

Report to Sydney West Central Planning Panel

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| SWCCP reference | 2016SYW225 |
| DA No. | DA/1016/2016 |
| Date of receipt | 25 October 2016 |
| Proposal | 96AA modification of an approval for construction of two residential flat buildings containing 105 units (DA883/2013/JP - Hills Shire Council) to increase the number of units from 105 to 124 and delete one level of basement car parking. |
| Street address | 16-24 Thallon Street and 27-29 Jenkins Road CARLINGFORD NSW 2118 |
| Property Description | Lots B & C DP 367737, Lot A DP 371036, Lots X & Y DP 102830, Lots 24 & 25 DP 8001. |
| Applicant | Australian Consultant Architects Pty Ltd |
| Owner | Thallon Street Developments Unit Trust |
| Submissions | One submission |
| List of All Relevant s79C(1)(a) Matters | <ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy No.55 - Remediation of land • State Environmental Planning Policy No.65 - (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (State and Regional Development) 2011 • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012 |
| Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? Yes | |
| Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i> Yes | |
| Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Cl. 4.6 not applicable to S96 | |
| Recommendation | Approval subject to conditions |
| Report by | Deepa Randhawa, Senior Development Planner |

1. Executive Summary

This report considers a proposal to construct two residential flat buildings containing 124 units with three levels of basement car parking.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns. The application is therefore satisfactory when evaluated against section 96AA and 79C of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the modification to the application, subject to the recommended conditions.

2. Key Issues

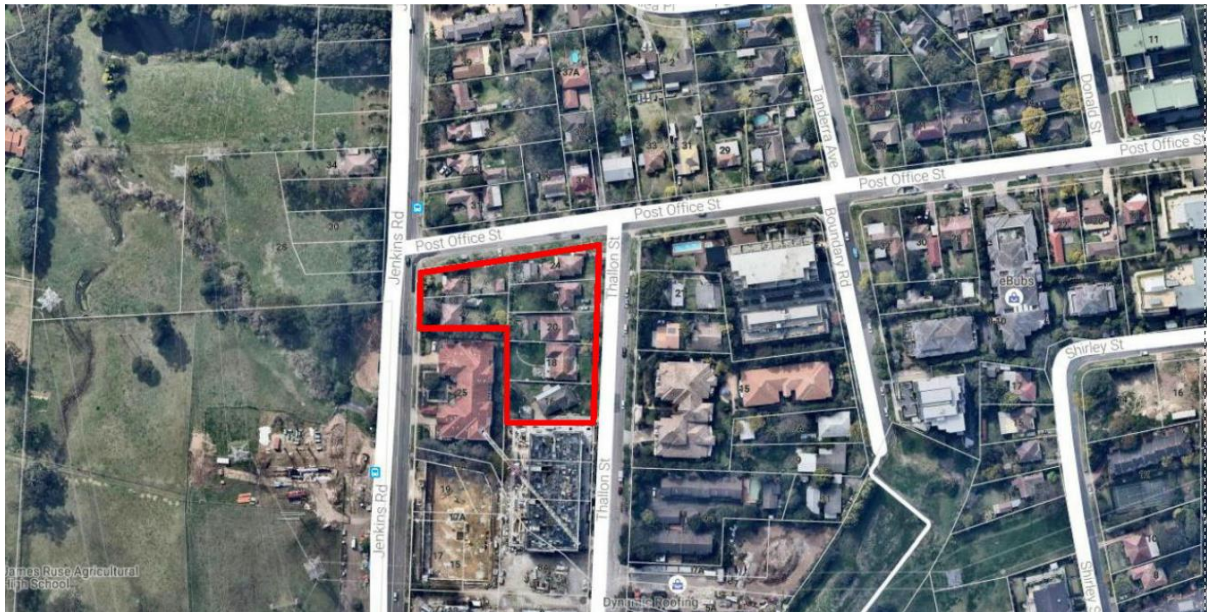
- Minor variation to building depth and building separation requirements of the Apartment Design Guide;
- Minor variation to the height control under the Hills Local Environmental Plan 2012; and
- Variation to the street setback to Old Post Office Road under the Hills Development Control Plan 2012.

3. Site Context

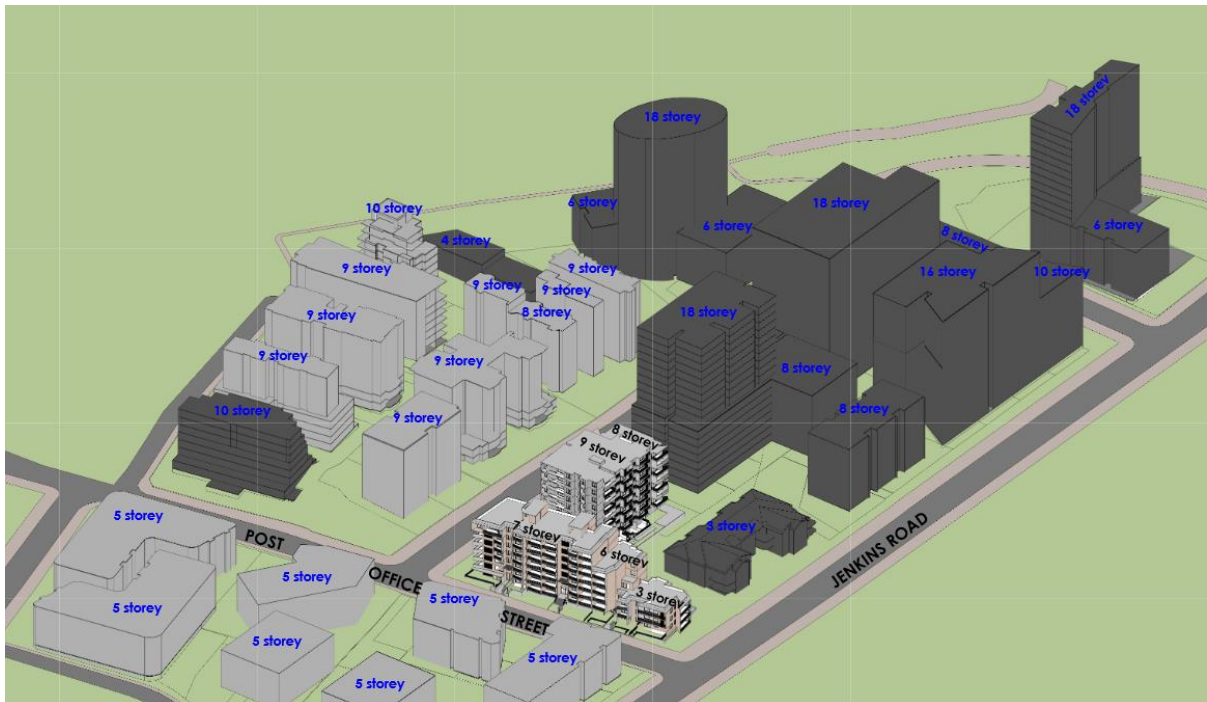
The subject site consists of seven allotments and is bounded by Post Office Street to the north, Thallon Street to the east and Jenkins Road to the west. The site has a frontage of 92.8 metres to Post Office Street, 91.2 metres to Thallon Street and 30.2 metres to Jenkins Road. The area of the site is 5575m².

