

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW124
DA Number	20/2016/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF THREE (3) RESIDENTIAL FLAT BUILDINGS COMPRISING 120 DWELLINGS (7 X 1 BEDROOM, 100 X 2 BEDROOM AND 13 X 3 BEDROOM UNITS) WITH TWO (2) LEVELS OF BASEMENT CAR PARKING CONTAINING 239 PARKING SPACES.
Street Address	LOT 23 DP 555502, LOT 211 DP 850187, LOT 37 DP 18828, LOT 36 DP 18828, LOT 35 DP 18828, LOT 2 DP 877055, LOT 27 DP 216984, LOT 28 DP 216984, LOT 212 DP 850187, LOT 26 DP 216984, LOT 22 DP 555502 – NOS. 19-23 POST OFFICE STREET, 2-8A DONALD STREET, 6-10 TANDERRA AVENUE AND 10 PAUL PLACE, CARLINGFORD
Applicant/Owner	SWA GROUP
Number of Submissions	TEN
Regional Development Criteria (Schedule 4A of the Act)	CIV over \$20 million – General Development
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (State and Regional Development) 2011 The Hills Local Environment Plan 2012 List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> Nil List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> DCP 2012 Part D Section 12 – Carlingford Precinct DCP 2012 Part C Section 1 – Parking DCP 2012 Part C Section 3 – Landscaping DCP 2012 Part B Section 5 – Residential Flat Buildings List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)

	<ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - Environmental Planning and Assessment Act Regulation 2000
List all documents submitted with this report for the panel's consideration	Submissions.
Recommendation	Approval
Report by	DEVELOPMENT ASSESSMENT CO-ORDINATOR CLARO PATAG

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing dwellings and construction of three (3) residential flat buildings comprising a total of 120 dwellings (7 x 1 bedroom, 100 x 2 bedroom and 13 x 3 bedroom units) with two (2) levels of basement car parking containing 239 parking spaces which include 16 stacked spaces. Vehicular access is via Paul Place.

The proposal exceeds the maximum allowable building height of 16 metres prescribed in The Hills Local Environmental Plan 2012 by 1.52 metres or 9.5%. The application is accompanied by a written request made under clause 4.6 of the LEP that seeks to justify the contravention of the development standard. The variation is supported on the basis that it does not impact on the amenity of adjoining properties in terms of overshadowing, visual impact, and privacy and on the existing and future character of the streetscape.

The proposal also seeks a minor variation to the Apartment Design Guide (ADG) in two respects, it exceeds the maximum 15% of apartments allowed to receive no direct sunlight by 6 units (20% of the total) and 6 units have undersized balconies. The exceedance to the 15% maximum by 6 units is a result of the orientation of the site and the requirement within the Carlingford Precinct DCP for the building to orientate towards Post Office Street to create a boulevard character and despite this non-compliance the development overall provides good amenity for future residents. The balconies in 6 units although undersized meet the minimum required depth which is considered functional and useable as a private open space area.

The proposal generally complies with DCP 2012 Part D Section 12- Carlingford Precinct with the exception of compliance with the site amalgamation plan, maximum number of storeys, car parking, unit size in Type 1 category and setback to Paul Place and Donald Street.

The subject site bridges part of two separate sites identified for potential redevelopment in the amalgamation plan within the Carlingford Precinct DCP resulting in the potential isolation of No. 8 Donald Street. While ideally this site would be aggregated with the subject site, supporting documentation has been provided by the applicant which satisfies the planning principle established in Grech vs. Auburn Council [2004] which indicates that reasonable attempts have been made to purchase No. 8 Donald Street and how the site could be developed in the future.

The proposal exceeds the maximum 4 storey limit, with the fifth storey element being recessed which presents the building as 4 storeys when viewed from the public domain. The variation is considered satisfactory as it does not result in unreasonable adverse impacts on adjoining properties in terms of overshadowing and overlooking.

The proposal is deficient by 58 parking spaces when assessed against Council's parking requirements, however a surplus of 86 spaces will be provided when assessed under the RMS Guidelines parking code requirements, which is the standard used in the ADG for development within 800 metres of a railway station. It should be noted that under Clause 30 of SEPP 65 parking cannot be used as a ground for refusal if it satisfies the above parking criteria.

The proposal exceeds the DCP's maximum allowed percentage of 1 bedroom and 2 bedroom units in the Type 1 size category by 56% and 52% respectively. However, the proposal meets the minimum internal floor area requirements specified in Part 4D of the ADG, and therefore cannot be refused on this basis under Clause 30 of SEPP 65. It should be noted that the application was lodged on 3 July 2015 and as per the direction from the Department of Planning and Environment for apartment development applications lodged from 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 applies.

The application was notified for 14 days and placed on exhibition for public comments and received 10 submissions. Issues raised in the submissions relate to visual and acoustic privacy, vehicular entry and exit points, traffic, parking, overshadowing, tree removal, construction related issues, lack of jobs in the area to support additional growth, against high density residential development in the area, inadequacy of public transport and traffic infrastructure and facilities in the precinct, environmental capacity of surrounding road network, potential loss of views due to building height variation and property devaluation. These issues have been addressed in the report and do not warrant refusal of the application.

In the absence of the JRPP process, this matter would be determined by Council's Development Assessment Unit.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	SWA Group	1.	<u>LEP 2012</u> – Satisfactory
Zoning:	R4 High Density Residential	2.	<u>The Hills DCP 2012</u> – Part D Section 12 – Carlingford Precinct – Variation, see Report.
Area:	7,842.87m ²	3.	<u>Section 79C (EP&A Act)</u> – Satisfactory.
Existing Development:	11 detached dwellings	4.	<u>Section 94 Contribution</u> – \$1,433,147.02

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 14 days.	1.	CIV exceeds \$20 million.
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	257		
4. Submissions Received:	Ten (10)		

HISTORY

03/07/2015	Subject Development Application lodged.
13/07/2015 to 29/07/2015	Subject application notified and advertised in local newspaper.
29/07/2015	Letter sent to the applicant requesting further documentation regarding negotiations held with owner of No. 8 Donald Street and advising that the development is unlikely to be supported due to proposed variation to LEP, DCP and Apartment Design Guide standards relating to building height, unit mix and size and solar access. Additional information was requested in relation to swept turning paths for the waste collection.
18/08/2015	Further letter sent to the applicant raising outstanding engineering issues relating to flooding, stormwater drainage and vehicular access and parking.
07/10/2015	Additional information received from the applicant in response to the issues raised in the letter from Council staff dated 29/07/2015 and to the issues raised in the public submissions.
08/10/2015	Email sent to the applicant seeking clarification regarding the number of 2 bedroom and 3 bedroom units as there were inconsistencies on the plans submitted.
09/10/2015	Amended drawings submitted by the applicant in response to email dated 08/10/2015.
28/10/2015	Additional information received from the applicant which includes amended architectural plans, a flood study report and stormwater concept plans.
03/11/2015	Email sent to the applicant's stormwater drainage consultant raising outstanding issues as a result of review of the submitted flood study and stormwater concept plans.
03/11/2015	Email received from the applicant's stormwater drainage consultant in response to the email from Council staff dated 03/11/2015.
04/11/2015	Email received from the applicant forwarding their town planning consultant's advice regarding the application of the SEPP 65 Apartment Design Guide.
13/11/2015	Further drainage details submitted by the applicant's engineering consultant.
16/11/2015	Email sent to the applicant raising outstanding engineering issues as a result of the review of the submitted additional engineering information.
17/11/2015	Additional information received from the applicant's stormwater drainage consultant in response to the email from Council staff dated 16/11/2015.
19/11/2015	Revised flood study received from the applicant.

04/12/2015	Letter sent to the applicant raising outstanding drainage and flooding issues as a result of review of the submitted revised flood study.
11/12/2015	Email received from the applicant in response to Council's letter dated 04/12/2015 in relation to pipe sizes and invert levels advising that they are not shown on the survey drawings as their surveyor can only provide information that can be visually inspected above ground.
17/12/2015	Email sent to the applicant advising that the pipe sizes shown in the submitted flood study are inconsistent with Council's records. It was requested that in order to move this matter forward, either a surveyor or a suitably accredited person shall mark up the details obtained from CCTV video on the survey plan and endorse it with their registration/accreditation details.
18/01/2016	Drainage information with registered surveyor's signature on the plans received from the applicant.
21/01/2016	Email sent to the applicant seeking clarification regarding pipe sizes and discrepancies between the amended survey and flood modelling.
05/02/2016	Further information including revised survey plans and amended flood study and modelling submitted by the applicant in response to Council's email dated 21/01/2016.

THE SITE

The subject site is situated within the Northern Precinct of Carlingford. It is located within 450m from Carlingford Station and 300m from Pennant Hills Road (a classified road under the control of Roads and Maritime Services).

The combined land area of the development site is 7,842.87m². It is irregular in shape with frontage to Post Office Street, Donald Street, Tanderra Avenue and Paul Place and is currently occupied by 11 detached dwellings between one and two storeys.

The site is constrained by a stormwater easement traversing the centre of the site (from east to west). This easement contains Council stormwater infrastructure and conveys overland flow.

PROPOSAL

The Development Application is for the demolition of existing dwellings and construction of three (3) five storey residential flat buildings comprising of 120 dwellings (7 x 1 bedroom, 100 x 2 bedroom and 13 x 3 bedroom units) with two (2) levels of basement car parking accessed from Paul Place containing 239 parking spaces. Vehicular access is to be provided via an entry/exit driveway located at the eastern end of the Paul Place site frontage.

The Development Application proposes to vary the building height standard of 16 metres as prescribed in The Hills Local Environmental Plan 2012 by 1.52 metres. The application is accompanied by a written request that seeks to justify the contravention of the development standard pursuant Clause 4.6 of LEP 2012.

The proposal seeks a variation to the Carlingford Precinct Development Control Plan with respect to site amalgamation, maximum number of storeys, car parking, unit size in Type 1 category and setback to Paul Place and Donald Street.

ISSUES FOR CONSIDERATION

1. SEPP (State and Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel:-

Development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of \$27,459,091 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Compliance with the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The Development Application was lodged on 3 July 2015. The direction from the Department of Planning and Environment is as follows:

"For apartment development applications lodged from 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 applies."

Having regard to the above, the application is therefore subject to the relevant design criteria contained within the Apartment Design Guide.

Clause 6A of the SEPP provides that development control plans cannot be inconsistent with the Apartment Design Guide and applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

Clause 6A(2) states that if a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. On this basis, the standards pertaining to apartment size prescribed in The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings are overridden by the SEPP in this case. Notwithstanding sub-clause 2, the applicant has provided justification for the proposed variation to unit size which is addressed in Section 4 of this report.

Clause 30(1) of the SEPP provides the following:

"If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the

following design criteria, the consent authority must not refuse the application because of those matters:

- (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*
- (b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*
- (c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

Based on the above design criteria, as the car parking provision is greater than the minimum amount of car parking specified in Part 3J of the ADG, this standard cannot be used as grounds for refusal.

Further, as the proposal complies with the minimum internal area requirements specified in Part 4D of the ADG, similarly with car parking this standard cannot be used as grounds for refusal.

Notwithstanding the above, the proposal does not meet the ADG design criteria for direct sunlight that is a maximum of 15% of apartments in a building with no direct sunlight being received between 9am and 3pm at mid-winter (the proposal has 6 units more than the maximum allowed or 20%) and there are 6 units with undersized balconies (i.e. 3 x 1 bedroom units have 7.8m² balconies which is below the 8m² minimum required and 3 x 2 bedroom units have 9.43m² balconies which is below the 10m² minimum required).

The applicant has provided the following justification addressing the proposed variation to these ADG standards:

Maximum 15% of apartments not to receive direct sunlight:

"The proposal contains 24 south facing units (20%) resulting in a 6 unit" exceedance. This number of units is a direct result of Council's desired site amalgamation and orientation towards Post Office Street (as the primary frontage) to create boulevard character.

The natural orientation of the amalgamated site is towards Post Office Street being the primary frontage with the greatest width as shown on the site amalgamation plan.

Whilst the proposal will result in 6 units above the numeric control with a southern aspect the units achieve excellent internal amenity through cross ventilation and optimal layout with a pleasant outlook over Post Office Street.

The overall development is considered to achieve excellent unit amenity despite a minor non-compliance relating to the number of units with a southern aspect."

Comment:

It is considered the variation to this standard is reasonable given the orientation of the site.

Undersized balconies:

The proposal largely complies with the required balcony size with the exception of Unit C107-C307 being marginally less at 7.8m² (for a 1 bed) and Unit A101-A301 at 9.43m² (for a 2 bed). It is noted that while the proposal will result in marginally undersized balconies (3 units in Building A and 3 units in Building C), the balconies meet the minimum depth requirement of 2.6m and 2.2m respectively and will be of a suitable size

to ensure functional use of the private space. This minor non-compliance and the limited number of units impacted is considered reasonable in the context of the overall development.

Comment:

The proposed variation is considered minor and the limited number of units affected is considered reasonable in the context of the overall development. Despite minor non-compliance with the required balcony size, it is considered that they would still be functional to be used as a private open space area for the amenity of future residents. The variation is supported in this regard.

3. Compliance with The Hills Local Environmental Plan 2012

The subject site is zoned R4 High density Residential and the proposed development is defined as a residential flat building which is permissible with consent in the given zone. The proposed development satisfies the following objectives of the R4 High Density Residential zone:

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

A small section of the proposed development exceeds the maximum height limit of 16 metres as shown in the Height of Buildings Map referenced under Clause 4.3 in LEP 2012 which is addressed in Section 3 below.

4. Compliance with LEP 2012 (LEP Mapping Restrictions)

The proposal has been assessed against the LEP 2012 Map Sheets as follows:-

LEP 2012 MAPPING - DEVELOPMENT STANDARDS			
STANDARD	REQUIRED	PROPOSED	COMPLIANCE
Floor Space Ratio	1.49:1	1.45:1	Yes
Allotment Size	4,000m ²	7,842.87m ²	Yes
Building Height	16m	Max. 17.542m	No, see details of non-compliance below.

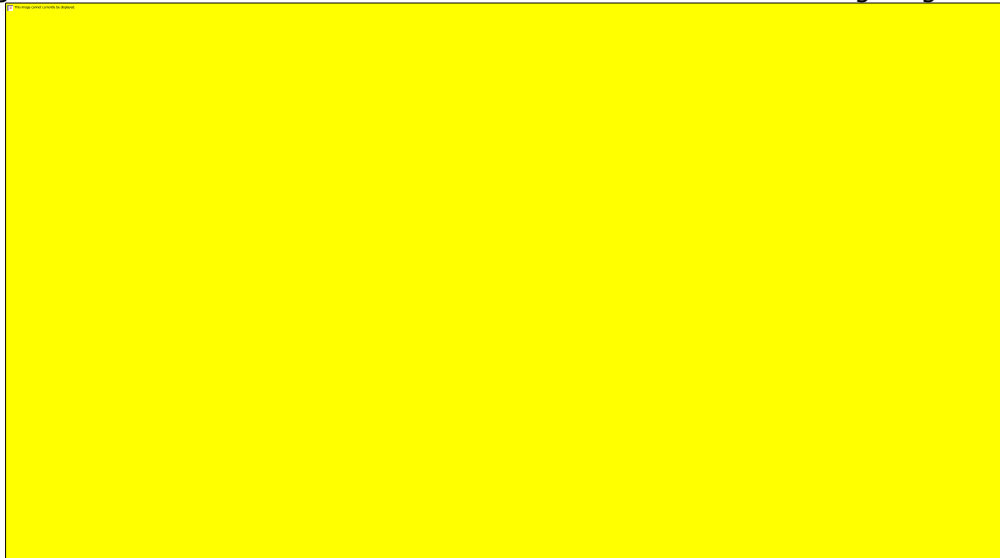
Building Height

As shown on the above table, the proposal exceeds the maximum height limit of 16 metres as shown in the Height of Buildings Map referenced under Clause 4.3 in LEP 2012 as follows:

- Building A has a maximum height of 17.542 metres (RL 116.50) measured to the top of the lift overrun and 17.209 metres (RL115.70) to the building parapet.

- Building B has a maximum height of 16.085 metres (RL 114.00) measured to the top of the lift overrun.
- Building C has a maximum height of 16.2 metres (RL 111.00) measured to the top of the lift overrun.

The diagram below demonstrates the minor variation to the LEP building height standard.



