



**SYDNEY WEST CENTRAL PLANNING PANEL**

**COUNCIL ASSESSMENT REPORT**

<b>Panel Reference</b>	2016SYW082
<b>DA Number</b>	DA/863/2016
<b>LGA</b>	City of Parramatta
<b>Proposed Development</b>	Demolition of six (6) dwelling houses, construction of two (2) x six (6) storey residential flat buildings comprising 61 units, excavation of two (2) level basement car park accessed from Hepburn Avenue, providing 88 spaces; Strata subdivision of the residential units and associated landscape works, fence and tree removal.
<b>Street Address</b>	2-2A Hepburn Avenue & 199-203 Carlingford Road, Carlingford Lots 1 and 2 DP 845101, Lots 1 and 2 DP 879689, Lot 2 DP 30015, and Lot 3 DP 419712
<b>Applicant/Owner</b>	SWA Group
<b>Date of DA lodgement</b>	20 April 2016
<b>Number of Submissions</b>	4
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Pursuant to Clause 3 of Schedule 4A of the <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i> , the development has a capital investment value (CIV) of more than \$20 million.
<b>List of all relevant s79C(1)(a) matters</b>	<ul style="list-style-type: none"><li>• <i>Environmental Planning and Assessment (EP&amp;A) Act 1979</i></li><li>• Environmental Planning and Assessment (EP&amp;A) Regulations 2000</li><li>• SEPP (Infrastructure) (ISEPP) 2007</li><li>• SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004</li><li>• SEPP (State and Regional Development) (SEPP SRD) 2011</li><li>• SEPP (Sydney Harbour Catchment) (SEPP Sydney Harbour) 2005</li><li>• SEPP No. 55 (Remediation) (SEPP 55)</li><li>• SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65) &amp; Apartment Design Guide (ADG)</li><li>• Hornsby Local Environmental Plan (HLEP) 2013</li><li>• Hornsby Development Control Plan (HDCP) 2013</li></ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"><li>• Architectural Drawings</li><li>• Landscape Plans</li><li>• Clause 4.6 Variation Request (Height)</li></ul>
<b>Report prepared by</b>	Matthew Hedges, SJB Planning (NSW) Consultant Planner, City of Parramatta.
<b>Report date</b>	17 October 2017

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

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### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

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### Clause 4.6 Exceptions to development standards

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

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### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

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### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## 1. Executive Summary

The proposal provides for the demolition of all structures on the site and the construction of two (2) residential flat buildings of six (6) storeys, over two (2) levels of basement, containing 61 residential units, 88 car parking spaces, 18 bicycle parking spaces, four (4) motorcycle spaces, storage, waste storage, and communal open space.

The proposed development generally follows the building form for the site envisaged by Hornsby Shire Council Local Environmental Plan (HLEP) 2013 and Hornsby Shire Council Development Control Plan (HDCP) 2013. The Applicant has submitted a request to vary the maximum height of the buildings under Clause 4.6 of HLEP 2013. The request is considered to be well founded and acceptable. The variation is requested as the building is required to be raised above the existing ground level to accommodate flood water storage to its northern side, to allow access for waste collection vehicles and to facilitate a complying development floor to floor height of 3.1 metres.

No overshadowing or amenity impacts on adjoining and nearby properties would be experienced as a result of the proposed development. It is considered that the proposed increase in traffic would not compromise the efficient function of the local road network. Upgrades to the public realm have been requested by Council during the DA processes.

The application has been assessed relative to Section 79C of the *Environmental Planning and Assessment (EP&A) Act 1979*, taking into consideration all relevant State and local planning controls. The proposal has demonstrated compliance with the relevant controls and guidance and provides a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the Development Application (DA) is recommended.

## 2. Site Description, Location and Context

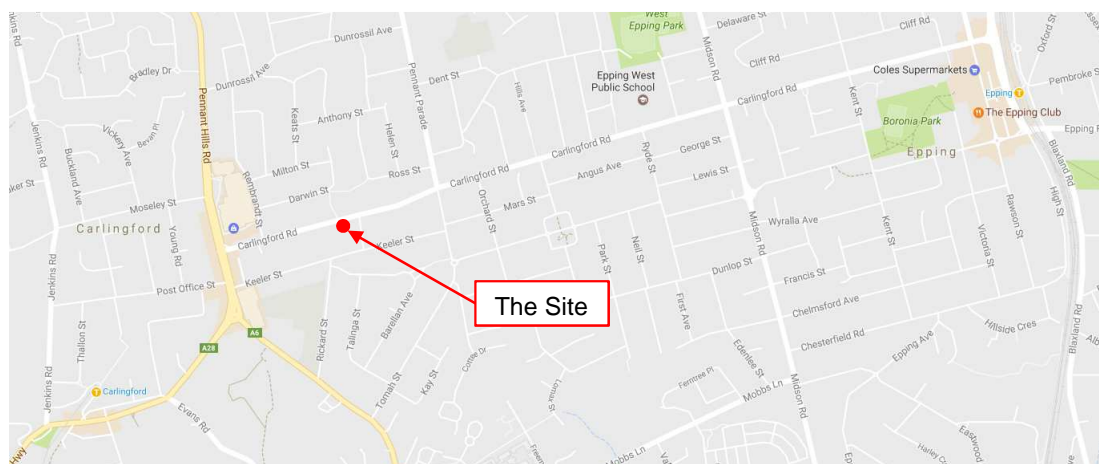
The site is located to the corner of Carlingford Road and Hepburn Avenue, close to Carlingford Town Centre, and is legally described as Lots 1 and 2 DP 845101, Lots 1 and 2 DP 879689, Lot 2 DP 30015, and Lot 3 DP 419712.

The site is 3319.58m<sup>2</sup> in size and is rectangular in shape, with a 66m frontage to Carlingford Road, and 47m frontage to Hepburn Avenue. The site falls from east to west from RL110.41 to RL104.01 (6.4m).

The site currently accommodates six (6) detached dwellings: 199, 199A, 201 and 203 Carlingford Road, and 2 and 2A Hepburn Avenue.

To the east of the site are low density residential dwelling houses, mainly formed of detached dwelling houses set within their own allotments. To the south of the site is a recently constructed residential flat building (RFB), and to the west of the site are detached dwellings which are known to be in the control of the applicant, and are the subject of a separate DA. To the north of the site is Carlingford Road, with a mixture of RFBs with detached dwellings beyond.

Carlingford Town Centre, 440m away, provides access to a range of public transport options. Epping town centre is located 2.3km from the site, and provides direct rail links to Sydney Central Railway Station and the CBD, as well as services to the north and south. Both town centres are linked by the 630 and M54 bus routes, and provide a range of shopping and local facilities.



**Figure 1.** Locality Map showing subject site and Epping and Carlingford Town Centres and site location.

The following applications are relevant to the proposal:

Site	DA	Description / Details	Approved
30 Keeler Street, Carlingford	DA/1229/2013	Construction of a five (5) storey residential flat building containing 48 units with basement car parking.	13/08/2014
58-60 Keeler Street, Carlingford	DA/03/2014	Construction of a five (5) storey residential flat building containing 31 units and basement parking.	18/06/2014

### 3. The Proposal

The proposal involves the following:

- Demolition of existing structures, hard stand areas, and vegetation removal;
- Construction of two (2) residential flat buildings of six (6) storeys each containing:
  - 61 residential units;
  - Two (2) levels of basement containing;
    - 88 car parking spaces;
    - 18 bicycle parking spaces;
    - Four (4) motorcycle spaces;
    - Residential storage cages;
    - Waste storage areas; and
    - Storm water detention.
  - Communal open space;
  - Overland Flow Flood path; and

- Flood water storage facility.
- Public domain improvements including new pedestrian footpaths.