The site is bounded to the southwest by a three storey residential flat building, fronting Jenkins Road and to the southeast by a 18 storey residential flat building development, which is currently under construction on the site known as 2-14 Thallon Street and 7-13 Jenkins Road, Carlingford.

The aerial map and a height comparison plan below shows the subject site and its relationship to adjoining properties.



Aerial Location Map (subject site is outlined in red)



Subject development in relation to the surrounding developments.

4. Background

DA/883/2013

Development Application

A development application was lodged with The Hills Shire Council on the 28 February 2013. Having a capital investment value of greater than \$20 million the development was required to be determined by the Joint Regional Planning Panel. The Panel at its meeting of the 7 August 2013 refused the application due to the non-compliance of the apartment sizes with the Hills DCPO 2012.

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| | <p>An appeal against the Panel's decision was lodged with the Land and Environment Court. On 17 July 2015 the Land and Environment Court, by way of a Section 34 conciliation conference granted consent to DA 883/2013/JP for:</p> <p>"The demolition of existing structures and construction of two (2) residential flat buildings containing 105 units with 342 off-street car parking spaces (comprising 282 resident spaces and 60 visitor spaces).</p> <p>Construction works have not yet commenced on site.</p> |
| DA/1016/2016 | <p>On 12 May 2016, Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted; creating the City of Parramatta. The Carlingford precinct now forms part of City of Parramatta and therefore the current Section 96AA modification application is assessed pursuant to the Hills Local Environmental Plan 2012 which still applies to the land previously within The Hills Shire Council.</p> |

5. The Proposal

Approved proposal

The approved proposal was for the demolition of seven dwellings and ancillary structures and the construction of two apartment buildings containing 105 units, with 342 off- street parking spaces (comprising of 282 resident spaces and 60 spaces for visitors).

Car parking was proposed over four levels of basement. The development was approved as part 3, part 6 and part 8 storey buildings including a lift overrun at a height of 28.8m.

Construction works have not yet commenced on site.

Proposed modification

The application proposes to modify the approved construction of two residential flat buildings containing 124 units and delete one level of basement car parking. The proposed development is a part 3, part 7, part 8 and part 9 storey building at a height of 29.3m.

The detailed proposed modifications are described below:

Overall Changes

- Increase the number of apartments from 105 to 124 comprising 2 x studio, 32 x 1 bedroom, 50 x 2 bedroom and 40 x 3 bedroom units;
- Increase the Gross Floor Area (GFA) from 9,718m² to 11,038m² through the inclusion of additional residential levels to both Buildings A and B;
- Deletion of a basement Level 4;

- The front setback to Old Post Office Road amended from 10m setback to a 6m setback;
- The basement Level 1 the vehicular driveway has been amended to allow for an SRV truck access to a bin collection and storage compartment between building A and B; and
- The landscaped spaces between these new entrances allocated as private open space to the units facing the street.

Basement

- Deletion of basement level 4;
- Increase in size of basement level 3;
- Layout of all three levels of the basements amended to accommodate additional parking;
- Reduction in the overall number of parking spaces to 146 in accordance with the ADG (RMS rates); and
- Bin storage area provided at basement Level No.1.

Lower Ground Floor

- Floor layout change to accommodate an additional unit;
- Amended lobby area and provision of new street entrances to the units facing Old Post Office Street; and
- The landscaped spaces between the new entrances allocated as private open space to the units facing the street.

Ground Floor Level

- Building A amended to have a 6m setback to Post Office Street;
- The driveway to the bin storage area relocated to the basement and this area has now been modified and redesigned as a landscaped communal open space with facilities;
- The vehicular driveway has been amended to allow for a small rigid vehicle (SRV) truck access to the bin collection area;
- Two units have been added to the ground floor level in place of the previous bin storage location; and
- Internal layout including circulation areas within Building A and Building B amended to allow for additional units.

Level 1 to Level 8

- Internal layout within Building A and Building amended to allow for additional units.

A comparative table of the approved and proposed works is provided below:

| Controls | Approved | Proposed |
|--|--|---|
| Height (Maximum Permitted under LEP-28m) | The approved development has an overall maximum height of approximately 28.8m. | The proposed development increases the overall maximum height of the development to 29.3m |
| Floor Space Ratio (Maximum permitted under LEP 1.99:1) | 1.75:1 (9,756m ²) | 1.98:1 (11,038m ²) |

| | | |
|------------------------|-------------------------------|-------------------------------|
| (11094m ²) | | |
| No. of Units | 105 | 124 |
| Car spaces | 282 Residential 60 Visitor | 121 Residential 25 Visitor |
| Bicycle parking | 40 spaces | 38 spaces |

6. Public Notification

The application was placed on exhibition between 4 November 2016 to 18 November 2016. The amended plans were exhibited between 26 May 2017 to 2 June 2017. One submission was received during the second notification period. The issues raised within the submission are discussed in further detail in Attachment A.

