



Report to Sydney Central City Planning Panel

SWCCP reference	2016SYW245
DA No.	DA/1063/2016
Date of receipt	14 November 2016
Proposal	23 storey shop top housing containing a retail shop, commercial office space and residential apartments over basement car parking.
Street address	2 – 4 Cambridge Street, Epping
Property Description	Lot 1 DP 1118567
Applicant	Zhinar Architects Pty Ltd
Owner	Australasian Conference Association Limited
Submissions	Five
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• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX)• State Environmental Planning Policy (State and Regional Development) 2011• Hornsby Local Environmental Plan 2010
Recommendation	Deferred Commencement
Council Officer	Denise Fernandez, Senior Development Assessment Officer

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 summarised, 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 has been received, has it been attached to the assessment report ?	N/A
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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
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1. Executive summary

This report considers a proposal to construct a 23 storey shop top housing development with retail and commercial office space and 83 residential apartments over 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 79C of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel grant a Deferred Commencement subject to Schedule 1 of Attachment B.

2. Key issues

- a. Impacts to the heritage item (9 Oxford Street)
- b. Treatment of the adjacent Council allotment as a pedestrian link.

3. Site context

Epping Town Centre has previously straddled two different local government areas, Parramatta Council and Hornsby Shire Council. Following the Council mergers on 12 May 2016, all of Epping Town Centre is now under the control of the new City of Parramatta Council.

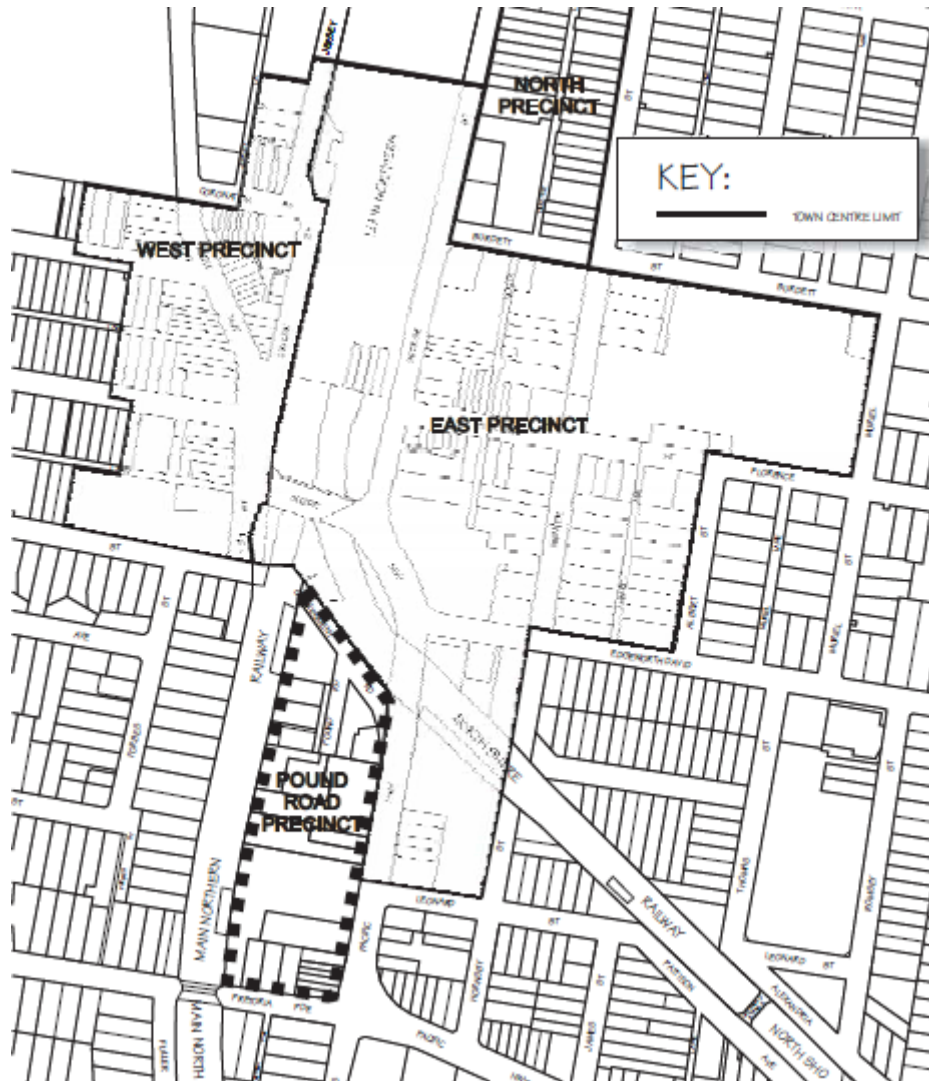


Figure 1: Hornsby Town Centre Precinct

The Town Centre has three distinctly identifiable precincts, to the east and west of the Hornsby Transport Interchange and north of the main commercial precinct. Development should be consistent with the individual characteristics of the precincts, as described in the following:

East Precinct

Development in the east precinct will be consistent with the role of much of the precinct as the commercial core, being the major focus of retail and commercial activity within what was formerly the Hornsby Shire and the sub regional area.

North Precinct

The north precinct will provide an extension of the existing commercial centre and accommodate a wide range of living, employment and recreational activities.

West Side Precinct

The West Side precinct is the traditional heart of what was formerly the Hornsby Shire. The precinct will be a mixed use, street based centre that provides a range of housing, retail and commercial offices, food outlets, entertainment and employment opportunities to support the larger centre and service the working and residential populations in the area.

4. Site description and location

4.1 Background

4.1.1 The site

The site is located within the Epping Town Centre and situated in the East Precinct.

The site comprises of 3 separate allotments and once consolidated will result in a combined site area of 1785m². The site has a frontage to Cambridge Street and is directly opposite a rail corridor. The site is within walking distance (approximately 150m) from Epping train station.

The site is currently occupied by a 3 storey building and an at grade car park. The site adjoins Council owned land to the south. A Right of Carriageway burdens the adjoining Council allotment to provide vehicle access from Oxford Street to the parking area located on the subject site.

The site is also in close proximity to a heritage item to the south and commercial and retail premises to the east (along Oxford Street). The site also adjoins a school to the north (Our Lady Help of Christians Catholic School). Within proximity to the site are:

- Our Lady Help of Christians Parish Church
- Commuter car parking on Cambridge Street
- Epping branch library

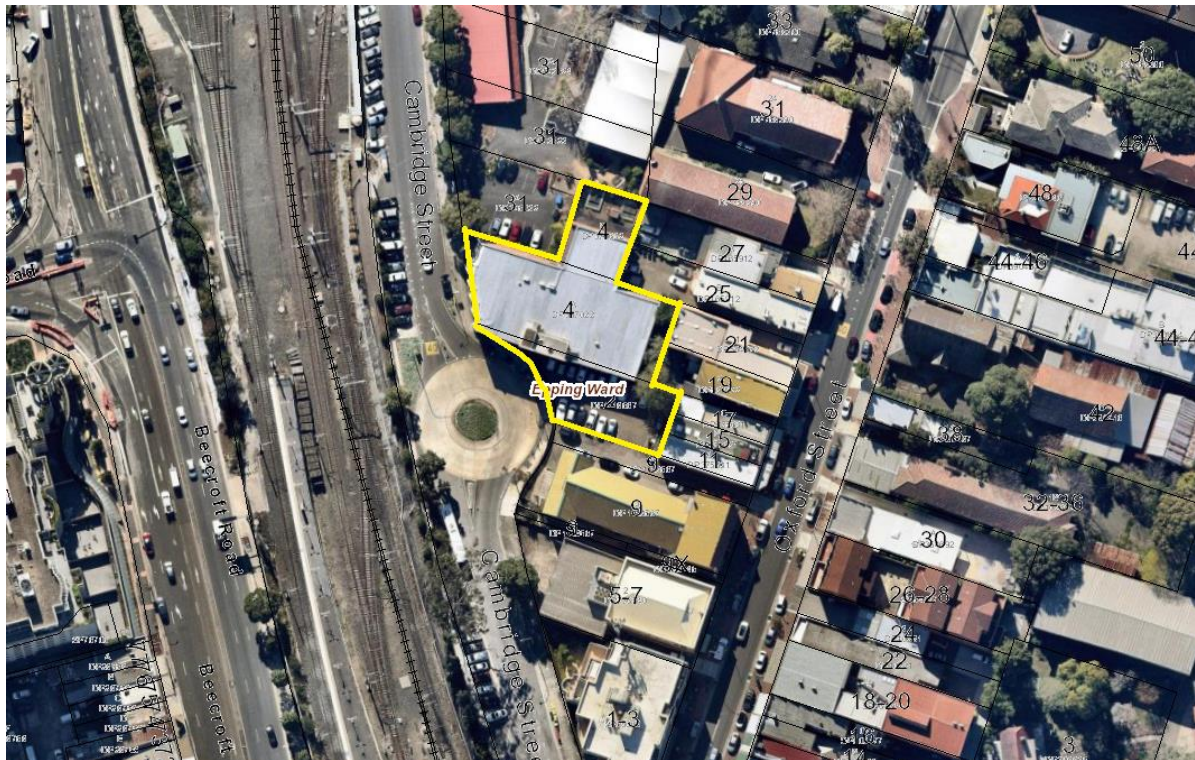


Figure 2: Land the subject of DA 1063/2016 outlined in yellow.

