequently addressed by the applicants;

1. "The panel expressed concern that the architectural features facing Pennant Hills Road do not appear to incorporate suggested facade treatment options illustrated in the Development near Rail Corridors and Busy Roads - Interim Guideline, by the Department of Planning especially clause 3.8.

#### Applicant's response

*"Amended western architectural elevation is attached as sheet DA15.*

*Amendments include:*

- *Solid masonry balustrades replace original steel and glass balustrade*
- *Aluminium vertical blinds in same plane as the balustrade as per Rail Corridors and Busy Roads Interim Guideline. figure 3.16*

*The changes are still consistent with finishes and architectural expressions as per the rest of the development. These amendments are also consistent with Design Review Panel's recommendation."*

Comments

The proposed changes are acceptable.

2. "The panel was of the view that the communal open space is overly terraced."

Applicant's response

*"Amended landscape plans are enclosed which maximize to the limit the level area within the COS whilst maintaining deep soil and area ratios. The proposed development maximises the extent of communal open space afforded to residents as well as enhances the amenity provided by that communal open space through the provision of communal open space (COS) area far in excess of that required by the relevant DCP, 1834 square metres is provided against a minimum requirement of 830 square metres based on 10 square metres per proposed dwelling unit."*

Comments

The amendments are acceptable.

3. "The panel was also concerned with the location of the two units in Building C in the Lower Ground 4 plan (DA04 Issue A) and suggested consideration be given to deleting these two units due to their poor amenity and further to facilitate appropriate rear lane access from the basement car park more towards the south eastern end of the site."

Applicant's response

*"The proposal has been amended to allow for basement access to the south eastern side and the two units are on grade with an easterly location and aspect. The two units are both naturally cross ventilated. They provide passive surveillance to the future laneway. They provide an active street address instead of above ground car parking."*

Comments

The amendments are acceptable.

**Roads and Maritime Services**

The development application was referred to the RMS for assessment. On 20 December 2011 the RMS provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. *The comments are reproduced below:*

*"RMS has reviewed the development application and provides the following requirements for Council's consideration in the determination of the development application.*

1. *The design and construction of the proposed gutter crossing on Pennant Hills Road shall be in accordance with RMS requirements. The design requirements*

shall be in accordance with RMS Road Design Guide and other Australian Codes of Practices. Details of these requirements should be obtained from the RMS Project Services Manager, Traffic Projects Section, Parramatta (telephone 02 8849 2496). The certified copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of construction certificate by Council and commencement of road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

2. To maintain driveway operational efficiency and safety, physical segregation" of the ingress and egress arrangement at the driveway should be achieved via the provision of a low profile concrete median island.

3. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (CNAD) will need to be executed prior to RMS assessment of the detailed civil design plans.

4. All redundant driveways on Pennant Hills Road shall be removed and replaced with kerb and gutter to match existing.

5. A Road Occupancy Licence shall be obtained from RMS for any works that may impact on traffic flows on Pennant Hills Road during construction activities.

6. All works/regulatory signage associated with the proposed development are to be at no cost to RMS.

In addition, RMS provides the following advisory comments to Council for its consideration in the determination of the development application:

7. Car parking provision to Council's satisfaction.

8. The layout of vehicle parking- areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1- 2004.

9. Resident parking should be clearly signposted at entry to car parking areas.

10. The proposed development should be designed such that road traffic noise from Pennant Hills Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.

11. Council should ensure that post-development storm water discharge from the subject site into the RMS drainage system .does not exceed the pre-development discharge. Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer. External Works on (02) 8849 2114 or fax (02) 8849 2766.

*12. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*

*13. All vehicles are to enter and leave the site in a forward direction.*

*14. All vehicles are to be wholly contained on site before being required to stop.*

*15. All demolition and construction vehicles should be contained wholly within the site as a work zone permit will not be approved on Pennant Hills Road.*

*16. The required sight lines to pedestrians, other vehicles and cyclists shall not be compromised by landscaping, signage, fencing or display materials.*

Planning comment:

The recommended conditions have been incorporated within the Recommendations section of this report.

**RailCorp**

The development application was referred to RailCorp for concurrence under SEPP (Infrastructure). On 20 February 2012 RailCorp provided advice that they support the proposed development with conditions of consent recommended. An additional letter dated 26 March 2012 addressed issues in regards to the Parramatta Epping Rail Link.

On 25 May 2012 the RailCorp further reviewed amended drawings and had the following comments to offer:

*"RailCorp has reviewed the revised drawings and advises that its concurrence conditions contained in RailCorp's correspondence dated 20 February 2012 still apply, subject to the modification of the first dot point in Attachment A of that letter to:*

- *All excavation and construction works are to be undertaken in accordance with the following documents (unless variation has been agreed to be RailCorp in writing):*

*RailCorp also advises that its concurrence conditions contained in RailCorp's correspondence dated 26 March 2012 also still apply, subject to the replacement of the word 'Shire' in condition 6 of that letter with the word 'Council'.*

Planning Comment:

The stormwater disposal has been matter of concern and consideration by Council's Development Engineer, especially the use of a spreader to the rear of the site. The above was further clarified through an email from Manager Land Use & Planning, RailCorp on 29 February 2012 and is as follows;

*"Our review indicates that the drainage solution is acceptable (to which we have advised the applicant) as it reduces the amount of run-off to the corridor compared to the existing situation.*

*The purpose of the condition as written is to ensure that we have a final look at the drainage solution in case there are changes during Council's review of the entire DA, and also to review how it will be installed as part of the CC documentation."*

The proposed stormwater drainage plan is not supported by Council's Engineer since the spreader mechanism associated with the plan and the pipes and pits will be on land being dedicated to the Council. This issue is discussed elsewhere in the report. However, the conditions recommended by RailCorp will be included in the conditions of consent.

## **PUBLIC CONSULTATION**

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties, given notice of the application for a 21 day period between 23 November 2011 and 10. December 2011 In response one submission was received. The issues raised within that submission are addressed below.

### **1. Email ( no address provided)**

#### **Issue**

*Concerns with the entry and exit from the site to Pennant Hills Road, since it is a busy road.*

#### **Comment**

The issue raised has been considered by Council's Traffic and Transport Investigations Engineer and also assessed by Roads and Maritime Services. No objections have been raised to the proposed development subject to conditions of consent.

#### **Amended Plan**

Yes

#### **Summary of amendments**

The amended plans included the relocation of the access to basement from the rear vehicular access way, from the north eastern end of the building to the south eastern end. An additional unit has also been included.

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, owners and occupiers of surrounding properties, and were given notice of the amended application for a 14 day period between 20 April 2012 and 4 May 2012. In response, no submissions were received.



## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is not identified in Council's records as being contaminated. Further, the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

### **STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development. An amended BASIX has been submitted for the modifications carried out.

### **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)**

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the relevant energy authority.

*Clause 101 – Development with frontage to classified road*

The application is subject to clause 101 of the SEPP as the site does have frontage to a classified road, namely Pennant Hills Road. The application was referred to Roads and Maritime Services for concurrence. The RMS has provided concurrence subject to conditions of consent which have been discussed elsewhere in the report.

## **Clause 102 - Impact of road noise or vibration on non-road development**

The application is subject to clause 102 of the SEPP as the average daily traffic volume of Pennant Hills Road is more than 40,000 vehicles.

As mentioned earlier in the report, the application was referred to RMS for concurrence and the same has been obtained, subject to conditions of consent. An Acoustic report has also been provided, compliance to which will be incorporated as a condition of consent in the Recommendations section of this report.

## **STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)**

The 10 Design quality principles envisaged under the SEPP have been assessed as below;

### **Principle 1: Context**

Context can be defined as the key natural and built features of an area. Responding to a context involves identifying the desirable elements of a location's current character or, the desired future character as stated in planning and design policies. The proposed residential flat buildings fronting Pennant Hills Road are between Adderton Road and the K13 Submarine Park to the eastern side of Pennant Hills Road. The subject site and its immediate neighbouring lots bounded by Adderton Road, to the south are zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011 and have the potential to be redeveloped for Residential Flat buildings to a height of 14 m. Sites to the east on the other side of the railway line are zoned as R2 Low Density Residential to the southern side and R4 High Density Residential Development to the northern side under PLEP 2011. The proposed four residential flat buildings are appropriate and well within the context of future developments in the neighbourhood given that the site is zoned R4 High Density Residential use with a maximum height of 14 m.

### **Principle 2: Scale**

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. In the current context, the proposed part five storeys residential flat building will set the precedent for

development in that specific area bound by Adderton Road to the South and the K13 Submarine Park to the North and the Carlingford- Clyde Railway line to the East and Pennant Hills Road to the West. This is part of the Carlingford precinct being development under PDCP 2011 controls. Given that the four buildings are proposed in a specific zoning that allows Residential flat building development, the proposed buildings bulk and scale is appropriate in achieving the scale identified for desired future character of the area. The height map for the area under the PLEP 2011 identifies the maximum height to be 14 m and the proposed four buildings are well within that limit, except for a minor variation to the south eastern corner of Building C for which a Clause 4.6 variation under PLEP 2011 has been submitted. and is considered acceptable.