7. Referrals

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| Any matters arising from internal/external referrals not dealt with by conditions | No |
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8. Environmental Planning and Assessment Act 1979

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| Does Section 5A (Significant effect on threatened species) apply? | No |
| Does Section 77A (Designated Development) apply? | No |
| Does Section 91 (Integrated Development) apply? | No |
| Are submission requirements within the Regulations satisfied? | Yes |

9. Consideration of SEPPs

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| Key issues arising from evaluation against SEPPs | All issues addressed as a detailed in Attachment A. |
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10. The Hills Local Environmental Plan 2012

The following table is a summary assessment against the LEP. A detailed evaluation is provided at **Attachment A.**

| LEP Section | Comment or Non-Compliances |
|---|--|
| Zoning | <ul style="list-style-type: none"> • R1 General Residential |
| Definition | <ul style="list-style-type: none"> • Residential Flat building |
| Part 2 Permitted or prohibited development | <ul style="list-style-type: none"> • Permissible in the zone • Consistent with zone objectives |

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|---|--|
| Part 4 Principal development standards | |
| 4.3- Height | Minor height non-compliance - Acceptable |
| 4.4- FSR | Complies |
| Part 5 Miscellaneous provisions | All relevant provisions satisfied |
| Part 7 Additional local provisions | All relevant provisions satisfied |

11. The Hills Development Control Plan 2012

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

| DCP Section | Comment or Non-Compliances |
|---|----------------------------|
| Part A – Introduction | Consistent |
| Part B Section 2 - Residential | Satisfactory |
| Part B Section 5 - Residential Flat Buildings | Satisfactory |
| Part C, Section 1 - Parking | Satisfactory |
| Part C, Section 3 - Landscaping | Satisfactory |
| Part D, Section 12 - Carlingford Precinct. | Satisfactory |

12. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. The application is considered suitable for approval subject to the imposition of appropriate conditions.

13. Recommendation

- A. That the Sydney West Central Planning Panel as the consent authority, modify development consent DA/1016/2016, (previously DA/883/2013/JP under Hills Shire Council) for demolition of seven dwellings and ancillary structures and the construction of two apartment buildings containing 105 units to include modifications comprising of an increase in the number of units from 105 to 124 and delete one level of basement car parking at 16-24 Thallon Street and 27-29 Jenkins Road CARLINGFORD NSW 2118 as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the original Notice of Determination subject to conditions contained within Attachment B of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

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|-------------------------|---|
| SWCCP Reference: | 2016SYW225 |
| DA No: | DA/1016/2016 |
| Address: | 16-24 Thallon Street and 27-29 Jenkins Road CARLINGFORD NSW 2118 |

1. Overview

This Attachment assesses the relevant matters for consideration under section 96AA and 79C of the Environmental Planning and Assessment Act, as noted in the table below:

Matters for consideration

| Provision | Comment |
|--|-----------------------------|
| Section 96AA(1) - Modification by consent authorities of consents granted by the Court | Refer to Section 3.1 below. |
| Section 96AA(1)(a)– Substantially the same development | Refer to Section 3.1 below. |
| Section 96(AA)(b)– Notification of the application | Refer to Section 3.1 below. |
| Section 96(AA)(c)–Notify persons who made a submission | Refer to Section 3.1 below. |
| Section 96(AA)(d)–Consider the issues raised in submission | Refer to Section 3.1 below. |
| Section 96(AA)(1A)– Matters under Section 79C(1) taken into consideration | Refer to Section 3.1 below. |
| Section 96(AA)(1A)– Matters under Section 79C(1) taken into consideration | Refer to Section 3.1 below. |

| Provision | Comment |
|---|----------------------------|
| Section 79C(1)(a)(i) - Environmental planning instruments | Refer to Section 3.2 below |
| Section 79C(1)(a)(iii) - Development control plans | Refer to Section 4 below |
| Section 79C(1)(a)(iv) - The Regulations | Refer to Section 5 below |
| Section 79C(1)(b) - Likely impacts | Refer to Section 6 below |
| Section 79C(1)(c) - Site suitability | Refer to Section 7 below |
| Section 79C(1)(d) - Submissions | Refer to Section 8 below |
| Section 79C(1)(e) - The public interest | Refer to Section 9 below |

| Referrals | |
|--------------------------------------|--|
| Development Engineer | No objections – conditions to be imposed |
| Traffic Engineer | No objections – conditions to be imposed |
| Landscape Officer | No objections – conditions to be imposed |
| Environmental Health (Waste) Officer | No objections – conditions to be imposed |

2. Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comments, who provided the following advice:

Given the proposed changes to the building does not affect the fundamental design of the stormwater plans, the core conditions issued for the previous approval remains unchanged. However, given the extent and size of the development additional conditions are required to be added to the proposed development.

In this regard, I have no objections with the proposed alterations to the DA subject to the additional conditions being added.

The recommended conditions are incorporated into the development consent.

Landscape

The development application was referred to Council's Development Landscape Officer for comments, who provided the following advice:

Conditions have been recommended to ensure that the proposed stormwater infrastructure is located outside the structural root zone of the existing trees located within the adjoining sites. Details are to be included on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

The recommended conditions are incorporated into the development consent.

Traffic Engineer

The development application was referred to Council's Traffic Engineer, who has provided the following advice:

The additional 19 units proposed under the current Section 96 application will not generate a significant increase in traffic, however, the longitudinal section for the internal vehicular ramps do not comply with AS2890.1. The change in grade exceeds 18% and therefore requires assessment in accordance with Appendix C of AS2890.1 because where the change in grade exceeds 18% 2.0m transitions are inadequate to prevent scraping of the B99 vehicle. A condition is recommended to ensure that the gradients of the internal ramps comply with AS2890.1:2004.

The proposal is therefore acceptable subject to additional parking and traffic related conditions.

3. Environmental Planning Instruments

3.1 Section 96(AA) Modification

Has the consent lapsed?

Consent has not lapsed. The Land and Environment Court issued the consent on 17 July 2015.

Modification by consent authorities of consents granted by the Court

The modifications relate to a consent approved by the Land and Environment Court.

Substantially the same development

The proposed development to be modified is considered to be substantially the same development as that to which the original development consent relates being construction of two residential flat building development.

Notification & Submissions

The application has been notified in accordance with Part 3 Advertising and Notification Procedures of the Hills Development Control Plan 2012. One submission was received and the issues raised in the submission have been considered and addressed during the assessment of the application.

Threatened Species

The modification does not relate to development consent referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

3.2 Section 79C Assessment

The proposed modifications have been assessed in accordance with the matters for consideration under Section 79C of the EP&A Act, 1979.

Compliance with these instruments is addressed below.

3.2.1 State Environmental Planning Policy No. 55 – Remediation of land

State Environmental Planning Policy No. 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. The site is not identified in Council's records as being contaminated. The subject site has been continuously used for residential purposes.