4.1.2 The Sydney Metropolitan Plan – A Plan for Growing Sydney

The NSW Department of Planning and Environment's Sydney Metropolitan Plan 'A Plan for Growing Sydney' 2014, sets out planning goals to be achieved by 2031. The Epping Town Centre falls within the North Subregion of the Plan and the implementation of growth and infrastructure targets will be achieved through an Action Plan that will be delivered by the Greater Sydney Commission.

Goal 2 of the Plan provides a direction to achieve “a city of housing choice, with homes that meet our needs and lifestyles”, through:

- Accelerating housing supply and local housing choices through the Priority Precincts program and Urban Growth Programs
- Accelerating urban renewal across Sydney by providing homes closer to jobs
- Improve housing choice to suit different needs and lifestyles

4.1.3 Epping Town Centre – Urban Activation Precinct Plan

Upon detailed community consultation, the Department developed the Urban Activation Precinct Plan for the Epping Town Centre in response to the goals set out by the Sydney Metro Plan. The consultation process culminated in the finalisation of the rezoning for the Epping Town Centre Priority Precinct in March 2014.

The key features of the Epping Town Centre Urban Activation Precinct Plan included:

- 54ha to be rezoned for residential development, with capacity for approximately 3750 new homes within a 10-minute walk of existing public transport, employment opportunities and local services.
- Provision for mixed use development to include cafes and restaurants with outdoor dining within a 400m radius of a railway station.

The abovementioned features of the Plan align with and is supported by the Hills M2 Upgrade and the North West Rail Link.

4.1.4 Epping Town Centre Review

In June 2017, the City of Parramatta released the results of a review of the Epping Town Centre in light of recent developments and significant transport projects which has since changed the function of Epping Town Centre. These changes include, how people walk, drive, visit and work in Epping due to pressure from increased residents, traffic and changing business patterns.

The Review covered:

- impacts on heritage conservation areas (HCAs) to the north and east of the Epping Town Centre;
- identification of current commercial floor space and future demands for commercial spaces;
- understanding what facilities and programs are available within Epping Town centre; and
- review of current traffic conditions and future traffic requirements.

The proposed development has responded to the goals of the Sydney Metro Plan, the Urban Activation Precinct Plan and the Review by providing 83 residential apartments along with commercial and retail spaces.

4.1.3 Impacts on the Heritage item located on 9 Oxford Street

The development site is located within close proximity to the heritage item at 9 Oxford Street.

Upon review of the proposal, which included Heritage Impact Statements, Urban Design reports and 3D perspective diagrams, Council's Heritage Adviser remained opposed to the proposal citing the following:

Further to a review of the Statement of Heritage Impact, and a site inspection, I am not able to endorse the findings of the said Statement of Heritage Impact. The reason is that the new building, as currently proposed, would in my opinion have a greater than acceptable degree of impact on the setting of the heritage item, the School of Arts.

In practical terms, the rear area of the School of Arts, and the relatively small open space behind it, would face additional burden on its operational use, due to proximity of such large new construction dominating its physical and visual space. This may, in effect, render the rear portion of the School of Arts building (and its rear yard) impossible to put in particular uses, for example, those which would require sun light in afternoon hours.

In saying that, some impact on light access is deemed acceptable, and thus some form of high-rise construction on the subject site is deemed reasonable, however, the impact of the particular proposal is not supported because, in my opinion, this impact could have been minimised if greater separation was applied.

In my opinion, on this sensitive site, the interests of maximising property potential and minimising construction costs should be reasonably harmonised with the interests of heritage conservation.

Notwithstanding the above-mentioned comments, Council's Planner has provided a detailed assessment of the heritage impacts to support to the development. This assessment is located in Attachment A - Section 2.5.1 of this report.

4.1.4 Deferred Commencement requirements

4.1.4.1 Easements

The development site is burdened by a 915mm wide Right of Carriage Way that runs east-west to benefit 17 Oxford Street. To facilitate the development of the subject site, the application proposes to extinguish the existing easement and create an easement along the eastern boundary of the development site (the boundary that adjoins 17 Oxford Street) which continues to the Council allotment terminating on Cambridge Street. See diagram below of the new location of the easement.



Figure 3: Location of old and new easement

It is noted that The Hornsby DCP 2013 envisages the adjacent Council allotment to be converted to a pedestrian link connecting Oxford Street to Cambridge Street. To allow for this, the applicant has provided a 24/7 publicly accessible lift on the subject site to be built and maintained by the body corporate.

Council is in receipt of documentation that the owner of the development site is in negotiation with the beneficiary of the subject easement and its relocation. As such, the extinguishing and creation of the new easement will form part of the Deferred Commencement requirements.

4.1.4.2 Sydney Trains

The application was referred to Sydney Trains for comment under the provisions of the ISEPP. In response, Sydney Trains provided their concurrence subject to a Deferred

Commencement requiring the applicant to submit additional detailed Rail specific Geotechnical Engineering, Structural and Civil Reports. The full requirements as per Sydney Trains concurrence is noted in Attachment B of this report.

5. The proposal

The proposal comprises the following primary elements:

- 83 apartments located within the tower element;
- 1 retail and 1 commercial space located within the 2 storey podium;
- 128 parking spaces within the 3 levels of basement, mezzanine and the podium levels

The application also includes:

- Perimeter landscaping of private open space within the site (ground and podium levels);
- Public domain works to the adjoining Council allotment and the Cambridge Street frontage
- All required civil works including an Onsite Detention System for stormwater management.

Regarding the commercial and retail spaces, this application only seeks consent for that land use. Separate consent will be required for the fitout and operational details of the commercial spaces if these uses fall outside the complying development provisions under the Exempt and Complying SEPP. Notwithstanding, the operational hours for the retail and commercial use will be included as a condition to this consent.

6. Public notification

The notification period was 23 November 2016 to 7 December 2016. Five submissions were received.

7. Referrals

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

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

Key issues arising from evaluation against SEPPs None - A detailed assessment is provided at **Attachment A**.

10. Hornsby Local Environmental Plan 2013

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

Table 1: LEP compliance

	<i>Comment or non- compliances</i>
Zones	<ul style="list-style-type: none">• B2 Local Centre
Definition	<ul style="list-style-type: none">• Shop top housing• Commercial and retail premises
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">• Permissible in the zone• Consistent with zone objectives
Part 4 Principal development standards	<ul style="list-style-type: none">• Height – 72m (Complies)• FSR – 4.5:1 (Complies)
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions	All relevant provisions satisfied

11. Hornsby Development Control Plan 2013

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

Table 2: DCP compliance

	<i>Comment or non- compliance</i>
Part 3 – Residential	Satisfactory
Part 4 - Business	Satisfactory
Part 9 - Heritage	Satisfactory

Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

RECOMMENDATION

- A. That pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant a Deferred Commencement to Development Application DA/1063/2016 subject to Schedule 1 of the conditions in **Attachment B**.
- B. That all the objectors be advised of the Sydney Central City Planning Panel's decision.



ATTACHMENT A- PLANNING ASSESSMENT

SWCCP reference 2016SYW245

DA No. 1063/2016

1. Overview

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

Table 1- Matters for consideration

<i>Provision</i>	<i>Comment</i>
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 79C(1)(a)(ii) - Draft planning instruments	Not applicable
Section 79C(1)(a)(iii) - Development control plans	Refer to section 3 below
Section 79C(1)(a)(iiia) - Planning agreements	Refer to section 4 below
Section 79C(1)(a)(iv) - The Regulations	Refer to section 5 below
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
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	Five submissions
Section 79C(1)(e) - The public interest	Refer to section 8

The following internal and external referrals were undertaken:

Table 2: Referrals

Landscape	Satisfactory - conditions provided
Development Engineer	Satisfactory - conditions provided
Traffic	Satisfactory - conditions provided
Environmental Health (Waste)	Satisfactory - conditions provided

Environmental Health (Acoustic)	Satisfactory – conditions provided
Urban Design (Public domain)	Satisfactory – conditions provided
Civil Assets	Satisfactory
Heritage	Unsatisfied – refer to further discussion elsewhere in this report
RMS	Satisfactory - conditions provided
Railcorp	Satisfactory – conditions provided
Ausgrid	Satisfactory - conditions provided

2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

The subject site comprises 3 allotments. The site is not identified in Council's records as being contaminated.

An assessment of the application has been undertaken on the basis of Clause 7(1), 7(2) and 7(3) of SEPP 55 and the *Managing Land Contamination Planning Guidelines 1998* for assessing potential contamination of a site. The following is a checklist of the evaluation.

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results including any previous evaluations?

Planning Comment:

Council records show no evidence of previous investigations for contamination of the land the subject of this application.

- Do existing records held by the planning authority show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries are not required for an initial evaluation).

Planning Comment:

The application notes that the site was developed for shops and residential premises circa 1910. The dwellings located on the subject site was demolished and replaced with the current at grade parking area. It is noted that neither shops, residential premises or car parking area are listed in the Table 1 below.

Table 3: Some Actives that may cause contamination (Source: Managing Land – Planning Guidelines SEPP 55 – Remediation)

Acid/alkali, plant and formulation	Landfill sites
Agricultural/horticultural activities	Metal treatment
Airports	Mining and extractive industries
Asbestos production and disposal	Oil production and storage
Chemicals manufacture and formulation	Paint formulation and manufacture
Defence works	Pesticide manufacture and formulation
Drum re-conditioning works	Power stations
Dry cleaning establishments	Railway yards
Electrical manufacturing (transformers)	Service stations
Electroplating and heat treatment premises	Sheep and cattle dips
Engine works	Smelting and refining
Explosives industry	Tanning and associated trades
Gas works	Waste storage and treatment
Iron and steel works	Wood preservation

- Was the subject land at any time zoned for industrial, agricultural or defence purposes?