### **Principle 3: Built form**

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. The proposed development is going to be a trend setter in that area given that only five lots of the 13 lots identified for the R 4 zoning are being developed. The proposed four buildings have been designed to fit into the site which is bounded to the north by K13 Submarine Park, to the east by Clyde- Carlingford Railway Line. The subject site slopes sharply to the rear and the four buildings have been designed to provide for some views to the rear. The public domain is therefore more expressed towards the middle of the site surrounded by the four buildings proposed as part of the development. All the buildings have views to the public domain. The proposed four buildings define the public domain and contribute to the character of the streetscape and the adjoining park. The dwellings proposed satisfy the amenity requirements and have been described later in the report.

### **Principle 4: Density**

Good design has a density appropriate for the site and its context, in terms of the number of units or residents. Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition are consistent with the stated desired future density. The subject site fronts Pennant Hills Road which is considered a Major arterial road which is well serviced by buses. To the north less than 600m is Carlingford Railway Station. The subject site is currently zoned R4 High Density Residential Use and the immediate sites to the east across railway corridor are zoned as both R2 Low Density Residential to the southern side and R4 High Density Residential Development to the northern side under PLEP 2011. The subject site zoning allows for multi storey developments to a height of 14m. The floor space ratio permissible for the site is 1.1:1 (PLEP 2011) and the proposed development has a Floor Space Ratio of 1.138:1 (including the variation permissible under clause 4.1 of

PDCP 2011). The proposed development satisfies the sustainable density requirements and is therefore considered acceptable.

### **Principle 5: Resource, energy and water efficiency**

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. A BASIX certificate which seeks to incorporate energy efficiency measures has been proposed. The layout and built form given the east west orientation of the site is to maximise the solar access from the north for majority of the units. The proposed development is considered to be

acceptable. The shadow diagrams sections indicate that a majority of the units will have solar access.

### **Principle 6: Landscape**

The landscape design builds on the site's natural and cultural features and enhances the development's natural environmental performance by co-ordinating solar access, microclimate, and tree canopy and habitat values. The proposed development has provided for landscaping, majority of which is limited to the middle of the site and some to the northern and eastern boundaries.

This has also been an issue that was discussed in the initial briefing of JRPP and the applicant had the following comments to offer;

*"The northern section constructed over basement slab is terraced so as to provide depths of soil suitable to the proposed plantings, maintain a continuous pedestrian connection over basement levels for the full extent of the common open space and to maximise the utility of the spaces. The basement terraces over which the landscape will be constructed provide the opportunity for a hierarchy of landscape spaces to be provided and variation in landscape experience to be offered. As such a distinction between passive and more active spaces is created. In order to maximise usable space, stair connections between terrace levels have been consolidated. Location of planters and provision for soil depths suitable to tree planting has been located so as to maximise privacy between the common open space and private spaces. The majority of proposed tree planting is deciduous so as to create summer shade and enhance winter solar access to common open space areas and the overall development in general. Importantly, at the northern boundary end of the central common open space a connection is provided to the adjoining public reserve as such, enhancing the effective access to open space for residents as well as the visual permeability of the development. Where basement walls are intended to be exposed within the landscape areas it is intended to treat the walls as features in themselves which enhance the landscape."*

The above comments are acceptable in terms of the landscape requirements. It is also noted that 969m<sup>2</sup> of land to the rear of the site will be dedicated to the Council as part of compliance with clause 4.1.1 of PDGP 2011. Although only the south eastern portion of this land will have driveway access, the rest of the portion to the north will have pedestrian access and will be landscaped.

The proposed development is acceptable subject to the conditions of consent.

### **Principle 7: Amenity**

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility

The proposed Residential Flat Buildings comply with the appropriate unit area, access to sunlight, natural ventilation, and visual and acoustic privacy, and storage, indoor and outdoor spaces. It has appropriate access for all age groups and degrees of mobility. Appropriate storage areas have also been provided for. The proposed development in its entirety is acceptable.

### **Principle 8: Safety and security**

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed development fronts Pennant Hills Road. The entry to the buildings facing Pennant Hills Road is clearly visible from the street. There are plenty of opportunities for passive surveillance from the balconies and windows of the units in the building. The proposed residential units maximise overlooking of public and communal open spaces. The proposed application is considered to be acceptable.

#### **Principle 9: Social dimensions and housing affordability**

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, by providing a mix of housing types to cater for different budgets and housing needs. The proposed development contains 9 x 1 bedroom, 63 x 2 bedroom and 12 x 3 bedroom units. Of these nine are adaptable units. The proposed development provides for an optimum mix of housing types to cater for different budgets and housing needs.

#### **Principle 10: Aesthetics**

Aesthetics of the building should respond to the environment and context, particularly to desirable elements of the existing streetscape or contribute to the desired future character of the area.. The building has been designed with appropriate building articulation and in keeping with the topography of the site. The materials used in the structure also seem aesthetically pleasing and the proposal is acceptable. The proposed four residential flat buildings are the first development after rezoning of the subject site as R4 High Density Residential under PLEP 2011. There are no existing residential flat buildings to make a comparison in the Parramatta LGA portion to the eastern side of Pennant Hills Road. However the proposed four residential flat buildings will contribute to the desired future character of the area.

<b>RESIDENTIAL FLAT DESIGN CODE</b>			
<b>PARAMETER</b>	<b>CONTROL</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
Building Depth	Depth should be between 10-18m	Building A- 18.5m Building B-16.5m Building C-19m Building D- 22m	No The four buildings proposed have varied depth and given the steep slope of the site to the rear, the depth variation is not of significant concern, since the buildings provide for appropriate visual privacy.

			The Design Review Panel has supported the development and have no objection to the cross ventilation being provided to the units.
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Separation between habitable rooms in Building C and building A is 14.55m. Separation between habitable rooms in Building C and Building D 20.18 m. Separation between Building B and C is 9m Separation between Building B and A is 9 m.	Yes  Yes  Yes, since no habitable rooms face each other and the separation is acceptable.
Storage	1 bedroom 6m <sup>3</sup> 2 bedroom 8m <sup>3</sup> 3bedroom 10m <sup>3</sup>	Storage is provided in the basement and within the units. The basement spaces need to be clearly demarcated for each unit	Yes. A condition of consent will be included.
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All apartments have balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	Minimum 3m	Yes
Min. Apartment size	1bedroom 50m <sup>2</sup> 2 bedroom 70m <sup>2</sup> 3 bedroom 90m <sup>2</sup>	1bedroom unit-71-74m <sup>2</sup>  2bedroom units between 85 m <sup>2</sup> to 90m <sup>2</sup> .  3 bedroom 110-112m <sup>2</sup>	Yes  Yes  Yes
Open Space	The area of communal open space should be between 25-30% of the site area	1834m <sup>2</sup>	Yes

	(25%=1739m2).		
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone(434.75m2)	1338m <sup>2</sup>	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	A maximum of 6 apartments are accessed per core.	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	Solar access diagram provided indicates that the living rooms and private open spaces for 80% of the units will receive direct solar access in winter	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	31 units or 36% are single aspect	<p>No, given the topography of the site, which slopes steeply to the rear, the units in Building C have a South East aspect . The orientation of the buildings is in the east west direction to maximise the northern sun to the maximum possible number units and the common open space. In the circumstances the south east single aspect to these units cannot be avoided.</p> <p>The shadow diagram sections provided indicate that most of</p>

			these units will have some solar access during winter.
Natural ventilation	60% of units should be naturally cross ventilated	80%	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	Most have no windows, while some have highlight windows.	No, however a condition of the consent will be included to provide mechanical ventilation.
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Maximum 6 metres.	yes

### Design Review Panel

The Design Review Panel considered the proposed development on 14 December 2011 and had the following comments to offer along with applicant's response;

"

1. *Whilst the quality of the submission was of a high standard unfortunately the reduced plans were too small and out of scale. The applicant in future should supply suitably scaled A3 set of plans for the Panel's consideration.*

*Noted.*

2. *In relation to the context the applicant is advised to show the distance to local infrastructure (railway station). This could influence the number of car spaces that need to be provided.*

#### Applicant's response

"Submitted statement of the environmental effects clearly states the distance to the railway station. The car parking numbers proposed comply with council controls."

#### Comments

The submitted Statement of Environmental Effects does state the distance to the railway station. The car parking spaces comply with Council requirements.

3. *The design of the west elevation should be reconsidered to address acoustic issues associated with proximity to Pennant Hills Road as well as the western sun aspect. Nevertheless, this should be undertaken in a way that does not detract from the cohesiveness of the architectural expression.*

#### Applicant's response



"The western elevation is a very prominent part of the proposal and has to have a clear address to the main road. An acoustic report has been submitted with the application which clearly outlines that the proposed design meets the relevant standards and makes recommendations on window glazing as required.

The proposed facade is also designed so it successfully deals with westerly sun as demonstrated in the submitted BASIX / ABSA certificates. The current design is also consistent with rest of the proposed development and we believe it should remain that way. "

#### Comments

This has further been addressed after the JRPP also raised the issue during the initial briefing and modifications carried out which are acceptable. The acoustic report clearly states that the design proposed complies with the acoustic requirements for the development in close proximity to a major arterial road. Buildings A and D face Pennant Hills Road and have acoustic walls facing the street, while the balconies have been provided with appropriate acoustic barriers.