There is no known previous industrial usage on the site, which would potentially contribute to land contamination or any history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, no contamination report is required in this instance. Notwithstanding this, conditions will be applied to address any unexpected contamination finds that may occur during excavation and construction.

Accordingly, the site is suitable for the intended use and the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

3.2 .2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

Design Quality Principles

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

| Design quality principle | Response |
|--|--|
| Context | The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of The Hills LEP 2012 and DCP 2012. |
| Built form | The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements. |
| Density | The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality. |
| Sustainability, resource, energy & water efficiency | The development provides opportunities in this regard, as reflected within the submitted Basix Certificate and proposed water sensitive urban design approach. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting. |
| Landscape | The landscaping solutions demonstrated in the architectural plans are considered to be of high quality and appropriately respond to the proposed built environment. Detailed landscaping plans have been |

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| | provided for the development for building 1 and 2. |
| Amenity | The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities. |
| Safety & security | The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The proposed pedestrian and vehicle access to the building is satisfactory in terms of perceived safety in the public domain. |
| Social dimensions/housing affordability | 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 and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements. |
| Aesthetics | The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing to the desired future character of the area. |

Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved.

The application is supported by a detailed table demonstrating consistency with the design criteria in the ADG. The table below considers the proposal against key matters:

| CONTROL | REQUIREMENT | PROPOSAL | COMPLIANCE |
|----------------------------|---|---|--|
| Building Depth | Depth should be between 10-18m | Building A = 18.6m Building B = 22.5m | No, however complies with solar access & ventilation requirements. |
| Building Separation | Minimum separation distances for buildings are: | The site is a corner site facing three street frontages, the separation distances | |

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| | | apply to the southern and part western side boundaries. | |
| | <u>Building A</u> South Elevation Four Stories • 12m between habitable rooms/ balconies | <u>Building A</u> South Elevation (separation to No. 21-25 Jenkins Road from Lower Ground Level to Level 2) Required 6m Provided 9.98m | Complies |
| | <u>Building A</u> South Elevation <i>Five to eight storeys</i> (approximately 25m): • 18m between habitable rooms/ balconies | <u>Building A</u> South elevation (separation to building B from Level 4 to Level 7) Required 18m Provided =15- 17.5m | No, however complies with solar access & ventilation requirements and minimal overlooking. |
| | <u>Building B</u> West Elevation <i>Four Stories</i> • 12m between habitable rooms/ balconies | <u>Building B</u> West elevation (separation to No. 21-25 Jenkins Road from Ground Level to Level 3) Required= 6m Provided =12.85m | Complies |
| | <u>Building B</u> South Elevation <i>Four Stories</i> • 12m between habitable rooms/ balconies <i>Five to eight storeys</i> (approximately 25m): • 18m between habitable rooms/ balconies | <u>Building B</u> South elevation (separation to No. 14 Thallon Street from Ground Level to Level 3) Required =6m Provided =7.5m <i>Five to eight stories</i> Required= 9m Provided = 7.5m | Complies No, however complies with solar access & ventilation requirements and minimal overlooking. |

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| | Nine storeys and above (over 25m): • 24m between habitable rooms/ balconies. | Nine storey Required= 12m Provided=16m | Complies |
| Communal Open Space (COS) | 25% (1393.75m ²) of site Developments achieve a min. of 50% direct sunlight to the principal useable part of the COS for a min. 3 hours between 9am and 3pm, mid-winter | 2889.15m ² (51.82%) The communal open space along the west and northern corner shall receive adequate solar access during morning and mid-day during mid-winter. In addition, the roof terrace areas will receive greater than 3 hours solar access to more than 50% of these principal areas. | Complies |
| Deep Soil Zones | 7% or 390m ² of site Min. dimensions of 6m | Provided: 1692m ² = 30% | Complies |
| Parking | The site is within 300m of Carlingford Station and therefore the RMS minimum requirement applies: ➤ 0.6/1 bed 32 = 19.2 ➤ 0.9/2 bed 50 = 45 ➤ 1.4/3 bed 40 = 56 ➤ 1/5 visitors x 124 = 24.8 Residential = 121 Visitors= 26 Total =146 | Provided Residential = 142 Visitors= 25 Total =146 | Complies |
| Daylight Access | Living rooms and private open spaces for at least 70% of apartments should receive 2 hours direct solar access on winter solstice. | 72% achieve 2 hours solar access | Complies |
| Natural Ventilation | At least 60% of apartments are to be | 77% apartments are naturally cross | Complies |

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| | naturally cross ventilated in the first nine storeys of the building | ventilated, as all apartments have dual aspects. | |
| Natural ventilation | At least 25% of kitchens should have access to natural ventilation (on external walls) | More than 25% kitchens are located on external walls and majority of the kitchens are located of being within 8m of a window. | Complies |
| Ceiling Heights | Habitable rooms 2.7m Non-habitable 2.4m | All levels provide a ceiling height of 2.7m or more | Complies |
| Apartment Size & Layout | <p>Studio 35m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 90m²</p> <p>Master bedrooms have a min. size of 10m² & other bedrooms 9m² (excluding wardrobe space)</p> <p>Bedrooms have a min. dimension of 3m.</p> <p>Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom units. - 4m for 2 and 3 bedroom units.</p> | <p>Studio 44m² (min) 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 95m²</p> <p>Areas under master bedrooms meets the 10m²</p> <p>All min. dimensions of 3m provided.</p> <p>All min. dimensions of 3m provided.</p> | Complies |
| Private open space and balconies | All apartments are to have primary balconies as follows: Studio: 4m ² , N/A min. depth 1 bedroom: 8m ² , min. 2m depth 2 bedroom: 10m ² , min. 2m depth 3 bedroom: 12m ² , min. 2.4m depth | <p>The size of balconies is satisfactory, however some balconies do not provide the minimum depth:</p> <p>Unit 101, 106, 201, 206, 301, 306, 401, 406, 501, 506, 601, 606, 701, 706 & 804</p> | Minor non compliance |
| Common Circulation | Max. number of apartments off a circulation core on a | Three lifts and circulation core provided for Building | Complies |

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| | single level is 8 | A and two lifts and circulation cores provided for Building B | |
| Storage | In addition to storage in kitchens, bathrooms and bedrooms, the following storage is required: Studio: 4m ³ 1 bedroom: 6m ³ 2 bedrooms: 8m ³ 3 bedrooms: 10m ³ | Storage is provided internally within apartments and also in the basement. | Complies |

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

An independent design review has been carried out by a Design Excellence Advisory Panel consistent with this Policy that requires an application for the modification of development consent to be evaluated in accordance with the design quality principles and the Apartment Design Guide.