### Summary of Amended Proposal

The submitted DA has been amended on several occasions during the assessment process, in response to concerns raised by Council Officers.

The applicant submitted revised drawings and documentation at each stage addressing the concerns, which included the following changes:

- Revised apartment layouts to address poor internal living spaces;
- Revisions to ensure ADG compliance;
- Addition of window to communal corridors;
- Revised communal open space;
- Addition of acoustic fencing to Carlingford Road;
- Revised waste collection and storage;
- Floor to ceiling heights;
- Basement height revisions to allow servicing;
- Parking layout revisions;
- Motorcycle parking;
- Building alignment revisions;
- Drainage (on site detention) and overland flow alterations; and
- Public domain alterations (addition of bus stop and footpath).

## 4. Referrals

The following referrals were undertaken during the assessment process:

Sydney West Joint Regional Planning Panel	
20 July 2016	<p>Concerns were raised with respect to the below matters by the Panel Members:</p> <ul style="list-style-type: none"> <li>• RMS Easement not identified on proposed plans and adhered to;</li> <li>• Lack of motorcycle spaces;</li> <li>• On site building separation;</li> <li>• Location of communal open space;</li> <li>• Building setback;</li> <li>• Failure of design and layout to respond to sloping nature of the site, resulting in poor solar penetration to units and open spaces; and</li> <li>• Inadequate preparation of Clause 4.6 Submission.</li> </ul>
Sydney West Central Planning Panel	
2 August 2017	<p>The applicant was reported to the Sydney West Central Planning Panel on 2 August, and the Panel deferred DA/863/2016 to enable the following:</p>

	<ul style="list-style-type: none"> <li>• Further consultation between the applicant and Council's planners to clearly define the concerns of the latter, and make all necessary revisions to clearly meet the objectives of the Apartment Design Guide;</li> <li>• Further amended plans to be prepared that address all concerns identified in Part 1 above; and</li> <li>• The above two (2) actions are to occur within six (6) weeks of the date of the meeting.</li> </ul>
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#### External

Authority	Comment
Roads and Maritime Services (RMS)	RMS required alterations to the scheme to ensure easements in their favour are maintained. The scheme has been altered to take these into consideration.
Endeavour Energy/Ausgrid	No response has been received.
Water NSW (Integrated)	No response has been received.
Sydney Water	No response has been received.

#### Internal

Authority	Comment
Landscape and Tree management	<p>No objection to proposed tree removal, other than the removal of a tree identified on an adjacent site.</p> <p>Conditions have been provided for inclusion in any positive decision notice.</p>
Urban Design	<p>A number of design issues were raised by Councils Urban Designers in relation to apartment layout, and public domain enhancements. These have either been addressed by the applicant or suitable conditions have been included.</p> <p>It is therefore considered that the issues raised have been satisfactorily addressed.</p>
Transport	Considers the development acceptable and have provided conditions for inclusion in any positive decision notice.
Engineer (catchment)	<p>The site is affected by substantial overland flow path which has been addressed and the scheme now includes flood storage. The flood path is to be densely planted to avoid use by residents and a condition has been included requiring this to be undertaken.</p> <p>Recommended conditions have been included as part of the response.</p>

Authority	Comment
Engineer (drainage)	The proposed development can be supported subject to the recommended conditions.
Environmental Health Officer	Satisfies the proposal satisfies Council's controls and can be subject to the recommended conditions.

## 5. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

### 5.1 Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats

Council's tree officer raised an objection to the removal of the tree identified as tree 20 on the accompanying arborist report. The applicant has subsequently amended the design of the proposed development to enable the retention of trees 20 and 21.

### 5.2 Section 79C: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 6
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Refer to section 7
Section 79C(1)(a)(iii) – Development control plans	Refer to section 8
Other	Refer to section 9
Section 79C(1)(a)(iiia) - Planning Agreement	Refer to section 10
Section 79C(1)(a)(iv) - The Regulations	Refer to section 11
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 12
Section 79C(1)(c) - Site suitability	Refer to section 13
Section 79C(1)(d) – Submissions	Refer to section 14
Section 79C(1)(e) - The public interest	Refer to section 15

**Table 2:** Section 79C(1)(a) considerations

## **6. Environmental Planning Instruments**

### **6.1 Overview**

The instruments applicable to this application comprise:

- SEPP (Building Sustainability Index: BASIX) (BASIX SEPP) 2004;
- SEPP (Infrastructure) (ISEPP) 2007;
- SEPP (State and Regional Development) (SEPP SRD) 2011;
- SREP (Sydney Harbour Catchment) (SREP (Sydney Harbour)) 2005;
- SEPP No. 55 (Remediation) (SEPP 55);
- SEPP No. 65 (Design Quality of Residential Apartment Development) (SEPP 65); and
- Hornsby Local Environmental Plan (HLEP) 2013.

Compliance with these instruments is addressed below.

### **6.2 State Environmental Planning Policy (Infrastructure) 2007**

The proposal is considered to constitute a 'traffic generating development' as it proposes parking for more than 50 motor vehicles. The DA has been referred to RMS, who have responded requiring an easement in their favour to be maintained. No other concerns have been raised or recommended conditions being imposed on any consent.

### **6.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The application is accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out.

### **6.4 State Environmental Planning Policy (State and Regional Development) 2011**

As this proposal has a CIV of more than \$20 million, Part 4 of this Policy provides that the Sydney West Central Planning Panel (SWCPP) is the consent authority for this application.

### **6.5 Sydney Regional Environmental Policy (Sydney Harbour Catchment) 2005 (Deemed SEPP)**

This policy, which applies to the whole of the Parramatta LGA, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment, and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during construction and operational phases of the development.



## 6.6 State Environmental Planning Policy No. 55 – Remediation of land

No site investigation has been submitted as part of the DA. Notwithstanding, consideration have been given to Clause 7 of the SEPP and it is considered that the subject land is unlikely to be contaminated given its history of use for residential purposes and no further action is required prior to the determination of this DA.

## 6.7 State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)

SEPP 65 applies to the development as the proposal is for a new building, is more than three (3) storeys in height, and will have more than four (4) units. SEPP 65 requires that residential flat buildings satisfactorily address nine (9) design quality principles, and consider the recommendations of the ADG.

### *Design Quality Principles*

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The proposal is considered to be inconsistent with the design principles for the reasons outlined below:

Requirement	Council Officer Comments
<b>Principle 1: Context and Neighbourhood Character</b>	<p>This part of Carlingford Road has been rezoned as a R4 High Density Residential zone. The surrounding development is formed of densely constructed apartment buildings arranged predominantly over five storeys.</p> <p>The development complies with the ADG and Council's DCP and contributes to the desired character of the area.</p>
<b>Principle 2: Built Form and Scale</b>	<p>The built form and scale responds appropriately to the site constraints and topography. The proposed development is broadly consistent with the setbacks required by HDCP and the ADG.</p> <p>The minor variation to the building height above that allowed by HLEP is considered acceptable for the reasons set out in part 6.6 of this report and therefore it is considered that the built form and scale is acceptable and meets the requirements of Principle 2.</p>
<b>Principle 3: Density</b>	<p>The proposed development provides the required building separation and setbacks and satisfactory solar access to the communal open space and at least 70% of the principle private open spaces and principle living rooms of dwellings.</p>
<b>Principle 4: Sustainability</b>	<p>A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development.</p> <p>The application includes suitable provision of bicycle parking for both visitors and residents (provided in secure areas), and is in a location well served by public transport.</p>

Requirement	Council Officer Comments
<b>Principle 5: Landscape</b>	The development proposed is consistent with the objectives of the HDCP 2013.
<b>Principle 6: Amenity</b>	The proposed development is consistent with the requirements of the ADG providing sufficient communal and private open space, solar access and cross ventilation. It is therefore considered that the proposed development will provide sufficient amenity for future residents.
<b>Principle 7: Safety</b>	The proposal is considered to provide appropriate safety for occupants and the public for the following reasons: <ul style="list-style-type: none"> <li>• Surveillance of open spaces by residential balconies and windows from above;</li> <li>• Clear sight lines through the communal open space; and</li> <li>• Improved pedestrian access via improved footpaths to the public domain fronting Hepburn Avenue and Carlingford Road.</li> </ul>
<b>Principle 8: Housing Diversity and Social Interaction</b>	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities, optimising the provision of housing to suit the social mix, and provide for the future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to public transport.
<b>Principle 9: Aesthetics</b>	The appearance of the building is considered acceptable and in keeping with the surrounding residential flat buildings to the west and south of the site.