Planning Comment:

The current zoning for the site is B2 Local Centre under Hornsby Local Environmental Plan 2013.

The Heritage Report notes that Oxford Street and the surrounding streets were developed as a commercial shopping street and residential area following the opening of Epping Railway Station in 1892. It is considered that the subject site has, from c1910 when the site was developed for shops been zoned for the purposes of shops and residential premises.

- Is the subject land currently used for an activity listed in Table 1 above?

Planning Comment: The development site currently accommodates a 3 storey building which is used as a retail book shop and office space for the Seventh Day Adventist Church as well as an at-grade car parking area. These uses are not listed in the abovementioned Table 1.

- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation any activity listed in Table 1?

Planning Comment: Council is not aware of any licence issued for any uses listed in Table 1.

- Are there any land use restrictions on the subject land relating to possible contamination such as notices issued by the EPA or other regulatory authority?

Planning Comment: As previously mentioned, the site has a history comprising only of shops, residential accommodation and car parking area.

Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 1?

Planning Comment: A number of site inspections were undertaken during the course of assessment. No uses as identified in Table 1 were noted as being undertaken on the subject site.

- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which would affect the subject land?

Planning Comment: No. The site to the north is currently occupied by a school that has been operating from that site since 1908. And as previously mentioned, the row of shops adjacent to the subject site to the east were constructed c1910. The heritage item located to the south at 9 Oxford Street was constructed c1943 and was used for

community events. Given these uses do not cause contamination, it is unlikely that the subject site is contaminated due to the history of neighbouring land uses.

- Has the applicant for development consent carried out the investigation required by subclause 7(2) of SEPP 55 and provided a report on it to the consent authority?

Planning Comment:

Given that the land use history of the subject site as well as those neighbouring the site do not result in contamination, the application was not required to be accompanied by a Phase 1 – Preliminary Site Audit Report.

In view of the above evaluation, and considering the requirements of SEPP55 and the Managing Land Contamination Planning Guidelines 1998, it is considered that the site is **suitable** for its proposed residential, retail and commercial use and Clause 7 of SEPP 55 is satisfied.

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:

- Design Excellence Advisory Panel;
- The 9 SEPP 65 Design Quality Principles; and
- The Apartment Design Guide (ADG).

Design Excellence Advisory Panel (DEAP)

The proposal was considered by DEAP at pre-lodgement stage, and again as a formal development application at its meeting of 15 December 2016. Amended plans were submitted and these plans were considered at a DEAP meeting of 9 March 2017. In summary DEAP noted the following matters:

Table 4: DEAP comments and response

DEAP Comments	Applicant Response	Planning Comment
In response to the previous DEAP comments the applicant has amended the plans in a number of areas.	Noted	Noted
On the ground floor level provision has been made for a future chair lift and the layout of the lobby area	The entry lobby treatment has been reviewed and granite facing	Council accepts that the development has been designed to

has been improved. Nevertheless the Panel were still not convinced the resolution and relationship with the street frontage had been sufficiently dealt with.	introduced in place of sandstone. The dividing wall between the residential and commercial lobbies has been extended externally to give a clearer distinction between the two lobbies and is clad in white limestone. The mail boxes have been better integrated into the facade and planter boxes adjacent reduced and clad with limestone to allow for a more clearly articulated entry portal.	better integrate with the street frontage and that the changes proposed has improved the outcome of the development.
3D images showing materials have been provided. The Panel suggested making the 2 entrances more separate by bringing the curved wall out towards the street.	See above.	See above.
The booster pumps are now shown on the drawings. The Panel suggest screens in front of the pumps integrated with the façade treatment make them less prominent in the streetscape.	The booster assembly will be screened and integrated into the detailing of the facade.	Council accepts this to reduce the presence of the booster on the street.
The laneway has been considered by the applicant and a sketch plan provided showing potential future development with paving, trees and furniture. Whilst the panel commends the applicant for considering the future design of the laneway, the Panel still has concerns as raised previously that the development does not go far enough to activate the lane on the upper ground floor level. The Panel still recommends an alternative solution to extend the commercial space forward to the boundary of the lane, while also resolving the gradient levels for access.	<p>As discussed previously, we believe the success of a street wall relies on retail functions which is dependent on the volume of foot traffic. In this instance, there are no destination points drawing people through the laneway to support this. The function is however commercial and required to meet the brief of the church who are the sole user. We believe in this instance a setback and curtilage from the ROW/laneway will relax the space, provide a better entry at this level and respect the adjacent heritage item.</p> <p>The ROW/laneway treatment has been reviewed to improve activation but also to address security issues also raised by the panel. Low planting and glazed screens provide for security to the podium and allow for usable space for tables and chairs and seating for residents and workers overlooking the ROW/laneway. A secure line is established at the upper portion of the frontage adjacent to the ROW/laneway that can be opened during the day but secured at night via a sliding glazed screen.</p>	<p>Council acknowledges the response from the applicant and that the activation of the adjoining Council allotment (ROW/laneway) is dependent on the future uses of the ground floor and the acceptance of the public to use the ROW/laneway to and from Oxford Street and Cambridge Street.</p> <p>The applicant has also provided concept alignment plans to ensure that the public domain corresponds with the finished levels on the development site.</p>

	A glazed night gate provides egress from the podium at all times and key card access.	
With regard to the link from the laneway to Cambridge Street, the applicant is advised to reconfigure the stairs on the south west corner of the site adjacent to the lane to match the stairs shown in the sketch plan. The stairs should be configured as a straight flight that is wider and more open allowing for direct visual connection from the upper ground floor level and laneway to Cambridge Street. The stair should be available for public use as a small through site link with appropriate safety measures, lighting etc at all hours. The applicant should amend the plans accordingly taking into account any relevant fire and BCA requirements	The enclosure to the access/egress stair at the upper ground level has been removed to allow for an open stair. This improves visibility and permeability through this portion of the site as indicated by the panel. With the intent to improve the pedestrian connection to Cambridge Street from the ROW/laneway there is no need to for public through site access on the site.	Council accepts the applicant response.
The Panel noted the significant lack of deep soil on the site and limited measures to extend the local green character of the neighbourhood into the site. Whilst deep planter boxes are proposed, further opportunities should be explored to provide more deep soil planting and where possible large trees by reducing the amount of car parking on site. The Panel noted there was an excess of parking spaces given the proximity to the train station, and the south-east corner of basement adjacent the lane could become deep soil planting.	<p>We have increased the planting area to the north terrace at the upper floor plan. This is deep soil on slab with a soil depth of approx. 2.5m allowing for substantial planting.</p> <p>We note that the site lies within a B4 zone and the DCP allows for zero setbacks. The town centre is changing rapidly and is distinct from surrounding residential uses in allowing commercial and retail uses that do not require deep soil. In this respect the scheme is compliant with controls.</p>	Council accepts the applicant's response. See 'Deep Soil' response under ADGs.
The Panel also suggested the possibility to increase the depth of the upper ground floor terrace on the northern side of the commercial space by setting the glass line further back approximately an additional 2m from the boundary. This would provide more of a courtyard and by also pulling back the terrace above, there will be greater opportunity for larger trees and more natural light and ventilation to the adjacent commercial office space.	<p>The glass line has now been set back an additional 2.4m to allow for a larger landscaped terrace area at the northern portion of the site. The landscaped area is raised to the level of the terrace but provides for approximately 2.5m of deep soil on structure to allow for significant planting.</p> <p>Gross Floor Area is replaced by reclaiming the equivalent podium area on the Cambridge Street frontage.</p>	Council notes the applicant response and finds the response satisfactory.
The west facing façade of the tower includes continuous balconies and balustrades where they are not required. The opportunity to delete the balustrades and/or non-essential part of the balconies would provide opportunity to add more modelling	The continuous balconies allow the end vertical forms of the Cambridge Street elevation to read strongly and coherently without adding complexity to the façade and reinforce the three simple vertical forms of this elevation.	Council notes the applicant response and finds the response satisfactory.

and interest to the western façade of the building.	White aluminium panel cladding is now introduced to the main wall areas as a high quality finish. Translucent glass is introduced to balustrades to the lowest four floors for privacy. At the top floor penthouses, partial full height glass is introduced as wind breaks to make the balcony area more usable and articulate the top floor form.	
For several units bedroom doors open directly off living rooms and revised layout are required.	Adjustments where possible have been made.	Council acknowledges the applicant response and finds it satisfactory.
The applicant is advised to check the sun angles for the west facing glazing of the podium level commercial space and if necessary provide external sun shading such as vertical louvres to protect the offices from low angled sun penetration.	Translucent frosted glass to sill height and above head height and high performance solar glass to mid areas will be used that will reduce heat transmission.	Council acknowledges the applicant response and finds it satisfactory.
It was suggested by the Panel that an alternative podium expression be considered using dark red brick instead of sandstone to provide a visual connection to the heritage buildings within the precinct such as the adjacent school and church buildings.	The entry lobby treatment has been reviewed and granite facing introduced in place of sandstone. The red brick was tested but was considered incongruous with the contemporary expression and materials used elsewhere. The granite facing colour will blend with the proposed materials and colours and be less dominant on the streetscape. See also response to item 2.	Council notes the applicant response and finds the response satisfactory.