The applicant seeks a variation to the above building height standard pursuant to clause 4.6 of LEP 2012 which allows Council to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

The objectives of the building height standard under Clause 4.3 are as follows:

- (a) To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
- (b) To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

Clause 4.6 of LEP 2012 provides a mechanism to allow a consent authority to consider variations to LEP development standards. Clause 4.6(3) of LEP 2012 reads as follows:

(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.*

The applicant has submitted a written request that seeks to justify the contravention of the building height standard as follows:

"In the decision of Wehbe v Pittwater Council [2007] NSW LEC 827, which provides case law relating to SEPP 1 Objections, Chief Justice Preston expressed the view that there are five different ways in which a variation to a development standard might be shown as unreasonable or unnecessary. Of particular relevance in this instance is 'WAY 1', that a

development standard might be shown as unreasonable or unnecessary if 'the objectives of the standard are achieved notwithstanding non-compliance with the standard'.

The objectives of the development standards are:

- (a) To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
- (b) To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas,

Assessment against relevant LEP objectives

Objective	Proposal
To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.	The proposed building design has been carefully considered with respect to the planning controls, the adjoining residential apartment buildings, and the site's surrounding context. In this regard it will deliver an outcome that is compatible with the character of Post Office Street streetscapes and the wider Carlingford Precinct.
To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.	<p>The Carlingford Precinct has been identified for increased building heights and density. As demonstrated within the THLEP 2012 Height of Building Map at Figure 18, the Site (approved for building heights of up to 16 metres) is surrounded by sites that permit building heights of up to 21 metres to the east and south; and up to 28 metres to the south- west. Where sites to the north of the site are currently characterised by single detached dwellings, the THLEP permits building heights of 16 metres.</p> <p>The proposed building height of 17.2 (at a small portion of the parapet of Building A) is compatible with approved residential development adjoining the site and the intended building heights fronting Post Office Street (refer In Figure 19).</p>



Figure 18 – The Hills LEP Height of Building Map
Source: THLEP 2012



Figure 19 – View of the existing Residential Development fronting Donald Street and the proposed Building A from Post Office Street.
Source: SWA Group

There are considered to be sufficient environmental planning grounds to justify contravening the development standards, these being:

- *The exceedance of the building height control will have a minimal impact on the streetscape, and on the visual privacy and solar access of neighbouring developments.*
- *The building is suitable for the size and dimensions of the site in its context.*
- *The building incorporates setbacks and separation commensurate with the principles of residential amenity contained within the ADG Design Criteria.*
- *The overall proposed development will not result in any adverse impacts on the surrounding area.*
- *The proposed height variation will not result in a building form that is out of character with the surrounding area and does not result in any material non-compliance with other controls, for instance the additional height does not result in an exceedance of the maximum FSR control (the development is well below the maximum FSR).*
- *The additional height of the building does not result in any unacceptable overshadowing impacts on the surrounding area.*
- *The overall height of the development is appropriate for the site and its context, i.e. being located within 450 metres of a railway station.*
- *The site is located within an area undergoing transformation and transition and accords with Council's vision and future character for the Carlingford Precinct.*
- *The proposed building design and massing will result in a positive contribution to existing Post Office Street streetscape and broader Carlingford Precinct.*
- *The proposed development is consistent with the objectives of the height control as highlighted above.*
- *A number of design measures are incorporated into the building design that together help minimise the building mass and bulk, and ensure the achievement of a high quality design outcome. These include:*
 - *use of a site typography sloping away to north of site at Paul Place to site the buildings and the inclusion of a recessed upper level to reduce the building's mass and bulk when viewed from Tanderra Avenue, Post Office Street and the surrounds;*
 - *effective use of fenestration and building materials to break up the building mass and complement the rhythm, details and scaling of the existing Post Office Street streetscape;*
 - *incorporation of landscaping to deliver an attractive and active pedestrian scaled frontage.*
- *Is strong in its presentation and address to the street and in this regard will help frame Post Office Street and contribute to the creation of a cohesive, active and well defined streetscape that is appropriate to its role as a key Local Road within the Carlingford Precinct.*
- *The site is located in the Carlingford Precinct in a prominent corner location with frontages to Post Office Street, Donald Street and Tanderra Avenue. The local context of the site already includes many six-storey and taller buildings, including*

recent 6 storey buildings at the Corner of Post Office Street and Donald Street adjoining the Site.

Comment:

The applicant's justification is accompanied by a detailed shadow analysis which indicates that due to its location with three frontages the proposed development at midwinter does not result in any adverse additional overshadowing of adjoining properties, open space areas or public areas.

The proposed building height will not result in any significant adverse impacts on the amenity of the neighbouring buildings in terms of overshadowing, privacy, outlook and amenity. The buildings are appropriately sited, observing setbacks and building separation to ensure the privacy of adjoining properties is maintained.

Clause 4.6 (4) of LEP 2012 states:

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*

Comment: The applicant has adequately addressed the matters required to be addressed by subclause (3).

- (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*

Comment: As detailed above, the proposal is an appropriate development outcome and is consistent with the objectives of the R4 High Density Residential zone.

- (b) the concurrence of the Director-General has been obtained.*

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and Infrastructure.

In view of the above, it is considered that the variation to the building height standard satisfies Clause 4.6 of LEP 2012.

5. Compliance with DCP 2012 Part D Section 12 – Carlingford Precinct.

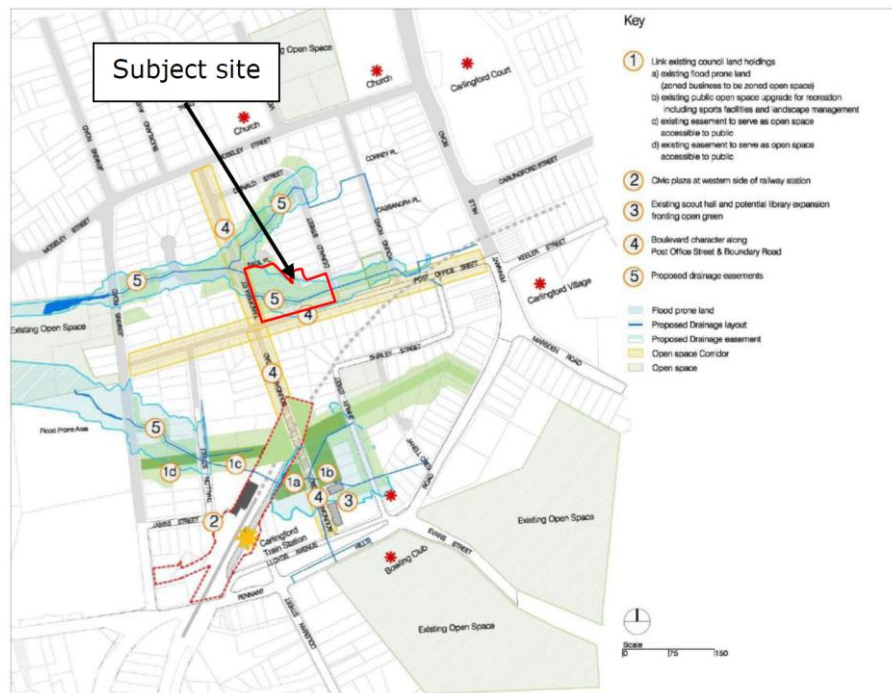
The proposed development has been assessed against the relevant development standards and objectives of The Hills Development Control Plan 2012 Part D Section 12 – Carlingford Precinct. The Carlingford Precinct DCP was prepared to guide future development permissible within the Carlingford Precinct. It provides a Structure Plan and Masterplan to guide development which includes the following parameters:

Open Space Strategy

Section 3.5 of the Structure Plan provides an Open Space Strategy for the precinct. The site is constrained by a 1.8 metre wide stormwater easement traversing the centre of the site (from east to west). This easement contains Council stormwater infrastructure and conveys overland flow which flows to the north west of the site.

The proposal has been designed having regard to the constraints of the stormwater easement as demonstrated in the stormwater concept design submitted with the application.

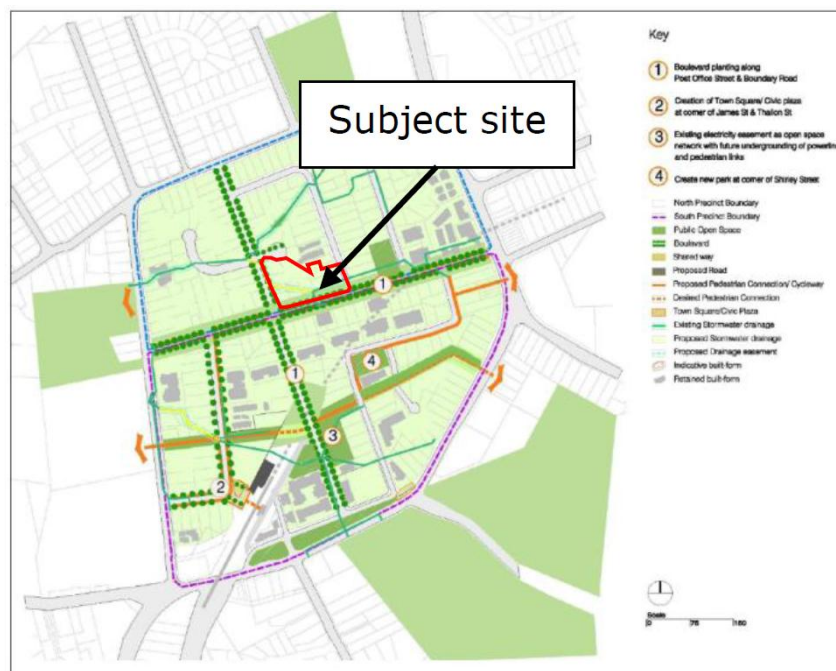
The Open Space Strategy (as shown below) indicates there is an open space corridor along Post Office Street and Tanderra Avenue. A building line setback of 10 metres is proposed along Post Office Street and Tanderra Avenue which is compliant with the DCP.



'Structure Plan – Open Space Strategy' DCP Part D Section 12 – Carlingford Precinct

Public Domain Strategy

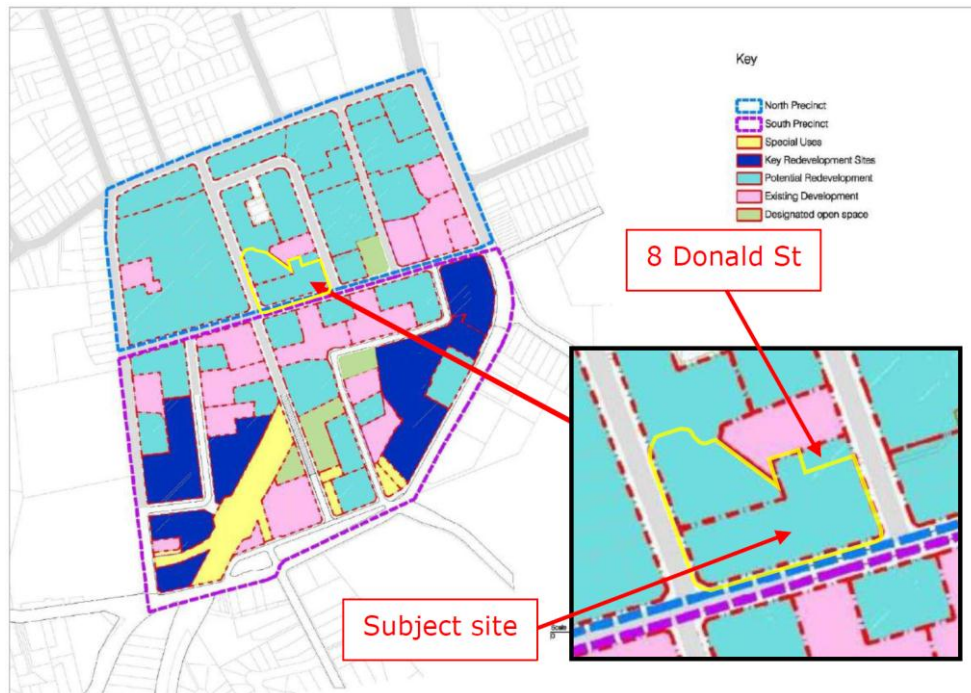
Section 3.6 of the Structure Plan provides a Public Domain Strategy. As illustrated below, the Public Domain Strategy shows that no additional open space is proposed on the site other than the Boulevard proposed along Post Office Street and Tanderra Avenue. In accordance with page 34 of the Carlingford Precinct Public Domain Plan, a building line setback of 10 metres must be provided along the Boulevard. The proposal achieves this requirement.



'Structure Plan – Public Domain' DCP Part D Section 12 – Carlingford Precinct

Amalgamation Plan

Under Clause 4.4.2(a) for the Carlingford DCP, the minimum site area of development sites shall be consistent with the site areas specified in the potential site amalgamation plan as shown below.



'Potential Site Amalgamation Guide Plan' DCP Part D Section 12 – Carlingford Precinct

The subject site bridges part of two separate sites identified for potential redevelopment in the amalgamation plan within the DCP. The proposal would result in the isolation of 8 Donald Street between medium and high density developments.

Clause 3.1 (c) of Part B Section 5 Residential Flat Building of DCP 2012 states:

"A residential flat building development shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be insufficient area to meet the minimum site area requirement in Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of the LEP 2012."

The Statement of Environmental Effects submitted with the application states that *"with fair and reasonable offers being made to include 8 Donald Street with the development, the onus is now on the owner of 8 Donald Street to look at alternative opportunities for redevelopment. In this regard, we note that there is an opportunity for 8 Donald Street to be amalgamated with the adjoining low scale residential development to the north, providing an opportunity for 8 Donald Street to realise its development potential under Council's planning controls. Accordingly, 8 Donald Street is not prejudiced from not being included within the subject DA."*

The Land and Environment Court (L&EC) has established a Planning Principle to address isolated sites, which is set out in *Karavellas v Sutherland* in which Tuor C required the following two questions to be considered when assessing whether it is reasonable to isolate a site through redevelopment:

- 1. Is amalgamation of the sites feasible?*
- 2. Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The Planning Principle states that:

- *Applicants should commence early negotiations with owners of isolated sites, prior to lodgement of the DA.*
- *Applicants should make genuine efforts and reasonable offers to the owner of the isolated properties. The offers should be in writing and based on at least one recent valuation.*
- *If negotiations are not successful, details/evidence of the negotiations are to be provided with the Development Application.*

The applicant has addressed the above Planning Principle established by the Land and Environment Court within the Statement of Environmental Effects:

"In light of the above, the Applicant made a reasonable offer in writing (based on a recent independent valuation submitted with this report at Appendix K) prior to lodgement of the DA to No.8 Donald Street.

The offer tabled to No.8 Donald Street was rejected.

The Planning Principle states that:

- *Applicants are to demonstrate that both sites can be developed in accordance with relevant planning controls.*
- *Applicants are to prepare building envelope studies to demonstrate this.*
- *Development potential of proposed development may need to be reduced to accommodate future development on the isolated site.*

The Applicant acknowledges The Hills Shire Council would ideally prefer to see 8 Donald Street redeveloped concurrently with that of the wider site. However, Council is aware that the efforts undertaken so far to negotiate a successful sale of 8 Donald Street and given the offer has been continuously rejected Council has a responsibility to assess and make a recommendation on the development application as currently proposed.

With fair and reasonable offers being made to include 8 Donald Street with the development, the onus is now on the owner of 8 Donald Street to look at alternative opportunities for redevelopment. In this regard, we note that there is an opportunity for 8 Donald Street to be amalgamated with the adjoining low scale residential development to the north, providing an opportunity for 8 Donald Street to realise its development potential under Council's planning controls. Accordingly, 8 Donald Street is not prejudiced from not being included within the subject DA."

Further documentation was provided by the applicant prepared by their solicitor to demonstrate that reasonable attempts have been made to acquire No. 8 Donald Street as part of the development site, as follows:

"Our client has obtained a Statutory Declaration from Babak (Bobby) Chegini (Senior Sales Specialist of D F Johnson Real Estate) which sets out his recollection as to our client's attempts to purchase the property at 8 Donald Street. A copy of this is enclosed. Importantly, the Statutory Declaration refers to a refusal by the owners of 8 Donald Street of an offer made by our client on 15 May 2015 to purchase the subject land for the amount of \$1,665,000.00.

That offer for purchase, follows some thirteen months of negotiations where an initial offer of \$1 m was made in April 2014.

Further it is important to note the valuation basis of the offer by our client to purchase the subject land, which equates to a value per m² of \$4,826.00. This compares to other purchases of nearby lands that have been consolidated for the purposes for this development site, which provides for a per m² value in the order of \$2,000.00 to \$2,300.00.