4. *The Panel had some concerns about the useability of the common areas of open space within the development and would like to see more details with a view to ensuring the amenity and useability of these areas.*

#### Applicant's response

"The Landscape Architect is in the process of amending some common areas, open spaces within the development in order to improve amenity and useability of these areas, amended plans will be provided shortly."

#### Comments

Amended Landscape Plans have been submitted and has been assessed by Tree and Landscape Management Officer to be satisfactory. The applicants Landscape Architect has provided detailed comments on the landscape treatment of the common open spaces as a terraced landscaping over the basement slab to the northern side and treatment of any basement walls that would be visible as feature walls.

5. *On buildings B & C the amenity of the interiors may benefit from reconsidering the depth of masonry structural elements (columns etc) which appear to inhibit light penetration/direct sun access.*

#### Applicant's response

"The depth of the masonry elements is proposed for the reason of protecting privacy between the apartments. Light penetration/direct sun access is not an issue as all living areas and most of the bedrooms have glazing areas the full width of the room ."

#### Comments

The comment of the applicant is acceptable. There is sufficient light access given that the bedrooms have associated windows and balconies . The masonry structures are to provide for privacy between the units.

6. *The Panel is concerned at the number of internal bathrooms which would not satisfy the amenity and energy efficiency requirements of SEPP 65. Consideration should be given to means of introducing natural or borrowed light and ventilation into these areas. The plans should also be amended to provide better access to natural light and ventilation to the kitchens. "*

Applicant's response

"This was brought to us as an issue at the Pre-DA application where we had maximised the number of windows to the bathrooms. Windows had to be removed so that the current application complies with Council's building separation controls."

Comments

Subsequently the applicant has amended plans to provide for natural light and ventilation for bathrooms and some kitchens via skylights as per JRPP comments.

The panel did not want the matter referred back to them.

## **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011**

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

<b>COMPLIANCE TABLE</b>		
<i>Development standard</i>	<b>Yes/No</b>	<b>Compliance</b>
Land Use Table – R4 High Density Residential Zone	Yes	Residential Flat Buildings are permissible in the R4 zone.

<p>4.3 Height of Buildings</p> <p>Does the building exceed the maximum building height shown for the land on the Height of Buildings Map?</p>	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 14m above existing natural ground level</p>	<p>The development has a maximum height of 14m except for a small corner of the south-east corner of Building C which has a height of 15.2m to the south eastern corner of the building. A Clause 4.6 exemption has been lodged and is discussed below.</p>
<p>4.4 Floor Space Ratio</p> <p>Does the development exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map?</p>	<p>A maximum floor space ratio of 1.1:1 has been identified for the site under PLEP2011 Floor Space Ratio Map. FSR calculations provided by the applicant indicate 1.168:1. The total floor area of the units has been shown to be 8127m<sup>2</sup>. This has been calculated and acceptable.</p>	<p>The maximum floor area normally permitted is 7651.6m<sup>2</sup>. An area of 969 m<sup>2</sup> is to be dedicated to Council as vehicular / pedestrian access to the rear of the site. In accordance with P1 of Clause 4.1 of PDCP2011, 50% of the access way can be included as floor space bonus where dedication of land is proposed. An additional floor area of 484.50m<sup>2</sup> is therefore encouraged on the site by the DCP. Utilising this DCP clause, the total FSR envisaged is 8136m<sup>2</sup> As per cl. 4.6 of PLEP2011; a variation to the FSR control is sought and is discussed below.</p>
<p>4.6 Exceptions to development standards.</p> <p><i>(Note: should a development standard be exceeded by greater than 10% then the application is required to be determined at a Council meeting)</i></p>	<p>Yes</p>	<p>The application seeks approval to vary the following clauses:          Clause 4.3- Height of buildings and Clause 4.4 – Floor Space Ratio          Refer to discussion below</p>

<p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	N/A	<p>The site is not identified on this map.</p> <p>As discussed above the DCP encourages the dedication of land on this site for public purposes.</p>
5.3 Development near zone boundaries	N/A	
<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	No	<p>The buildings for the site have architectural roof features which for most of the site do not exceed the height limit. However the south east corner of the Building C does exceed the height limit and a clause 4.6 exemption has been lodged.</p>
<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	N/A	<p>The proposal is not for the development of land that is covered by tidal waters.</p>
5.9 Preservation of trees.	Yes	<p>See previous discussion on tree removal in the referral section of this report.</p>
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p> <p>If yes does the development satisfy clause 5.10.4 (effect of proposed development on heritage significance)?</p>	Yes	<p>According to the Heritage Item and heritage conservation maps the subject site adjoins a heritage item, namely the K13 Submarine Memorial. Council's heritage advisor has assessed the application and has raised no objection to the proposed development. Given this the development is considered to satisfy the requirements of Section 5.10.4 of the LEP.</p>

<p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site? (refer pathways or parramapper for significance level)</p> <p>If of high significance has an Aboriginal Heritage Impact statement been submitted and notification of local Aboriginal Communities occurred?</p>	Yes	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an aboriginal place of heritage significance.
<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	Yes	The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared since the works proposed are not within 500m of any adjacent land which has Class 1,2,3 or 4 Acid Sulphate Soil.
<p>6.2 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>	A basement is proposed for the development and is in the immediate vicinity of the Clyde Carlingford Railway corridor and Pennant Hills Road	Yes, RailCorp have assessed the drawings associated with the development and have raised no objection to the proposed excavation subject to conditions of consent. Given the topography of the site, steep slope to the rear, the excavations proposed for the basement and building platforms are considered appropriate. Similarly, fill associated with terracing of communal areas and private open spaces is a reasonable and logical response. Conditions of consent are recommended to ensure that there are no additional impacts on adjoining sites , the roadways or the rail corridor.
<p>6.3 Flood planning</p> <p>Is the site floodprone?</p>	N/A	The site is not identified by Council as being floodprone.

6.4	Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	N/A	The site is not identified on this map.
6.5	Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	N/A	The site is not identified on this map.
6.6	Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	The site is not identified on this map.
6.7	Affected by a Foreshore Building Line	No	The site is not located in the foreshore area.

#### 4.6 Exceptions to development standards within LEP 2011

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. *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 Director-General has been obtained.*

A request for exception under clause 4.6 was lodged as the proposed development exceeds the permissible floor space ratio of 1.1:1 by 6% and the permissible height of 14 m to the south east corner of Building C by 1.2m. This exception is considered to warrant Council's support and is discussed in further detail within this report.

#### **Assessment of the exception under clause 4.6:**

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Both the maximum permissible height and the floor space ratio are development standards

2. What is the underlying object or purpose of the standard?

The following are the underlying objectives of the standards

### 4.3 Height of buildings

- (1) The objectives of this clause are as follows:
  - (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
  - (c) to require the height of future buildings to have regard to heritage sites and their settings,
  - (d) to ensure the preservation of historic views,
  - (e) to reinforce and respect the existing character and scale of low density residential areas.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
  - (a) to regulate density of development and generation of vehicular and pedestrian traffic,
  - (b) to provide a transition in built form and land use intensity within the area covered by this Plan,
  - (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,
  - (d) to reinforce and respect the existing character and scale of low density residential areas.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

The variation is considered insignificant and compliance with the standard will tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

#### Clause 4.3 – Maximum permissible height

The maximum permissible height for the subject site as per the PLEP 2011 Height Maps is 14m. The proposed variation is to the south eastern corner of Building C by 1.2m as illustrated in the elevation plans below;





The proposed increase in height is considered acceptable based on the following:

1. No additional adverse impact on any adjoining property given that the increased height is to the south eastern corner, which is to the rear of the site;
2. No additional privacy loss or overshadowing having regard to the additional height adjacent to the railway line;
3. The variation in height is by 1.2 m and is confined to the south eastern corner of Building C and is minor in nature.

The sloping nature of the site makes it difficult to strictly comply with height control that runs parallel to the changing (sloping) ground line.

The additional bulk and scale attributable to the height departure has no measurable adverse impacts on the amenity of the locality or the streetscape presentation of the building. The scale is commensurate with the scale proposed under the original development application. The site has been earmarked for a significant increase in density and therefore the scale of the development is at the level contemplated by the new zoning controls.

There are no adverse impacts associated with the development notwithstanding the proposed height departure as shown in submitted elevation plans. Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. Strict compliance would not lead to any measurable benefit to the environment or surrounding residential amenity.

The proposed departure to the height control over part of Building C as shown in the elevation plans is acceptable and does not result in any measurable adverse impact on view, privacy, access to natural sunlight to any adjoining property or bulk impacts. The proposal satisfies the stated height control objectives under Cl. 4.3 of PLEP 2011 and is deemed to be acceptable. Strict compliance with the height controls over the entire site is therefore considered unreasonable in this instance.