### ***Apartment Design Guide***

The relevant provisions of the ADG are considered within the following assessment table:

Standard	Requirement	Proposal	Compliance
<b>Part 3</b>			
<b>3B-1: Orientation</b>	The proposed RFBs adequately respond to the street frontage addressing both Hepburn Avenue and Carlingford Road, providing pedestrian access from both frontages, and vehicular access from Hepburn Avenue.		
<b>3B-2: Overshadowing</b>	<p>The proposed development does not adversely overshadow the neighbouring dwellings and private and public open spaces which all receive adequate solar access in excess of two (2) hours on the winter solstice (21 June).</p> <p>The required amount of solar access is received to the principle communal open space to the centre of the development.</p>		

Standard	Requirement	Proposal	Compliance
<b>3C: Public Domain Interface</b>	The public domain interface is considered acceptable. Planting is provided to the public spaces including a significant landscape buffer to Carlingford Road, which is considered to be an acceptable approach.		
<b>3D: Communal &amp; Public Open Space</b>	Minimum 25% of site area.	1033m <sup>2</sup> (31%) of communal open space is provided	Yes
	Minimum 50% direct sunlight to main communal open space for a minimum of two (2) hours between 9:00am and 3:00pm on 21 June.	Solar access is achieved for at least two (2) hours on 21 June.	Yes
	The proposal includes communal open space to the ground floor. The principle communal open space is located between the two (2) apartment buildings and to the southern boundary. The amenity of the space is acceptable with at least two (2) hour of direct sunlight being received to the principle area on 21 June.		
<b>3E: Deep Soil</b>	Minimum 7% with minimum dimensions of 6m for sites of 1500m <sup>2</sup> or greater	781m <sup>2</sup> (23.53%) of deep soil provided.	Yes
	A suitable landscaping scheme prepared by a landscape architect has been submitted, which provides for adequate plantings including planters, specimen trees and include the retention of two (2) mature trees to the south of the site. This is seen to be consistent with the desired outcome of the Hornsby DCP, providing landscape which integrates with the built form of the locality.		
<b>3F: Visual Privacy</b>	<u>ADG Separation Distances</u> <ul style="list-style-type: none"> <li>0 - 4 Storeys: <ul style="list-style-type: none"> <li>3m (non-habitable),</li> <li>6m (habitable)</li> </ul> </li> <li>5 – 8 Storeys: <ul style="list-style-type: none"> <li>4.5m (non-habitable),</li> <li>9m (habitable)</li> </ul> </li> <li>9+ Storeys: 6m (non-habitable), <ul style="list-style-type: none"> <li>12m (habitable)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>North (Carlingford Road) <ul style="list-style-type: none"> <li>Block A <ul style="list-style-type: none"> <li>Ground Floor – 8m</li> <li>Levels 1- 4 – 8m</li> <li>Levels 5 – 10m</li> </ul> </li> <li>Block B <ul style="list-style-type: none"> <li>Ground Floor – 8m</li> <li>Levels 1-4 – 8m</li> <li>Levels 5 – 10m</li> </ul> </li> </ul> </li> <li>East – (Hepburn Avenue) <ul style="list-style-type: none"> <li>Ground Floor – 6-8m</li> </ul> </li> </ul>	Yes  Yes Yes  Yes Yes Yes

Standard	Requirement	Proposal	Compliance
		<ul style="list-style-type: none"> <li>○ Levels 1-4 - 6-8m</li> <li>○ Level 5 – 9-10m</li> <li>• South <ul style="list-style-type: none"> <li>○ Block A <ul style="list-style-type: none"> <li>▪ Ground Floor – 10m</li> <li>▪ Levels 1 – 8m</li> <li>▪ Levels 2 - 4 – 6m</li> <li>▪ Levels 5 – 9m</li> </ul> </li> <li>○ Block B <ul style="list-style-type: none"> <li>▪ Ground Floor – 6m</li> <li>▪ Levels 1-4 – 6m</li> <li>▪ Levels 5 – 8-9m</li> </ul> </li> </ul> </li> <li>• West <ul style="list-style-type: none"> <li>○ Ground Floor – 4m</li> <li>○ Level 1-4 – 6m</li> <li>○ Level 5 – 9m</li> </ul> </li> <li>• Internal site separation <ul style="list-style-type: none"> <li>○ Ground Floor – 12m</li> <li>○ Level 1 - 4 - 12 - 15m</li> <li>○ Level 5 – 18m</li> </ul> </li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	The separation distances are consistent with the ADG apart from one (1) minor non-compliance to some southern facing windows. A condition has been included which requires the provision of privacy screening and satisfactorily addresses this issue.		
<b>3G: Pedestrian Access and Entries</b>	Each of the RFBs has independent pedestrian access from the basement and ground floor level.		
<b>3H: Vehicle Access</b>	<p>Vehicular access is via Hepburn Avenue located in the south east corner of the site.</p> <p>No access is available from Carlingford Road due to its designation as a classified road, and the recent proposal by RMS to upgrade the intersection at Hepburn Avenue and Carlingford Road with traffic lights and a left turn lane prohibits the location of the access further north along Hepburn Avenue.</p> <p>Waste collection and servicing is proposed to be conducted via Basement Level 1 avoiding the need for vehicles to park on Hepburn Avenue.</p>		

Standard	Requirement	Proposal	Compliance
	The location of the vehicular access is considered acceptable given the site constraints.		
3J: Bicycle and car parking	<u>Car Parking</u>  Residential: 1 per 1 bed (12) 1.25 per 2 bed (57.5) 2 per 3 bed (6) Total 61 (75.5)  Visitor: 1 per 5 units (12.2)  Total: 87.7 (88)	Residential: 76 (of which six (6) are adaptable)  Visitor: 12  Total: 88	Yes
	The proposed development provides the required number of car parking spaces, consistent with provisions of Hornsby DCP.		
	<u>Bicycle Parking</u>  1 space per 5 Units (12.2)  1 per 10 visitors (6.1)  Total 18.3	18 secure spaces proposed in the basement	Yes
	The proposed development provides 18 secure bicycle spaces within the basement parking area. It is considered the proposed cycle storage is acceptable.		
Part 4			
4A: Daylight / Solar Access	Minimum of two (2) hours for 70% of apartments living & private open space between 9:00am and 3:00pm mid-winter;  Maximum of 15% of apartments receiving no direct sunlight between 9:00am and 3:00pm in mid-winter (<39)	53 apartments (86.9%)  0 apartments (0%)	Yes  Yes
	53 apartments (89.9%) receive the required two (2) hours of solar access between 9:00am and 3:00pm, in excess of the 70% required by the ADG.  No apartments would receive no direct sunlight on 21 June, which is below the maximum 15% allowed.		