Design Quality Principles

Part 4 of the Policy introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. As required by the Environmental Planning and Assessment Regulation, the application is accompanied by a response to those design principles, as prepared by the project architect.

The following table provides an assessment of the proposal against those principles having regard to the comments of DEAP and assessment by Council's officers:

Table 5: Response to SEPP 65 design principles

Principle	Comment
Context and neighbourhood character	The site is located in Epping Town Centre which is undergoing a transition to a higher density mixed use developments. The development generally accords with the desired future character nominated by the LEP and DCP. The building will contribute to the quality and identity of the area.
Built form and scale	

Principle	Comment
	Acceptable, noting its consistency with the LEP and DCP controls. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusions of the DEAP. Public domain outcomes are satisfactory.
Density	The proposed density is consistent with the precinct specific controls in the LEP developed by the Department of Planning and Environment. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.
Sustainability	Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.
Landscape	The landscape treatment is generally satisfactory.
Amenity	Amenity for the apartments is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.
Safety	Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	The application provides for a mix of unit sizes with a skew towards 2 bedroom units to respond to the current market demands. The required number of adaptable housing units is provided.
Aesthetics	The composition of building elements and materials is satisfactory.

Apartment Design Guideline (ADGs)

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:

Table 6: Response to ADG

Element	Comment	Complies
Building separation	<p>The development proposes a podium and tower built form. Building separation to adjoining sites are as follows:</p> <p>North (School Building) – Min. 33m from Level 1 balcony.</p> <p>North (Our Lady Help of Christians Church) - Min. 4m from Level 1 balcony and Max. 43m from Level 21 balcony.</p>	No, but acceptable

East (shops) – Min. Nil and Max. 18m from Level 1 balcony/podium area and approx. 9m from Level 21 balcony.

South (Heritage listed item) – Min. 11m from Level 1 balcony and 12m from Level 21 balcony.

It is noted that the ADG's does not require building separation where the built form incorporates blank party walls which is the case with the proposed podium element of the development.

Further, the development is located within the Epping Town Centre where the site is adjacent to non-residential uses. The podium level in this instance, does not contain any residential uses that would be impacted by non-compliant boundary setbacks. The boundary setbacks in this instance improves for the tower element which contains the bulk of the residential units.

Notwithstanding the non-compliance with the building setbacks, the development satisfactorily meets solar access and acoustic requirements.

Common Open Space

Required – 446.25m² (25% of the site)
Provided – 602m² (33.7% of the site) located on the podium level with a minimum width of 6m.

Yes

Deep Soil

Provided – Nil

No, but acceptable.

Due to the irregular shape of the site and the on-site parking requirements in the form of a basement, deep soil areas on the ground level cannot be provided. Despite this, the development has provided satisfactory landscaping along the edges on the podium level which has the support of Council's Landscape Officer as well as DEAP. It is noted that limited deep soil areas are envisaged in a town centre setting to accommodate an intensity in development. The development as proposed has designed for this and in this regard, is considered acceptable.

Visual privacy

The arrangement of units and privacy measures within the development ensures a satisfactory level of privacy between apartments and areas of private open space.

Yes

Parking and Bicycle storage

The site is subject to the parking rates under Hornsby DCP. As such, the development is to provide a minimum of 85 residential parking spaces, 9 visitor spaces and between 20 and 28 commercial/retail spaces.

Yes

The development provides for 91 residential spaces, 9 visitor spaces and 28 commercial car parking spaces.

Solar access and daylight

63 out of 83 dwellings (75%) receive a min. of 2 hours direct sunlight.

Yes

The podium COS will receive more than 2 hours of direct solar access during the winter solstice.

Common circulation	<ul style="list-style-type: none"> Design complies with criteria of maximum 5 units off a circulation core 	Yes
Apartment size and layout	<ul style="list-style-type: none"> Minimum unit sizes are achieved Apartment layouts are efficient 	Yes
Ceiling heights	<ul style="list-style-type: none"> Minimum of 2.7m for habitable rooms is achieved 	Yes
Private open space and balconies	<p>Balconies meet design criteria.</p> <p>All podium units are provided with a primary balcony area minimum of 15m²</p>	Yes
Natural ventilation	<ul style="list-style-type: none"> First 9 storeys - 72% of units are ventilated (criteria is 60%) 	Yes
Storage	Required supply of storage for each unit is achieved	Yes

2.3 State Environmental Planning Policy (Infrastructure) 2007

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

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of an electricity infrastructure located along the Cambridge Street frontage (ie, underground electricity lines). As such, a referral was sent to Ausgrid and on 20 December 2016, the energy provider provided comment that they raised no objections to the proposal subject to conditions of consent.

The application is subject to clauses 85, 86 and 87 of the SEPP as the development proposes works opposite a rail corridor. The application was referred to Sydney Trains and upon review of the development application, Sydney Trains provided their concurrence subject to Deferred Commencement conditions.

An Acoustic Report was also prepared by the application to address Clause 87 of the SEPP. Upon review of the proposal and the relevant documentation, Council's Health (Acoustic) Officer raised no objections to the noise attenuation measures proposed by the application subject to conditions of consent.

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 Cambridge Street is less than 40,000 vehicles.

The application is subject to clause 104 of the SEPP as the development proposes more than 75 dwellings. The application was referred to the Roads and Maritime Services whom raised no objections to the proposal.

2.3 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy applies to all of the City of Parramatta local government area. It 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 principles and controls for the whole catchment.

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.

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

This application is captured by Part 4 of this Policy which provides that the Panel is the consent authority for this application.

2.5 Hornsby Local Environmental Plan 2013

Zoning and permissibility

The site is zoned B2 Local Centre under the provisions of HLEP 2013. The development is a “shop top housing” which proposes residential accommodation as well as commercial and and retail premises. As such, the proposal is permissible with consent in that zone.

Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The objectives for the B2 zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal is consistent with those objectives.

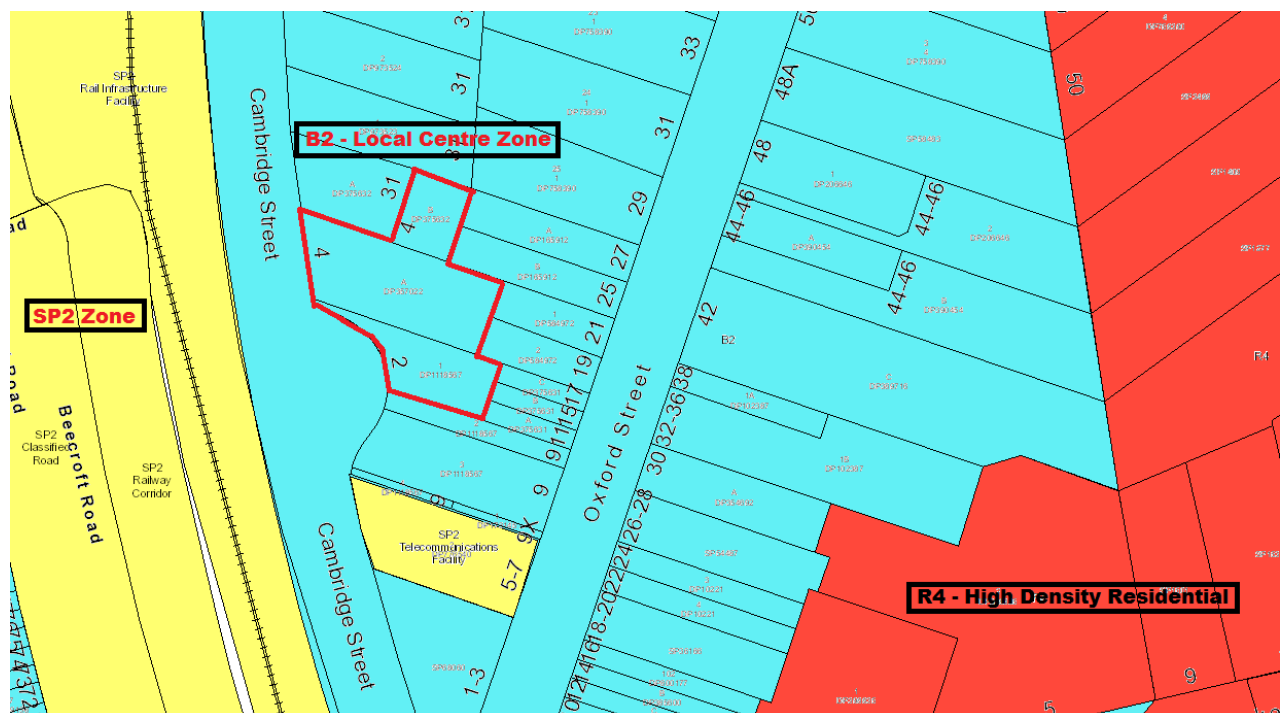


Figure 4: Extract from the LEP zoning map.