The applicant submitted amended plans which addressed the issues raised by the Panel. The table below outlines how the matters raised by DEAP have been addressed.

- 1. The Panel noted that “building A” has been moved closer to Post Office Street in response to the previous panels comments. This has resulted in significant improvements with regard to the streetscape, and potential overshadowing of properties to the south of the development.***
- 2. The Panel does not object to the proposed height of the development and notes that moving building A closer to Post Office Street and lowering the height of building B at its southern end has contributed to reducing overshadowing impacts.***
- 3. Notwithstanding the above, the Panel reiterates its previous request for shadow diagrams including north and east shadow elevations of the 3 storey building south of the proposed development to ensure acceptable solar access.***

Applicant's response

Additional drawings series A23- 008, 009, 010, 011, 012 and 013 have been included in resubmission set. These drawings illustrate both the approved development application as well the proposed revised Section 96 building with minimal shadow impacts on this existing three storey building. As would be expected, both the proposed and the DA approved buildings are similar in height and bulk and will cast similar minimal shadows to the northern end of

this building. As the proposed Building A is now moved towards Post Office Street, there is even less of an impact upon the existing building.

4. ***Height planes should also be provided to all elevations as well as a 3-D model view that shows the extent of any height non-compliances.***

Applicant's response

A HOB line projected from the existing natural ground line has been indicated on all elevations being resubmitted. Additionally, drawing A02-05, a 3D maximum height plane drawing sheet has been added to illustrate the minimal extent of the height non-compliance. Note that a Clause 4.6 variation has already been submitted together with the original Section 96 application submission and will still apply to this revised submission set.

5. ***The applicant advised that the revised scheme has not increased in height, however, an additional storey has been added since the original DA. Since the panel was not shown a copy of the original DA, it was unclear as to how the additional storey has been added. This matter should be clarified with Council.***

Applicant's response

See additional drawing sheet AOB-03 Section 3, with longitudinal sections through both Building A and Building B, of both the DA approved buildings and the revised Section 96 buildings shown side by side, with the proposed ground level lines indicated. Thus it is clear where the revised Section 96 plans has varied the ground levels proposal while maintaining the overall building height within the allowable HOB shown in dotted red lines.

6. ***The application lacks documentation showing the local context. The applicant is advised to refer to the ADG Pts 1-3 with regard to the relevant requirements for buildings exceeding 25 metres in height. Matters such as alternative exits, sprinklers etc. should be checked prior to any approval of the application.***

Applicant's response

Additional drawings are included. A02-02, A02-03, A02-04 are site context and site analysis with the surrounding approved buildings included. Please note that the resultant effective heights taken to the floor of the highest trafficable level for every residential core in this revised Section 96 are all less than the 25metres mentioned above, thus the issues mentioned are not applicable.

7. ***No landscape plan was presented to the panel. Previous landscape plans and details are to be submitted that correspond with the latest changes to the development proposal.***

Applicant's response

Latest revised Landscape Plans set by Ray Fuggle Landscape is included with the architectural resubmission.

- 8. *The Panel does not support the colour scheme as portrayed on the documents provided. Softer, more neutral colours are to be provided. A detailed materials and colours board is to be provided for council approval.***

Applicant's response

As per DEAP panel request, the proposed external material colour scheme for the overall development for both Building A and B in a more muted tone from the original DA approved and the original Section 96 submission. This adjustment only applies to the proposed external brick finished facades which have been muted in the event that amended plans are submitted to Council to address the concerns of the Design Excellence Advisory Panel.

3.2.3 State Environmental Planning Policy (Infrastructure) 2007

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

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

The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Jenkins Road is less than 40,000 vehicles.

3.2.4 State Environmental Planning Policy – BASIX

The application for the mixed use development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

3.2.5 State Environmental Planning Policy (State and Regional Development) 2011

The development has a capital investment value of more than \$20 million. This application is captured by Part 4 of this Policy which provides that the Panel is the consent authority for this application.

3.2.6 The Hills Local Environmental Plan 2012

The relevant matters to be considered under The Hills Local Environmental Plan 2012 for the proposed development are outlined below.

| DEVELOPMENT STANDARD DISCUSSION | | COMPLIANCE |
|--|-----|--|
| Zoning R1 General Residential | Yes | The proposed residential flat building development is permissible with consent on the subject site. |
| 4.1 & 4.1AA Minimum subdivision lot size | N/A | The application does not propose the land subdivision of the site. The application also does not propose subdivision for community title schemes. |
| 4.1A Minimum lot sizes for dual occupancy, multi-dwelling housing and residential flat buildings | Yes | Required – 4000m ² Proposed – 5575m ² |
| 4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 28 metres. | No | Proposal – 29.3 metres. Clause 4.6 variation not required. |
| 4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is =1.99:1. =11094.25m ² | Yes | Total = 1.98:1 (11,038m ²) |
| 4.6 Exceptions to development standards | Yes | The application seeks approval to vary Clause 4.3 – Height Standard. Clause 4.6 variation is not required. Refer to the discussion at the end of this table. |
| 5.1 and 5.1A Development on land intended to be acquired for public purposes | N/A | The site is not identified on this map. |

| DEVELOPMENT STANDARD DISCUSSION | | COMPLIANCE |
|---|-----|---|
| Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map? | | |
| 5.6 Architectural roof features | No | See commentary under '4.3 – Height of Buildings'. |
| 5.9 Preservation of trees | Yes | Tree removal is proposed. Council's Landscape Officer has reviewed the tree removal and raised no objections to the removal of the trees subject to conditions. |
| 5.10 Heritage Conservation | Yes | According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area. |
| 7.1 Acid sulfate soils Is an Acid Sulfate Soils Management Plan Required? | N/A | The site is not identified as containing acid sulphate soils. |
| 7.2 Earthworks Are the earthworks associated with the development appropriate? | Yes | Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory subject to conditions. |
| 7.3 Flood planning Is the site flood prone? | N/A | The site is not identified as being flood prone. |
| 7.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Terrestrial – Biodiversity Map'? | N/A | The site is not identified on this map. |
| 7.5 Limited development on the foreshore area | N/A | The site is not located on the foreshore. |
| 7.6 Landslide Risk | N/A | The site is not identified on Council's Landslide Risk Map. |
| 7.11 Residential development yield on certain land | N/A | The site is not identified as being located in Area B on the Key Sites Map. |
| 7.12 Development | N/A | The site is not identified as being located in |

| DEVELOPMENT STANDARD DISCUSSION | COMPLIANCE |
|---|------------------------------|
| on certain land within the Sydney Metro Northwest Urban Renewal Corridor | Area A on the Key Sites Map. |

Height variation

As stated above the proposed modification results in a minor variation to the maximum permitted height associated with residential development on the site noting that the proposed height at 29.3m exceeds the height limit by 1.3m or 4.64% of the control.