#### Clause 4.4- Floor Space Ratio

The subject site has a Floor space Ratio of 1.1:1 as per the FSR Maps of PLEP 2011

The proposed FSR is 1.168:1 which exceeds the FSR permitted by LEP 2011 by 6% but is consistent with the FSR envisioned by PDCP 2011 as outlined below. Clause 4.1 of PDCP2011 has the following provision;

#### ***"Design Principle***

*P.1 New pedestrian connections and laneways should be provided in accordance with the Figures shown in Section 4.1 Town and Neighbourhood Centres. Where a development provides for dedication of land to Council for the purposes of providing public access and the construction of the accessway, Council may consider increasing the maximum floor space ratio. As a guide, the maximum floor space ratio may be increased by the equivalent area represented by 50% of the land area to be dedicated to Council for the public access. The site area may include the area of land to be dedicated to Council for the purpose of the floor space ratio calculation. The proposed*

*variation to floor space is to be addressed under Clause 4.6 'Exception to development standards' in the Parramatta LEP 2011.*

The GFA has been calculated in accordance with the Gross Floor Area definition under the PLEP 2011. Additional FSR is envisioned under the special character provision P1 as above, which indicates a bonus GFA equal to 50% the area of the access way may be appropriate. The area of the access way is 969sqm, therefore an additional 484.5sqm is envisaged for inclusion in the GFA. This is justified given that the additional GFA satisfy the R4 High Density objectives under the PLEP 2011 without any additional environmental impacts.

As required by Cl. 4.6(3)(a) and (b) strict application of the development standard is unreasonable in this specific case based on the following:

- The additional FSR creates additional apartments on the site which in turn satisfies the strategic planning objectives by improving pedestrian and vehicular access.
- The proposal takes advantage of the sites proximity to transport links.
- The development remains generally compliant with the 14m height control even with the additional GFA.
- Adequate parking and services are provided to the development in support of the proposed floor area.

PDCP 2011 clearly contemplates the proposed bonus floor area and directs applicants to Cl. 4.6 exemption provisions to justify the request for additional GFA.

The PDCP 2011 promotes the FSR bonus in order to achieve a long term strategic goal of providing appropriate vehicular and pedestrian access to local roads. The FSR incentive provides a means by which planning outcomes can be achieved over privately owned land. The FSR incentive is an appropriate means by which additional GFA can be achieved without breaching any other controls within the PDCP 2011 or PLEP 2011. Even with the additional 484.50sqm of GFA the development complies with the landscaped deep soil controls which attest to the merits of the proposal.

Having considered the above, the proposed FSR is in the public interest as it is consistent with the site specific zoning objectives. The proposed GFA allows Council to achieve the strategic planning objectives without undue amenity or streetscape impacts. All additional parking required to service the proposed GFA is provided on site.

## 5. Is the exception well founded?

The floor space ratio variation is an additional bonus envisioned under P1 of PDCP 2011 and is supported. The height variation is confined to the south eastern corner of the site and is about 1.2m and can be supported given that the impact to neighbouring sites is negligible.

## Zone Objectives

The objectives of the R4 High Density Residential zone include:

- 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 provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

The proposed development is consistent with the aims and objectives of the R4 High Density Residential zoning applying to the land as the proposed works are suitably located, and are of a bulk and scale that maintains suitable residential amenity for adjoining sites.

## DEVELOPMENT CONTROL PLANS

## PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
Site Considerations		
<p>2.4.1 Views and Vistas</p> <p>Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas.</p> <p>Are views to and from public domain areas protected?</p>	<p>The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area.</p> <p>The subject site is adjacent to K13 Submarine Park to the North of the site, which has some views of the Rydalmere Dundas area. The proposed buildings do not encroach upon those views.</p>	<p>Yes</p> <p>Yes</p>

<p>2.4.2.1 Flooding</p> <p>Is the site flood affected by local or mainstream flooding? If yes refer to section 2.4.2 of DCP 2011 for detailed controls.</p>	<p>The site is not identified in Council database as being flood prone.</p>	<p>Yes</p>
<p>2.4.2.2 Protection of Waterways</p> <p>Does the site adjoin a waterway?</p> <p>If yes does the proposed landscaping comprise of local indigenous species?</p>	<p>No</p>	<p>Yes</p>
<p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p> <p>If yes does the site require dewatering to facilitate this?</p>	<p>The development does incorporate a basement carpark and is unlikely to impact on groundwater quality given its location on a ridgeline.</p>	<p>Yes</p>
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	<p>An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p>	<p>Yes</p>
<p>2.4.3.2 Acid sulphate soils</p>	<p>Refer to LEP table above</p>	<p>Yes</p>
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p> <p>If yes, have investigations been undertaken in accordance with the Western Sydney Salinity Code of Practice 2003?</p> <p>If yes, does landscaping comprise of</p>	<p>The site is of low salinity potential .</p>	<p>Yes</p>

low water use species and are irrigation systems low water usage?		
<p>2.4.4 Land Contamination</p> <p>Is the site identified as or likely to be contaminated?</p> <p>If yes have the requirements of SEPP 55 been satisfied?</p>	The site is not contaminated nor is there any previous history that may have caused contamination.	N/A
<p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised during construction.	Yes
<p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p>	The site has a steep slope to the rear of the site and the buildings proposed have been designed to respond to the contours and topography of the site	Yes
<p>2.4.7 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p> <p>If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?</p>	Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate and that the landscape plan is appropriate . A Statement of Flora/ Fauna Impact is not required as the site does not adjoin bushland.	Yes
<p>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</p> <p>Does the site adjoin land zoned E2 or W1?</p> <p>If yes, does the development satisfy the design principles?</p>	The site does not adjoin land zoned E2 or W1.	N/A
<p>2.4.8 Public Domain</p> <p>Does the building appropriately address the public domain?</p>	There are two buildings that front Pennant Hills Road, namely Building A and Building D. These	Yes

<p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p>	<p>buildings appropriately address the public domain, having entries that address the street and balconies for passive surveillance.</p>	
<p>3. Preliminary Building Envelope</p>		
<p>Frontage</p> <p>Minimum 40m</p>	<p>The site will have a street frontage of 88 m after consolidation</p>	<p>Yes</p>
<p>Height</p> <p>Does the proposal exceed the Maximum height as shown on the Parramatta LEP 2011 Height of Buildings Map? –</p> <p>Does the proposal exceed the number of storeys outlined in the DCP height table?</p>	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 14m above existing natural ground level.</p> <p>The development has a maximum height of 14m except for the south east corner of Building C that has a height of 15.2m</p> <p>The DCP Height table indicates that buildings on this site should be 4 storeys. The building(s) are four storeys, except for a south eastern corner of Building C which will be part five storey.</p>	<p>Yes, a clause 4.6 variation has been sought for the height variation and discussed elsewhere in the report.</p> <p>The variation to the four storey requirement is to the south eastern corner of Building C which will have a five storey element and is considered acceptable given that this will have no significant impact on the immediate neighbouring sites and fronts the</p>

		railway corridor to the rear.
<p>Front Setback</p> <p>Is the setback consistent with the prevailing setback along the street and within the range of 5-9m?</p> <p>Minimum 3 -5mm on secondary street for corner allotments.</p> <p>3 -5 m if the building fronts a rear lane.</p>	<p>The development has a front setback of 5.275m.</p>	Yes
<p>Side Setback</p> <p>Minimum 4.5m</p>	<p>4.32m- south boundary</p> <p>3.7- north boundary</p>	<p>No</p> <p>However the proposed setbacks are acceptable given that to the North is a public park , while the existing residential dwelling to the south is set back at least by 5m from the boundary. Given that there is extensive deep soil and landscaping provided to the southern boundary , the visual impacts to the immediate neighbouring dwellings are not considered to be significant. It is also noted that</p>



		<p>the Design Review Panel raised no objection to this departure and that having regards to the common open space provided on the site that buildings are no located adjacent to the entire length of the southern boundary. The deletion of secondary balconies to the southern elevation will be conditioned in the consent , therefore reducing any additional impact on the neighbouring residential dwellings.</p>
<p>Rear Setback Minimum 15% of the length of site for mid block sites.</p>	<p><i>10m required</i> <i>12.5m provided</i></p>	Yes
<p>Deep Soil zone Minimum 30%, including at least 50% at the rear of the site and dimensions not less than 4m x 4m</p>	<p><i>Required=2086m<sup>2</sup></i> <i>Provided=2111m<sup>2</sup></i></p>	Yes
<p>Minimum 40% Landscaped Area (including deep soil zone)</p> <p>Is the landscaped area in accordance with the definition contained in the DCP glossary and outlined below?</p>	<p><i>Required=2782m<sup>2</sup></i> <i>Provided=3590m<sup>2</sup></i></p>	Yes

<p>Special Precincts?</p> <p>Is the site located within a <b>town or neighbourhood area</b> where site specific controls contained in section 4.1 have been prepared?</p> <p>Is the site located in <b>special character area</b> where area specific controls contained in section 4.2 have been prepared?</p> <p>Is the site located in <b>strategic precinct</b> where area specific controls contained in section 4.3 have been prepared?</p>	<p>The site is located in an area identified as being a special precinct by section 4 of DCP 2011.</p> <p>The subject site is clearly identified in figure 4.1.1.1 in the Carlingford Precinct and is required to provide for an access corridor to Adderton Road from the rear of the site, which provides for additional bonus of FSR up to 50% of the access way dedicated to the Council.</p> <p>N/A</p> <p>N/A</p>	<p>Yes the proposal complies with the requirements of the clause and is discussed elsewhere in the report.</p>
<b>3.2. Building Elements</b>		
<p><b>3.2.1 Building Form and Massing</b></p> <p>Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p>	<p>The proposed buildings set the precedent for residential flat buildings in the recently rezoned area and therefore have no buildings to make comparisons with.</p>	<p>Yes</p>
<p><b>3.2.2 Building Façade and Articulation</b></p> <p>Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> <p>Does the building exceed the</p>	<p>The buildings have their facades modulated in plan and elevations due to the topography of the site . the buildings are also articulated to express the architectural elements.</p> <p>The building does not</p>	<p>Yes</p>