Remaining provisions

Consideration of other relevant provision of the Plan is addressed in the following table:

Table 7: HLEP 2013 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition is proposed of the existing building. Relevant conditions have been imposed to ensure that the demolition works is undertaken in accordance with the relevant standards.	Yes
Clause 4.3 Building height	The mapped control is 72m. The development proposes a maximum tower height of 72m.	Yes
Clause 4.4 Floor space ratio	The max. FSR control for the site is 4.5:1. The development proposes a GFA of 8055.74m ² . The FSR for the development is 4.5:1 and is consistent with the LEP control.	Yes
Clause 4.6 Exceptions to standard	The application does not propose any variation to any development standards under the HLEP 2013.	N/A
Clause 5.1 Relevant acquisition authority	Not applicable.	N/A
Clause 5.6 Architectural Roof Features	The development does not propose architectural roof features.	N/A
Clause 5.10 Heritage	<ul style="list-style-type: none"> The site is not a listed heritage item, nor is it within a conservation area. The site is within close proximity to the heritage item located on 9 Oxford Street. See Heritage Assessment below. 	Yes
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"> The site is identified a "Class 5" ASS. The works do not trigger need for an ASS management plan. 	Yes
Clause 6.2 Earthworks	<ul style="list-style-type: none"> Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact. Site works will not prejudice the future development of any adjoining land, or the amenity of that land. 	Yes

- Issues relating to soil quality are addressed via considerations of SEPP 55
- No circumstances identified to indicate potential for disturbing relics.

Clause 6.3
Flood Planning

The site is not identified on flood planning map

N/A

Clause 6.4
Terrestrial
Biodiversity

The development site is not identified as 'Biodiversity' pursuant to the Terrestrial Biodiversity Map.

N/A

However, the proposal requires the removal of four trees to facilitate the development. Council's Landscape Officer raises no objection to the removal of these trees subject to conditions of consent.

2.5.1 Further Assessment under Clause 5.10 – Heritage

2.5.1.1 The Heritage Item

The proposed development is within proximity to a heritage item located on 9 Oxford Street. This item is also a Council owned asset and is used for various community functions. The heritage item and the subject site at 2 Cambridge Street are separated by another Council owned allotment (Lot 2 DP 1118567). This allotment is burdened with a Right of Carriageway to benefit 2 Cambridge Street allowing vehicle access from Oxford Street.

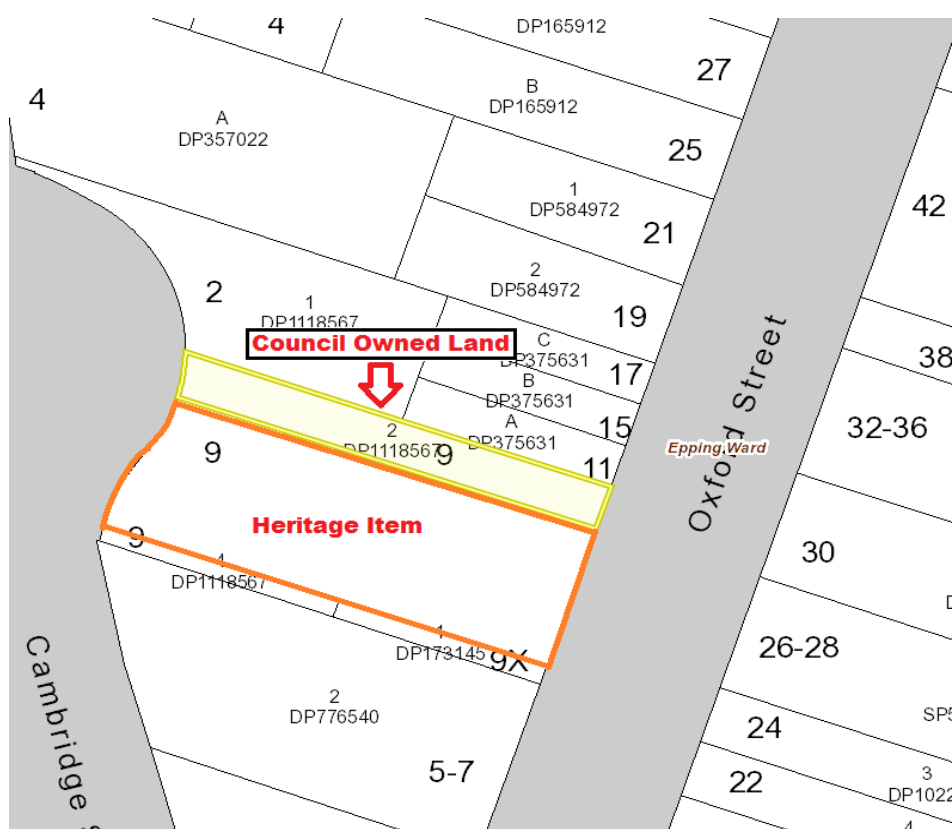


Figure 5: Council owned land and location of heritage item.

Schedule 5 of the Hornsby LEP 2013 lists the item at 9 Oxford Street (School of Arts Garden) as locally significant. The heritage item is significant due to the symmetrical planting style to the public building from Inter-War period. The symmetrical planting comprised of Cypress Pines from Inter-War period which was located outside the building. Low shrubs such as Abelia were also added. However, the pines to the front of the building have since been removed. See following images.



Figure 6: Heritage Item (School of Arts Garden) with the symmetrical planting of Cypress Pines.



Figure 7: Heritage Item (School of Arts Garden) without the symmetrical planting of Cypress Pines (2017).

The heritage item addresses Oxford Street and occupies much of the site with the length of the building extending to Cambridge Street. Pedestrian access to the heritage item site and Oxford Street is available from Cambridge Street. Due to the level change along the Cambridge Street frontage, access to the heritage item site is via stairs. See image below.



Figure 8: View of heritage item (9 Oxford Street) from the rear (Cambridge Street) as well as stair/pedestrian access.

2.5.1.2 Heritage Adviser Comments

Upon review of the proposal and related documentation which included a Statement of Heritage Impact, Council's Heritage Adviser raised the following concerns.

Further to a review of the Statement of Heritage Impact, and a site inspection, I am not able to endorse the findings of the said Statement of Heritage Impact. The reason is that the new building, as currently proposed, would in my opinion have a greater than acceptable degree of impact on the setting of the heritage item, the School of Arts.

In practical terms, the rear area of the School of Arts, and the relatively small open space behind it, would face additional burden on its operational use, due to proximity of such large new construction dominating its physical and visual space. This may, in effect, render the rear portion of the School of Arts building (and its rear yard) impossible to put in particular uses, for example, those which would require sun light in afternoon hours.

In saying that, some impact on light access is deemed acceptable, and thus some form of high-rise construction on the subject site is deemed reasonable, however, the impact of the particular proposal is not supported because, in my opinion, this impact could have been minimised if greater separation was applied.

In my opinion, on this sensitive site, the interests of maximising property potential and minimising construction costs should be reasonably harmonised with the interests of heritage conservation.

The above comments are acknowledged. However, a separate assessment is provided below with regards to heritage impacts on the item in support of the development.

2.5.1.3 Further Assessment of Heritage Impacts

The applicant has submitted a Statement of Heritage Impact as well as detailed urban design analysis and urban context statements. The applicant has also provided streetscape perspectives and 3D modelling of development options on the subject site that demonstrate the feasibility of increased building separation. The submitted material as well as a review of planning controls and observation of the site assisted in the assessment below.

Views

The Urban Design analysis submitted by the applicant notes that historically, the development site contained a row of shops that addressed Oxford Street and a dwelling that addressed Cambridge Street. Circa 1943, the property boundary of the subject site as well as the dwelling to the rear extended over a portion of where the current roundabout on Cambridge Street is located. In this regard, the view of the heritage item when viewed from the north to the south on Cambridge Street was historically obscured and that any views of significance of the heritage item is from Oxford Street.