The consideration of the height variation has been assessed in relation to the approved variation to the height of the building at 28.5m by the Land and Environment Court.

A variation pursuant to Clause 4.6 would normally be required, however the wording of Clause 4.6 relates to the 'granting of consent' (i.e. Development consent must not be granted for development) rather than the 'modification of consent' and therefore technically Clause 4.6 does not apply to this Section 96 application.

Despite this, consideration has been given to the objectives of the building height development standard pursuant to Clause 4.3 of The Hills LEP 2012 and is discussed below:

Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

The objectives of the height control are:

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

The proposed height variation is consistent with the above objectives for the following reasons:

- The proposed building height will be visually compatible with the bulk, scale and character of the new development under the South Precinct in Carlingford which is undergoing a transition from single storey dwellings to high rise developments;
- The additional height applies to only a small section of the development, which is part 9 storey of building B;
- The additional height will not impact on visual impact as the elements have been suitably located will not disrupt any views or view lines; and

- The additional height has been will not impact upon privacy or solar access to residential dwellings as the ninth storey has been suitably located to provide adequate separation distances from the neighbouring buildings.



Height Variation- Red Cloud depicts the 28m height limit

The proposed development is consistent with the relevant objectives of the height standard under The Hills Local Environmental Plan 2012 as it results in minimal visual impact, disruption of views, loss of privacy and loss of solar access to the existing and proposed future development at the adjoining sites.