Standard	Requirement	Proposal	Compliance
<b>4B: Natural Ventilation</b>	Minimum of 60% of apartments below nine (9) storeys naturally ventilated.	44 apartments (72.1%)	Yes
	The proposed development complies with the ADG natural ventilation requirement, with 72.1% of apartments receiving the required levels of natural ventilation.		
<b>4C: Ceiling heights</b>	Minimum 2.7m habitable	2.7m	Yes
	Minimum 2.4m non-habitable	2.4m	Yes
<b>4D: Apartment size &amp; layout</b>	Studio – Min 35m <sup>2</sup>	Studio - min 53m <sup>2</sup> – max 59m <sup>2</sup>	Yes
	1B – Min 50m <sup>2</sup>	1B – min. 50m <sup>2</sup> – max 62m <sup>2</sup>	Yes
	2B – Min 75m <sup>2</sup> (2 baths)	2B – min. 75m <sup>2</sup> – max 102m <sup>2</sup>	Yes
	3B – Min 95m <sup>2</sup> (2 baths)	3B – min. 97m <sup>2</sup> – max 122m <sup>2</sup>	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Not demonstrated	Not demonstrated
	Maximum habitable room depth from window for open plan layouts: 8m.	Up to 7.7m	Yes
	Minimum internal areas: Master Bed - 10m <sup>2</sup> Other Bed - 9m <sup>2</sup>	>10m <sup>2</sup> >9m <sup>2</sup>	Yes Yes
	Minimum 3m dimension for bedrooms (excl. wardrobe space).	Complies	Yes
	Minimum width living/dining: 1B – 3.6m 2B – 4m 3B – 4m	>4m >4m >4.2m	Yes Yes Yes

Standard	Requirement	Proposal	Compliance
	The units all meet the minimum internal dimensions required by the ADG.		
<b>4E: Private open space &amp; balconies</b>	Minimum area/depth: 1B - 8m <sup>2</sup> /2m 2B - 10m <sup>2</sup> /2m 3B - 12m <sup>2</sup> /2.4m	>8m <sup>2</sup> /2m >10m <sup>2</sup> /2m >15m <sup>2</sup> /2.4m	Yes Yes Yes
	The proposed development is consistent with the size and dimensions for the private open space (balconies).		
<b>4F: Common circulation &amp; spaces</b>	Maximum apartments off circulation core on single level: 8 - 12	Block A - 7 Block B - 7	Yes Yes
	Corridors >12m length from lift core to be articulated.	Block A and B exceed 12m	<b>No</b>
	The proposed corridor lengths are considered acceptable. The exceedance relates to the positioning of a window in the building façade opposed to setting it back and creating an odd feature which would detract from the appearance of the building.		
<b>4G: Storage</b>	Studio – Minimum 4m <sup>3</sup> 1B – Minimum 6m <sup>3</sup> 2B – Minimum 8m <sup>3</sup> 3B – Minimum 10m <sup>3</sup>	Studio - >9.6m <sup>3</sup> 1B – >8.2m <sup>3</sup> 2B – >9.0m <sup>3</sup> 3B – >11.5m <sup>3</sup>	Yes Yes Yes Yes
	Minimum 50% required in Apartment	At least 50% of the storage is located within the Apartments.	Yes
	The proposed storage exceeds the minimum required storage  A detailed breakdown of the allocation of storage has been provided, including 50% of the required storage provided in the apartments.		
<b>4H: Acoustic Privacy</b>	The proposal has a mismatched layout, with some living areas and bedrooms from differing apartments adjacent to each other.  A condition has been added requiring insulation of partition walls to meet the acoustic requirements of the BCA.		
<b>4J: Noise and pollution</b>	The application includes an acoustic report which recommends construction methods/materials/treatments to be used to meet the criteria for the site.		
	The development has the following bedroom mix: <ul style="list-style-type: none"> <li>3 x Studio apartments (5%)</li> <li>9 x 1 bedroom apartments (15%)</li> <li>46 x 2 bedroom apartments (75%)</li> <li>3 x 3 bedroom apartments (5%)</li> </ul>		

Standard	Requirement	Proposal	Compliance
	These units vary in size, amenity, orientation and outlook to provide a mix for future home owners. A variety of apartments are provided across all levels of the apartment building.		
<b>4M: Facades</b>	The proposal provides a well articulated façade, providing an interesting and varied appearance.		
<b>4N: Roof design</b>	The proposed apartment buildings have flat roofs, which are considered to be appropriate given the design. Rooftop plant and lift overrun are suitably concealed ensuring they are not visible from the street.		
<b>4O: Landscape Design</b>	<p>The application includes a landscape plan which demonstrates that the proposed development will be adequately landscaped.</p> <p>The proposal includes landscaping at ground floor level providing high quality communal open spaces for the future residents.</p> <p>The proposed landscaping will also adequately provide habitat for local wildlife, contributing to biodiversity.</p>		
<b>4P: Planting on structures</b>	The landscape drawings outline that planting on structures would have adequate soil depth to accommodate good quality planting.		
<b>4Q: Universal Design</b>	20% Liveable Housing Guidelines Silver Level design features (13)	18 (29.5%) Accessible Units	Yes
	The site is considered to be appropriately barrier free and wheelchair accessible. An Access Report has been included as part of the original DA package.		
<b>4U: Energy Efficiency</b>	The BASIX Certificate demonstrates that the development achieves the pass mark for energy efficiency.		
<b>4V: Water management</b>	The BASIX Certificate demonstrates that the development achieves the pass mark for water conservation.		
<b>4W: Waste management</b>	<p>Waste areas have been located in convenient locations in the first basement level. Waste collection will occur within the basement with the waste vehicle able to enter and leave in first gear.</p> <p>A construction waste management plan has been prepared by a qualified waste consultant adhering to council's waste controls. All units are provided with sufficient areas to store waste/recyclables.</p>		
<b>4X: Building maintenance</b>	The proposed materials are considered to be sufficiently robust, minimising the use of render and other easily stained materials.		



## 6.6 Hornsby Local Environmental Plan 2013

The relevant objectives and requirements of HLEP 2013 have been considered in the assessment of the development application and are contained within the following table.

Development Standard	Proposal	Compliance
<b>2.3 Zone Objectives</b>  R4 – High Density Residential	The proposed development is for two (2) residential flat buildings over a communal basement which is permissible with development consent in the zone.	Yes
	The proposal is considered to be in keeping with the objectives of the R4 High Density Residential zone providing residential accommodation in close proximity of public transport and within easy walking and cycling distance of local services.	Yes
<b>4.3 Height of Buildings</b>	Control: 17.5m  Max Height 19.26m (variation of 10.05%)	Yes
	A variation to clause 4.3 of HLEP has been submitted and the proposed variation is considered acceptable.	
<b>4.6 Exceptions to Development Standards</b>	A Variation request to the Building Height Standard.	Yes
	The request is considered acceptable.	
<b>5.9 Preservation of trees or vegetation</b>	The proposal includes the removal of 19 trees across the site and the retention of two (2) trees, trees 20 and 21 as identified in the arboriculture statement.  It is considered that the proposed development is consistent with the objectives of Clause 5.9.	Yes
<b>6.2 Earthworks</b>	The application includes a geotechnical report which outlines measures to reduce the impacts of earthworks. A condition will be included requiring non-contaminated fill be used.	Yes