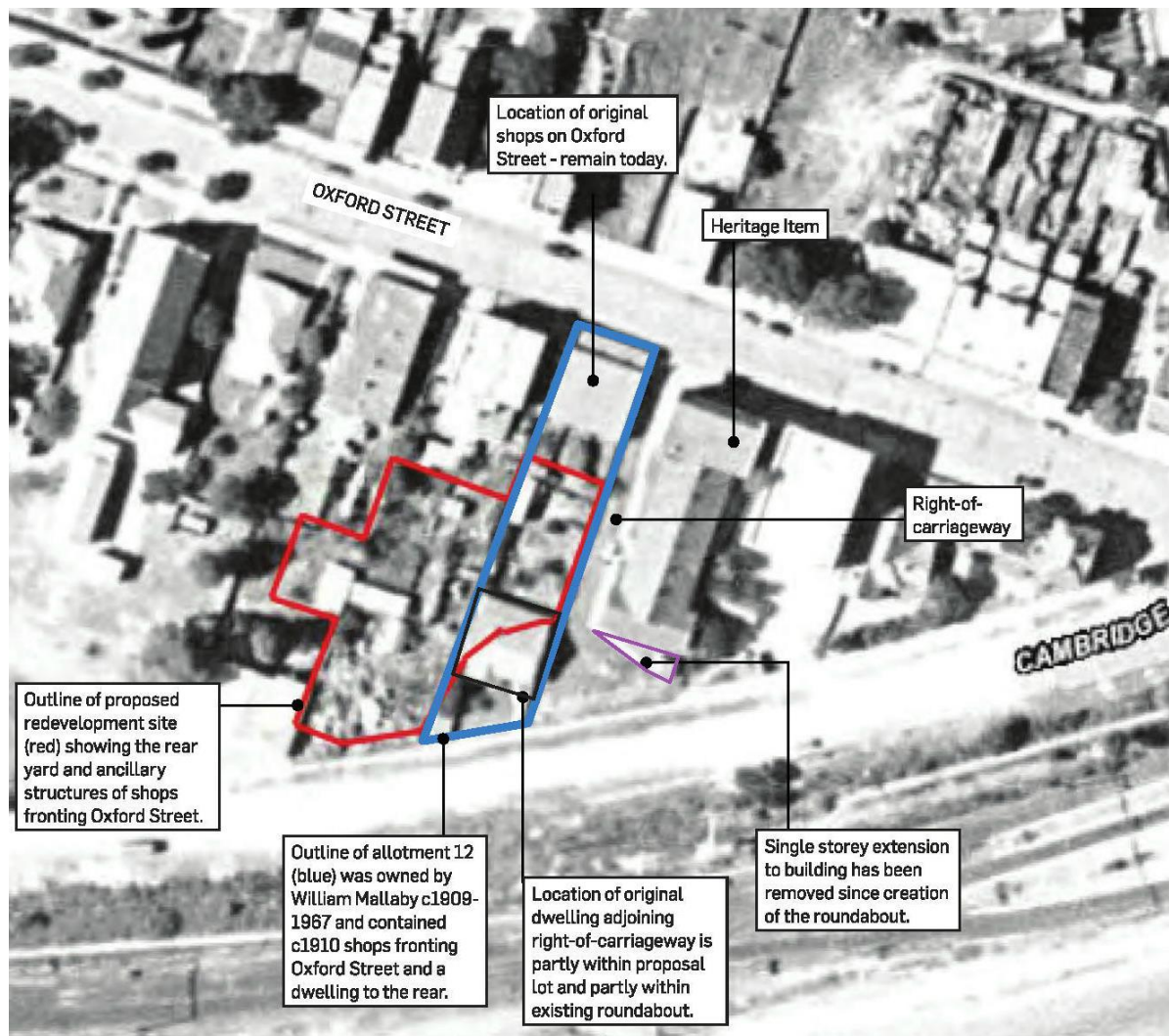


Figure 9: Aerial view of development on the subject site c1943 illustrating a dwelling to the rear of the site (where the at-grade parking currently exists).

The design of the podium on the development site remains sympathetic to the streetscape alignment of Cambridge Street and the roundabout. As such, the proposal is able to retain, and to some extent improve, the visibility of the heritage item when travelling south of Cambridge Street.

It is also noted that the more detailed and considered design of the front façade to Oxford Street demonstrates that the building was designed to address Oxford Street. The plainer design of the secondary façade of the heritage item which include pilasters and windows lacking in architectural features demonstrates that the building was not designed to be appreciated 'in the round' at the rear. Thus, any development on the subject site will not change the principal presentation of the heritage item as viewed from Oxford Street.

Setting / curtilage

The submitted Urban Design Analysis observed that historical aerial photos circa 1943 shows a separation between the heritage item and the development site.

The development has been designed to respect the building separation and that no incursion on the adjoining Council allotment occurs. As vehicle access to the subject site is proposed via Cambridge Street under the current application, the applicant has proposed to extinguish the Right of Carriage Way over the adjoining Council allotment further preserving the integrity of the historical 'gap' between the subject site and the heritage item.

Further, the proposed development addresses Cambridge Street and is wholly located behind the row of shops on Oxford Street. The proposal maintains the setting and curtilage of the heritage item, irrespective of the development height and scale.

Building separation

The southern elevation of the podium that faces the Right of Carriageway and the northern elevation of the heritage item are provided with openings and opportunities to allow for gathering points such as outdoor dining areas related with the uses located in the podium level. This element increases perception of separation between the proposal and the heritage item at the ground level whilst increasing opportunities for passive surveillance on the right of carriageway.

Bulk and scale

From the primary frontage on Oxford Street, the heritage item reads as a 2 storey structure. The height of the heritage item changes in accordance with the topography of the site so that along the northern elevation the heritage item is one storey increasing to 3 storeys along the Cambridge Street frontage. The podium of the proposed development also responds to the topography of the site as well as the height changes of the heritage item. The proposed development sits behind the row of 2 storey shops to preserve the 2 storey structure pattern on Oxford Street. The podium that addresses the right of carriageway is

reduced to a height of one storey to compliment the one storey nature of the heritage item along this boundary. The podium height then increases to 2 storeys as the topography of the site drops to Cambridge Street to align with the 3 storey wall height of the heritage item. The effect of the height changes to the podium relative to the heritage item ensures that the heritage item maintains its views as well as reduce the perception of bulk.

Local planning controls dictates the form of future development for the Epping Town Centre. A review of the existing controls has identified the following built controls applicable to the site and surrounding areas:

- 72 metres (along the western side of Oxford Street and the eastern side of Cambridge Street)
- 48 metres (north-west of Oxford Street and eastern side of Oxford Street)
- 4.5:1 FSR (sites between Cambridge Street and the eastern side of Oxford Street)

In this regard, it is acknowledged that the proposed development, in particular the tower element will be consistent with the planning controls and built form envisaged by the local planning instruments. In addition, the development is one of several towers that will form a group of towers within proximity to the heritage item and would be appropriately located in a CBD location and within walking distance to public transport.

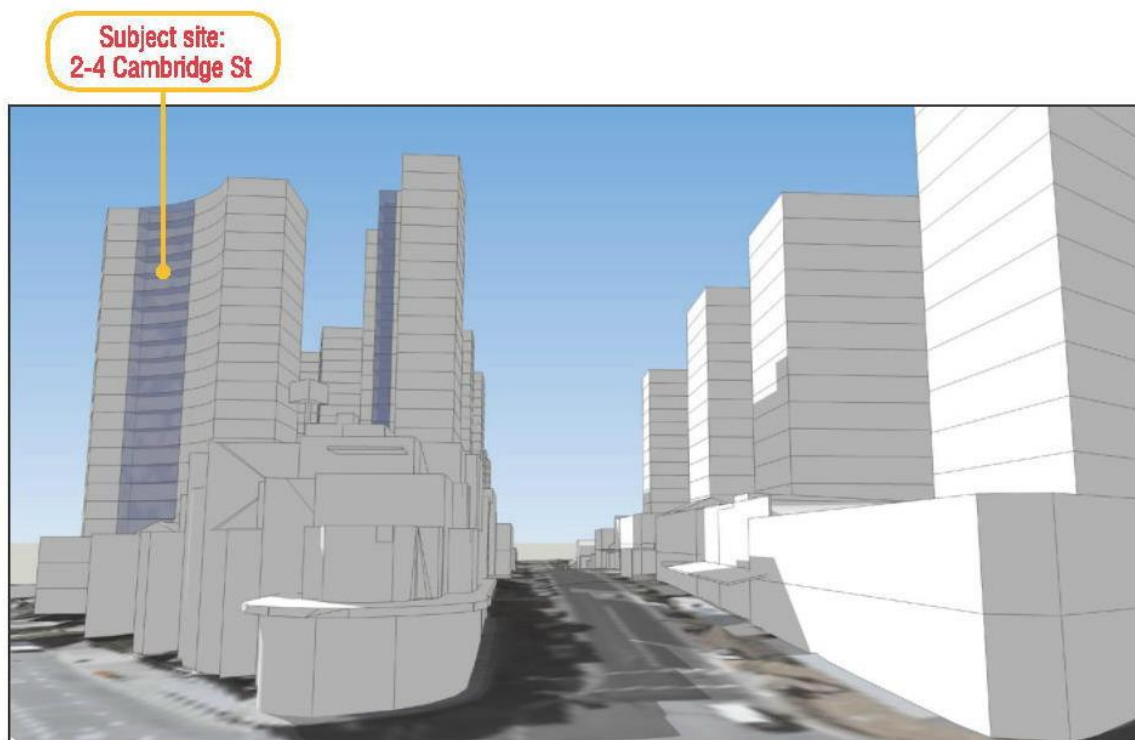


Figure 10: View of potential built form at corner of Pembroke, Oxford and Cambridge Street.

Overshadowing

Due to the orientation of the subject site, it is inevitable that a property south of the site will experience a reduction in solar access, particularly given the permitted height and scale on the site in accordance with the local planning controls. Notwithstanding, the development has been carefully designed with a podium and tower element to reduce solar access impacts to the heritage item.

The submitted information, including the Heritage Report as well as the Urban Design Analysis conclude that any increase in the building separation between the tower element of the development and the heritage item on 9 Oxford Street is unlikely to result in more favourable amenity outcomes including solar access, views or perception of bulk and scale.

The wall heights at ground level as detailed above do assist in maintaining appropriate view lines and transition in scale, when considered in context of the high density, high rise context of the immediate area.

3. Hornsby Development Control Plan 2013

Compliance

The DCP is comprised of the following sections:

- 1 – General Planning
- 4 – Business precincts
- 9 – Heritage

Compliance tables are provided below:

Table 8: DCP 2013 compliance table

Part 1 – General		Complies
1C.1.1 Biodiversity	Council's Landscape Officer has not raised any objections with regards to the Landscape Plan subject to conditions. The landscape plan submitted with the application does not include provision for species nominated in HDCP 2013. The site does not adjoin bushland.	Yes
1C.1.2 Stormwater Management	An erosion and sedimentation plan has been submitted with the application.	N/A

Council's Development Engineer has advised that the concept Stormwater plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.