In the written rejection of the owners of the subject land, a counter offer was made in the amount of \$1,914.750.00 (some \$5,550 per m²). The valuation basis of this land is not set out.

On 11 August 2015, by correspondence on behalf of our client, an offer of \$1,665,000.00 (same amount offered on 15 May 2015) was again made to the owners of 8 Donald Street. We are instructed that our client has not received a response to this further offer of 11 August 2015.

As set out in the Statutory Declaration of Mr Chegini the owners of 8 Donald Street were informed, and readily discussed, that there was the potential to isolate that land. However. the response was that the owners were not concerned with that potential.

The Relevant Legal Principles

In the decision of Melissa Grech v Auburn Council [2004] NSWLEC 40, Commissioner Brown set out what was a reasonable offer for the purposes of determining the development application and addressing the planning implications of an isolated lot. At [51], the Court said that:

"a reasonable offer.. .is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property".

The level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application.

However, those considerations made by the Court in Melissa Grech v Auburn Council are in the context a development application which failed to meet the minimum lot sizes a proposed development, In circumstances here where the proposed development meets the minimum lot sizes, those considerations set out by the Court are of lesser of importance.

In the decision of Karavellas v Sutherland Shire Council [2004] NSWLEC 251 Commissioner Tuor, having regard to decisions of Melissa Grech and Cornerstone Property Group, found that an applicant who had submitted offers to purchase land, while not at the maximum end of valuations received by the Council, was a reasonable offer having regard to the evidence of negotiations in the context of the matter.

Whilst noting that amalgamation of the additional site was clearly a better planning outcome, the Court had given weight to the efforts made by the applicant to:

- 1. initially amalgamate the sites; the application subsequently not including the isolated site;*
- 2. the fact that the isolated land owner rejected the latest offers in full knowledge of the implications of that site.*

The Court noted that amalgamation of the sites to achieve a desirable outcome must be balanced against one property owner frustrating the overall development and property interests of other owners. However, again this matter dealt with a development site which did not meet development standards for lot size frontages or minimum allotment sizes.

In the subsequent decision of Cornerstone Property Group Pty Ltd v Warringah Council [2004] NSWLEC 189, Commissioner Tuor further considered the issues for consent authorities to consider where there is the potential for isolation of a lot.

Commissioner Brown then considered the principles in Melissa Grech and Cornerstone Property Group and, in the decision Solitarii Development Pty Ltd Randwick City Council [2011] NSWLEC 1213:

"In relation to those matters identified in Cornerstone Property Group, we accept that the orderly and economic development of 88 Dudley Street would be best achieved through amalgamation of the two sites however this needs to be considered in the context of the legitimate right of the owner to remain in his property and not become involved in the joint development of the sites. Conversely, the applicant has a legitimate right to develop his property in line with what is anticipated by LEP 1998 and the DCP. ... There was no evidence to suggest that ongoing negotiations would achieve a development over both sites, rather the evidence suggests that the owner of 88 Dudley Street seeks continued use of the site as a dwelling because of the lifestyle benefits it offers."

Comment:

A key consideration during the assessment of the application was the impact of the proposal upon the orderly development of the Carlingford Precinct. The 'potential site amalgamation plan' within DCP 2012 Part D, Section 12- Carlingford Precinct (see diagram above) outlines that the subject site should be amalgamated with No.8 Donald Street (the property to the north east of the site) to form a cohesive development site. The proposal will result in No. 8 Donald Street being isolated, as it will be surrounded by medium/high density developments.

Council staff have actively encouraged the applicant to undertake negotiations with the owner of No. 8 Donald Street from the pre-lodgement stage of the proposal and during the assessment phase of the application. The applicant has made a number of attempts to acquire No. 8 Donald Street without success.

The applicant has provided documentary evidence to demonstrate that negotiations were undertaken with the owner of No. 8 Donald Street prior to the lodgement of the Development Application and during the assessment phase of the application. Two independent valuations were obtained by the applicant and an offer approximately 80% above the highest valuation was made to the owner, which was declined. It is considered that the applicant has satisfied the process established by the planning principle.

It has been demonstrated that the applicant has made reasonable attempts to acquire No. 8 Donald Street and a paper trail has been provided as evidence of the negotiations between the two parties. Whilst the aggregation of the subject site and No. 8 Donald Street is the most desirable outcome, it would be unreasonable to sterilise the re-development of the subject site in the circumstances.

DCP's Precinct-Wide Built Form Controls

The proposal has been assessed against the DCP's Precinct-Wide Built Form Controls and achieves compliance with the exception of building height (maximum number of storeys), setback to Paul Place, car parking and maximum percentage of Type 1 size category allowed for 1, 2 and 3 bedroom units.

DEVELOPMENT STANDARD	DCP 2012 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
4.2 Building Height	Building heights as specified in the	5 storeys	No, see comment below.

DEVELOPMENT STANDARD	DCP 2012 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	Building Height Map in LEP 2012 equal to number of storeys, in this case: 16m – 4 storeys		
4.7 Setbacks	As shown in Figure 9 of the DCP (refer Attachment 8). Post Office Street – 10m Tanderra Avenue – 10m Donald Street – 6m Paul Place – 6m	10m 10m Ground Level: 3.23m – 4.65m Level 1-3: 5.18 – 5.6m Ground Level: 4.1m – 4.42m Level 1-3: 4.6 – 5.17m	Yes Yes No, see comment below. No, see comment below.
4.14 Car Parking Provision	Residents: 1BR unit – 1 space 2BR unit – 2 spaces 3BR unit – 2 spaces 7x1 BR = 7 spaces 100x2BR = 200 spaces 13x3BR = 26 spaces Sub-total = 233 spaces Visitors: For 120 units @2 spaces per 5 units - 48 spaces Total required = 281 spaces	Residents – 215 spaces including 16 stacked spaces Visitors – 24 spaces Total = 223 spaces (excluding 16 stacked spaces)	No, shortfall of 58 car parking spaces. See comment below.
4.6 Apartment Size	Clause 3.11 of DCP 2012 Part B Section 5 – Residential Flat Buildings applies, i.e: Type 1 1 bedroom - 50m ² 2 bedroom – 70m ²		

DEVELOPMENT STANDARD	DCP 2012 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	3 or more bedrooms – 95m ² Type 2 1 bedroom – 65m ² 2 bedroom – 90m ² 3 or more bedrooms – 120m ² Type 3 1 bedroom – 75m ² 2 bedroom – 110m ² 3 or more bedrooms – 135m ² Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments. Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments. All remaining apartments are to comply with the Type 3 apartment sizes.	Type 1 – 1 bedroom, 2 bedroom and 3 bedroom apartment units exceed 30%. Type 2 units comply. Not relevant.	No, see comment below. Yes Not relevant.

a) Building Height

Section 4.2.2 of the Carlingford Precinct DCP requires that the equivalent number of storeys within the 16m building height zone is 4 storeys. The proposal exceeds the 4-storey limit as it proposes 5 storeys for each of the proposed buildings. The applicant has provided the following justification for the proposed height variation as follows:

"- The Hills DCP 2012 states that no building shall contain more than 4 storeys above natural ground level. Whilst the proposal is not strictly compliant proposing 5 storeys for each of the proposed buildings. as demonstrated in 3D Height Limit Analysis (DA-32A) the proposal is largely under the 16 metre height plane.

- Given the proposed design ensures the fifth storeys are recessive and the predominant height of Building A, B and C as viewed from the public domain appears as four storeys it is considered this variation to the DCP will not result in unreasonable adverse impact to adjoining dwellings.

- The site's topography, location and nature of surrounding development mean that the proposal is unlikely to adversely affect any significant views available through the site from surrounding properties.

- As shown on the shadow diagrams, the shadows cast by proposed 5 storey development will not have an unacceptable adverse impact on the surrounding properties.

- The proposed development will not result in any unreasonable impacts on surrounding residential properties by way of overlooking. The building design incorporates apartments that are oriented principally to the south, east and west thereby minimising potential for overlooking onto the adjacent multi-dwelling housing to the north.

- Given the above, the recessive fifth storey is considered to be an acceptable development outcome for the locality.

Comment:

The objectives of the building height control within the Carlingford Precinct DCP are as follows:

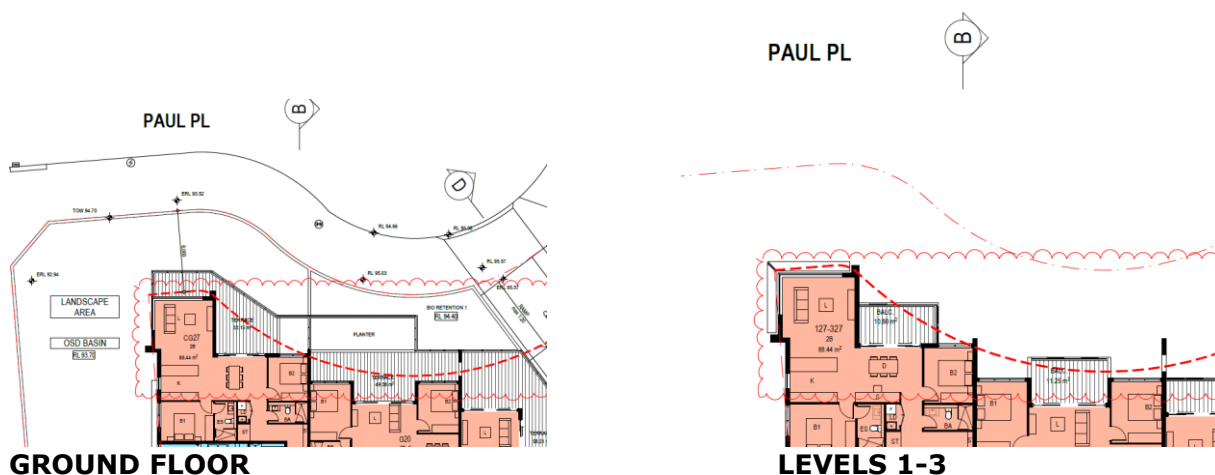
- (i) *To ensure that buildings reflect the existing landform of the neighbourhood, including ridgelines and drainage depressions;*
- (ii) *To protect privacy and amenity of surrounding residential developments and allotments in accordance with Council ESD objective 7;*
- (iii) *To ensure that development responds to the desired scale and character of the street appropriate in different parts of the Precinct; and*
- (iv) *To allow reasonable daylight access to all developments and the public domain.*

The proposed variation to the maximum allowed number of storeys is considered acceptable. Without exceeding the maximum FSR and a minor breach in the 16 metre height control, the proposal is able to achieve 5 storeys on site in accordance with the objectives outlined above. Having regard to the existing apartment buildings 7 storeys in height within the immediate vicinity of the site, it is considered that the proposed development will be consistent in terms of built form and scale. The variation is considered satisfactory in this regard.

b) Setback

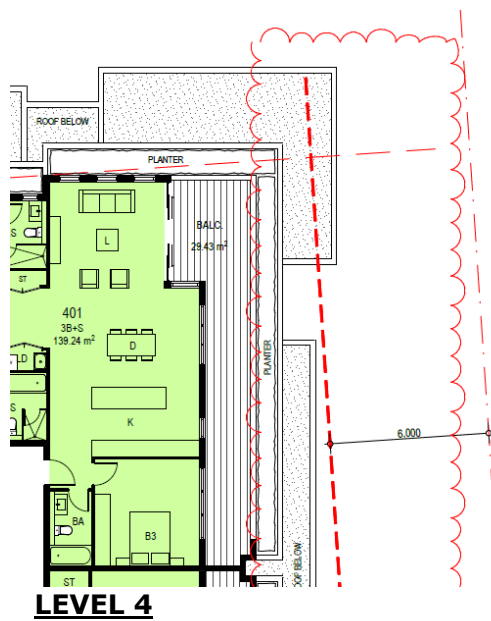
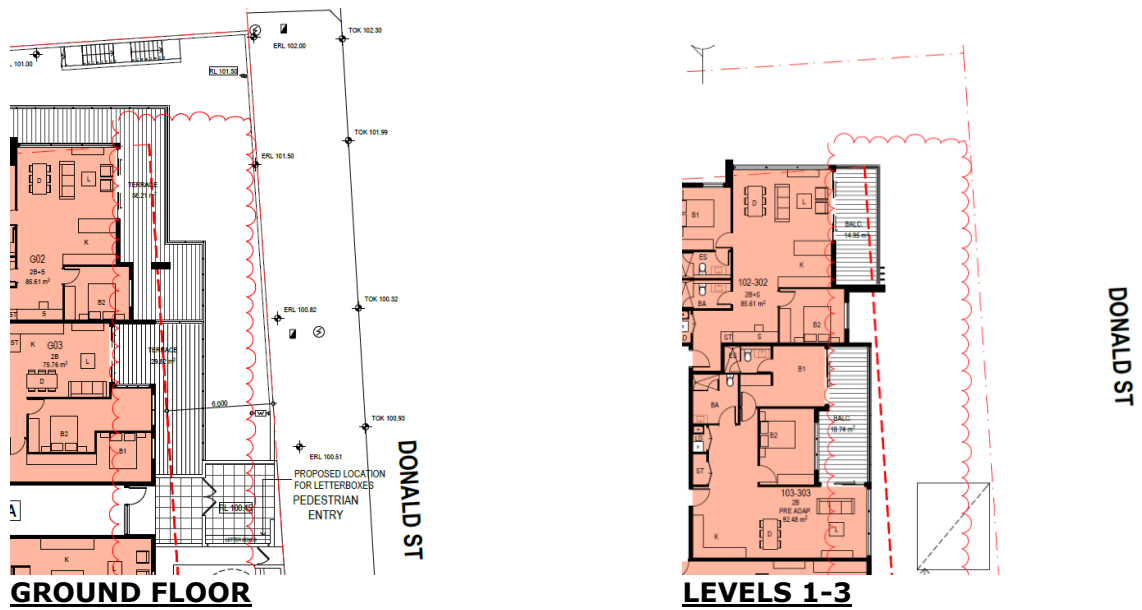
The proposed variation to the setback control to Paul Place and Donald Street of 6 metres is largely limited to the terrace area at ground level and a small portion of balcony and planter box at the upper levels. On balance the setback is achieved with a large portion of the Paul Place and Donald Street set back greater than the required 6 metres (see extent of variation in the diagrams below).

Proposed setback variation to Paul Place (6m setback shown in broken red lines):





Proposed setback variation to Donald Street (6m setback shown in broken red lines):



Comment:

The objectives of the 6 metre setback are as follows:

6m setback:

- (i) *To allow for the higher buildings proposed in the Thallon / James Street area to relate closely to the street; and*
- (ii) *(ii) To allow buildings fronting Boundary Road and Shirley Street to form the basis of a more regular streetscape/built form relationship.*

The proposed variation to the required 6m setback to Paul Place and Donald Street is considered to be reasonable given the significant separation distance to nearby residential dwellings fronting Paul Place and opposite Donald Street. The marginal setback non-compliance will not result in any adverse impacts to the adjoining properties. The variation is supported.

c) Car Parking:

The proposal does not comply with Council's car parking requirements. The total number of off-street car parking spaces proposed is deficient by 58 spaces.

The applicant has provided the following justification for the proposed variation relying upon the parking requirements outlined in the Apartment Design Guide in relation to the provision of off-street car parking for development within 800 metres of a railway station.

"The parking rates nominated in the RMS Guidelines are based on extensive surveys of similar developments and nominate the following off-street parking requirements which are applicable to the development proposal:

*Residential Flat Buildings**1 bedroom dwelling: 0.6 space per dwelling**2 bedroom dwelling: 0.9 spaces per dwelling**3 bedroom dwelling: 1.4 spaces per dwelling**Visitors: 1.0 space per 5 dwellings*

Application of the above parking requirements to the residential development proposal yields an off-street parking requirement of 137 parking spaces as set out below:

*Residents (120 Apartments): 112.4 spaces**Visitors: 24.0 spaces**TOTAL: 136.4 or 137 spaces*

The proposed development makes provision for a total of 223 off-street parking spaces (excluding stacked spaces), therefore resulting in a surplus of 86 spaces when assessed under the RMS Guidelines parking code requirements.

In the circumstances, it is considered that the proposed provision of 239 off-street parking spaces will satisfy the actual parking demands likely to be generated by the development proposal and it is therefore reasonable to conclude that the proposed development will not have any unacceptable parking implications."

Comment:

The proposed development makes provision for a total of 239 off-street parking spaces, comprising 215 residential spaces and 24 visitor spaces, which include 16 stacked spaces.