## Hornsby Local Environmental Plan 2013

### Height of Buildings Map - Sheet HOB\_011

#### Maximum Building Height (m)

I	8.5
K	10.5
M	12
N	14.5
O	16
P	17.5
S	23.5
T1	26.5
T2	29.5
U	32.5
V1	35.5
V2	38.5
V3	40
V4	41.5
X	48
AA	72

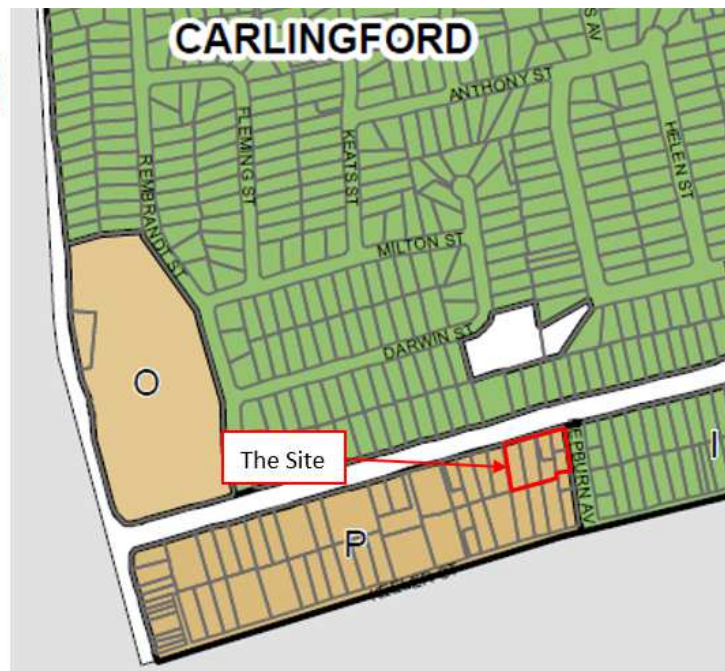


Figure 2. HLEP 2013 Height of Buildings map (subject site outlined in red).

## Clause 4.6 Variation Assessment

Clause 4.6 of HLEP 2013 allows Council to provide an appropriate degree of flexibility in applying certain development standards where flexibility would achieve better outcomes.

The proposal does not comply with the Clause 4.3 'Height of Buildings' development standards as outlined in the table above.

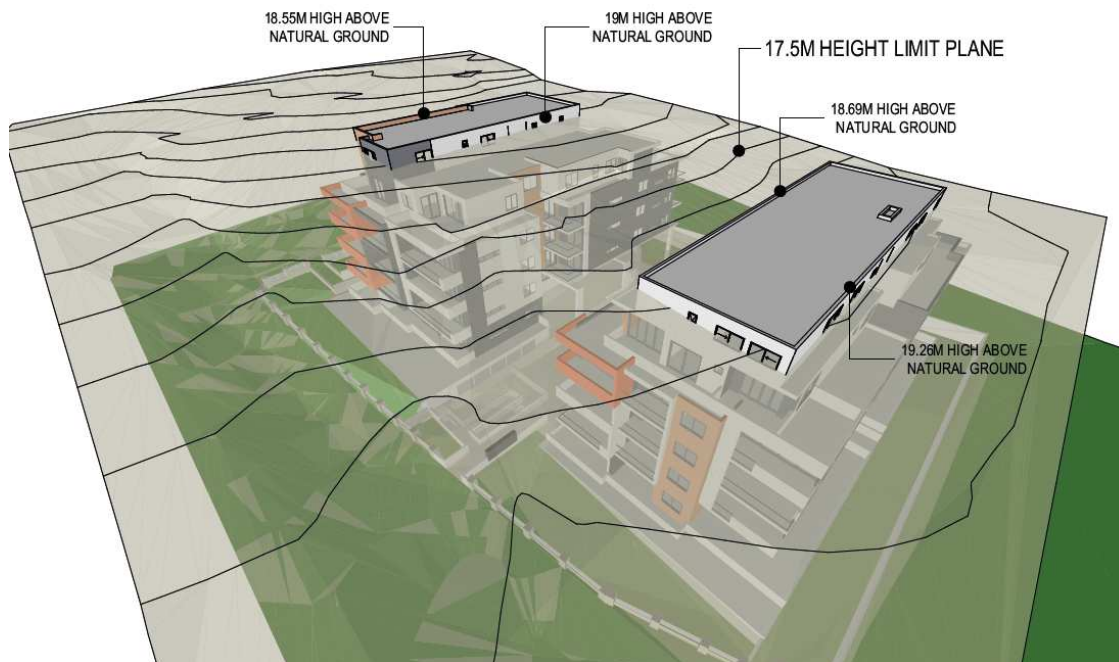
### Clause 4.6(1) – Objectives of Clause 4.6

The objectives of this clause are:

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

### Clause 4.6(2) – Operation of clause 4.6

The operation of clause 4.6 is not limited by the terms of Clause 4.6(8) of this LEP, or otherwise by any other instrument.



**Figure 3.** Breach of building height.

#### Clause 4.6(3) - The Applicant's written request

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

- “(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided the following environmental planning grounds to justify the non-compliance with the development standard (relevant extracts provided):

- Provision of 3.1 metres floor to floor height;
- Need to elevate the development 0.5 metres above the 100-year ARI flood level; and
- Ensuring that a waste collection vehicle can access the basement, in accordance with City of Parramatta requirements.

#### Clause 4.6(4) - Consent Authority Assessment of Proposed Variation

Clause 4.6(4) outlines that consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

*“Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case”*

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a development standard may be well founded. In the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827 the presiding Chief Judge outlined the following five (5) circumstances:

1. ***The objectives of the development standard are achieved notwithstanding non-compliance with the standard.***

Height of Buildings

*“(a) To permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.”*

The height and scale of the proposed development is appropriate for the site and the non-compliance represents a minor departure from the control with a variation of 10% as an aggregate result of the site topography, freeboard flood level requirement, Council's desire for basement waste collection and the location of the principle communal open space to be to the centre and rear (south) of the site whilst achieving adequate solar access, resulting in slimmer buildings than would otherwise be achieved.

The proposed development will deliver an acceptable level of amenity and is appropriate for the locality and is therefore consistent with the objective of the standard.

2. ***The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.***

The underlying objective is relevant, however, strict compliance with the standard is not justified given minor departure from the standard.

3. ***The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable***

The applicant does not suggest that the objectives would be thwarted if compliance was required; rather that the objectives are achieved despite the breach of the height of buildings development standard.

4. ***The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable***

It is considered that the standard has not been abandoned.

5. ***The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.***

The applicant does not challenge that the zoning is inappropriate.

The decision in the Land & Environment Court case of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, suggests that 'sufficient environmental planning grounds' is more onerous than compliance with zone and standard objectives. The commissioner also established that the additional grounds had to be particular to the circumstances of the proposed development and not merely grounds that would apply to any similar development.

The environmental planning reason for allowing the minor departure from the standard is based on site specific issues which do not exist on similar sites which would restrict its orderly and economic development if the standard was upheld. Therefore, it is considered that the proposed variation is within the public interest

### Conclusion

In summary, it is considered that breaching the building height control is acceptable in this case given the site-specific constraints and will not set a precedent for other development in the locality.

In reaching this conclusion regard has been had to the relevant Judgements of the LEC, including, *Zhang v City of Ryde Council (2016)*.

## **7. Draft Environmental Planning Instruments**

There are no draft environmental planning instruments relevant to the subject application.

## **8. Development Control Plan**

### **8.1 Hornsby Development Control Plan 2013**

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within HDCP 2013. The following table sets out the proposal's compliance with the prescriptive requirements of the Plan:

Control	Requirement	Proposal	Compliance
<b>3.4.3 - Site Width</b>	Min 30m	66m	Yes
<b>3.4.4 - Height</b>	5 storeys – 17.5m	6 storeys – 19.26m	<b>No</b> – refer to Clause 4.6 Variation Request.