<p>building envelope?</p> <p>If yes, by more than:</p> <ul style="list-style-type: none"> <li>• 800mm for balconies and eaves:</li> <li>• 600mm for Juliet balconies and bay windows</li> </ul>	<p>exceed the building envelope.</p>	
<p>Are Multiple stair lift/cores provided to encourage multiple street entries?</p>	<p>Multiple lift cores and entries are provided</p>	<p>Yes</p>
<p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p>	<p>The proposed development has flat parapeted roof forms and as already stated will set the trend in the immediate neighbourhood given that this is the first development after the site has been rezoned to permit residential flat building. The design is commensurate with modern architectural elements for residential flat buildings and as such will compliment future residential flat development on adjoining and surrounding sites.</p>	<p>Yes</p>
<p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p>	<p>The existing streetscape consists of residential two storey dwellings. The proposed development is the first after the subject sites and its immediate adjoining areas were rezoned for Residential flat buildings in PLEP 2011. The proposed buildings will set the trend for any future development in that street with adequate setbacks, landscape, bulk and scale.</p>	<p>It is difficult to compare the streetscape that responds to the proposed development on the eastern side of Pennant Hills Road, since the existing buildings are all dwelling houses. However on the western</p>

		side of Pennant Hills Road there are multi storey buildings which are outside Parramatta LGA.
<p>3.2.6 Fences</p> <p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p> <p>Note: Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a maximum height of 1.8 metres however they must be setback 1m from the boundary to allow landscape screening to be provided.</p>	<p>No. A 1.8 m high acoustic wall is proposed to Pennant Hills road in order to acoustically treat the building fronting Pennant Hills road.</p>	<p>No the acoustic fences have a height of 1.8 m however there are some points where the setback is less than a metre from the boundary. This setback will be conditioned to be 1 m to allow for landscaping.</p>
3.3 Environmental Amenity		
<p>3.3.2 Private Open Space</p> <p>Is a minimum of 10m<sup>2</sup> of private open space provided per dwelling with minimum dimensions of 2.5m</p>	<p>The ground floor units have private open space areas greater than 10m<sup>2</sup> while the other units have balconies of greater than 10m<sup>2</sup> in area,</p>	
<p>Swimming Pools</p> <p>Is a swimming pool proposed?</p> <p>If yes does it meet the following criteria?</p> <p>Must be located on a lot:</p> <ul style="list-style-type: none"> <li>• behind the setback area from a primary road, or</li> <li>• in the rear yard.</li> <li>• The swimming pool water line must have a setback of at least 1m from a side or rear</li> </ul>	<p>A swimming pool is proposed.</p> <p>Yes</p> <p>Yes</p> <p>4.3m</p>	<p>Yes</p>

<p>boundary.</p> <ul style="list-style-type: none"> <li>• Decking around a swimming pool must not be more than 600mm above ground level (existing).</li> <li>• Coping around a swimming pool must not be more than:</li> <li>• 1.4m above ground level (existing), or</li> <li>• 300mm wide if the coping is more than 600mm above ground level (existing).</li> </ul>	<p>No sections of the swimming pool have been provided to clearly indicate the levels.</p>	<p>The swimming pool requirements will be conditioned in the consent.</p>
<p>3.3.3 Visual and Acoustic Privacy Are windows, balconies and decks designed to minimise overlooking of living areas and private open spaces of adjoining dwellings?</p>	<p>It is considered that the extent of overlooking into rear yards and windows of the adjoining properties from the buildings windows will be limited. Most of the windows to the south elevation are living room windows and are setback 4.3 m from the side boundary with adequate landscaping. The landscaping plans indicate the south boundary to have deep soil planting all along the entire width of the boundary to provide for adequate privacy to the neighbouring dwellings. The secondary balconies have also been conditioned for deletion along the southern elevation. The windows facing the north are overlooking the K13 Park, while the windows to the east are setback 12 m</p>	<p>Yes</p>

	from the rear boundary which overlooks the Clyde-Carlingford Railway line.	
<p>3.3.4 Acoustic Amenity</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to achieve internal noise levels of no greater than 50dBA.?</p>	An Acoustic report has been provided , the recommendations of which will be included in the conditions of consent for compliance	Yes
<p>3.3.5 Solar Access and Cross Ventilation</p> <p>Does this dwelling receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between</p>	<p>The solar access diagrams provided indicate that most of the dwellings will receive the required solar access and cross ventilation. However the private open spaces to the units in Building C will not have appropriate solar access. All units in Buildings A, B and D will have a minimum of 3 hours of solar access in their habitable rooms on 21 June between 9 am and 3 pm. 63% of the private open spaces will have solar access.</p>	<p>Yes, While most of the dwellings will receive solar access, the units in Building C which have a South eastern aspect will not receive adequate sunlight. However given the orientation and topography of the site which slopes to the rear, it may not be possible to achieve that.</p> <p>Yes All the dwellings to the south on adjoining sites receive the minimum 3 hours of sunlight.</p>

<p>9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>	<p>The shadow diagrams provided indicate the impact on neighbouring properties to be negligible.</p> <p>Effort has been made to provide for the location of these to the northern side, however given that four buildings are proposed. Given the size of the site some units do not comply with this , however no objection is raised to this.</p>	<p>Yes</p>
<p>Cross Ventilation Is the minimum floor to ceiling height 2.7m on the ground floor and 2.4m on the first floor?</p> <p>Note: The maximum floor to ceiling height is 3m</p>	<p><i>All Floors</i> 3.0m</p>	<p>Yes</p>
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p>	<p>Council's Development Engineer has advised that the concept OSD plan is unsatisfactory and appropriate conditions have been imposed through deferred commencement condition to ensure it</p>	<p>Conditions of consent have been incorporated in the recommendations section of this report to ensure satisfactory OSD systems are provided.</p>

	is designed to satisfy the relevant objectives and design principles outlined in the DCP.	
3.3.7 Waste Management  Is the waste management plan satisfactory?	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.	Yes
3.4 Social Amenity		
3.4.1 Culture and Public Art  Any development on site with area more than 5000m <sup>2</sup> requires an Arts Plan	An arts plan has been provided and assessed by Council special Project Officer and is deemed to be acceptable subject to conditions of consent.	Yes
3.4.2 Access for people with Disabilities	An Access Assessment Report has been provided, which is considered satisfactory. Its recommendations will be included in the conditions of consent.	Yes
3.4.4 Safety and Security  Has the development been designed in accordance with crime prevention principles?  Are the building entries orientated to the street?  Are habitable rooms located at the front of dwellings?	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The front entry doors for Buildings fronting Pennant Hills Road face towards the street, promoting natural surveillance from within the units to the front setback and public domain. Further there are balconies fronting the Street for passive surveillance	Yes



<b>3.4.5 Housing Diversity and Choice</b>		
3 bedroom- 10-20%	12 x 3 bedroom units- 14%	Yes
2 bedroom – 60-75%	63x 2 bedroom units- 75%	Yes
1 bedroom -10-20%	9x 1bedroom unit-11%	Yes
Adaptable units- 10%	9 Units- 10%	Yes
<b>3.5 Heritage &amp; Part 4 Special Precincts</b>		
Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.	The subject site is adjacent to the Heritage listed K13 Submarine Memorial.	Council's Heritage Advisor has assessed the application and supports the proposal.
<b>3.6 Movement &amp; Circulation</b>		
<p><b>Travel Plan</b></p> <p>Development proposals that meet the following criteria must prepare a Travel Plan:</p> <ul style="list-style-type: none"> <li>- 5000 sqm of gross floor space or 50 employees; and</li> <li>- within a 800m radial catchment of a railway station or 400m radial catchment of a bus stop with a service frequency of an average of 15 minutes or less during the morning peak hour (7 am - 9 am) in either direction.</li> </ul> <p><b>Parking and Vehicular Access</b></p> <p>The proposed development should provide 106.15 (107) parking spaces (based on "1 space per 1 or 2-bedroom unit; 1.2 spaces per 3-bedroom unit plus 0.25 space per dwelling for visitors; 1 bicycle space per 2 dwellings; and 1 carshare for RFB containing more than 50 residential</p>	<p>No travel plans have been submitted with the proposed development</p> <p>The proposed development provides a total of 119 parking spaces (including 86 spaces for residents, 10 disabled parking</p>	<p>A condition of consent requiring the submission of travel plan will be included in the conditions of consent.</p>