4. THE HILLS DEVELOPMENT CONTROL PLAN 2012

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|--------------------------------------|---------------|--|
| 2.4 Site Analysis | Yes | The application has been accompanied by a site analysis plan to ensure that development is compatible with land capability. Refer to Drawing No.A02-03, Revision 3, dated 26 April 2017. |
| 2.5 Streetscape and Character | Yes | <p>The existing character and urban context of the immediate neighbourhood is undergoing a transition from a low density residential to high density development.</p> <p>The proposed development is of an appropriate bulk and scale which is in keeping in its context and will afford adequate amenity to the future residents of the development. As such, the development is considered to be</p> |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|--|--------|---|
| | | consistent with the R1 General Residential and future streetscape character of the area. |
| 2.6 Bushfire Hazard Management | N/A | The site is not identified as being bushfire prone land. |
| 2.7 Geotechnical Site Stability | N/A | The site is not identified on Council's Landslide Risk Map. |
| 2.8 Bushland and Biodiversity | Yes | The site is not identified on Council's Bushland and Biodiversity Map. |
| 2.9 Erosion and Sediment Control | Yes | An erosion and sedimentation plan has been submitted with the application. |
| 2.10 Heritage | N/A | The site is not a heritage item or located within heritage items that would impede its views to and from the site. |
| 2.13 Subdivision | Yes | The development does not propose subdivision of the development. |
| 2.13.2 Building Platform & Views | Yes | The proposal provides an adequate building platform with access from public roads. |
| 2.13.3 Pedestrian Access, Safety and Security | Yes | The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. Entries face towards its respective streets, promoting natural surveillance from within the units to the street setback and public domain. |
| 2.13.5 Waste Collection | Yes | Bin storage areas are located within the basement. Council's Waste Officer has reviewed the proposal and raised no objections to the proposed waste storage and collection subject to recommended conditions. |
| 2.15 Fencing | N/A | The development does not propose a front fence. |
| 2.18 Swimming Pools | N/A | The application does not propose a swimming pool. |
| 3.1 Site Requirements | Yes | Required – Min. 30m Post Office Street – 92.8m Thallon Street – 91.2m Jenkins Street - 30.2m |
| 3.3 Setbacks | | <u>Provided</u> |
| <u>Front</u> | Yes | Jenkins Road-10m |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|---|--------|--|
| Primary – 10m | | Old Post Office Road-6m |
| | No | Thallon Street-6m, the setback is acceptable as it is varied to provide improved separation distance between Building A and B |
| Side Min. 6m | Yes | 12.85m |
| Rear Min. 8m | Yes | Setback to 21-25 Jenkins Road – 9.98m and 12.85m. |
| 3.4 Building Heights | | |
| Developments on sloping sites are to be stepped so that the ground floor does not exceed one metre above NGL. | Yes | The ground floor does not exceed one metre above NGL. |
| The floor level of any residential room must be no lower than one metre below NGL. | Yes | The floor level of any residential floor is no lower than one metre below NGL. |
| 3.5 Building Separation and Treatment | Yes | See assessment under ADG's. |
| 3.6 Landscape Area | Yes | Required – 2787.5m ² Provided – 2251m ² (40.3% of the site) |
| Min. 50% of the area of the site with a minimum dimension of 2 metres. | | |
| 3.7 Building Length | | |
| Max. 50m | No | Provided – Max 70m However, the development meets the requirements under the ADGs which supersedes the controls of the DCP. |
| 3.10 Density | | |
| Maximum population density is 175 persons per hectare with a desirable range between 150 and 175 persons. with an occupancy rate that is: | No | Site Area = 0.5575 ha Density = 254.6 persons per hectare. This departure to the control is acceptable as the proposal is compliant with the FSR standard. |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|---|--------|---|
| 1 bedroom= $1.3 \times 32 = 41.6$ persons 2 bedrooms = $2.1 \times 50 = 105$ persons 3 bedrooms = $2.7 \times 40 = 108$ | | |
| 3.11 Unit Layout and Design | | |
| <u>Apartment Mix</u> | | |
| No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments. | Yes | 25% of the development comprise of 1 bedroom apartments |
| No less than 10% of the dwelling yield is to comprise apartments with 3 or more bedrooms. | Yes | 32% of the development comprise of 3 bedroom apartments. |
| <u>Residential Flat Development (40 or more units)</u> | | |
| 1 bedroom – $50\text{m}^2 - 75\text{m}^2$ 2 bedroom – $70\text{m}^2 - 110\text{m}^2$ 3 bedroom – $95\text{m}^2 - 135\text{m}^2$ | No | However, the development is subject to the ADGs which prevails over the controls of the DCP. See assessment under the ADG's. |
| 3.12 Building Materials | Yes | The application was submitted with a colour and material schedule which was considered acceptable. |
| 3.13 Open Space | | |
| <u>Private Open Space</u> | | |
| Ground – Min. 4m x 3m Upper Level – Min. 10m^2 , min 2.5m depth | Yes | See ADG compliance. |
| <u>Common Open Space</u> | | |
| 20m ² per dwelling | Yes | Required – 2480m^2 Provided- 2889.15m^2 |
| 3.14 Solar Access | | |
| Common open space must receive at least 4 hours of solar access during the winter | Yes | The communal open spaces located on the ground floor and on the roof top areas will receive the 4 hours. 72% of |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|--|--------------------|--|
| solstice. | | the proposed units will receive 2 hours of solar access during winter solstice which complies with the ADG requirements. |
| Adjoining development and the major part of their landscape receive 4 hours of solar access during the winter solstice. | Yes | The units along the western elevation of adjoining development at 10-14 Thallon Street will receive the minimum 4 hours of solar access during the winter solstice |
| 3.15 Ventilation | Yes | See ADG compliance table for further discussion. |
| 3.17 Stormwater Management | Yes | Council's Development Engineer has reviewed the development including the proposed stormwater management and has not raised objection, subject to conditions. |
| 3.18 Vehicular Access | | |
| The driveway shall be centrally located within the development and be a minimum of 10 metres from any side boundary or street. | No, but acceptable | The driveway is located 7.5m from the side boundary and it is considered that the location of the driveway on Thallon Street is appropriate. |
| 3.19 Car Parking | No | See ADG compliance table for further discussion. |
| 1 bedroom unit - 1 space 2 or 3 bedrooms unit -2 spaces Required =212 spaces | | Council's Traffic Engineer support the application on parking and traffic grounds. |
| 3.20 Storage | Yes | See ADG compliance |
| 3.21 Access and Adaptability | | |
| Lift required if more than 2 storeys | Yes | Building A -3 lifts are provided. Building B- 2 lifts are provided. |
| Accessible housing: 5% of units for 20 units or more. | | Required – 6.2 units Provided – 13 units |
| 3.22 Pedestrian / Bicycle Links | | |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|---|---------------|---|
| Is a pedestrian link provided? | N/A | Due to the size of the allotment, it is not considered necessary to provide a pedestrian link. |
| 3.23 Privacy – Visual and Acoustic | | |
| Does the site adjoin a noise generating land use? | Yes | <p>The amended proposal generally provides more than the required separation distances between buildings and not likely to generate any adverse overlooking or privacy impacts.</p> <p>An Acoustic Report was submitted with the original application for noise assessment and mitigation measures that applies to the current proposal with an addendum to the report for the additional levels. Conditions are imposed on the consent requiring an amended acoustic assessment to be provided prior to the issue of a construction certificate.</p> |
| 3.24 Services | Yes | Conditions are imposed on the consent requiring the consent holder to seek the relevant approvals from the energy/service providers. |
| Part D Section 12 - Carlingford Precinct | | |
| Key Sites | N/A | The subject site is not identified as a Key Site in accordance with Figure 3 – Key Sites. |
| 3.3.2 Southern Precinct | Yes | <p>The site is identified as being part of the Southern Precinct.</p> <p>It is considered that the development contributes to the desired future character of the Southern Precinct of the Carlingford as this development comprises of a transition scale between the larger developments south of the precinct.</p> |
| 4.1 FSR | | |
| The FSR of a proposed development within the precinct must not exceed the maximum ratio specified for | Yes | See FSR discussion under THLEP 2012 table. |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|---|------------------------|--|
| the development site in the FSR MAP of THLEP 2012. | | |
| 4.2 Building Height | | |
| The height must not exceed the max building height under the Building Heights Map in THLEP 2012. | No | See Height discussion under The Hills LEP 2012 table. |
| Max. 9storeys. | Yes | Between 3, 7 and 9 storeys. |
| 4.3 Site Coverage | | |
| Building Site Coverage does not exceed 35% of the site area. | No | Max. 1951.25m ² Provided – 2685.85m ² (48%) acceptable as the development complies with the landscaping and deep soil requirements. |
| 4.4 Site Requirements | | |
| Compliance with site amalgamation plan. | Yes | The lots are amalgamated in accordance with the amalgamation plan. |
| 4.5 Deep Soil Zones | | |
| A minimum of 25% is to be deep soil of the unbuilt upon area; alternatively 15% of the total site area – whichever is greater | Yes | 15% of 5575m = 836.25m ² Provided = 2251m ² |
| 4.6 Apartment Size | | |
| Single aspect apartments should be limited to 8m from a window. | Yes | See ADG assessment. |
| The back of kitchen should be no more than 8m. | | |
| The width of cross-over or cross-through apartments over 15m should be 4m | | |
| 4.7 Setbacks | | |
| Primary – 10m | Partial Non-compliance | See assessment under Section 3.3 Setbacks of THDCP 2012. |
| Rear – 8m | Yes | |

| DEVELOPMENT CONTROL | COMPLY | DISCUSSION |
|---|------------------------|--|
| Side – Min. 4.5m to walls and 6m to windows from ground floor to 4 th storey, and 6m for walls and windows above the 4 th storey. | Yes | |
| 4.8 Building Separation | Partial Non-compliance | See ADG assessment. |
| 4.9 Building Depth | No | See ADG assessment. |
| 4.11 Open Space | | |
| COS - 30% of the site area | Yes | See ADG assessment. |
| Minimum for each apartment at ground level is 25m ² / min dimension 4m | Yes | See ADG assessment. |
| Minimum open space for dwellings above ground level is 10m ² / min dimension of 2m. | Minor variation | See ADG assessment. |
| 4.13 Solar Access | | |
| Min. 4 hours to landscaped areas, living rooms and POS | No | Complaint under the ADG_ See assessment (solar access within development units). See Section 3.14 Solar Access of the THDCP 2012 table for assessment of solar access to adjoining developments and COS. |
| 4.23 Ground Floor Apartments | | |
| Optimise the number of ground floor apartments with separate entries | Yes | Ground floor units have been provided with separate access. |
| Provide terrace gardens to ground floor units. | Yes | Courtyard areas provided for the ground floor units. |
| 4.30 Roof Design | | |
| Use roof space to provide facilities such as pools, BBQ areas and seating if roof is to be used as COS. | Yes | Amenities/facilities provided to the roof top communal open space. |

5. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection is addressed as via conditions of consent granted for this application.