<b>3.4.5 - Setback</b>	Residential Flat Buildings Front Boundary - 10m (reduced to 8m for 1/3)	Hepburn Avenue – 6-10m Carlingford Road – 8-10m	Partial  Yes
	Side/Rear Boundary - 6m (reduced to 4m for 1/3)	6-10m	Yes
	Fifth Storey – 6m from wall of lowest story	>3m	Partial
	Basement Parking – 7m from front and rear boundaries	7m	Yes
	Basement parking – 4m from side boundaries	4m	Yes
<b>3.4.6 - Floorplates</b>	35m (Max)	37.85m	<b>No</b>
<b>3.4.12 - Basement Ramp Setback</b>	2m	0m	<b>No</b>
<b>1C2.1 - Parking</b>	Compliant – See ADG table	Compliant – See ADG table	Yes
<b>3.4.11 - Housing Choice</b>	Adaptable Housing 10% Universal Design Housing 20%	Adaptable Housing 30% Universal Design Housing 0%	Yes  <b>No</b> (Considered acceptable given Adaptable housing)

As detailed in the above table, the proposed development has some minor non-compliances with HDCP 2013. The additional storey height contains bedrooms for the apartments below, and is considered acceptable as it allows for slimmer buildings on the site, solar access to the principle open space in Councils desired location and is consistent with the surrounding prevailing built form.

The non-compliance with the building floor plate is a result of the site dimensions and Council's desire to have the principle communal open space located to the centre and rear of the site and to achieve solar access compliance resulting in a long narrow building to the western RFB.

The vehicle ramp does not have a compliant setback to enable garbage truck access as requested by Council. Sufficient sightlines to Hepburn Avenue are maintained and it is therefore considered acceptable.

These non-compliances are considered minor and do not create adverse amenity issues and therefore, the proposed development is considered acceptable.

## **10. Planning Agreements**

No Planning agreements are proposed as part of this DA.

## **11. The Regulations**

If the subject DA were to be approved conditions should be included to ensure the following provisions of the Regulation will be satisfied:

- Clause 92 - Demolition works are to satisfy AS 2601 - 1991; and
- Clause 98 - Building works are to satisfy the Building Code of Australia.

## **12. The likely impacts of the development**

The likely impacts of the development have been considered in this report and in the opinion of Council's consultant, there would not be any adverse amenity impacts to future residents or to existing adjacent residential accommodation as a result of the proposal, despite the non-compliances with the controls of the HLEP and HDCP.

## **13. Site suitability**

The site is located in an area close to Carlingford Town Centre, zoned for high density residential development, and represents one the last sites in this block to be redeveloped for this purpose. The site is ideally located to take advantage of local transport links along Carlingford Road and wider public transport facilities from Carlingford and Epping Town Centres.

The proposed development has been assessed in regards to its environmental consequences and having regard to this assessment, it is considered that the site is suitable for the type of high-density residential development proposed and is suitable in the context of the surrounding locality.

## **14. Submissions**

The application was notified and advertised in accordance with Council's Notification Policy ending on the 18 May 2016. Four (4) submissions have been received.

In summary, the issues raised in the public submissions relate to traffic impact and generation, lack of infrastructure and the impacts of high density residential on the adjacent low density residential area.

Submission issues are summarised and commented on as follows:

Issues Raised	Comment
<i>Traffic Impact</i>	The proposed development has been assessed by RMS, Parramatta Council Traffic Officers and Hornsby Traffic Officers who have all concluded the increased traffic generations will not have any detrimental impact on the local transport network and that the proposed parking is acceptable.
<i>Lack of schools</i>	Education provisions are a matter for the NSW State Government. No education contribution levy has been established for this area.
<i>Impact of high-density on adjacent low-density area</i>	Through the re-zoning process undertaken by Council and the Department of Planning, the impacts of the proposed zoning on the surrounding areas have been considered with a conclusion that these impacts are acceptable.  The proposed development is consistent with the objectives of the zone and permissible.
<i>On street parking in Hepburn Avenue</i>  <i>Privacy to the low density residential zone on the eastern side of Hepburn Avenue</i> <i>Noise intrusion to existing properties</i>	The parking levels provided by the proposed development are in excess of the that prescribed by Hornsby DCP and as such are acceptable. The proposed development provides acceptable setbacks to Hepburn Avenue. No unacceptable overlooking of the low density zone will occur. The proposed use is residential in nature and is considered compatible with the surrounding residential neighbourhood.

In accordance with Hornsby DCP 2013, the amended plans were not required to be re-notified as Council was in the opinion that the amendments would not have *the potential to alter the amenity of surrounding properties* as a result of the amendments.

## 15. Public interest

For the reasons set out in this report it is considered that the proposed development is the public interest.

## 16. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation/persons that have made submissions in respect to the proposed development.

## 18. Summary and conclusion

The development is permissible within the R4 High Density Residential Zone, the scale of development is not out of character with the desired future character of the area, the



proposed development provides sufficient amenity for future residents in the form of solar access, cross ventilation, communal and private open space, size of dwellings and privacy though building separation.

The proposed development complies with the nine (9) design quality principles of SEPP 65 and the Objectives of the Apartment Design Guide (ADG). Despite the minor non-compliances with the controls of the HLEP and HDCP the proposed development is considered to be acceptable and broadly in compliance and to deliver a development which is consistent with the desired character of the area.

Therefore, for the reasons set out above it is considered that the proposed development is in the public interest having regard to the matters of consideration under Section 79C of the *EP&A Act 1979*.

## **19. Recommendation**

That the Sydney West Central Planning Panel as the consent authority **APPROVE** Development Application No. DA/263/2016 for the demolition of all structures on the site and the construction of two (2) residential flat buildings of six (6) storeys, over two (2) levels of basement, containing 61 residential units, 88 car parking spaces, 18 bicycle parking spaces, four (4) motorcycle spaces, storage, waste storage, and communal open space at 2-2A Hepburn Avenue and 199-203 Carlingford Road, Carlingford, legally described as Lots 1 and 2 DP 845101, Lot 1 and 2 DP 879689, Lot 2 DP 30015, and Lot 3 DP 419712, for the reasons set out in this report.

# SCHEDULE 1

## Conditions of consent

### General Matters

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

Plan No.	Issue	Plan Title	Drawn by	Dated
DA – 10	G	Roof / Site Plan	SWA Group	16/08/17
DA – 11	D	Basement 2 Plan	SWA Group	16/08/17
DA – 12	E	Basement 1 Plan	SWA Group	16/08/17
DA – 13	K	Ground Level Plan	SWA Group	16/08/17
DA – 14	J	Level 1 Plan	SWA Group	16/08/17
DA – 15	J	Level 2 Plan	SWA Group	16/08/17
DA – 16	J	Level 3 Plan	SWA Group	16/08/17
DA – 17	J	Level 4 Plan	SWA Group	16/08/17
DA – 18	J	Level 4 – Block A	SWA Group	16/08/17
DA – 19	G	Level 4 – Mezzanine Block A Plan	SWA Group	16/08/17
DA – 21	F	North and South Elevation	SWA Group	16/08/17
DA – 22	F	East and West Elevation	SWA Group	16/08/17
DA – 23	F	Block A West Elevation & Block B East Elevation	SWA Group	16/08/17
DA – 31	F	Section A	SWA Group	16/08/17
DA – 32	F	Section B & C	SWA Group	16/08/17
DA – 33	F	Section 1 & 2	SWA Group	16/08/17
DA – 61	B	Fence Detail	SWA Group	16/08/17
DA – 62	E	Deep Soil and Communal Open Space	SWA Group	16/08/17

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

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

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

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

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during

opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

5. Approval is granted for the demolition of # (all buildings and outbuildings) currently on the property, subject to compliance with the following:-

(a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

(b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

(c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

(d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.

(e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

(f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

(g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

(h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

(i) Demolition is to be completed within 5 days of commencement.

(j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

(k) 1.8m high Protective fencing is to be installed to prevent public access to the site.

- (l) A pedestrian and Traffic Management Plan must be submitted to of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
  - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

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

- 6. Garbage collection vehicle will enter and leave the property in a forward direction. Details shall be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure safe manoeuvring of the garbage vehicle.