The applicant's justification relying upon the parking rate that applies to apartment developments within 800 metres of a railway station has been taken into consideration in

the assessment of this application. It is noted that parking provision cannot be used as a ground for refusal if a development complies with the parking rates as set out in the RTA Guidelines for Traffic Generating Developments. The changes to SEPP 65 were notified on the NSW legislation website on 19 June 2015, which commenced four weeks after this date on 17 July 2015. The direction from the Department of Environment and Planning is that for apartment development applications lodged after 19 June 2015 and determined after 17 July 2015, the Apartment Design Guide, along with the changes to SEPP 65 will apply.

As the subject site is located 450 metres from Carlingford Railway Station, the parking rates identified under the RMS Guidelines are applicable and therefore the proposed 239 off-street parking spaces are considered to satisfy the parking demands for the proposed development. The proposal would result in a surplus of 102 parking spaces when assessed under the RTA Guidelines. In this regard, no objection is raised to the proposed variation to Council's parking requirements.

d) Apartment Mix and Size

Clause 3.11 of the Council's Residential Flat Building DCP requires the following in relation to apartment mix and size:

Apartment Mix

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

The following is proposed:

There are 7 x 1 bedroom units (6% of the total) and there are 13 x 3 bedroom units (11% of the total). The proposal complies in regard to apartment mix.

Minimum Internal Floor Area

The table under clause 3.11(d) prescribes the minimum internal floor area for each unit (excluding common passageways, car parking spaces and balconies) in a residential flat development containing 30 or more units, which shall not be less than the following:

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m ²
2 bedroom	70m ²
3 or more bedrooms	95m ²
Type 2	
1 bedroom	65m ²
2 bedroom	90m ²
3 or more bedrooms	120m ²
Type 3	
1 bedroom	75m ²
2 bedroom	110m ²
3 or more bedrooms	135m ²

- Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.

- Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- All remaining apartments are to comply with the Type 3 apartment sizes.

The table below details the unit size of each unit and their DCP typology as follows:

Unit No.	No. of Beds	Size (m²)	DCP Typology
Ground Level			
A-G01	3	108.3	1
A-G02	2	85.61	1
A-G04	2	91.19	2
A-G05	2	85.53	1
A-G06	2	85.53	1
A-G07	2	78.59	1
A-G08	2	79.54	1
A-G09	2	85.21	1
A-G10	1	60.22	2
B-G01	2	85.47	1
B-G02	2	75.93	1
B-G03	2	73.24	1
B-G04	2	85.53	1
B-G05	2	85.53	1
B-G06	1	51.68	1
B-G07	2	85.21	1
B-G08	2	80.19	1
B-G09	2	78.14	1
C-G01	2	84.94	2
C-G02	2	92.16	2
C-G03	2	76.26	1
C-G04	2	78.42	1
C-G05	1	58.69	1
C-G06	2	76.20	1
C-G07	1	55.53	1
C-G08	2	88.44	1
Level 1			
A-101	2	95.46	2
A-102	2	85.61	1
A-103	2	92.48	2
A-104	2	91.19	2
A-105	2	85.53	1
A-106	2	85.53	1
A-107	2	82.87	1
A-108	2	75.93	1
A-109	2	85.21	1
A-110	2	90.20	2
B-101	2	85.47	1
B-102	2	80.68	1
B-103	2	83.51	1
B-104	2	85.53	1
B-105	2	85.53	1
B-106	2	85.47	1
B-107	2	85.21	1
B-108	2	80.19	1
B-109	2	82.87	1
C-101	2	84.94	1

C-102	2	92.16	2
C-103	2	76.26	1
C-104	2	78.42	1
C-105	2	83.64	1
C-106	2	80.62	1
C-107	1	55.53	1
C-108	2	88.44	1
Level 2			
A-201	2	95.46	2
A-202	2	85.61	1
A-203	2	92.48	2
A-204	2	91.19	2
A-205	2	85.53	1
A-206	2	85.53	1
A-207	2	82.87	1
A-208	2	79.53	1
A-209	2	85.21	1
A-210	2	90.20	2
B-201	2	85.47	1
B-202	2	80.68	1
B-203	2	83.51	1
B-204	2	85.53	1
B-205	2	85.53	1
B-206	2	85.47	1
B-207	2	85.21	1
B-208	2	80.19	1
B-209	2	82.87	1
C-201	2	84.94	1
C-202	2	92.16	2
C-203	2	76.26	1
C-204	2	78.42	1
C-205	2	83.64	1
C-206	2	80.62	1
C-207	1	55.53	1
C-208	2	88.44	1
Level 3			
A-301	2	95.46	2
A-302	2	85.61	1
A-303	2	92.48	2
A-304	2	91.19	2
A-305	2	85.53	1
A-306	2	85.53	1
A-307	2	82.87	1
A-308	2	75.93	1
A-309	2	85.21	1
A-310	2	90.20	2
B-301	2	85.47	1
B-302	2	80.68	1
B-303	2	83.51	1
B-304	2	85.53	1
B-305	2	85.53	1
B-306	2	85.47	1
B-307	2	85.21	1
B-308	2	80.19	1

B-309	2	82.87	1
C-301	2	84.94	1
C-302	2	92.16	2
C-303	2	76.26	1
C-304	2	78.42	1
C-305	2	83.64	1
C-306	2	80.62	1
C-307	1	55.53	1
C-308	2	88.44	1
Level 4			
A-501	3	139.24	3
A-502	3	135.94	3
A-503	3	106.85	1
A-504	3	150.66	3
B-501	3	115.52	1
B-502	3	135.74	3
B-503	3	106.85	1
B-504	3	138.26	3
C-501	3	142.79	3
C-502	3	95.33	1
C-503	3	99.53	1
C-504	3	95.59	1

In summary, the proposed apartment sizes are:

Unit Type	Size	No. of Units	Type	%
1 bedroom	50m ² - <65m ²	6	Type 1	85.7%
	65m ² -- <75m ²	1	Type 2	14.3%
	75m ² and above	0	Type 3	0%
2 bedroom	70m ² - <90m ²	82	Type 1	82%
	90m ² - <110m ²	18	Type 2	18%
	110m ² and above	0	Type 3	0%
3 bedroom	95m ² - <120m ²	7	Type 1	53.8%
	120m ² - <135m ²	0	Type 2	0%
	135m ² and above	6	Type 3	46.2%

The proposal exceeds the 30% maximum allowed in Type 1 apartment size category for 1 bedroom, 2 bedroom and 3 bedroom units (i.e. 85.7% in 1 bedroom units, 82% in 2 bedroom units and 53.8% in 3 bedroom units).

The applicant has provided the following justification to this apartment size category variation:

- *The Hills DCP 2012 stipulates that Apartment Size Category should not exceed 30% for Type 1 Apartments, 30% for Type 2 Apartments and the remaining apartments to comply with Type 3.*
- *We recognise that the proposal heavily favours the provision of Type 1 Apartments, however in accordance with the Apartment Design Guide the apartment mix is appropriate taking into consideration:*
 - *The distance to public transport, employment and education centres.*
 - *The current market demands and projected future demographic trends.*

- *The proposal provides sufficient flexible apartment configurations to support diverse household types and stages of life including single person households, families, multi-generation families and group households.*
- *Whilst the proposal does not comply with The Hills DCP 2012 in relation to Unit Type 1, the proposal has been carefully designed to meet the local market demands for the Carlingford locality and is considered to meet the intent of the Apartment Design Guide.*

Comment:

The proposal complies with the Apartment Design Guide and therefore cannot be refused on the basis of unit size.

5. Issues Raised in Submissions

The application was notified to adjoining property owners for 14 days and advertised in the local newspaper. Ten (10) submissions were received during the notification and exhibition period. Issues raised in the submissions are addressed in the table below.

ISSUE/OBJECTION	COMMENT	OUTCOME
Noise impacts from vehicular access at Paul Place.	<p>A traffic noise intrusion assessment has been prepared as part of the acoustic assessment submitted with the Development Application. The acoustic report has been assessed as being satisfactory by Council's Environmental Health Officer subject to the imposition of an appropriate condition in any consent.</p> <p>The potential acoustic impacts from vehicles entering the site via Paul Place are not considered to be unreasonable and unlikely to result in undue amenity impacts to adjoining properties.</p>	Issue addressed. Condition applied, refer Condition Nos. 35, 82 and 105.
Shadow impact on adjoining residential properties at Paul Place.	Shadow diagrams during midwinter show that the development will not overshadow the adjoining properties at Paul Place due to the site orientation and siting of buildings with frontages to Post Office Street, Donald Street and Tanderra Avenue. Shadows from the proposed development will largely fall on the public domain and streets rather than on the adjoining properties at Paul Place.	Issue addressed. Refer Attachment 13.
Blocked driveways for adjoining properties at Paul Place.	Parking provision complies with RMS standards. Regardless of parking provision some people will choose to park in the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	street. Vehicles will be required to park legally or regulatory action will be taken.	
Excessive loss of vegetation (50 out of 55 trees) and impact on local fauna, proposal will significantly disrupt the natural environment.	<p>The proposed removal of vegetation has been identified and assessed within the arborist report submitted with the application. The landscaping plan has been appropriately designed to offset the removal of these trees and proposes suitable sized replacement planting that over time will replace the canopy trees lost as part of the proposal.</p> <p>Council's Tree Management Officer has assessed the proposal and raised no objection subject to appropriate conditions of consent.</p>	Issue addressed. Refer Condition Nos. 6, 7 and 8.
<p>There are quite a number of eucalyptus trees including blue gum, spotted gum, river red gum, lemon scented gum, that are all large, mature and beautiful and that visually contribute to the whole of the Carlingford precinct. Trees identified as 41, 42,43,44,45,47,48,49,50,51,10 are not located within the building envelope and should be retained.</p> <p>Tree 50 recorded as being 4m in height in the arborist report is incorrect. This is one of the largest trees on the site. Figure 16 in the arborist report show significant eucalypts to be retained and protected, yet it indicates that this particular tree will be removed. The arborist report has incorrect and conflicting information and should be carefully reviewed and clarified. Tree 50 is a large and significant tree and not located within the building envelop and therefore should be retained.</p>	<p>Council's Tree Management Officer has investigated this matter and advised that although the trees mentioned in the submission are located outside the proposed building footprint, Tree 10 in particular will be affected by the proposed construction of stormwater drainage system. Trees 41-45, and 47-50 are all affected by proposed level changes and installation of services such as OSD, electricity substation and bio retention tank.</p> <p>It is acknowledged however that Tree 50 which was recorded as being 4m in height in the arborist report is incorrect. It was a mistake as the trees age class is marked as mature and calculation for the SRZ Structural Root Zone and TPZ Tree protection zone are all calculations for a large tree.</p> <p>The Landscape Plan submitted with the application proposes suitable sized replacement planting that over time will replace the canopy trees lost as</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	part of the proposal.	
Traffic impact within the Precinct.	<p>The proposed development is consistent with the density objectives of the LEP, including the anticipated traffic generation potential of the site which has been considered as part of the planning process for the Carlingford Precinct as a whole.</p> <p>Council's Principal Traffic and Transport Coordinator has reviewed the application and concurs with the findings outlined in the traffic report submitted with the application.</p> <p>The proposed 120 residential units, based on the RMS guideline rates, will generate in the vicinity of 30 additional peak hour trips being distributed to the surrounding road network.</p> <p>Certain traffic facility improvements identified in the precinct traffic report are to be implemented and funded on a priority basis through the Section 94 contributions plan.</p>	Issue addressed.
Preferred vehicular entry from Donald Street due to loss of mature vegetation and congestion.	The decision to locate the driveway access at Paul Place stems from the flood impacted flow path zone through the site which resulted in Paul Place being the optimal location for vehicular access.	Issue addressed.
Traffic Management/Site Management during construction.	A condition is recommended to be imposed in any consent requiring submission of a Construction Management Plan prior to the issue of a Construction Certificate to ensure traffic and site management during construction minimise impact on the locality.	Issue addressed. Refer Condition No. 63.
Opposed to further residential apartment buildings in the Carlingford Precinct.	The site forms part of the Carlingford Precinct, a transitioning area from low density single detached	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>residential dwellings to high density residential apartment buildings as envisaged in Council's LEP which rezoned the site to R4 High Density Residential.</p> <p>Whilst currently the area is predominantly low density, Council's future intent for the locality (including the subject site) is for the built form to reflect a transition of scale between the larger residential apartment buildings around the train station in the south of the Precinct and the smaller scale residential apartment buildings proposed to the north of Post Office Street.</p> <p>The proposal has been designed generally in accordance with the relevant controls for residential flat buildings in the Carlingford Precinct.</p>	
<p>Concern is raised that the existing infrastructure is unsuitable to handle the proposed development and future growth within the Carlingford Precinct, resulting in traffic congestion and severely constrained road network.</p>	<p>The proposal is consistent with the desired development outcome for the Carlingford Precinct which has been identified by Council as appropriate for high density residential flat development. As outlined within the traffic report the traffic impacts associated with the proposal are considered to be reasonable and will not result in excessive traffic congestion within the locality. This has been examined by Council's Principal Traffic and Transport Coordinator who concurs with the findings of the report.</p>	<p>Issue addressed.</p>
<p>Potential view loss associated with the proposed development. The northerly looking vista from the upper floors of their apartment building is the primary reason they purchased an apartment unit at the corner of Post Office Street and Boundary Road. The southern view from their</p>	<p>Given the site's topography, location and nature of surrounding development, it is considered that the proposal is unlikely to adversely affect any significant views available through the site from surrounding properties. The proposed variation to the 16m building height limit in the LEP</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
apartment is already obscured by the surrounding apartments, but this is acceptable and within the LEP limits. To obscure their sunny north views of the distant tree lines will reduce the value of their property.	occurs in a small portion of the parapet of Building A which is considered minor. The impact of the proposal on property values is unknown. No evidence has been provided to substantiate this claim. The site is located within an area undergoing transformation and transition and accords with Council's vision and future character for the Carlingford Precinct as envisaged in the Local Environmental Plan and DCP for the Carlingford Precinct.	

SUBDIVISION ENGINEERING COMMENTS

Council's Senior Subdivision Engineer in coordination with Council's Floodplains Systems Engineer has assessed the proposal and accompanying documentation which includes a flood impact assessment of the overland flow which traverses the subject site. The flood impact assessment report provides an assessment of flooding from the overland flows and takes into account Council's requirements in relation to blockages in the in-ground drainage system.

No objection is raised to the proposal subject to conditions.

TRAFFIC COMMENTS

Council's Principal Coordinator Road and Transport has assessed the application and concurs with the findings of accompanying traffic report. The proposed 120 residential units, based on the RMS guideline rates, will generate in the vicinity of 30 additional peak hour trips being distributed to the surrounding road network.

The additional traffic from the proposed development has been considered as part of the planning process for the Carlingford precinct as a whole.

Transport facilities improvement works have been identified in the Section 94 Contributions Plan No. 14 - Carlingford Precinct (such as upgrade to Jenkins/Pennant Hills Road Intersection, traffic signals at Post Office Street/Jenkins Road Intersection and Moseley Street/Pennant Hills Road Intersection, roundabouts at the intersections of Boundary Road/Post Office Street, Young Road/Post Office Street, Moseley Street/Tanderra Avenue and Moseley Street/Young Road, pedestrian paths and cycleways, bus shelters and upgrade of the existing pedestrian bridge over the railway line) and will be implemented and funded on a priority basis.

No objection is raised on traffic grounds.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposal subject to conditions.

ROADS & MARITIME SERVICES COMMENTS

No objection is raised to the proposal subject to conditions.

NSW POLICE COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The application has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, Local Environment Plan 2012 and Development Control Plan 2012 Part D Section 12- Carlingford Precinct and Part C Section 1- Parking.

The Development Application is accompanied by a written objection to the maximum permitted building height, addressing Clause 4.6 of Local Environment Plan 2012. The proposal exceeds the 16 metre height limit by 1.542m or 9.6%. The variation is considered satisfactory as it does not result in unreasonable adverse impacts on adjoining properties in terms of overshadowing and overlooking.

The application has been assessed against the requirements of DCP 2012 Part D Section 12- Carlingford Precinct and variations have been identified in relation to the amalgamation plan, building height (number of storeys), setback to Paul Place and Donald Street, car parking and apartment size. Justification has been provided by the applicant and is considered satisfactory. In terms of variation to the car parking provision and apartment size, these standards cannot be used as grounds for refusal as they comply with the requirements set out in SEPP 65 Apartment Design Guide.