6. Likely Impacts

6.1 Context and setting

The proposed development is in keeping with the form and scale in its context and setting of the current built form in the South Carlingford Precinct. The proposal is satisfactory with regard to the built form, including street presentation and building envelope.

It is considered that the overall design, including colours and materials is consistent with those within the area as it provides for a build form suitable to avoid any negative amenity outcomes to the adjacent sites and the scale and form and presentation of the buildings is consistent with planning controls. The design and site planning is acceptable as independently assessed by Council's Design Excellence Advisory Panel.

6.2 Site works

Excavation

The Section 96 application proposes to delete an approved basement level resulting in a three level basement which is likely to minimise the impacts of excavation. Appropriate conditions have been recommended to require the applicant to submit a geotechnical/civil engineering report which addresses (but is not limited to) potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations and to establish methods to ameliorate any impact.

In addition, due to the extent of the proposed excavation to accommodate the three levels of basement car parking, should the excavation intersect groundwater, a condition is recommended to require an aquifer interference activity approval from the NSW Office of Water.

Utility services

All utility services are available to the site by virtue of the existing development. Those services will be decommissioned / diverted as necessary to enable construction, and will be augmented as nominated by the relevant service providers to satisfy the demands generated by this proposal.

Accessibility

The application is supported by an Access Report which concludes the proposal is able to achieve compliance with the requirements of the BCA and AS 4299, subject to resolution of nominated design matters.

6.3 Amenity considerations

Internal amenity

A satisfactory outcome is achieved noting:

- 77% of apartments benefit from cross ventilation;
- 72% of apartments receive more than 2 hours direct solar access between 9am and 3pm at midwinter;
- Ceiling heights to habitable rooms are 2.7m
- Most units achieve a minimum width of 2m is achieved for the purposes of meeting requirements for usable balcony sizes; and
- Adequate storage is provided for each unit.

Common open space

The primary common open space at the ground floor is located with a north and west facing orientation and in addition communal open space is located on the roof top in Building A which exceeds the ADG criteria for size (minimum of 25% of the site area) and solar access (50% receiving 2 hours solar access at midwinter.)

6.4 Public domain

Built form relationship to public domain

A positive public domain outcome will result given:

- The building achieves a desirable interface with public areas in terms of the relationship between the ground floor levels and the adjoining footpaths;
- The building addresses all the three street frontages;
- Vehicle access is consolidated to a single edge of the site;
- Service areas are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;
- The building provides for a direct visual connection to the street ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and
- An appropriate landscape treatment is provided for those edges of the site that contribute to the public domain.

6.5 Relationship to adjacent sites

Overlooking

The location of the two buildings and their design, ensures more than adequate separation to the future residential development to the west and the development under construction on the on adjoining land to the south of the site at No. 10 to 14 Thallon Street.

Overshadowing

Midwinter shadows from the buildings will fall over the neighbouring residential buildings to the west at No.21- 25 Jenkins Road and at No.10-14 Thallon Street between 9am and 3pm, however these residential flat buildings will comply with the minimum 2 hours of solar access as required under the Apartment Design Guide.

6.6 Access, transport and traffic

Parking supply

The quantum of parking provided, and its allocation amongst the uses, satisfies the applicable Roads and Maritime Services requirement.

Parking access and design

The geometry and design of parking areas and associated elements, including service areas, is satisfactory.

6.7 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

Dedicated space for the storage and collection of waste is provided within the podium levels. Council's environmental Health Officer has reviewed the Waste Management Plan which supports the application, and is satisfied with arrangements for the storage and collection of waste from the site.

Council's Traffic Engineer is satisfied the design of the service areas is satisfactory subject to conditions for the type and size of waste vehicles required to attend the site.

6.8 Construction Management

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the matter such as a dilapidation report, demolition and removal of hazardous materials,

sediment and erosion control and water quality during construction, traffic management plan, hours of works and dust control.

6.9 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations.

To ensure a suitable outcome is achieved, the recommendation includes conditions which require a roller door to the basement /service entry to be closed.

6.10 Social and economic impacts

No adverse impacts have been identified during the assessment of this application.

7. Site Suitability

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

8. Submissions

The application was placed on exhibition between 4 November 2016 to 18 November 2016. The amended plans were exhibited between 26 May 2017 to 2 June 2017. One submission was received during the second notification period.

The issues raised within the submission are discussed below.

| Concern | Response |
|--|---|
| Additional units will cause additional traffic issues | Council's Traffic Engineer has reviewed the application and has advised that the additional 19 units proposed under the current Section 96 application will not generate a significant increase in traffic on the local road network. |
| Structural defects to neighbouring buildings during construction | Standard conditions have been recommended for the applicant to engage a suitably qualified person to |

| | |
|--|--|
| | prepare a pre and post construction dilapidation report to ascertain any structural damage created to adjoining buildings and or infrastructure during the construction. |
|--|--|

9. Public interest

Subject to resolution of the issues of concern as addressed by the recommendation of this report, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

10. Recommendation

- A. That the Sydney West Central Planning Panel as the consent authority, modify development consent DA/1016/2016, (previously DA/883/2013/JP under Hills Shire Council) for demolition of seven dwellings and ancillary structures and the construction of two apartment buildings containing 105 units to include modifications comprising of an increase in the number of units from 105 to 124 and delete one level of basement car parking at 16-24 Thallon Street and 27-29 Jenkins Road CARLINGFORD NSW 2118 as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the original Notice of Determination subject to conditions contained within Attachment B of the Assessment Report.