1C.1.3 Watercourses	The site does not adjoin a watercourse such as a creek or river.	N/A
1C.1.4 Earthworks and slope	<p>The site falls from the east to the west by approximately 6 metres. The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.</p> <p>Also due to the extent of the excavation works to accommodate the basement, the development may intersect with groundwater which may require an aquifer interference activity approval. A condition has been imposed on the consent that requires the consent holder to obtain the necessary approvals with the NSW Office of Water prior to the issue of the Construction Certificate.</p>	Yes
1C.2.1 Transport and Parking	See ADG assessment.	Yes
1C.2.2 Accessible Design	<p>9 units are adaptable.</p> <p>10 disabled parking spaces are provided</p>	Yes
1C.2.3 Waste Management	A waste storage room is provided in the Lower Ground floor. A WMP has also been prepared which was reviewed by Council's Waste Officer whom found the WMP to be satisfactory subject to conditions of consent.	Yes
1C.2.5 Noise and Vibration	<p>Conditions of consent will be imposed to reduce any adverse acoustic impacts on adjoining properties during construction of the development.</p> <p>The development site is located opposite a rail corridor. See ISEPP assessment with regards to Clause 87.</p>	Yes
1C.2.6 Air Quality	Standard conditions of consent will be applied.	Yes
1C.2.7 Crime Prevention	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. Entries to the building addresses the Council allotment and Cambridge Street to promote natural surveillance. The balconies related to the units in the tower also face the Council allotment, Cambridge Street and the COS areas on the podium and public domain.	
1C.2.8 Building Sustainability	See BASIX SEPP comments.	Yes
1C.2.9 Landscaping	The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.	Yes

Due to the location of the basement and the irregular shape of the allotment, it is difficult to provide significant landscaping on the ground floor. Also, given the town centre setting, landscaping on the ground floor is not common place. Despite this, the development provides adequate landscaping on the podium level.

1C.2.10 Services and Lighting	Conditions of consent will be imposed to ensure that the site is serviced by the relevant energy providers.	Yes
1C.2.12 Isolated Sites	The development on the subject site will not result in the isolation of adjoining sites.	Yes
	It is noted that the allotment to the south of the site is a Council owned allotment currently used as vehicle access to the subject site from Oxford Street. The Council allotment has been identified by Council as a pedestrian link and that the current application is proposing to undertake works to this allotment to improve pedestrian connectivity between Oxford Street and Cambridge Street.	
1C.3.1 Bushfire	The site is not identified as being bushfire prone.	N/A
1C.3.2 Flooding	The site is not identified as being flood prone.	N/A
1C.3.4 Contamination	The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.	Yes
	See SEPP 55 for further assessment.	

Part 4 – Business (Epping Town Centre)		Complies
4.6.2 Design Quality – SEPP 65	See SEPP 65 and ADG assessment	Yes
4.6.3 Site Requirements	Control – 30m Cambridge Street – Approx 49m (Combined)	Yes
4.6.4 Scale	<u>FSR</u> Max – 4.5:1 Proposal – 4.5:1	Yes
	<u>Floorplates</u> Control – Residential floorplates above the podium should have a maximum GFA of 700m ² and Commercial floorplates is a max. of 1200m ² Proposal – Residential (Max. 338m ²) and Commercial (Max. 1200m ²). Note: The commercial component is located within the podium level.	Yes

	<p><u>Height</u> See LEP discussion. Max storeys – 22 storeys Proposal - 23 storeys</p>	No, but acceptable
	<p>Notwithstanding the non-compliance with the maximum number of storeys, the development is contained within the 72m maximum height under the LEP.</p>	
	<p><u>Podium</u> The podium has a maximum height of 2 storeys.</p>	Yes
	<p>A podium has been incorporated into the design of the development that presents a human scale at the street frontage whilst providing commercial floor space with an active frontage to the Cambridge Street.</p>	
	<p><u>Transition in Building Height</u> This control references the transition height to heritage item. This is discussed in detail in Section 2.5.1.3 of this report.</p>	Yes
4.6.5 Setbacks	<p><u>Street Setbacks</u> Front – Nil Side – Nil to podium and 6m above podium Rear – Nil to podium and 6m above podium</p> <p>Proposal - Front – Nil then increases to 5.3m from L1 Side – Nil then increases to 9m from L1 Rear – Nil then increases to 23m from L1 Basement – Nil</p>	Yes
	<p>Awnings are provided along the Cambridge Street frontage. Notwithstanding, Figure 4.6(f) does not require one along this frontage.</p>	Yes
	<p>The subject site is not identified as requiring a landscape setback in accordance with Figure 4.6(e) of the DCP</p>	N/A
4.6.6 Design Details	<p>The development has been designed as a podium with tower. The design provides a distinctive base, middle and top with the tower form simple and slender in design.</p> <p>The design of the development has been reviewed by DEAP whom raised no significant objections to the design of the podium and tower elements in accordance with SEPP 65, the ADG's and this control.</p>	Yes
	<p><u>Active Frontages</u> The commercial / retail ground floor uses of the development will increase the level of activation along Cambridge Street and the Council allotment to the south.</p>	Yes
	<p>It is noted that approximately 90% of Cambridge Street frontage is commercial windows and building entrances. Similarly, the edge that is adjacent to the Council allotment is mostly terrace areas for outdoor seating areas to be used by the commercial use on the Upper Ground Floor Level.</p>	

Facades, Wind Effects and Reflectivity

The application was reviewed by DEAP and upon implementation of its recommendation it is considered that the façade of the proposal is consistent with the streetscape. Yes

A condition will be imposed on the consent requiring the submission of a Wind Report prior to the issue of the Construction Certificate and that the development should not exceed the wind speeds as per this control. The report should also assess the wind impacts on the ROW/laneway adjoining the site.

A condition will be imposed on the consent requiring the submission of a Reflectivity Report in accordance with this control.

4.6.7
Open Spaces See SEPP 65 and ADG assessment. Yes

4.6.8
Landscaping See SEPP 65 and ADG for assessment. Yes

It is noted that the podium level is provided with extensive landscaping and was reviewed by Council's Landscape Officer whom raised no objections to the proposal subject to conditions of consent.

4.6.9
Privacy and Security

- Commercial areas of the development do not increase any direct views to adjoining residential uses.
- The commercial and residential entries are provided separately. Also, the common open space and private open space for the units are demarcated for privacy.
- Dwelling are oriented to avoid overlooking into adjoining dwellings.
- The private open space of units located on the podium level are screened from the common open space area.
- Clear and direct pedestrian access is provided
- Windows and balconies address the street and the public domain for passive surveillance.
- Communal hallways are limited in length and provides windows.
- Separate lift lobbies are provided for the commercial and residential components.

 Yes

4.6.10
Sunlight and Ventilation See SEPP 65 and ADG assessment. Yes

4.6.11
Housing Choice 11 x 1 bedroom units (13.25%)
64 x 2 bedroom units (77.1%)
8 x 3 bedroom units (10%)
9 adaptable units provided Yes

4.6.12
Vehicle Access and Parking Vehicle access and parking were reviewed by Council's Traffic Engineer whom raised no objections to the proposal subject to conditions of consent. Yes

4.6.13

Public Domain and Traffic Management Works	<p>Council's Urban Designer (Public Domain) has reviewed the proposal and raised no objections with regards to the public domain works.</p> <p>The proposal responds to the Key Development Principles diagram in that the development:</p> <ul style="list-style-type: none"> - The proposal is 23 storeys in height including 2 storeys of commercial spaces and serviced by basement parking - Provides a continuous shop front on the Cambridge frontage. - Maintaining and improving the pedestrian link that adjoins the site (ie. The Council allotment). - Provision of a development that is generally consistent with SEPP 65 and the ADG's. 	Yes
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Part 9 – Heritage	Complies
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9.4 Development in the Vicinity of heritage items	See LEP assessment for Heritage.	Yes
9.5 Aboriginal Heritage	See LEP assessment for Heritage.	N/A

4. Planning agreements

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

5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 9: Relevant EPA Regulations

Clause 50(1)(a)	<p>The nominated documentation is provided being</p> <ul style="list-style-type: none"> o A design verification statement; o An explanation of the design in terms of the principles in SEPP 65 o Relevant drawings and montages
Clause 92	Any demolition work will be undertaken in accordance with AS 2601 - 1991: The Demolition of Structures
Clause 98	All building work will be carried out in accordance with the provisions of the Building Code of Australia.

6. Likely impacts

6.1 Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites?

Response

This proposal will not result in any adverse physical impacts as follows:

- Site works and alterations to the ground profile are limited;
- Appropriate arrangements will be made for the collection and disposal of stormwater;
- Arrangements for vehicle access, and traffic generation will not compromise safety for road users, and will not reduce the efficiency of the local road network;
- The design and location of the building will not preclude surrounding land from being developed in accordance with planning controls; and
- The proposal will not generate noise, cast shadows or diminish views that would be detrimental to adjacent and surrounding sites.

Is the proposal’s appearance in harmony with the buildings around it and the character of the street?

Response

This proposal will have a satisfactory relationship with its context for the following reasons:

- It provides for a mix of land uses contemplated by the planning controls;
- Site planning locates the tower in a suitable location to avoid negative amenity outcomes of adjacent sites or public domain;
- The scale and form and presentation of the building is consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council’s Design Excellence Advisory Panel;
- The built form does not result in any adverse impacts for adjacent sites;
- The public domain treatment is satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

6.2 Site works

Excavation

The excavation required to provide the 3 levels of basement is considered to be acceptable. Sydney Trains have not raised any objections with regards to extent of excavation work with proximity to the rail corridor.

Tree removal

Four trees are required to be removed. The scheme makes satisfactory arrangements for re-landscaping of private and public elements of the proposal.

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.