The application was notified for 14 days and placed on exhibition for public comments and received 10 submissions. The issues are addressed in the body of the report and do not warrant refusal of the application.

The application is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	REVISION	DATE
DA-001	Cover Sheet	C	20/01/2016
DA-002	Development Statistics & BASIX	D	19/01/2016
DA-006	External Perspective 1	A	19/06/2015
DA-007	External Perspective 2	A	19/06/2015
DA-008	External Perspective 3	A	19/06/2015
DA-009	External Perspective 4	A	19/06/2015
DA-010	Site/Roof Plan	B	21/09/2015
DA-011	Basement 2 Floor Plan	C	17/11/2015
DA-012	Basement 1 Floor Plan	C	17/11/2015
DA-013	Ground Level Floor Plan	D	19/01/2016
DA-014	Level 1-3 Floor Plan	C	19/01/2016
DA-015	Level 4 Floor Plan	C	19/01/2016
DA-020	Elevations 1	B	21/09/2015
DA-021	Elevations 2	B	21/09/2015
DA-030	Sections	C	17/11/2015
DA-040	Adaptable Layout – Unit A103-303	A	19/06/2015
DA-041	Adaptable Layout – Unit A106-306	A	19/06/2015
DA-045	Pedestrian Entry & Fence Details	A	19/06/2015
DA-065	Demolition Plan	A	19/06/2015
DA-31	Typical Ramp Sections	A	21/09/2015
LA01	Landscape Plan – Ground Floor	A	18/06/2015
LA02	Landscape Plan – Level Four Plant Schedule	A	18/06/2015
LA03	Landscape Details	A	18/06/2015
LA04	Precedent Images	A	18/06/2015

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

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Building Work to be in Accordance with BCA

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

4. Provision of Parking Spaces

The development is required to be provided with 215 resident and 24 visitor off-street parking spaces. These car parking spaces shall be available for off street parking at all times.

5. External Finishes

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

6. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

7. Tree Removal

Approval is granted for the removal of trees numbered 1-5, 8-17, 19, 21-55 as shown in Arboricultural assessment and impact report prepared by Horticultural Management Services dated 20th April 2015.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

8. Retention of Trees

Trees located on councils nature strip numbered 6, 7, 18 and 20 are to be retained with remedial work to be carried out in accordance with recommendations from Arborist report prepared by Horticultural Management Services dated 20th April 2015.

9. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

10. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

11. Surplus Excavated Material

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

12. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the

development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

13. Construction of Waste Storage Area(s)

All work involving construction of the waste storage area(s) is required to comply with the requirements of Council's 'Bin Storage Facility Design Specifications'. Total storage facilities for all buildings must be provided for a minimum number of 120 x 240l mobile garbage and recycling bins. A copy of the specifications is available at **www.thehills.nsw.gov.au**

14. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site or to any street adjoining the site prior to 7am Monday – Friday and 8am Saturday.

15. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

16. Secure Properties and Maintain Vegetation

The houses that are currently located on the development site are to be made secure so that the public cannot access the house or dump rubbish on the land. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the properties is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and / or unhealthy environment.

17. Compliance with the Requirements of the Roads and Maritime Services

Compliance with the following requirements of the RMS outlined in their letter dated 31 July 2015:

1. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of a Construction Certificate.
2. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 AS2890.6-2009 and AS 2890.2 - 2002 for heavy vehicle usage.

18. Compliance with the Requirements of the NSW Police

Compliance with the following requirements of the NSW Police – Local Area Command outlined in their letter dated 03 August 2015:-

Surveillance

- Car parking area be painted white to help reflect light.
- CCTV be installed at entry points into the car park, exit points and scattered throughout the car park including entrances to the flats and the community facilities within the site such as in the lifts, stairwells, fire doors, etc, covering the disabled parking and the motorcycle/bike parking.
- Security access to be utilised at the entrance of the car parking area. This is highly recommended by use of fob, remote or code access.
- Shrubs and shade trees must be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

- 3-5 metres of cleared space is to be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Lighting and Technical Supervision

- Lighting should meet minimum Australian Standards.
- Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways. Transition lighting is needed throughout the site to reduce vision impairment, i.e. reducing a person walking from dark to light places.

CCTV

- Suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided.
- Suggest the implementation of height indicator stickers on the entrance/exit doors. These used in conjunction with CCTV can give police an indication of an offender's height as they enter or exit and in turn may assist in the identification of possible offenders.

Territorial Reinforcement

- Territorial reinforcement can be achieved through design that encourages people to gather in public space and to feel some responsibility for its use and condition and with clear transitions and boundaries between public and private space.

Environmental Maintenance

- Avoid porous building surfaces when selecting materials for construction to minimise maintenance cost relating to graffiti vandalism.

Access Control

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime, e.g. *'Warning, trespasser will be prosecuted'* or *'Warning, these premises are under electronic surveillance'*.
- Ensure the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and better quality locking mechanism.
- All fire doors are to be alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies.
- Avoid creating outer ledges capable of supporting hands/feet and that balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development, it is recommended that palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

- Ground level units need to have upgraded security measures put in place such as doors and window being alarmed, thickened glass and sensor lights etc.
- Use of security sensor lights and a security company to monitor the site while construction is in progress.
- High quality letterboxes that meet the Australian standards - ISO9001:2008. The letterboxes should still be under CCTV surveillance to help deter letterbox mail theft.
- Recommends placing signs around the car park warning residents to watch those who come in the entry/exit door behind them. Residents are encouraged to wait until the door is fully closed behind them before continuing into the underground

car park. This will help prevent potential offenders from gaining entry via the open door.

- Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

19. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

20. Street Trees

Street trees must be provided for the section of Tanderra Avenue, Post Office Street and Paul Place fronting the development site spaced between 7m and 10m apart across the frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

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

21. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's DCP 2012 Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. The basement driveway must be crested to provide a minimum 200mm freeboard above the 1 in 100year ARI level.
- ii. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

22. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.

23. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design

must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

24. Requirements for Council Drainage Easements

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

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

25. Flood Compatible Development

The development must be completed substantially in accordance with the SGC Flood Study Report Project Ref: 2014.0393 Issue E dated 17/11/2015 and an addendum letter report Ref: 2014.0393-L03 5/2/2016 to ensure that the development is adequately protected from flood inundation whilst not impacting the existing flood behaviour in the locality. Detailed design and construction documentation required under the condition 'Engineering Works and Design' must be provided with the construction certificate.

26. Process for Council Endorsement of Legal Documentation

The development is required to release the disused drainage easements and amendment to the inter allotment drainage easement on the title/(s).

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

27. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

28. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

29. Excavation/ Anchoring Near Boundaries

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

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.

- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

30. Design Verification

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

31. Section 94 Contribution – Carlingford

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 bedroom units: 7	No. of 2 bedroom units: 100	No. of 3 bedroom units: 13	Sum of Units	No. Of Credits: 11	Total S94
Open Space - Land	\$ 3,888.19	\$ 4,991.22	\$ 5,680.62	\$ 9,375.77	\$ 27,217.33	\$ 499,122.00	\$ 73,848.06	\$ 600,187.39	\$ 103,133.47	\$ 497,053.92
Open Space - Capital	\$ 488.28	\$ 626.80	\$ 713.37	\$ 1,177.41	\$ 3,417.96	\$ 62,680.00	\$ 9,273.81	\$ 75,371.77	\$ 12,951.51	\$ 62,420.26
Transport - Capital	\$ 2,287.27	\$ 2,936.14	\$ 3,341.69	\$ 5,515.41	\$ 16,010.89	\$ 293,614.00	\$ 43,441.97	\$ 353,066.86	\$ 60,669.51	\$ 292,397.35
Administration	\$ 301.25	\$ 386.72	\$ 440.13	\$ 726.42	\$ 2,108.75	\$ 38,672.00	\$ 5,721.69	\$ 46,502.44	\$ 7,990.62	\$ 38,511.82
Stormwater Management	\$ 2,745.45	\$ 3,524.30	\$ 4,011.08	\$ 6,620.24	\$ 19,218.15	\$ 352,430.00	\$ 52,144.04	\$ 423,792.19	\$ 72,822.64	\$ 350,969.55
Community Facilities	\$ 1,500.31	\$ 1,925.92	\$ 2,191.93	\$ 3,617.74	\$ 10,502.17	\$ 192,592.00	\$ 28,495.09	\$ 231,589.26	\$ 39,795.14	\$ 191,794.12
Total	\$ 11,210.75	\$ 14,391.10	\$ 16,378.82	\$ 27,032.99	\$ 78,475.25	\$ 1,439,110.00	\$ 212,924.66	\$ 1,730,509.91	\$ 297,362.89	\$ 1,433,147.02

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

This condition has been imposed in accordance with Contributions Plan No. 14.

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

32. Internal Pavement Structural Design Certification

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

33. Erosion & Sediment Control Plan

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

- Allotment boundaries
- Location of the adjoining roads
- Contours
- Existing vegetation
- Existing site drainage

- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls
(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

34. Protection of Internal Noise Levels (Residential Unit Development)

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

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

In particular the acoustic statement shall detail that all recommendations contained within the *DA Acoustic Assessment* prepared by Acoustic Logic, project number 20150427.1, document reference 20150427.1/1606A/R0/MF and dated 16 June 2015 and any amended and approved acoustic report/s, have been included in the construction plans of the development.

35. Acoustic Report – Prior to Construction Certificate

Prior to the construction certificate being issued a new or amended acoustic report is required to be prepared and submitted to Council's Manager – Environment and Health for review, comment and approval.

The report '*DA Acoustic Assessment*' prepared by Acoustic Logic, project number 20150427.1, document reference 20150427.1/1606A/R0/MF and dated 16 June 2015 advises in section 5.3 Mechanical Plant that a detailed acoustic review is to be undertaken at construction certificate stage to determine acoustic treatments to control noise emissions to satisfactory levels from mechanical plant.

The new or amended acoustic report is also to consider and provide recommendations (if required) for construction methods for potential vibration impacts from the adjacent rail corridor.

36. Works in Existing Easement

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

37. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

38. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Public Domain Plan

Activities on all streets including Post Office Street, Tanderra Avenue, Donald Street and Paul Place frontages must be designed and constructed in accordance with Public Domain Plan – Carlingford Precinct.

Works include but not limited to footpath paving, kerb and gutter, cycle way, footpath verge formation, street name signs and landscape works.

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

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

ii. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

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

The driveway must be 6m wide at the boundary splayed to 8m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

iii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iv. Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans, and required amendment relating to relocation of retaining wall setback from the public road reserve boundary.

v. Public Infrastructure Upgrade

The development is required to carry out improvement works on existing drainage infrastructure, immediately downstream to the development, which have been identified in poor condition in the submitted CCTV test. Works shall include replacing the 375mm diameter pipe located across Paul Place and the 900mm diameter pipe traversing across Tanderra Avenue and Parklea Place connecting to the manhole.

vi. Stormwater Management

In order to ensure the proposed development does not have adverse impact on the existing flood behaviour and provision of adequate flood protection measures to the development based on best engineering practices on river management and floodplain risk management principles and infrastructure assets, detailed design and construction drawings shall include:

a) Diversion of Drainage Infrastructure:

Proposed diversion of existing drainage system and associated flood flow path must be designed and completed substantially in accordance with the Flood Study and Stormwater Concept Design prepared by S&G Consultants, which include the following reports and drawings:

Drawing	Reference	Revision	Date
Flood Study Report	Project Ref: 2014.0393	E	17/11/2015
Addendum to Flood Report	2014.0393-L03	-	05/2/2016
Ground Floor Plan Sheet 2 of 4	SW11	E	17/11/2015
Ground Floor Plan Sheet 2 of 4	SW12	E	17/11/2015

Detailed design and construction documentation must be submitted for approval. Works must include:

- i. Construction of diverted stormwater drainage network and associated flood flow path in accordance with the Stormwater Concept Plans SW 11 and SW 12.
- ii. Redesign to setback the excavation and construction of retaining walls in the vicinity of public road boundary, to be consistent with the Architectural Sections Drawing DA-030 Issue B dated 21 September 2015.
This redesign must be supported by the SGC Engineers Consultants ensuring the capacity of flood flow path, and no impact on flood behaviour including flood depth, velocity, flood hazard and risks.
- iii. Finish Floor Levels of the building and the provision of driveway crest must comply with the Flood Planning Levels as per the recommendation of the Flood Study Report.
- iv. Provision of Flood Retarding Basin proposed at the outlet (Drawing SW11 – Issue E) in order to retain the flood behaviour unmodified downstream.
- v. Reconstruction of the existing drainage pit and pipe of 600mm in Tanderra Avenue fronting the site with a new kerb inlet pit and a drainage pipe of 750mm diameter. The pipe must be extended up to the existing pit at the intersection of Tanderra Avenue and Paul Place and must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.
- vi. Construction of a new kerb inlet pit in Donald Street fronting the site as per the drawing SW12 Issue E and drainage pipe of 375mm diameter (minimum) within the flow path extended to the pit connecting the Post Office Street drainage.
- vii. Reconstruction of existing kerb inlet pit in Post Office Street fronting the site and the reconstruction of existing 600mm diameter pipe with 750mm diameter, which connects Post Office Street drainage to the flowpath.
- viii. Removal of all disused drainage structures within the site.

b) Pedestrian Bridge

The applicant is responsible for the design and construction of the proposed pedestrian bridge connecting the development with Post Office Street. Construction certificate documentation must be accompanied by detailed design of the bridge accompanied by certification by an accredited structural design engineer.

c) External Stormwater Management - Inter-allotment Drainage

Stormwater runoff enters the site from adjoining properties eastern upstream catchment shall be collected and discharged into Council's drainage system bypassing the site stormwater drainage system, along the eastern boundary adjoining the driveway.

This will require creation of inter-allotment drainage easement benefiting the upstream properties.

d) Maintenance Plan

A maintenance plan for the flood flow path, proposed bridge and associated structures to ensure the completion and ongoing maintenance of the waterway. This is to be inclusive of the proposed bridge across the flood path, landscaping and in-stream zones of the flow path.

e) Flood Compatible Materials

All building materials construction standards below the Flood Planning Level must be compatible to ensure the flood protection from the adjoin waterway.

All building walls adjoining the flood flow path must be adequately water proofed.

Finish surface levels of the flow path must be consistent with the recommendation of flood analysis to retain the flood behaviour unchanged from the pre-developed condition.

f) Structural Assessment and Certification

Structural Certification issued by a specialist structural engineer, experienced in riverine hydraulic processes for all the structures relating to flood flow path must be provided.

Certification is to be based and assessment against predicted 100 year ARI flood flow behaviour expected to be experienced at the site and having regard to the following parameters for design (as a minimum);

- Hydraulic loadings (flow depth, flow velocity)
- Shear stress and scour forces
- Scour impacts around and downstream of the structure
- Debris impact loadings
- Saturated ground conditions
- Any other relevant design considerations

g) Stormwater Outlet and Scour protection.

Erosion protection measures works are to be provided at the discharge points into the waterway within the site and at the downstream of the culvert. Stormwater outlets are to be designed and constructed, as a minimum, in accordance with the requirements of the following documents, while applying sound river engineering principles:

- Managing Urban Stormwater – Soils and Construction, published by the NSW Government
- other design methodology approved by Council

39. Site Stormwater Management, OSD and WSUD

i. Onsite Stormwater Detention System

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The Stormwater Concept Design Project Ref: 20140393 prepared by S&G Consultants is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

Drawing	Reference	Revision	Date
Ground Floor Plan Sheet 1 of 4	SW10	D	18/06/2015
Ground Floor Plan Sheet 2 of 4	SW11	D	18/06/2015
Ground Floor Plan Sheet 3 of 4	SW12	D	18/06/2015
Ground Floor Plan Sheet 4 of 4	SW13	D	18/06/2015
Details Sheet 1 of 2	SW16	B	28/05/2015
Details Sheet 2 of 2	SW17	D	16/09/2015

The detailed design must incorporate the following necessary changes:

- a) Provision of adequate access in accordance with the section 4.2.8 of the OSD Handbook.
- b) Relief drains proposed in the drainage pits must be deleted.
- c) All the drainage pits including collection pits, discharge control pit and the tank must provide mass concrete benching to the invert of the outlet/orifice to avoid sumps.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;

- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

ii. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of two bio-retention basins, four Stormfilter cartridges and one EnviroPod pit basket, are to be located generally in accordance with the MUSIC model, Engineering Plans Drawing No. SW10, SW11, SW12 and SW13 Issue D dated 18.06.2015 and the "Water Sensitive Urban Design Strategy Report" dated 16.09.2015 by SGC Consulting Engineers.