- 7. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Council's parking requirements and Australian Standards.

- 8. 18 bicycle spaces/racks are to be provided on-site. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Council's parking requirements.

- 9. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement car park not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure appropriate vehicular manoeuvring is provided

- 10. The 1.5m concrete footpath is to be abutted to the property line.

**Reason:** To ensure appropriate location of the footpath in the public domain.

- 11. The footpath to the property boundary is not to contain reinforcing mesh.

**Reason:** To ensure appropriate footpath construction.

- 12. The kerb ramp is to be aligned with RMS plan TSC0000 Sheet 1 Issue A (revision 1 – August 2014) or such applicable revisions produced and issued by RMS.

**Reason:** To ensure correct alignment of the access ramp.

13. CBD Paving, Driveway and Kerb Ramp details to drawing C501 Rev 01 -DS40: (sheet 1 & 3) are to be deleted.

**Reason:** To ensure orderly development to the correct standards.

14. Street trees in line the Parramatta Public Domain Guidelines (*Pistacia Chinensis*) are to be provided to Hepburn Avenue.

**Note:** All approved street tree plantings shall be planted a minimum of 3 m from any driveway and 10m from an intersection.

**Reason:** To ensure appropriate public domain planting is provided.

15. Trees to be retained are:

Tree No.	Name	Common Name	Location	Diameter at breast height (m)	Tree Protection Zone (m)
20	<i>Eucalyptus pilularis</i>	Blackbutt	Refer to arborist report	Refer to arborist report	Refer to arborist report
21	<i>Ficus rubiginosa</i>	Port Jackson fig	Refer to arborist report	Refer to arborist report	Refer to arborist report

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

16. A minimum Australian Qualification Framework Level 3 arboriculture service provider is to remove the following street trees:

Tree No.	Name	Common Name	Name of Street Frontage
1	<i>Alnus jorullensis</i>	Evergreen alder	2A Hepburn Avenue
2	<i>Alnus jorullensis</i>	Evergreen alder	2A Hepburn Avenue
3	<i>Alnus jorullensis</i>	Evergreen alder	2A Hepburn Avenue

**Note:** All approved tree removal works must conform to the Tree Work Draft Code of Practice 2007.

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

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

**Note:** Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.

17. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:
- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
  - (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable

market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

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

18. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

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

19. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

**Reason:** To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

20. A monetary contribution comprising \$ 814,079.68 is payable to the City of Parramatta Council in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and *Hornsby Section 94 Contributions Plan 2014-2024*. Payment must be by EFTPOS, bank cheque or credit card only.

Contribution Type	Amount
Local Roads	\$ 19,182.56
Local Open Space and Recreation	\$ 572,835.01
Local Community Facilities	\$ 220,215.40
Plan Preparation and Administration	\$ 1,846.71
<b>Total</b>	<b>\$ 814,079.68</b>

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The *Hornsby Section 94 Contributions Plan 2014-2024* can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/contributions>

**Reason:** To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

21. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

22. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

23. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/863/2016;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items, it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
<b>Nature Strip and Roadway</b> - ( <i>applies to all developments with a cost greater than \$50K and swimming pools regardless of cost. See Schedule of Fees and Charges, \$1000 - \$20,000 per street frontage in current financial year</i> )	\$50,000
<b>Street Trees</b> - ( <i>\$2000 per street tree in current financial year</i> )	\$6,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

24. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure the quality built form of the development.

25. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development. Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

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

26. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

**Note:** Qualified designer in this condition is as per the definition in SEPP 65.

**Reason:** To comply with the requirements of SEPP 65.

27. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

**Reason:** To prevent loss of amenity to the area.

28. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.



If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

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

29. The development must incorporate 6 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

**Reason:** To ensure the required adaptable dwellings are appropriately designed.

30. The materials and colour of the facades of the upper sixth (6) floor to both buildings are to be submitted to and agreed in writing by Council prior to the issue of a construction certificate.

**Reason:** To ensure good design and visual appearance.

31. All roof water and surface water is to be connected to an operable drainage system in general complying with Hornsby Council drainage policy requirements.
- All details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.
- Reason:** To ensure satisfactory stormwater disposal.
32. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.
- The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.
- Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.
- Reason:** To minimise impact on adjoining properties.
33. 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 website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.
- Reason:** To ensure the requirements of Sydney Water have been complied with.
34. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.
- Reason:** To ensure Council's assets are not damaged.
35. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2-hour duration storm event, allowing for pump failure.
  - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - (i) The permissible site discharge (PSD) rate; or
    - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.

- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure satisfactory storm water disposal.

- 36. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
  - (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Hornby Shire Council's Specification for On Site Stormwater Detention system for drainage works, the relevant Australian Standards, Australian Rainfall & Runoff (1987) and the National Construction Code.
    - (i) Drainage Plans: Dwg SW07 Revision D, dated 20/09/2017 and Dwg SW11 Revision C, dated 20/09/2017 prepared by 'SGC Engineering Value' engineering consultancy.
  - (b) The Site Storage Requirement and the Permissible Site Discharge shall be calculated using the Rational method or DRAINS Module or similar and a copy of the calculation shall be submitted to the Principal Certifying Authority and to his satisfaction.
  - (c) The above calculation shall take in account a drowned orifice discharge in this case of the OSD. Necessary amendments can be made on the drainage plan and submitted with the Construction Certificate application.

- (d) The feasibility of the construction of the on-side detention and the proposed bio-retention on the drainage plans shall be revised, checked by a qualified practicing drainage engineer prior to release of Construction Certificate to the satisfaction of the Principal Certifying Authority and the system shall be supervised and certified by a qualified practicing drainage engineer to comply with Council's requirements and the approved plans to the satisfaction of the Principal Certifying Authority.

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

37. The area along the western boundary identified as a dedicated overland flow path in the flood study (FLOOD IMPACT STUDY FOR A PROPOSED RESIDENTIAL FLAT BUILDING, 199-203 CARLINGFORD ROAD & 2-2A HEPBURN AVENUE, CARLINGFORD, Version 3.0 August 31 2017, by SGC Ref 2015.0393-R01-v3.0) should be landscaped with dense tree and shrub planting and designed to minimise access and use by occupants as open space and for recreation. The area should be provided with a durable metal floodway warning sign or signs. Details of landscape treatment and signage are to be submitted to the PCA for approval prior to release of the Construction Certificate.

**Reason:** Occupant safety

38. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

39. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

**Reason:** To ensure the protection of existing public infrastructure and adjoining properties.

40. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

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

41. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.  
**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.

42. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

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

43. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements. The engineering details are to form part of the Construction Certificate documentation.

**Reason:** To ensure Council's assets are not damaged.

44. Construction details showing substrate depth, drainage, waterproofing for podium planting area, plantings over site detention tanks and/or rooftop planter boxes are to be provided with an application for a Construction Certificate. For large shrubs and tree plantings in these areas, the soil volume, soil depth and soil area must, at a minimum, meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015). Tree planting densities shall not exceed the prescribed densities in the above mentioned reference document for deep soil plantings. In addition, the proposed soil depths and densities are to be certified by the Landscape Architect to meet the requirements of the proposed species to be planted and provided with an application for a Construction Certificate.