<p>units") as follows:</p> <ul style="list-style-type: none"> <li>➤ (86 for residents and 21 for visitors);</li> <li>➤ 41.50 (42) bicycle spaces, and</li> </ul> <p>1 carshare space (based on "1 space per 1 or 2-bedroom unit; 1.2 spaces per 3-bedroom unit plus 0.25 space per dwelling for visitors; 1 bicycle space per 2 dwellings; and 1 carshare for RFB containing more than 50 residential</p>	<p>spaces, 22 visitor spaces and 1 carwash bay), 42 bicycle spaces on-site and 1 car share space on-site. The on-site parking provision is 12 greater than required under Council's DCP 2011.</p>	<p>Yes</p>
<p>4.1 Town and Neighbourhood Centres</p>		
<p>4.1.1 Carlingford Precinct</p> <p>New pedestrian connections and laneways should be provided in accordance with the Figures shown in Section 4.1 Town and Neighbourhood Centres. Where a development provides for dedication of land to Council for the purposes of providing public access and the construction of the accessway, Council may consider increasing the maximum floor space ratio. As a guide, the maximum floor space ratio may be increased by the equivalent area represented by 50% of the land area to be dedicated to Council for the public access. The site area may include the area of land to be dedicated to Council for the purpose of the floor space ratio calculation. The proposed variation to floor space is to be addressed under Clause 4.6 'Exception to development standards' in the Parramatta LEP 2011.</p>	<p>In accordance PDGP 2011, an access way with an area of 989m<sup>2</sup> in area is to be dedicated to the Council prior to issue of an Occupation certificate for Building D. the provision of this assessment is supported by both Council's Traffic Engineer and Council's Urban Design Team as it will allow for vehicles from the site to access Adderton Road and travel to the east without the need to either perform a U turn in Adderton road or use other local streets. It will also facilitate easier access to K 13 Park and Carlingford neighbourhood shops.</p>	<p>Yes</p>

## PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the proposed buildings exceeds \$200,000, a Section 94A development contribution 1.0% is required to be paid. A Detailed Cost Estimate was provided which excludes costing of any exemptions. Accordingly, the Section 94A contributions will be calculated on the Capital Investment Value of \$ 20,348,999

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

## **PLANNING AGREEMENTS**

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

## **REGULATIONS**

There are no specific regulations that apply to the land to which the development application relates.

## **LIKELY IMPACTS**

### **Site Analysis**

Surrounding development to the eastern side of Pennant Hills Road comprises of single storey dwellings and larger two storey dwellings. The proposed development will be the first of its kind after the site was rezoned to high density residential. The buildings to the western side of Pennant Hills Road are multi storey buildings and located outside the Parramatta LGA. Given that it is a residential flat building in a site zoned for the same, it is considered to be appropriate.

### **Access, Traffic & Parking**

PDOP 2011 requires the proposed development to provide 107 parking spaces as follows:

- (86 for residents and 21 for visitors);
- (42) bicycle spaces, and  
1 carshare space (based on "1 space per 1 or 2-bedroom unit; 1.2 spaces per 3-bedroom unit plus 0.25 space per dwelling for visitors; 1 bicycle space per 2 dwellings; and 1 carshare for RFB containing more than 50 residential

The proposed development provides a total of 119 parking spaces (including 86 spaces for residents, 10 disabled parking spaces, 22 visitor spaces and 1 carwash bay), 42 bicycle spaces on-site and 1 car share space on-site. The on-site parking provision is 12 greater than required in accordance with Council's DCP 2011.

### **Utilities/Infrastructure**

The proposed use will not adversely impact existing utilities or public infrastructure. Conditions have been imposed within the recommendation requiring the applicant to liaise with service authorities to ensure that these services can be provided. The location and need for a energy substation has not been indicated and will be included in the conditions of consent in the Recommendations Section of this report.

**Fire Safety**

All building work associated with the development must be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

**Noise & Vibration**

To minimise noise and vibration as a result of construction works, a standard condition of consent will be imposed for work including demolition, excavation and construction activities associated with the development, including the delivery of material to and from the site shall only be carried out 6 days a week, Monday to Friday between the hours of 7.00am to 5.00pm and Saturday 8.00am to 5.00pm.

**Security by Design**

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The front entry doors for two of the four buildings face the street, promoting natural surveillance from within the units to the front setback and public domain. Good passive surveillance of internal communal open space is provided.

**Waste Management**

A waste management Plan has been submitted with indicates the number of bins to be provided. As the buildings will house 84 units, a private contractor will be required to manage and remove waste from within site with no kerbside collection. A condition of consent has been included in the recommended conditions of consent.

**Impacts during Construction**

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

**Social & Economic Impact**

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

**ESD & The Cumulative Impact**

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

**SUITABILITY OF THE SITE**

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

**SUBMISSIONS & PUBLIC INTEREST**

One submission was received in response to the notification of the application. The issues raised within this submission has been discussed within this report.

The proposed development is not contrary to the public interest.

## **Conclusion**

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is/is not suitable for the site and is/is not in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

## **Recommendation**

### **DEFERRED COMMENCEMENT APPROVAL SUBJECT TO CONDITIONS**

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

- (a) **That** the JRPP as the consent authority support the Clause 4.6 exceptions to Clause 4.3 and 4.4 of PLEP 2011 and;
- (b) **That** the JRPP as the consent authority grant deferred commencement development consent to the Development Application No DA/783/2011 for consolidation , demolition, tree removal and construction of four residential flat buildings containing a total of 84 units over basement car parking and Strata subdivision at 294-302 Pennant Hills Road CARLINGFORD for a period of five (5) years from the date on the Notice of Determination subject to the following conditions

### **Part A**

1. Pursuant to the provisions of S. 80(3) of the Environmental Planning and Assessment Act, 1979 the development application is granted a Deferred Commencement Consent subject to the completion of the following:
  - Submission to Council of suitable documentary evidence that indicates the creation of an easement to drain water a minimum 1.2m wide over a downstream property or properties (Note that in this case the downstream property or properties are either Adderton Road or the Railway corridor) has been registered with the NSW Land and Property Information Service.
  - An amended stormwater drainage plan shall be submitted to Council, prepared by a qualified and practicing drainage engineer, indicating that the on-site detention tank is not located under habitable areas and the site stormwater discharge pipe is connected to Council's existing stormwater system or connected to the RailCorp drainage system.

- Submission to Council of details of the construction of the On Site Detention systems for each stage of the development.

The above requirement(s) must be satisfied within 24 months or the consent will lapse.

**Advisory Note:**

- Council will not support a spreader located on land owned/dedicated to Council.
- Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

**Part B  
General Matters**

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N <sup>o</sup>	Dated
Site analysis and demolition plan DA02 , Issue A , by aleksandar design group	21 October 2011
Site , roof+ staging Plan DA03, Issue A by aleksandar design group	21 October 2011
Lower Ground 4 Plan DA04 Issue C by aleksandar design group	5 April 2012
Lower Ground 3 Plan DA05 Issue C by aleksandar design group	March 2012
Lower Ground 2 Plan DA06 Issue B by aleksandar design group	13 February 2012
Lower ground 1 Plan DA07 Issue B by aleksandar design group	13 February 2012
Level 01 Plan DA08 Issue C by aleksandar design group	March 2012
Level 02 Plan DA09 Issue C by aleksandar design group	March 2012
Level 03 Plan DA10 Issue B by aleksandar design group	13 February 2012
Level 04 Plan DA11 Issue B by aleksandar design group	13 February 2012
Section A + B DA 12 , Issue C by aleksandar design group	12 April 2012
Section C + D DA 13 Issue C by aleksandar design group	12 April 2012

Drawing N <sup>o</sup>	Dated
North and South Elevations DA14 Issue C by aleksandar design group	12 April 2012
West and East elevations DA15 Issue C by aleksandar design group	12 April 2012
Shadow diagrams DA16, 17, 18 Issue A by aleksandar design group	21 October 2011
Landscape Plan . LS01-DA Issue D by Melissa Wilson Landscape Architects	25 April 2012
Alignment Plan and Cross sections C05.01 and C05.02 .C05.3 and C05.4 by ABC Consultants	January 2012

Document(s)	Dated
Access Assessment Report by PSE Access Consulting	28 October 2011
Arborist Report by Arboreport	2 May 2012
Staging plan document	
Waste Management Plan	
Arts Concept Plan by Redshift Architecture & Art Pty Ltd	March 2012
Quantity Surveyors Report and attachments by MMDC	2 November 2011
Statement of Environmental Effects by Andrew Martin Planning	31 October 2011, 24 November 2011 and revised on 23 April 2011
Clause 4.6 Objection by Andrew Martin Planning	23 April 2012
Geotechnical Assessment Report by Geotechnique Pty Ltd	7 April 2011
BASIX Certificate No. 400599M_02	23 April 2012
Traffic Assessment Report Ref. No 11030 by Traffix	October 2011
Acoustic Report by Day Design Pty Ltd	3 November 2011
RailCorp Letters alongwith Attachment A	20 February 2012, 26 March 2012 and 25 May 2012.
Access Assessment Report by PSE Access Consulting	28 October 2011

**Note:** In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

**Reason:** To ensure the work is carried out in accordance with the approved plans.

- 1A. Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95 (4) of the Environmental Planning and Assessment Act by (5 years from issue to the deferred consent). Should physical commencement not occur by June 2017, the consent shall lapse.  
**Reason:** To provide certainty to the community as to when physical commencement must occur.
2. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.  
**Reason:** To ensure appropriate demolition practices occur.
3. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.  
**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
4. All roof water and surface water is to be connected to an approved drainage system.  
**Reason:** To ensure satisfactory stormwater disposal.
5. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.  
**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
6. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
7. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.  
**Reason:** To ensure compliance with legislative requirements.
8. The secondary balconies to the southern elevation of Buildings C and D are deleted on all levels above the ground level.  
**Reason:** To ensure amenities of the immediate neighbouring properties are retained.



9. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.  
**Reason:** To minimise impact on adjoining properties.
10. Trees to be retained are:  
Trees numbered 8-10,11A, 12, 15, 21-26, 40-44 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report  
  
**Reason:** To protect significant trees which contribute to the landscape character of the area.
11. Trees to be removed are:  
Trees numbered 1, 3, 4, 5, 5A, 6, 7, 11, 13, 14, 16, 17, 18, 20, 27-36, 36A, 36B, 37,38 & 39 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report  
  
**Reason:** To facilitate development.
12. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.  
**Reason:** To ensure the trees are planted within the site area able to reach their required potential.
13. All Tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007.  
**Reason:** To ensure works are carried out in accordance with Tree work draft Code of practice 2007.
14. No access through or storage of materials in the reserve is permitted to ensure protection of the waterway bushland riparian corridor and unrestricted public access (including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes);  
**Reason:** To comply with Council requirements
15. To minimise disturbance to existing mature trees located in the adjacent reserve, no excavation shall take place within the critical root zone (CRZ)\*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)\* but only by hand. In

the event that major structural roots or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, appropriate measures should be implemented to ensure the long term retention of the tree.

\*CRZ = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)

\*PRZ = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)"

**Reason:** To ensure mature trees are maintained.

### **Prior to the Issue of a Construction Certificate**

16. Prior to the issue of any construction certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

If the use of permanent or temporary rock anchors is required extending into the road reserve then approval must be obtained from Council and/or the Roads and Maritime Services in accordance with Section 138 of the Roads Act 1993 prior to issue of a construction certificate. A fee is payable for this approval.

**Note:** If works impact a Council designated road, the consent holder is to contact Council's Property Services Officer to seek approval for rock anchors under Section 138 of the Roads Act 1993.

**Reason:** To ensure the ongoing safety and protection of property.

17. The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of any Construction Certificate. The final Landscape Plan shall address the following requirements:

(a) Relocation of all structures and services outside of the tree protection areas for trees 42, 43 and 44 as identified in the arboricultural impact assessment prepared by arboreport 2/5/2012 and Tree Location Plan Issue C contained within the report

**Reason:** To ensure that trees located within adjoining properties are not unduly impacted by the proposed works

18. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of any Construction Certificate.

**Reason:** To ensure consolidation occurs.

19. Decking around a swimming pool must not be more than 600mm above ground level (existing).

**Reason:** To comply with Council requirements

20. Coping around a swimming pool must not be more than:

1.4m above ground level (existing), or 300mm wide if the coping is more than 600mm above ground level (existing). Details shall be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Council requirements

21. Prior to issue of any Construction Certificate for each of the buildings an artist/s shall be engaged to develop site specific artwork/s which is consistent with the concepts outlined in the Arts Plan.. On completion of the artwork design stage, all additional documentation shall be submitted to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management including specific information indicating the scale of the artwork **during the construction certificate phase of development.**

**Reason:** To ensure compliance with Council requirements

22. The design and construction of the proposed gutter crossing on Pennant Hills Road shall be in accordance with RMS requirements. The design requirements shall be in accordance with RMS Road Design Guide and other Australian Codes of Practices. Details of these requirements should be obtained from the RMS Project Services Manager, Traffic Projects Section, Parramatta (telephone 02 8849 2496). The certified copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of any construction certificate by Council or PCA and commencement of road works. A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by RMS.

**Reason:** To comply with RMS requirements

23. To maintain driveway operational efficiency and safety, physical segregation" of the ingress and egress arrangement at the driveway should be achieved via the provision of a low profile concrete median island. Details shall be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with RMS requirements

24. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to RMS assessment of the detailed civil design plans.

**Reason:** To comply with RMS requirements

25. The acoustic walls fronting Pennant Hills Road shall be setback 1 m from the boundary.

**Reason:** To comply with Council requirements.

26. A Road Occupancy Licence shall be obtained from RMS for any works that may impact on traffic flows on Pennant Hills Road during construction activities.

**Reason:** To comply with RMS requirements

27. All works/regulatory signage associated with the proposed development are to be *at no cost to RMS*.  
**Reason:** To comply with RMS requirements
28. Resident parking should be clearly signposted at entry to car parking areas.  
**Reason:** To comply with RMS requirements
29. The proposed development should be designed such that road traffic noise from Pennant Hills Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.  
**Reason:** To comply with RMS requirements
30. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan showing the swept path of service vehicles entering and exiting the site shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.  
**Reason:** To comply with RMS requirements
31. All vehicles are to enter and leave the site in a forward direction.  
**Reason:** To comply with RMS requirements
32. Car parking requirements for each stage of development shall be in accordance with the staging plan.  
**Reason:** To comply with the conditions of consent.
33. All vehicles are to be wholly contained on site before being required to stop  
**Reason:** To comply with RMS requirements
34. 119 off-street parking spaces (including 86 spaces for residents, 10 disabled parking spaces, 22 visitor spaces and 1 carwash bay) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum), as shown on the DA plans. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space, as shown on the amended DA plans.  
**Reason:** To comply with Council requirements
35. The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).  
**Reason:** To ensure compliance with Australian Standards
36. A combined entry and exit driveway (8m wide with 300mm clearance both sides between kerbs), as shown on the plan, off Pennant Hills Road is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.

**Reason:** To ensure compliance with Australian Standards and Council requirements.

37. The additional access driveway (5.5m wide) at the rear of the site, as shown on the amended DA plans, to the basement level is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.

**Reason:** To ensure compliance with Australian Standards and Council requirements

38. Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.

**Reason:** To ensure compliance with Australian Standards

39. The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).

**Reason:** To ensure compliance with Council requirements

40. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.

**Reason:** To ensure compliance with Australian Standards

41. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.

**Reason:** To ensure compliance with Australian Standards

42. Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.

**Reason:** To ensure compliance with Australian Standards

43. Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.

**Reason:** To ensure compliance with Australian Standards

44. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.

**Reason:** To ensure compliance with Australian Standards

45. A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.  
**Reason:** To ensure safety of drivers
46. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.  
**Reason:** To ensure compliance with Council requirements
47. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA. "  
**Reason:** To ensure compliance with Council requirements
48. The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority, prior to the release of the Construction Certificate.  
**Reason:** To ensure compliance with Council requirements
49. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.  
**Reason:** To preserve community health and ensure compliance with acceptable standards.
50. The storage areas in the basement shall be clearly marked and allocated to each unit prior to issue of any construction certificate.  
**Reason:** To comply with Council requirements.
51. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.  
**Reason:** To protect public safety.
52. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the

energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

**Reason:** To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

53. The proposed development shall comply with the requirements of RailCorp in accordance with the RailCorp communication dated 20 February 2012 along with Attachment A and letters dated 26 March 2012 and 25 May 2012. The Principal Certifying Authority shall ascertain that these requirements have been satisfied prior to the issue of any construction certificate.

**Reason:** To comply with Railcorp requirements

54. External materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of roof finishes and glazing of the proposed development is to be no greater than 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**Reason:** To have a minimal impact on the neighbouring property.

55. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of any Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

**Note:** A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity.

56. A monetary contribution comprising \$ 62,2692.40 is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of any **construction certificate**. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

57. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of any construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
58. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of any construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
59. Prior to the release of any Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.  
**Note:** Qualified designer in this condition is as per the definition in SEPP 65.  
**Reason:** To comply with the requirements of SEPP 65.
60. Prior to the issue of any construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report. The bins shall be collected from within the site and not placed along the kerb facing Pennant Hills Road.  
**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
61. Separate waste bins are to be provided on site for recyclable waste.  
**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
62. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:



- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**Reason:** To comply with the Home Building Act 1989.

- 63. Any Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

- **Reason:** To ensure that the levy is paid.

- 64. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to issue of any Construction Certificate.

**Reason:** Statutory requirement.

- 65. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing any Construction Certificate shall ensure that:

- a. The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: The approved drainage plans are considered to be Concept Plans. Concept plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- c. The design achieves

- The design achieves a Site Storage Requirement of 285 m<sup>3</sup>/ha and a Permissible Site Discharge of 160L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook).
- When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD<sub>L</sub> of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of 262 m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRD<sub>U</sub> of 150 l/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of 415m<sup>3</sup>/ha as per the submitted OSD calculation.
- The On-site detention tank is to have an overflow weir within the tank bypassing the orifice plate for 1:100 year surcharge flow.
- The on-site detention tank is not to be located under habitable areas.
- All retaining walls surrounding the on-site detention shall be water tight to ensure no leakage on the adjoining environment.

Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted **and are acceptable**.

**Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

66. Prior to the issue of any Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and

- b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

**Reason:** To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.

67. Prior to the issue of any Construction Certificate the applicant shall nominate an appropriately qualified civil engineer ( at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
    - a. all relevant statutory requirements,
    - b. all relevant conditions of development consent
    - c. construction requirements detailed in the above Specification, and
    - d. the requirements of all legislation relating to environmental protection,
  - b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
  - c. Certify that the Works as Executed plans are true and correct record of what has been built.
68. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of any Construction Certificate.
- Reason:**To minimise costs to Council

69. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of Principal Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site indicating:

- I. Dedicated construction site entrances and exits.
- II. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- III. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,

- IV. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - V. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - VI. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification).
- (b) *Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.*
- Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.*
- (c) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- 1) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - 2) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - 3) Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that

maintains the environmental amenity and ensures the ongoing safety and protection of people.

70. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for any Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

71. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay a fee in accordance with Council's adopted 'Fees and Charges' at the time of payment.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

Note 2: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

**Reason:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

### **Prior to the Commencement of Work**

72. The post-development storm water discharge from the subject site into the RMS drainage system should not exceed the pre-development discharge. Should there be changes to RMS drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required

before RMS approval is issued. With regard to the Civil Works requirement please contact the RMS Project Engineer. External Works on (02) 8849 2114 or fax (02) 8849 2766.

**Reason:** To comply with RMS requirements

73. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained.

**Reason:** To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

74. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

**Reason:** To comply with legislative requirements.

75. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

**Reason:** To ensure adequate toilet facilities are provided.

76. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

**Reason:** To ensure public safety.

77. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.

- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

78. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**Reason:** To comply with the requirements of the NSW WorkCover Authority.

79. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

80. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

**Reason:** To protect the amenity of the area.

81. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the

occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

**Note:** Applications for hoarding permits, vehicular crossing etc will require evidence of insurance upon lodgement of the application.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works on public land.

82. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

**Reason:** To comply with the requirements of the NSW WorkCover Authority.

83. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

**Reason:** To maintain pedestrian and vehicular safety during construction.

84. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

85. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

**Reason:** To protect Council's assets throughout the development process.



86. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

**Reason:** To ensure that the applicant bares the cost of all restoration works to Council's property damaged during the course of this development.

87. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

88. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

**Reason:** To ensure soil and water management controls are in place be site works commence.

89. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

- i. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- ii. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- iii. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- iv. the site is to be maintained clear of weeds
- v. all grassed areas are to be mown on a monthly basis

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

90. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- Protect and support the adjoining premises from possible damage from the excavation
- Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

91. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

92. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To prevent any damage to underground utility services.

93. Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a

setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.

**Reason:** To protect the environmental amenity of the area.

94. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

**Reason:** To protect existing trees during the construction phase.

95. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.
- v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration,

shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (b) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (c) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (d) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (e) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (f) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

**Reason:** To ensure the ongoing safety and protection of property.

96. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

**Reason:** To ensure the protection of the tree(s) to be retained.

### **During Construction**

97. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

**Reason:** To ensure compliance with this consent.

98. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Interim Construction Noise Guidelines 2009

**Reason:** To protect the amenity of the area.

99. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

**Reason:** To protect the amenity of the area.

100. The applicant shall not enter or undertake any work within adjoining public lands (i.e. parks, reserves, roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

101. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

**Reason:** To ensure pedestrian access.

102. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

103. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;

- Site is not located in close proximity to residential use or sensitive land uses;
- Internal fit out work.

**Reason:** To protect the amenity of the area.

104. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

105. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

106. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

107. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

108. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

**Reason:** To ensure the development is being built as per the approved plans.

109. A 200mm wide grated channel/trench drain with a heavy - duty removable galvanised grate is to be provided in front of the garage door/ basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

**Reason:** Stormwater control.

110. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.

**Reason:** To ensure soil and water management controls are in place before site works commence.

111. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

**Reason:** To protect public safety.

112. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
- (d) Kerbside restrictions, construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such

restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

**Reason:** Proper management of public land.

113. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.

**Reason:** Protection of existing environmental infrastructure and community assets.

114. Construction of a 1.2 m wide by 70 mm thick concrete footpath across the property frontage within the road reserve to Council's specifications. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate. All costs are to be borne by the applicant.

**Reason:** To provide pedestrian passage.

115. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.

**Reason:** To ensure the compliance with the Noxious Weed Act 1993

116. All pruning shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007 Australian Standards for Pruning Amenity Trees, and Tree Work draft code of practice 2007.

**Reason:** To ensure the pruning will not adversely affect the tree(s).

117. Car parking and driveways shall be constructed, marked and signposted in accordance with AS2890.1 –2004 prior to the occupation of the premises.

**Reason:** To ensure appropriate car parking.

118. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.



The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

119. No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.

**Reason:** To ensure the protection of the tree(s) to be retained on the site.

120. Prior to use or operation of the swimming pool, any filtration equipment or pump(s) shall be enclosed with appropriate sound insulation materials to ensure noise levels do not exceed 5dBA above the ambient background noise level when measured at the side and rear boundaries of the property.

**Reason:** To minimise the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintain the residential amenity of the adjoining and adjacent properties.

121. Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

**Reason:** To protect the amenity of the adjoining neighbours.

122. The concourse of the swimming pool shall be graded back to the pool so as to prevent water flowing into the neighbouring property.

**Reason:** To protect the amenity of the adjoining properties.

123. The swimming pool shall be fenced in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standard AS1926 (2007), prior to the filling of water in the pool or use of the pool. Such fence shall be provided with a self-latching and self-closing gate, opening outwards, capable of being opened from the poolside only and with provision for permanent locking when not in use. The fence shall be installed to the satisfaction of the Principal Certifying Authority, prior to the filling of water in the pool/use of the pool.

**Reason:** To comply with the Building Code of Australia.

124. The swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed in connection therewith.

**Reason:** Water from a swimming pool is classified as waste water and cannot be legally disposed of into the stormwater system.

125. The owner of the pool shall display a notice showing:

- (a) Appropriate instructions of artificial resuscitation methods.
- (b) A warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL'.

- Note:** This notice shall be kept in a legible condition and at the pool side.
- Reason:** To ensure an adequate level of safety for young pool users.

**Prior to release of Occupation Certificate**

126. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.  
**Reason:** To comply with the *Strata Schemes (Freehold Development) Act 1973*
127. All redundant driveways on Pennant Hills Road shall be removed and replaced with kerb and gutter to match existing.  
**Reason:** To comply with RMS requirements
128. Prior to issue of any Occupation Certificate a Travel Plan is required to be prepared and a copy of the same must be available to Council on request. The travel plan must include targets, travel data and measures in order to reduce car trips and encourage use of sustainable transport.  
**Reason:** To comply with Council's Development Controls.
129. Prior to the Occupation Certificate being issued for Building D the rear vehicular access way as shown on the approved architectural plans DA04 Issue C dated 5 April 2012 shall be completed and dedicated at no cost to the Council. The requirements for undertaking this dedication can be obtained by contacting Council's Property Services Officer on 9806 5567.  
**Reason:** To ensure compliance with Council's Development Control Plan 2011.
130. The measures required by the Acoustic Report by Day Design Pty Ltd submitted with the development application (and Construction Certificate if applicable) shall be implemented prior to issue of any Occupation Certificate.  
**Reason:** To minimise the impact of noise.
131. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.  
**Reason:** To comply with the *Conveyancing Act 1919*.
132. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.  
**Reason:** To ensure a waste collection service is commenced at the time of occupation of the development.
133. The artworks for each building are to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.

**Reason:** To ensure compliance with Council requirements.

134. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

**Reason:** To ensure a visible house number is provided.

135. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 400599M\_02 , will be complied with prior to occupation.

**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

136. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

**Reason:** To comply with Legislative requirements

137. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth versus volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved versus installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

**Reason:** To ensure works comply with approved plans and adequate information are available for Council to update the Upper Parramatta River Catchment Trust.

138. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

139. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

**Reason:** To ensure maintenance of on-site detention facilities.

140. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

141. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

142. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

**Reason:** To ensure restoration of environmental amenity.

143. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

**Reason:** To provide satisfactory drainage.

144. The strata subdivision certificate will not be issued until documentary evidence of compliance with the entire Development Consent No. DA/783/2011 has been submitted to Council.

**Reason:** To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

145. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from Energy provider prior to the release of Occupation Certificate.

**Reason:** To ensure electricity supply is available to all properties.

146. The following conditions shall be complied with:

- i. For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992 Australian Standard AS1926-1992. The fencing or other measures must be completed before any water is placed in the pool.
- ii. Any mechanical equipment associated with the swimming pool and spa shall be located in a sound-proof container and positioned so that noise levels associated with spa/pool pumping units shall not exceed 5 dBA at the boundaries of the site.
- iii. To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must not be placed where it is not visible from a public place.
- iv. To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
- v. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- vi. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- vii. The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the

words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in accordance with the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation". This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

**Reason:** To ensure compliance with the Swimming Pools Act 1992 and to maintain amenity.

147. The submission of a letter from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services.

**Reason:** To ensure appropriate telephone services are provided.

148. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

**Reason:** To comply with the *Conveyancing Act 1919*.

149. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

**Reason:** To comply with the *Strata Schemes (Freehold Development) Act 1973*

### **The Use of the site**

150. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

151. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

152. All landscape works shall be maintained for a minimum period of two (2) years after the final completion, in accordance with the approved landscape plan and conditions

**Reason:** To ensure restoration of environmental amenity.

153. All new fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.

**Reason:** Protection of life and to comply with legislative requirements.

154. No air-conditioning condensers/ units are to be located on any of the balconies.

**Reason:** To ensure the amenity of the units and visual amenity of the building

155. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from Pennant Hills Road frontage.

**Reason:** To ensure the amenity of the area.