Detailed plans must ensure the provision of the following:

- a) Scour protection to be designed and constructed at the inlets of the bio-retention basins in accordance with the current edition of the publication Managing Urban Stormwater: Soils and Construction (Blue Book).
- b) All-weather access is designed and constructed for the maintenance of the Stormfilter, EnviroPod and Bioretention basins.
- c) The applicant is to install effective nutrient removing plants in the proposed bio-retention basins. Greater than 50% of plants installed are to be made up of Carex, Juncus, Melaleuca and Goodenia ovata species and be planted with a minimum density of 6 plants per square metre.

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

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

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

The design and construction of the OSD and WSUD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

40. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

41. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$400,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontages of the subject site plus an additional 50m on either side multiplied by the width of the road. Details are as follows.

Donald Street: 55m plus 50m for road width 9.5m

Post Office Street: 116m plus 100m for road width 10m

Tanderra Avenue: 85m plus 50m for road width 10m

Paul Place: 40m for road width 7.5m

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

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

42. Construction Management Plan - Flooding

A construction management plan demonstrating how the potential for conflict between flooding and construction is to be managed throughout all phases of the development must be prepared and complied with for the duration of works. This plan must be submitted before a Construction Certificate is issued.

43. Security Bond – Engineering Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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

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

44. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- a) Be in favour of The Hills Shire Council;
- b) Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;
- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

45. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

PRIOR TO WORK COMMENCING ON THE SITE

46. Sydney Water Building Plan Approval

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

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

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

47. Notification

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with Form 7 of the Regulation.

48. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000.

49. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

50. Consultation with Service Authorities

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

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

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

51. Stabilised Access Point

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

52. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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

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

53. Tree Protection Signage

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

54. Mulching within Tree Protection Zone

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

55. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

56. Discontinuation of Domestic Waste Service

Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner or site manager must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste. Please telephone Council on (02) 9843 0310 for the discontinuation of waste services.

57. Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction and/ or demolition phases of the development must be submitted to and approved by Council. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and/ or demolition phases of the development. The plan must address the following, but not limited to:

- (1) The type and estimated quantity of waste material to be removed from the site;
- (2) The location of waste disposal and recycling;
- (3) The company name of the skip bin hire company or transport contractor(s); and
- (4) The proposed reuse or recycling methods for waste remaining onsite.

58. Asbestos Investigation Removal

Prior to the commencement of any demolition works, an investigation of all existing buildings should be carried out by a suitably licensed asbestos contractor to assess the

presence of asbestos – containing materials. Details of the licensed asbestos contractors carrying out the investigation and, if necessary, the removal and disposal must be submitted to and be approved by the Principal certifying Officer.

59. Erosion and Sedimentation Controls

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

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

60. Site Water Management Plan

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

61. Erosion & Sediment Control Plan Kept on Site

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

62. Notification of Asbestos Removal

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

63. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

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

64. Sediment and Erosion Control

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

65. Public Infrastructure Inventory Report

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

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

DURING CONSTRUCTION

66. Hours of Work

Work on the project to be limited to the following hours: -
Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.
The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

67. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 624512M dated 05 June 2015 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

68. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings 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.

69. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

70. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

71. Rock Breaking Noise

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

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

72. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

73. Contamination

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

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

74. Dust Control

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

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

75. Asbestos Removal

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

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

76. Standard of Works

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

PRIOR TO THE ISSUE OF A FINAL OCCUPATION AND/OR SUBDIVISION CERTIFICATE

77. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

78. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

79. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

80. Design Verification Certificate

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

81. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

82. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled *DA Acoustic Assessment* prepared by Acoustic Logic, project number 20150427.1, document reference 20150427.1/1606A/R0/MF and dated 16 June 2015 and any amended and approved acoustic report/s. Certification is to be provided prior to the occupation certificate being issued.

83. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

84. Final Inspection of Waste Storage Area(s)

Prior to an Occupation Certificate being issued, a final inspection of the waste storage area(s) and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for waste collection by Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

85. Waste and Recycling Collection Contract

Prior to an Occupation Certificate being issued, the building owner must ensure that there is a contract with a licenced contractor for the removal of all waste generated on site. Written evidence of a valid and current collection contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

86. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

87. Consolidation of Allotments

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

88. Completion of Engineering Works

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

89. Flood Emergency Response Plan

Prior to the issue of an Occupation Certificate the applicant is to prepare and submit to Council for approval a site specific Flood Emergency Response Plan. The Flood Emergency Response Plan is to be specifically focused on the proposed landuse and the site conditions in conjunction with flood behaviour up to and greater than the 100 year ARI flood event experienced at the site.

Preparation of the Flood Emergency Response Plan is to utilise information provided within the draft Rouse Hill Integrated Stormwater Strategy Review, January 2009 (available through Sydney Water Corporation) and rely on the State Emergency Service (SES) Floodsafe Toolkit for Business, available at the SES website <http://www.ses.nsw.gov.au/topics/6471.html>, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood; and
- Recovery after a flood.

NOTE: The site specific Flood Emergency Response Plan is to be certified by a suitably qualified emergency management specialist, experienced in emergency urban flash flooding response prior to submission to Council.

90. Works as Executed Plan and Flood Certification

To ensure the development has been completed in accordance with the approved plans to comply with the Flood Compatible Development requirements the following documentation is must be provided to the Principal Certifying Authority upon completion of the above works and prior to a final inspection:

- a). Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor, in accordance with Council's Design Guidelines Subdivisions/ Developments must be submitted to Council when the engineering works are completed.
- b). The plan must show the extent of inundation, 1:100 year ARI storm flood levels along the flood flow path.
- c). The plans must be accompanied by site earth works details, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.
- d). A certificate from a suitably accredited engineer verifying that the development has been completed in accordance with the approved drawings and related conditions.

NOTE: Where Council is not the PCA for the development a copy of the above documentation must be submitted to Council.

91. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

92. Pump System Certification

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

93. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and
- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

94. Construction Certification of Bridge Structures

A certificate of structural adequacy prepared by a suitably qualified and practicing structural engineer must be submitted with the WAE plans certifying that the bridge has been built in accordance with the approved design. An itemised list detailing the quantity, length and tendered cost of each bridge component and associated works must also be submitted, along with a maintenance schedule.

95. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

96. Stormwater CCTV Recording

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

97. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

98. Performance/ Maintenance Security Bond

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

99. Legal Agreement – Drainage Easement Encroachment

The completion and registration of a deed of agreement acceptable to, and in favour of, Council preserving Council's right of access to pipelines and overland flow along the existing drainage easement. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request.

The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.

100. Amendment of Existing Easements

The existing drainage easements must be removed/ amended. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

101. Public Infrastructure Inventory Report - Post Construction

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

102. Creation of Restrictions / Positive Covenants

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

i. Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

ii. Easement – Private Stormwater Drainage

Inter-allotment drainage easement must be created over the diverted drainage structure constructed along the eastern boundary of the site.

iii. Restriction/Positive Covenant – Flood Flow Path

The subject site must be burdened with a restriction and a positive covenant to ensure the flood flow path and associated walls proposed with the development must be maintained to the requirements of the flood impact report.

iv. Restriction – Bedroom Numbers

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

v. Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

vi. Restriction/ Positive Covenant – Water Sensitive Urban Design

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

vii. Positive Covenant – Stormwater Pump

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

viii. Positive Covenant – Flood Emergency Response Plan

A positive covenant to ensure the implementation of the Flood Emergency Response Plan required under this consent.

USE OF THE SITE

103. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals and not less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

104. Lighting

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

105. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

106. Offensive Noise - Acoustic Report

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

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

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. LEP 2012 Zoning Map
5. LEP 2012 Floor Space Ratio Map
6. LEP 2012 Building Height Map
7. Carlingford Precinct DCP Potential Site Amalgamation Guide Plan
8. Carlingford Precinct DCP Setback Controls Map
9. Elevations (2 pages)
10. Sections
11. 3D Height Limit Analysis
12. Perspectives (2 pages)
13. Shadow Diagram
14. Options 1 & 2 for Future Development of 8 Donald Street
15. Structure Plan – Open Space Strategy
16. Structure Plan – Public Domain

ATTACHMENT 1 – LOCALITY PLAN



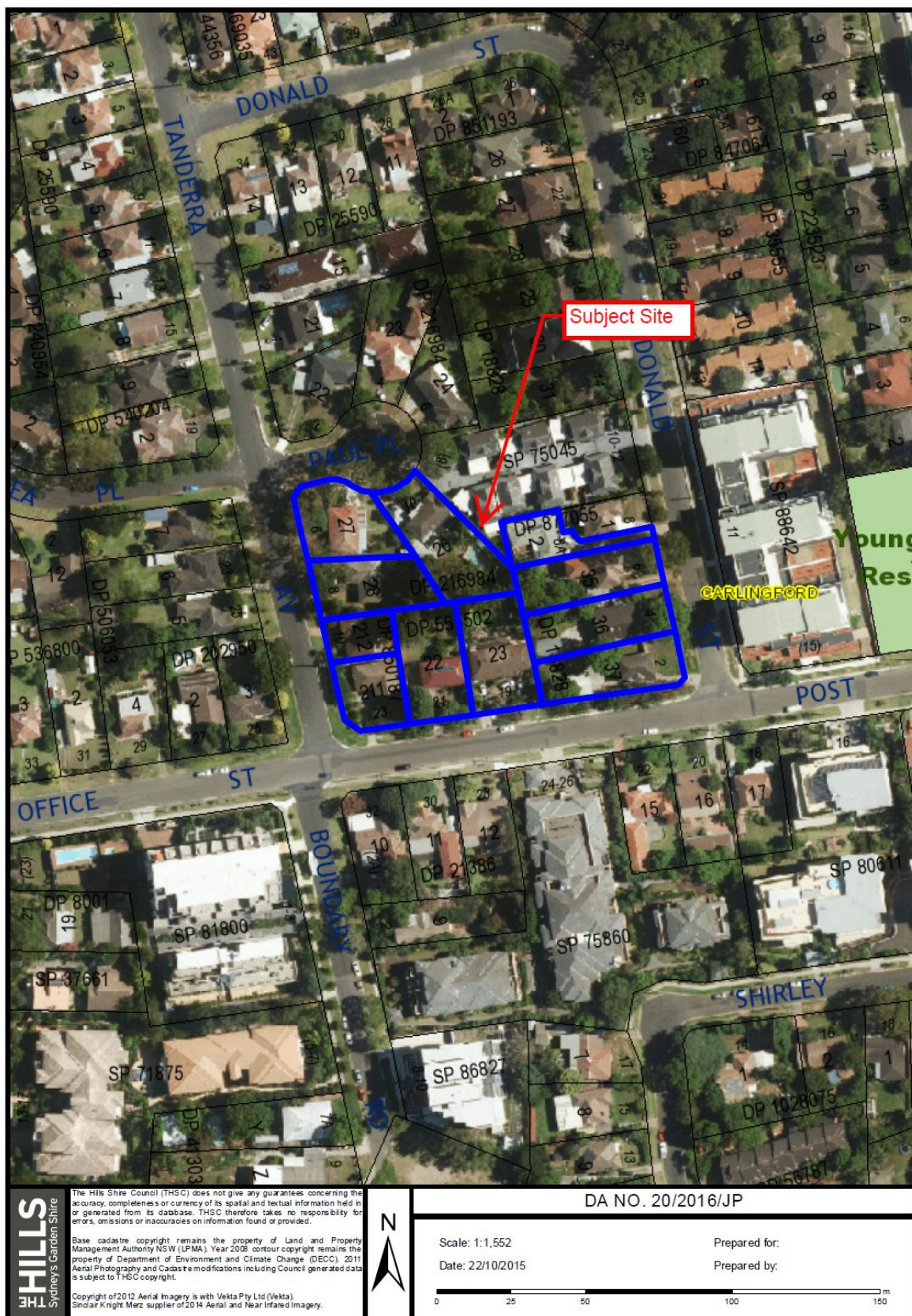
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

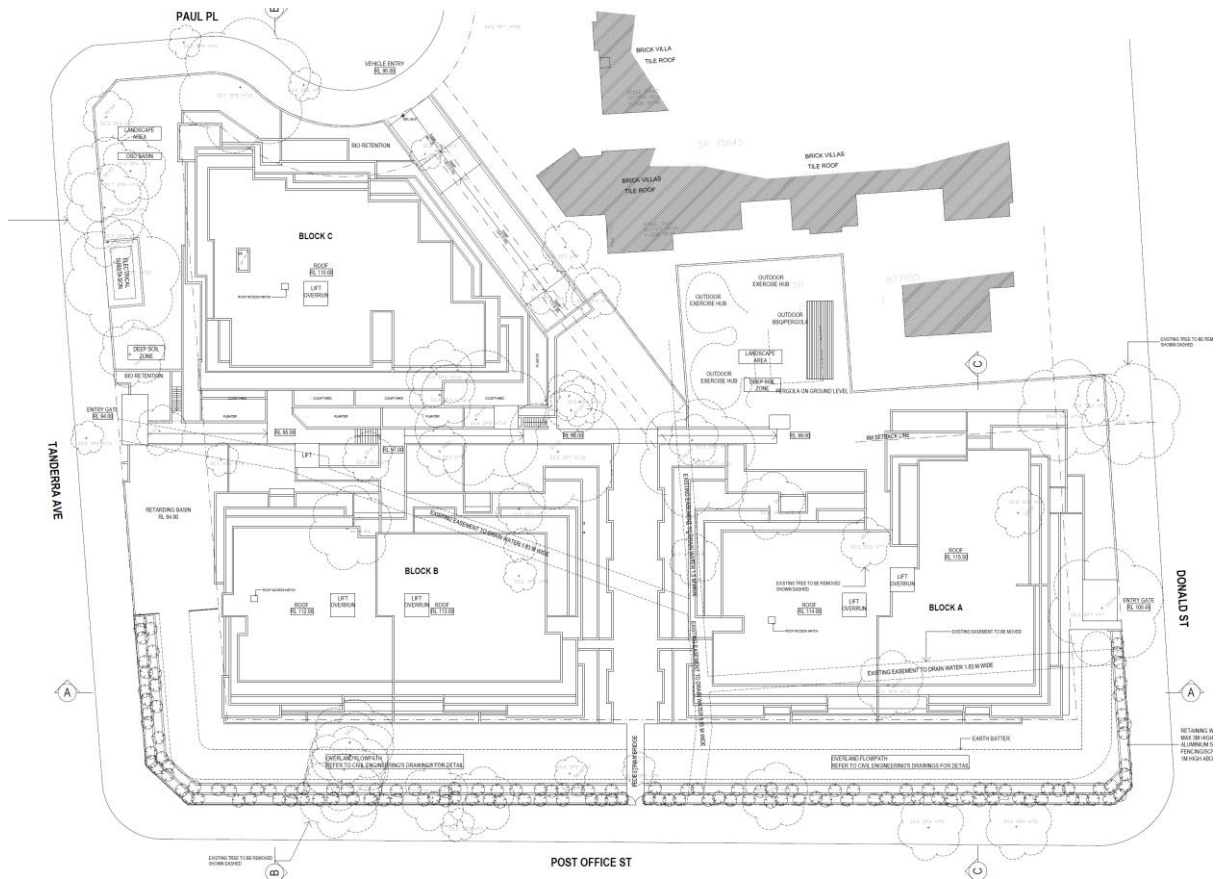
THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