**Reason:** To ensure the creation of functional gardens.

45. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to the 1 in 100-year level plus 500mm freeboard.  
**Reason:** To ensure the structure can withstand flooding impacts.
46. Foundations adjacent to a drainage easement, must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.  
**Reason:** To ensure structural stability of the stormwater pipe.
47. A Methodology Statement, prepared by a suitably qualified arboriculture's (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered 20 and 21 during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:
- (a) Excavation;
  - (b) Canopy trunk and tree root protection;
  - (c) Construction of any retaining wall;
  - (d) Installation of services, including stormwater infrastructure (i.e. bridging of roots);
  - (e) Back filling; and
  - (f) Any other stages that the project arborist deems necessary
- Reason:** To ensure adequate protection of existing trees.
48. Separate waste bins are to be provided on site for recyclable waste.
- Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

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

49. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
  - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.
- The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.  
**Reason:** To comply with legislative requirements.
50. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.  
**Reason:** To ensure public safety.
51. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

**Reason:** Statutory requirement.

52. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

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

53. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works re being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

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

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

54. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

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

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

- (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
  - (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- (i) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - (iii) Minimising construction related traffic movements during school peak periods.



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

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

56. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

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

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

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

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

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

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

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

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

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

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

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

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

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

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

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

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

61. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:
- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
  - (b) Storage of building materials and building waste containers (skips) on Council's property.
  - (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
  - (d) Kerbside restrictions - construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

The application is to be lodged with Council's Customer Service Centre.

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

62. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

63. Tree 20 and 21 identified for protection in the Arboricultural Assessment Report, dated 17 August 2017 and prepared by TALC shall be protected prior to and during the demolition/construction process in accordance with the document referenced above and the conditioned Methodology Statement.

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

64. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

65. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

66. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

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

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

#### **During Construction or Works:**

68. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

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

69. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

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

70. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

71. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

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

72. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and

5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

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

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

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

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

74. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

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

75. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

76. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

**Reason:** To ensure proper management of Council assets.

77. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within the City of Parramatta LGA.

**Reason:** To ensure maintenance of Council's assets.

78. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas

and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

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

79. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

**Reason:** To ensure waste conveyance equipment is appropriately designed and managed.

80. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

81. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

82. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.



83. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.  
**Reason:** To provide pedestrian passage.
84. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.  
**Reason:** To ensure Council's assets are appropriately constructed.
85. All plants which have been declared 'priority weeds' in the Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022 – Appendix 1, pursuant to Division 5 of the NSW Biosecurity Act 2015 shall be removed on site and replaced with appropriate local indigenous or native species.  
**Reason:** To ensure the compliance with the NSW Biosecurity Act 2015
86. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.
87. All trees supplied above a 25L container size must be grown and planted in accordance with:
- (a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.
  - (b) Natspec Guide No.2.

Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

**Reason:** To minimise plant failure rate and ensure quality of stock utilised.

88. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Alnus jorullensis</i>	Evergreen Alder	Refer to map in arborist report
2	<i>Alnus jorullensis</i>	Evergreen Alder	Refer to map in arborist report
3	<i>Alnus jorullensis</i>	Evergreen Alder	Refer to map in arborist report
4	<i>Tibouchina</i> sp.	Tibouchina	Refer to map in arborist report
5	<i>Morus nigra</i>	Black mulberry	Refer to map in arborist report
6	<i>Melaleuca bracteata</i>	Black paperbark	Refer to map in arborist report
7	<i>Leptospermum petersonii</i>	Lemon scented tea-tree	Refer to map in arborist report
8	<i>Cupressus sempervirens</i>	Pencil pine	Refer to map in arborist report
9	<i>Cupressus sempervirens</i>	Pencil pine	Refer to map in arborist report
10	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to map in arborist report
11	<i>Ligustrum lucidum</i>	Broad-leaved privet	Refer to map in arborist report
12	<i>Araucaria heterophylla</i>	Norfolk Island pine	Refer to map in arborist report
13	<i>Chamaecyparis obtusa</i>	Conifer	Refer to map in arborist report
14	<i>Liquidambar styraciflua</i>	Liquidambar	Refer to map in arborist report
15	<i>Cedrus deodara</i>	Deodar cedar	Refer to map in arborist report
16	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to map in arborist report
18	<i>Agonis flexuosa</i>	Willow myrtle	Refer to map in arborist report
19	<i>Eucalyptus saligna</i>	Sydney blue gum	Refer to map in arborist report

**Reason:** To facilitate development.

89. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**Reason:** To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

90. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of the Landscape Plan and conditions.

**Reason:** To ensure the trees planted within the site are able to reach their required potential.

91. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.  
**Reason:** To ensure appropriate disposal of asbestos materials.
92. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.  
**Reason:** To ensure appropriate disposal of asbestos materials.
93. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.  
**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

94. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

95. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

**Reason:** To prevent pollution of the environment.

96. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

97. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

98. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

**Reason:** To protect against subsidence, erosion and other nuisances.

#### **Prior to the issue of an Occupation Certificate/Subdivision Certificate**

99. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

**Reason:** To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

100. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

- (a) The development application and Construction Certificate number as registered;
- (b) The address of the property at which the inspection was carried out;
- (c) The type of inspection;
- (d) The date on which it was carried out;
- (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

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

101. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

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

102. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 707091M\_03, will be complied with prior to occupation

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

103. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

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

104. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

**Note:** Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

**Reason:** To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

105. Design Verification issued by a registered architect is to be provided with the application for an Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

**Note:** Qualified designer in this condition is as per the definition in SEPP 65.

**Reason:** To comply with the requirements of SEPP 65.

106. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

**Reason:** To ensure the requirements of DCP 2011 have been met.

107. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

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

**Reason:** To establish any damage caused as a result of the building works.

108. Privacy screening is to be provided to the southern facing windows of apartment B406 prior to the issuing of an Occupation Certificate.

**Reason:** To ensure visual privacy

109. Where bedrooms and living spaces of differing apartments adjoin each other with a common wall, acoustic insulation shall be provided and shall be designed by a registered acoustic specialist to comply with the requirements of Part F5 of the BCA. Testing is to be undertaken and the results demonstrating compliance are to be submitted to and be accepted in writing by Council prior to the issuing of an Occupation Certificate.

**Reason:** To ensure adequate amenity is provided for future residents.

110. Apartments with study spaces are to have inbuilt and securely fixed desks, wall shelving and bookcases fitted to the study space prior to the issue of an Occupation Certificate.

**Reason:** To ensure the study spaces are used for that purpose and do not become utilised as bedroom areas.

111. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

**Reason:** To ensure works comply with approved plans and adequate information is available for Council.

- 112. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

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

- 113. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

- 114. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

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

115. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.  
**Reason:** To provide satisfactory drainage.

116. Prior to the issue of the Occupation Certificate, the applicant must create of a restriction on the title of the subject property.

The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared by SGC: "FLOOD IMPACT STUDY FOR A PROPOSED RESIDENTIAL FLAT BUILDING, 199-203 CARLINGFORD ROAD & 2-2A HEPBURN AVENUE, CARLINGFORD, Version 3.0 August 31 2017, Ref 2015.0393-R01-v3.0" preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

Parramatta City Council is to be the Authority whose consent is required to release, vary or modify the restriction.

**Reason:** To protect the environment.

117. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.  
**Reason:** To ensure restoration of environmental amenity.

118. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.  
**Reason:** To ensure a waste collection service is commenced at the time of occupation of the development.

119. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

### **The Use of the Site**

120. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.  
**Reason:** To ensure the removal of graffiti.

121. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.  
**Reason:** To minimise noise impact of mechanical equipment.

122. The roller shutter door to be provided at the driveway entry and exit from Hepburn Avenue is to be operated via remote control. A security access card reader cannot be installed for this development as it will impede access to the car park.  
**Reason:** To comply with Australian Standards.

123. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions  
**Reason:** To ensure restoration of environmental amenity.



124. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

**Reason:** To ensure provision of adequate waste storage arrangements

125. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

**Reason:** To ensure provision of adequate waste disposal arrangements.

126. All waste storage areas are to be maintained in a clean and tidy condition at all times.  
**Reason:** To ensure the ongoing management of waste storage areas.
127. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.  
**Reason:** To ensure waste is adequately stored within the premises.