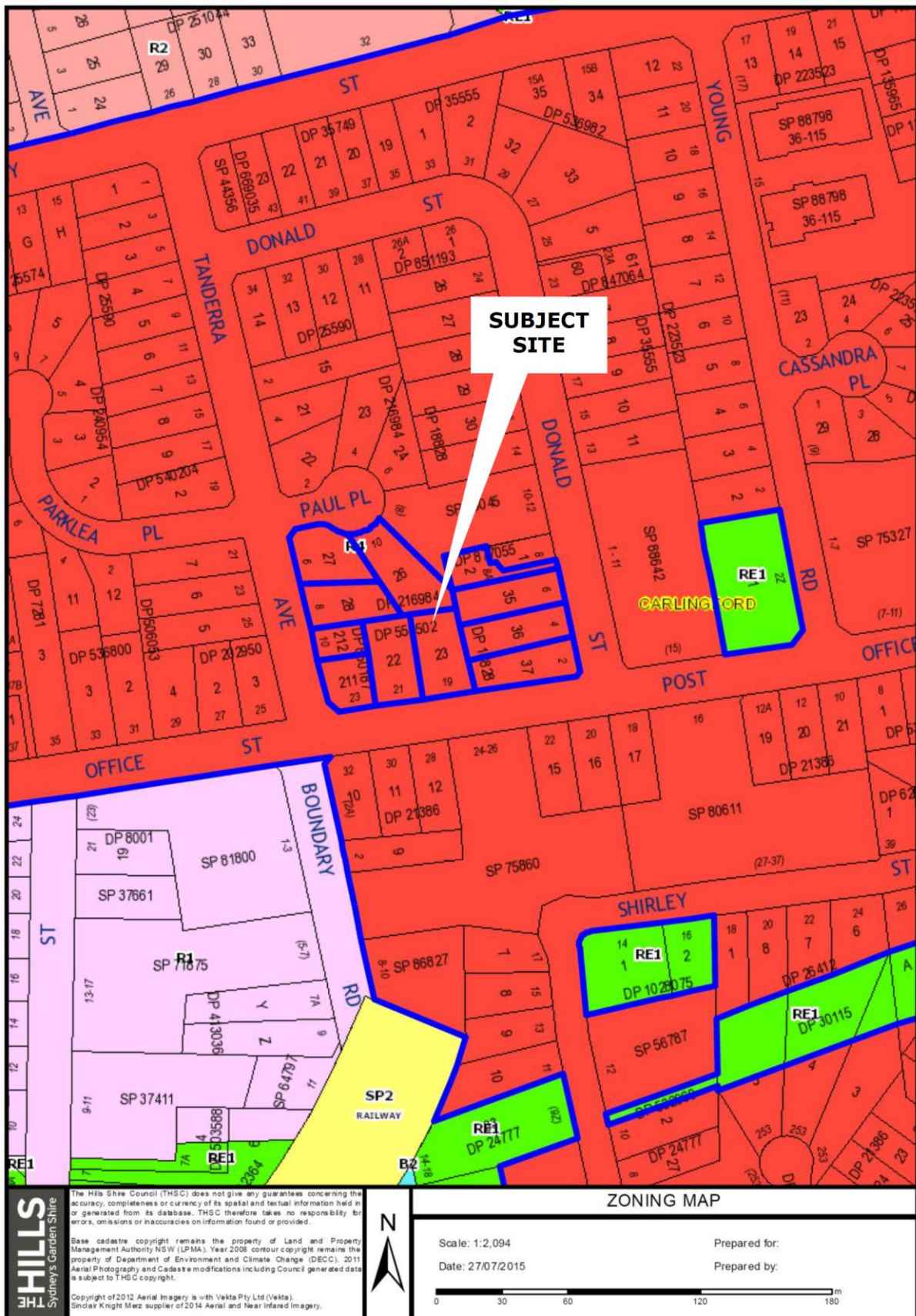
ATTACHMENT 2 – AERIAL PHOTOGRAPH



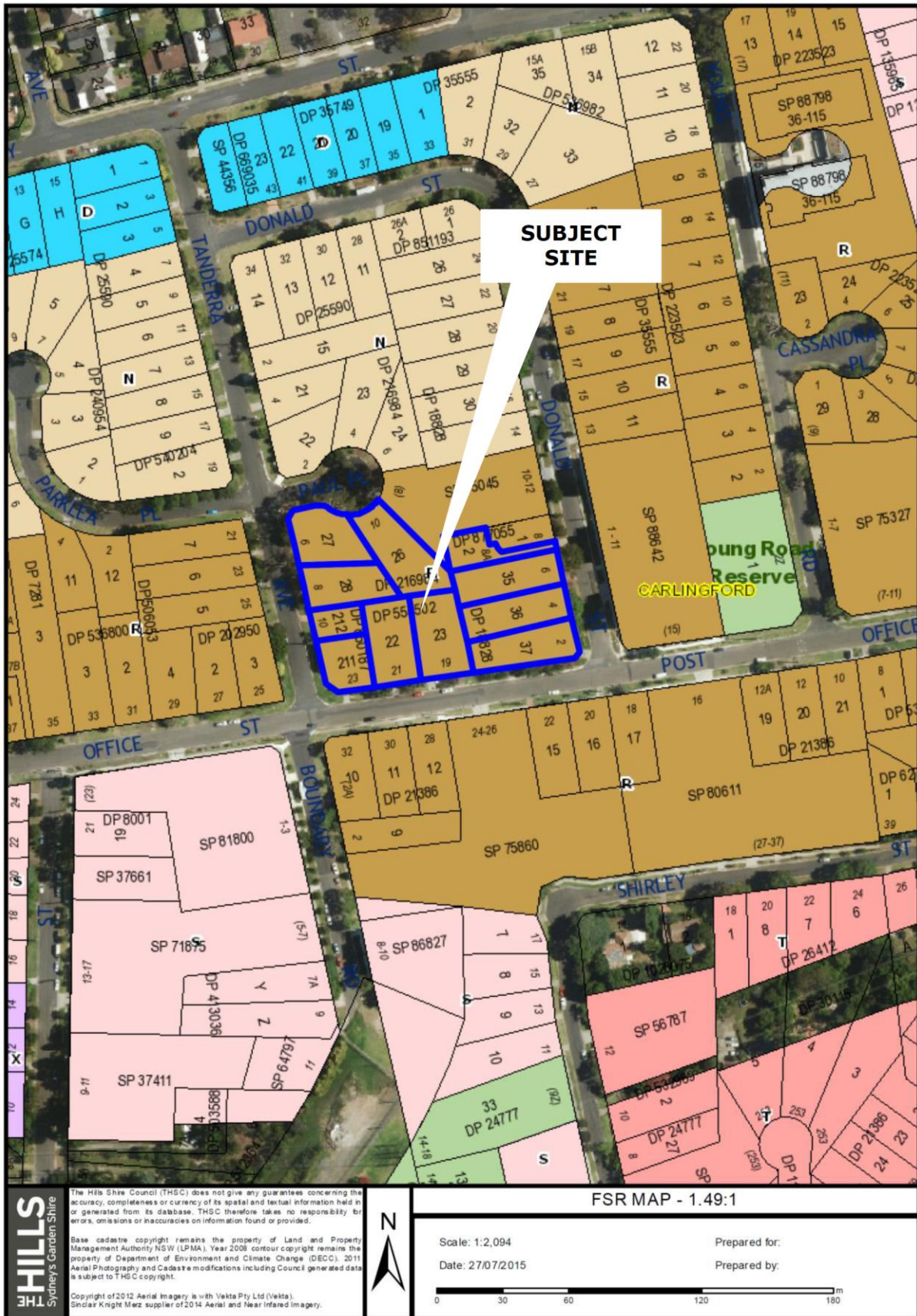
ATTACHMENT 3 – SITE PLAN



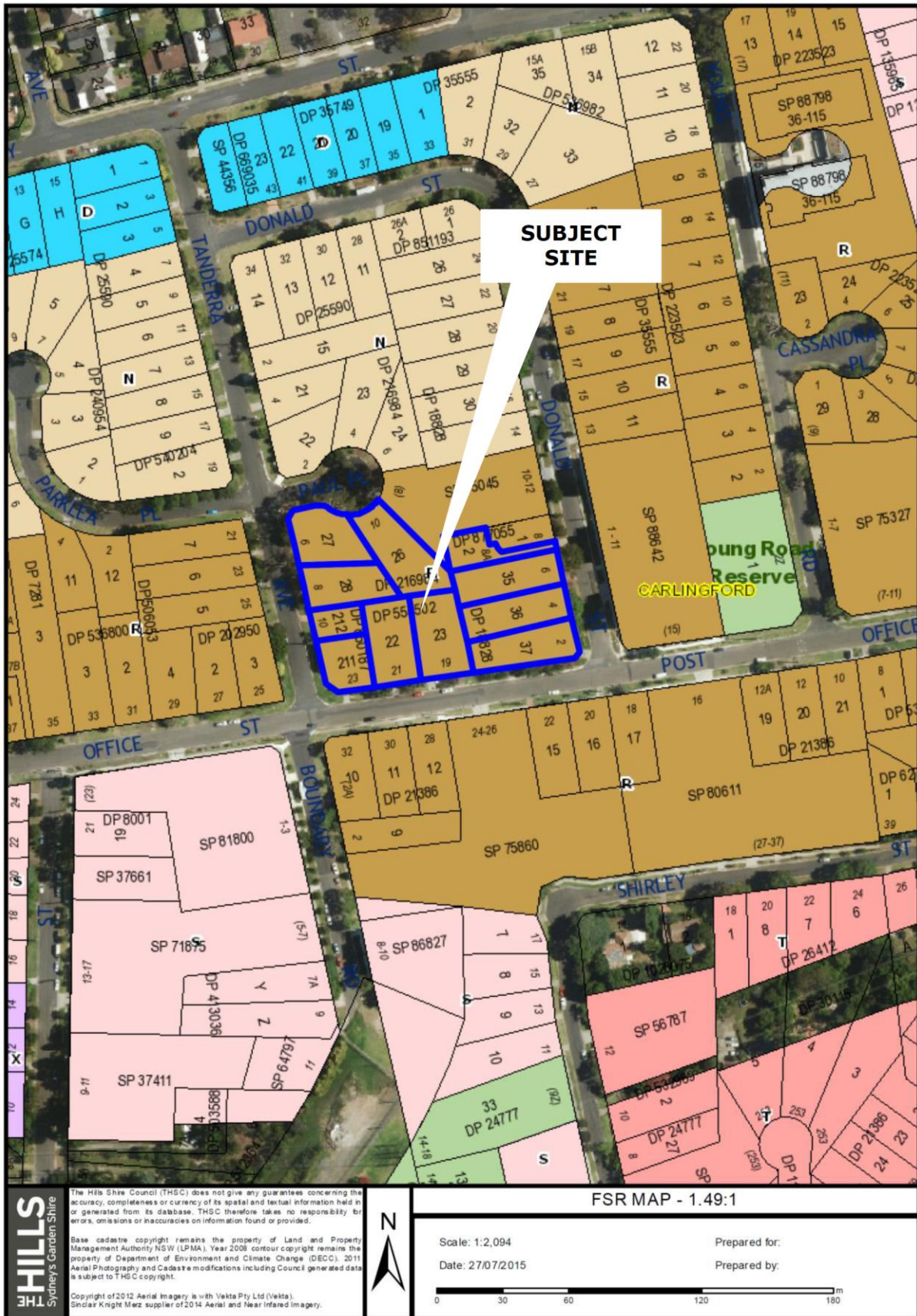
ATTACHMENT 4 – LEP 2012 ZONING MAP



ATTACHMENT 5 – LEP 2012 FLOOR SPACE RATIO MAP



ATTACHMENT 6 – LEP 2012 BUILDING HEIGHT MAP



ATTACHMENT 7 – CARLINGFORD DCP POTENTIAL SITE AMALGAMATION GUIDE PLAN

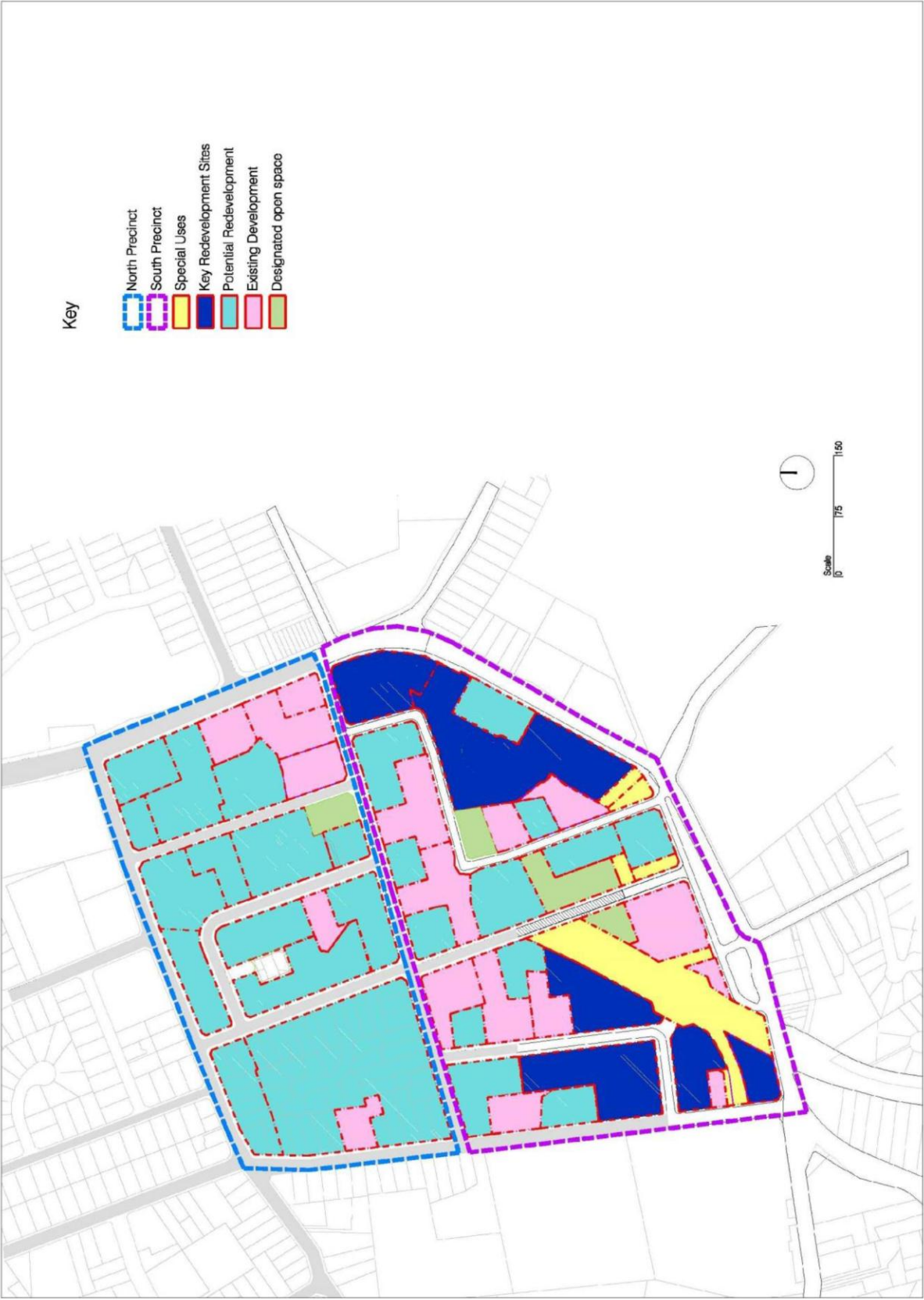
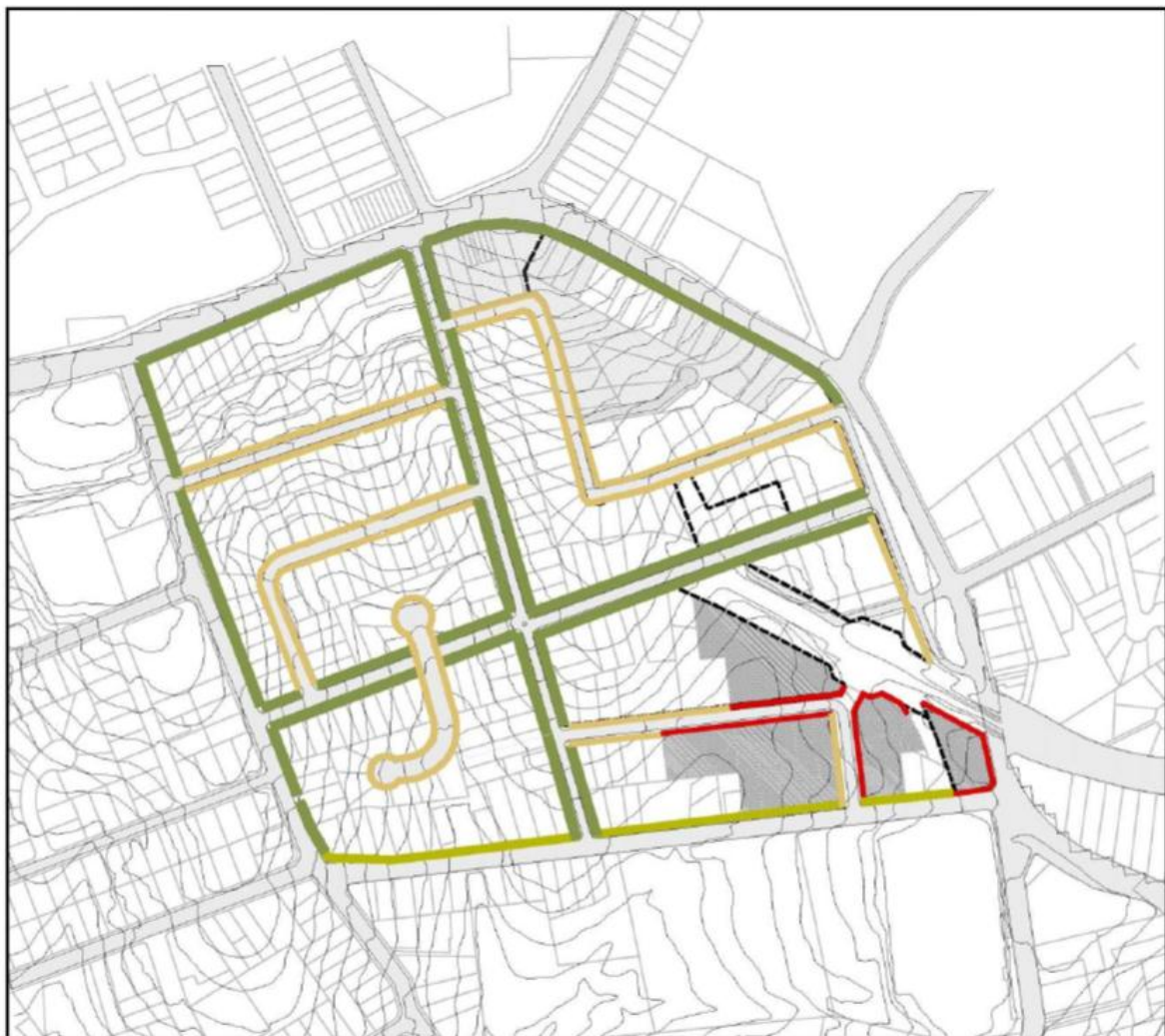


Figure 8. Potential Site Amalgamation Guide Plan

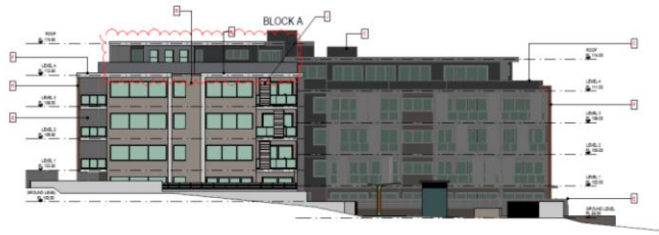
ATTACHMENT 8 – CARLINGFORD DCP SETBACK CONTROLS MAP



ATTACHMENT 9 – ELEVATIONS (2 PAGES)

1 OF 2





1 NORTH ELEVATION - BLOCK A 1:200



2 WEST ELEVATION - BLOCK A 1:200



3 NORTH ELEVATION - BLOCK B 1:200



4 EAST ELEVATION - BLOCK B 1:200



5 NORTH ELEVATION - BLOCK C 1:200

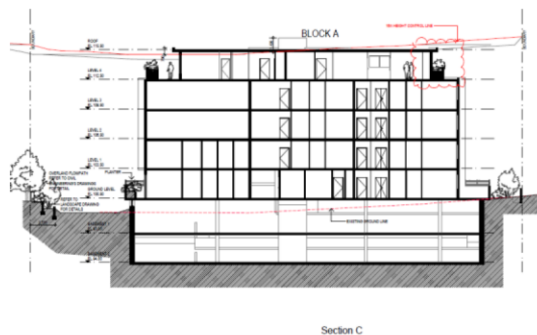
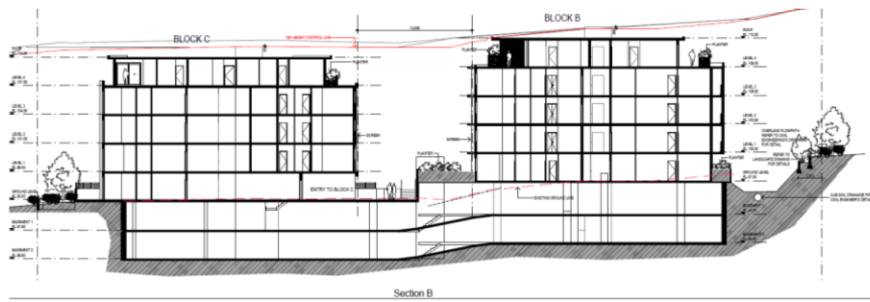
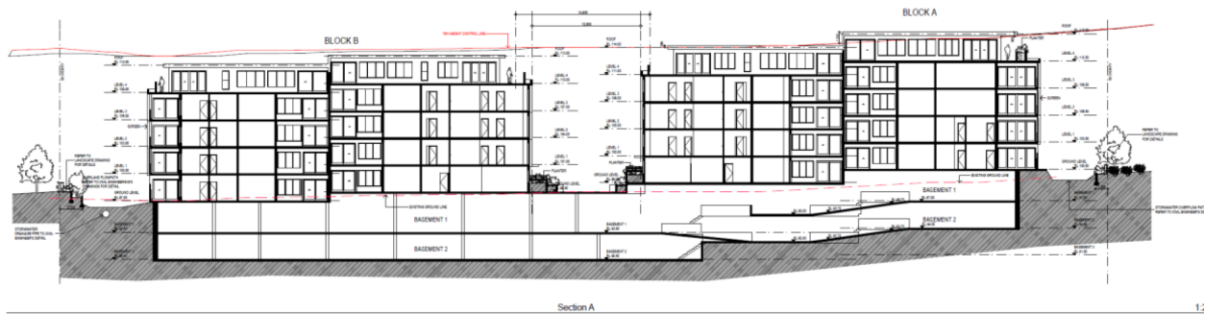


6 EAST ELEVATION - BLOCK C 1:200



7 SOUTH ELEVATION - BLOCK C 1:200

ATTACHMENT 10 – SECTIONS



ATTACHMENT 11 – 3D HEIGHT LIMIT ANALYSIS



ATTACHMENT 12 – PERSPECTIVES (2 PAGES)

1 OF 2



VIEW FROM CORNER OF POST OFFICE AND DONALD STREET

VIEW FROM CORNER OF POST OFFICE STREET & DONALD STREET



VIEW FROM CORNER OF POST OFFICE ST. AND TANDERRA AVE.

VIEW FROM CORNER OF POST OFFICE STREET & TANDERRA AVENUE



VIEW FROM CORNER OF TANDERRA AVE. AND PAUL PL.

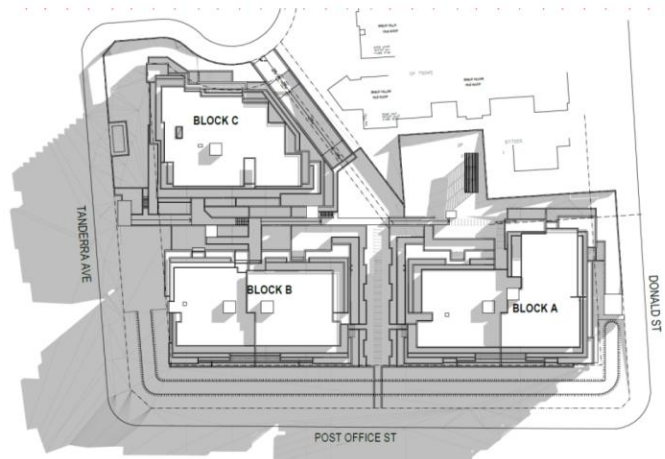
VIEW FROM CORNER OF TANDERRA AVENUE & PAUL PLACE



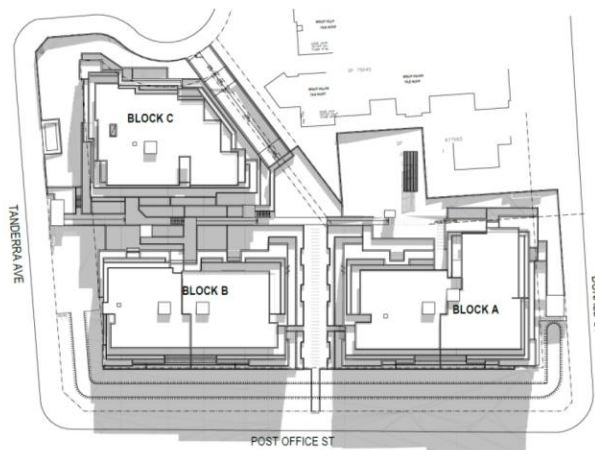
VIEW OF INTERNAL COMMUNAL COURTYARD

VIEW OF INTERNAL COMMUNAL COURTYARD

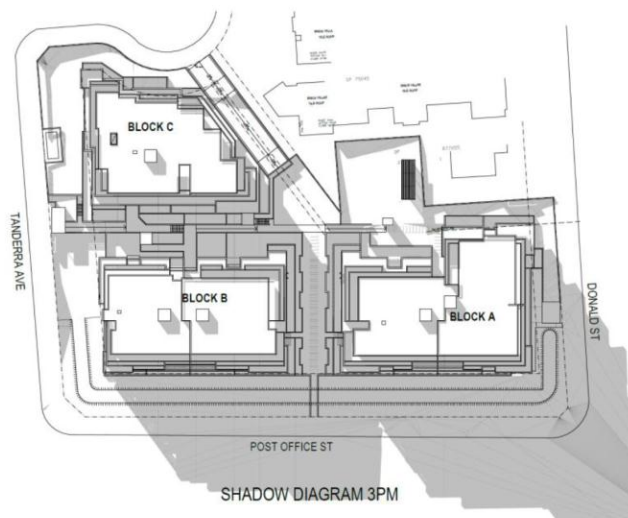
ATTACHMENT 13 – SHADOW DIAGRAM



SHADOW DIAGRAM 9AM



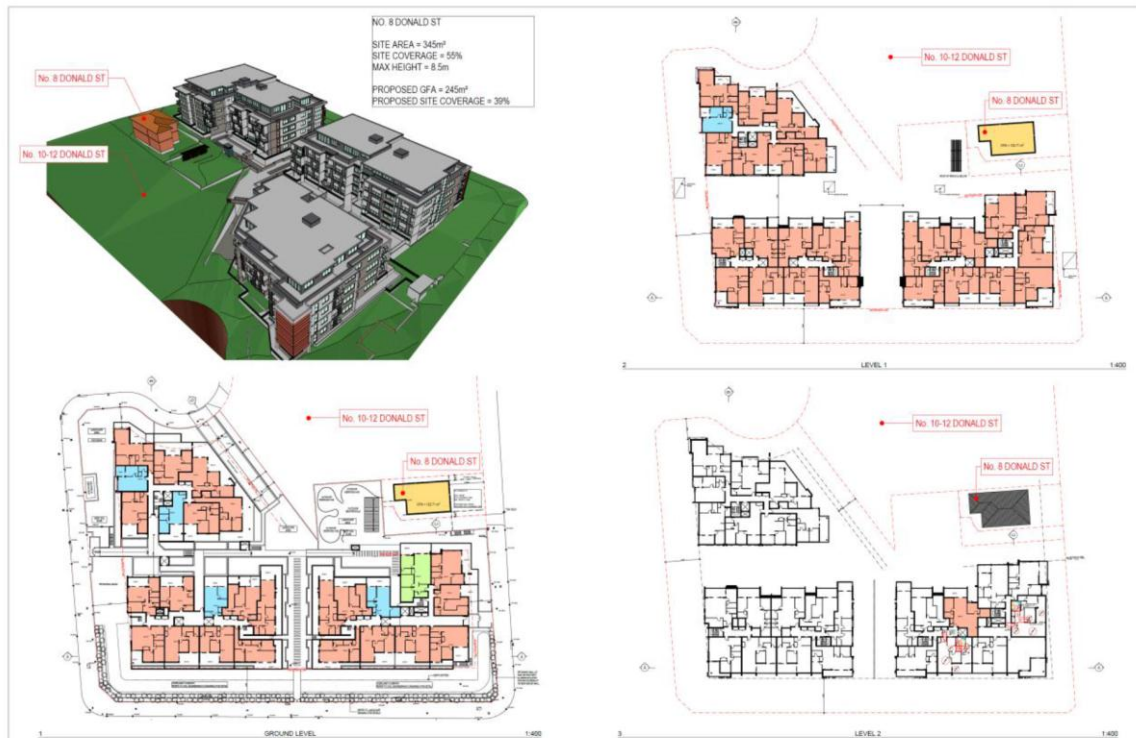
SHADOW DIAGRAM 12PM



SHADOW DIAGRAM 3PM

ATTACHMENT 14-OPTIONS 1 & 2 FOR FUTURE DEVELOPMENT OF 8 DONALD ST.

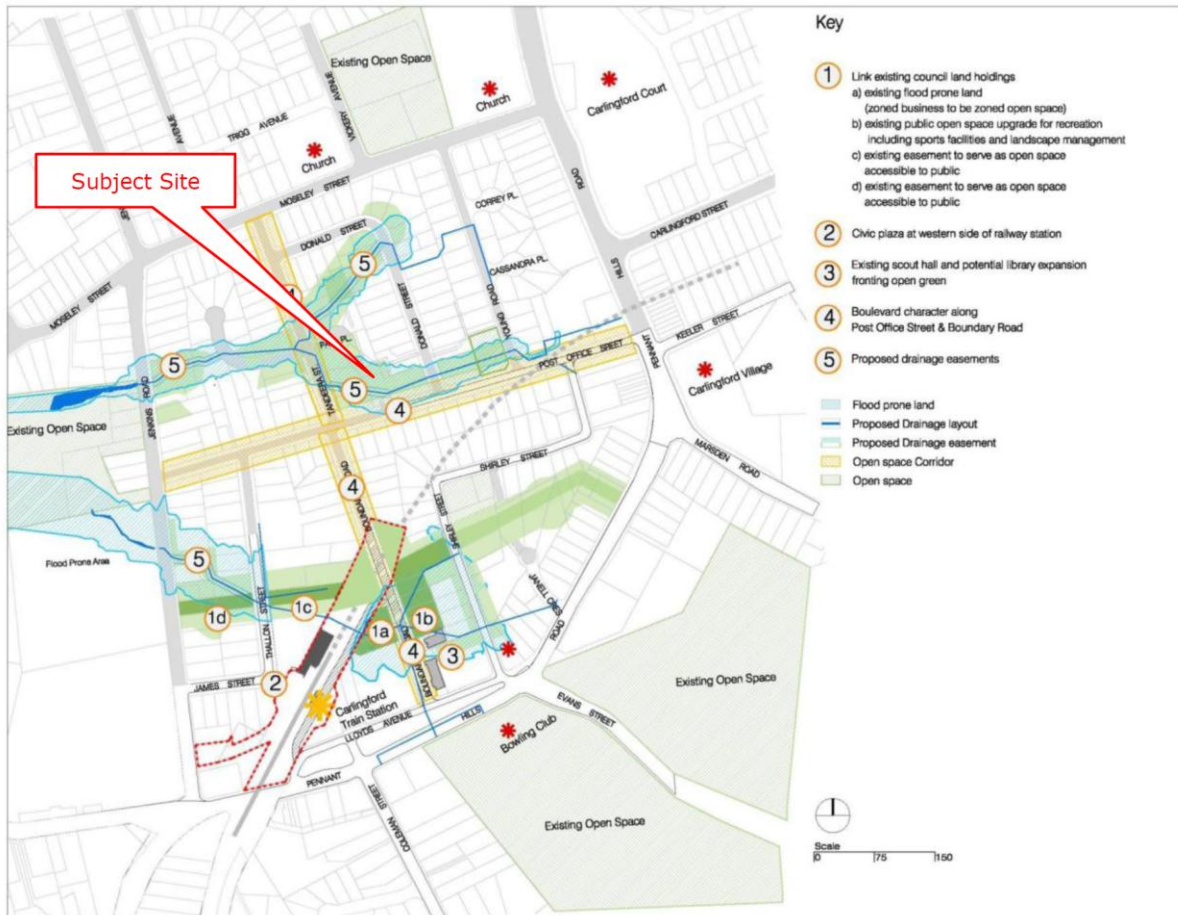
OPTION 1



OPTION 2



ATTACHMENT 15 – STRUCTURE PLAN – OPEN SPACE STRATEGY



ATTACHMENT 16 – STRUCTURE PLAN – PUBLIC DOMAIN