6.3 Natural and technological hazards

The contamination of the site is assessed elsewhere in this report. See SEPP 55 assessment.

6.4 Site design

Setbacks

See DCP table for the assessment for setbacks.

Height, bulk and scale

The height of the building is satisfactory as previously discussed. The bulk and scale of the proposal is consistent with the outcomes contemplated by the precinct planning controls, and is satisfactory on merit noting the conclusions of the DEAP.

External materials

The schedule of external materials and finishes is satisfactory.

Accessibility

The application is supported by a technical report which concludes the proposal is able to achieve compliance with the requirements of the BCA, DDA and AS 4299, subject to resolution of nominated design matters. Those matters are minor and can be addressed at the time of the Construction Certificate.

Landscaping

Council's Tree Management and Landscape Officer is generally satisfied with the landscape treatment, and has provided conditions for inclusion in any approval.

6.5 Amenity considerations

Internal amenity

A satisfactory outcome is achieved noting:

- 22% of apartments are single aspect, south facing apartments;

- 72% of apartments between levels 1 and 9 benefit from cross ventilation;
- 75% of apartments receive more than 2 hours direct solar access between 9am and 3pm at midwinter;
- Ceiling heights to habitable rooms are 2.7m
- 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 is located on the podium level. That area meets the ADG criteria for size (minimum of 25% of the site area) and solar access (50% receiving 2 hours solar access at midwinter.)

Noise

The application is supported by a technical report which confirms that road traffic and rail noise levels will exceed relevant minimum and maximum noise criteria for the apartments without noise attenuation measures.

The report recommends glazing to windows and doors, provision of a concrete roof using an acoustic grade sealant and walls to be constructed from concrete or masonry elements to resolve that circumstance. Suitable conditions are included in the recommendation.

6.6 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 its street frontages;
- 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.

Public domain works

Council's Urban Design (Public Domain) team is generally satisfied with the treatment nominated for public domain areas, and has provided conditions for inclusion to confirm the works.

6.7 Relationship to adjacent sites

Overlooking

The development, ensures adequate separation to the adjoining sites which are similarly zoned for shop top housing developments. Currently, there are no residential uses that adjoin the development site that would be impacted by the development in terms of overlooking.

Overshadowing

This is addressed in detail in the ADG and DCP tables.

Operational noise

The acoustic report supporting the application states acoustic treatments to control noise emissions to satisfactory levels.

6.8 Access, transport and traffic

Parking supply

The number of parking provided satisfies maximum provisions under the DCP.

Parking access and design

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

Construction Traffic

A condition will be imposed on the consent requiring the submission of a Construction Traffic Management Plan to be prepared and submitted to Council for review and approval prior to any works commencing.

6.9 Water management

Stormwater collection and disposal

Council's Engineer is satisfied with the approach to stormwater management, including arrangements for WSUD.

Water quality during construction

This matter is addressed by conditions in recommendation to this report.

6.10 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 on the lower ground floor with access via Cambridge Street. Council's Waste 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 development.

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

6.11 Construction Management

To minimise nuisance during the construction period the recommendation to the report requires the preparation of a construction management plan addressing the following matters:

- Dilapidation reports;
- Demolition and removal of hazardous materials;
- Sediment and erosion control and water quality during construction;
- Construction traffic management plan;
- Hours of works;
- Construction noise and vibration;
- Material delivery and storage;
- Safety fencing;
- Traffic and pedestrian safety;
- Dust control; and
- Tree protection.

6.12 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.

6.13 Social and economic impacts

The development includes the construction of a passenger lift to provide pedestrian access from Cambridge Street to the right of way which leads to Oxford Street. This is in line with the requirements under the HDCP 2013 to provide a pedestrian link in this location and improving the pedestrian and social networks in the area.

7. Site suitability

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

- It proposal is an appropriate “fit” for the locality given the preceding analysis which demonstrates a lack of adverse built form and operational impacts; and
- Site attributes are conducive, noting a lack of natural constraints/hazards.

8. Public interest

In accordance with the notification procedures that are contained in Appendix 5 of PDCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 30 day period between 19 January 2017 and 21 February 2017. In response, 5 submissions were received. The issues raised in the submissions are as follows.

Table 10: Submissions

Issue	Comment
Overlooking to the school to the north	<p>It is noted that the landscape plan indicates that the edges of the development that has an interface with the school to the north, particularly on the podium level is heavily landscaped with various trees and shrubs to ensure privacy to and from the development site.</p> <p>Further, the windows for the commercial space on the podium are obstructed by extensive vegetation to limit direct views to the school. The residential units located in the tower are also sited with ample separation from the northern boundary. The windows that are located on the northern elevation are positioned so that it does not result in direct views of the play areas of the school.</p> <p>It is noted that given the zoning of the site and the City centre nature of the local area, overlooking to adjoining properties are anticipated by the planning controls.</p>
The development is to build over an existing pedestrian easement.	The applicant has spoken with the objector and is currently negotiating to extinguish this easement and create a new easement in the location provided by the relevant plans and drawings.
Traffic	The application was reviewed by Council's Traffic Engineer as well as the RMS and upon review of the proposal, raised no objections to the development on the grounds of traffic generation subject to conditions of consent.
Parking	<p>Conditions of consent will require the consent holder to provide and maintain a Traffic Management Plan during construction so as not to adversely impede on the current traffic movements in the area.</p> <p>It is noted that the development provides all of the required parking spaces within the basement. As such, all parking for the residential units and commercial spaces is to be undertaken on the site.</p>
Construction noise, vibration, dust, waste and traffic.	Conditions of consent will be imposed that ensure that the development does not adversely impact on these issues.
Concern is raised that the external materials used is a	The materials used for the external finishes must be compliant with the relevant Australian Standards and Building Code of

potential fire risk and that it should be replaced

Australia. This requirement is reflected in the conditions of consent.

Amended plans were submitted in response to DEAP comments as well as in response to commentary from Council's internal specialists such as Development, Traffic Engineers and Urban Designers. However, the proposal did not increase any amenity impacts to adjoining developments and thus, re-notification of the development application was not considered necessary.



ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP reference 2016SYW245

DA No. 1063/2016

SCHEDULE 1

A 1. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items in compliance with the ASA Development Near Rail Tunnels (<http://www.asa.transport.nsw.gov.au/sites/default/files/lasa/asa-standards/t-hr-ci-12051-st.pdf>):

1. Detailed Rail specific Geotechnical Engineering Report and Civil and Structural design plans that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains facilities by the development.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and rail corridor land.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Reason: To comply with the requirements of Sydney Trains and State Environmental Planning Policy (Infrastructure) 2007.

A 2. Publicly Accessible Staircase

The development is to provide a set of 24/7 publicly accessible open set of stairs (built and maintained by the body corporate) to be integrated into the development site adjacent to the publicly accessible lift. Architectural Plans illustrating this inclusion is to be submitted to Council for review and approval.

Reason: To provide pedestrian access to Cambridge Street.

A 3. Extinguish & Creation of easement

Submission to Council of appropriate documentary evidence that indicates the following and has been registered with the NSW Department of Lands.

- a.) In accordance with the Easement Site Plan (Job No. 08468, Drawing No. SP-01, Issue E3) the 915mm wide Right of Carriageway intersecting the development is to be extinguished.
- b.) A new 915mm wide Right of Carriageway is to be created along the eastern boundary of the site to benefit (17 Oxford Street, Lot C DP 375631) and then over the adjoining Council allotment (DP 2 Lot 1118567) in accordance with the Easement Site Plan (Job No. 08468, Drawing No. SP-01, Issue E3).
- c.) The provision of a passenger lift as per the Easement Site Plan and the creation of an easement over this lift to benefit (17 Oxford Street, Lot C DP 375631) and for public use 24/7. The lift is to be constructed and maintained by the Body Corporate.
- d.) An easement is to be created over the staircase subject of Condition A2 of Schedule 1 for public use 24/7 and also to benefit (17 Oxford Street, Lot C DP 375631) and is to be maintained by the body corporate.

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above conditions within **12 months**.

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

SCHEDULE 2

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:

Drawing No.	Prepared By	Dated
Site Analysis, Job No. 08468, Drawing No. DA-E 03, Issue E.	Zhinar Architects	November 2017
Site Plans, Job No. 08468, Drawing No. DA-E 04, Issue E.	Zhinar Architects	November 2017
Section 1, Job No. 08468, Drawing No. DA-E 16, Issue E.	Zhinar Architects	November 2017
Section 2, Job No. 08468, Drawing No. DA-E 17, Issue E.	Zhinar Architects	November 2017
Section 3, Job No. 08468, Drawing No. DA-E 18, Issue E.	Zhinar Architects	November 2017
North Elevation, Job No. 08468, Drawing No. DA-E 19, Issue E.	Zhinar Architects	November 2017
South Elevation, Job No. 08468, Drawing No. DA-E 20, Issue E.	Zhinar Architects	November 2017
East Elevation, Job No. 08468, Drawing No. DA-E 21, Issue E.	Zhinar Architects	November 2017
West Elevation, Job No. 08468, Drawing No. DA-E 22, Issue E.	Zhinar Architects	November 2017
Material Concept 1, Job No. 08468, Drawing No. DA-E 23.1, Issue E.	Zhinar Architects	November 2017
Material Concept 2, Job No. 08468, Drawing No. DA-E 23.2, Issue E.	Zhinar Architects	November 2017
Material Concept 3, Job No. 08468, Drawing No. DA-E 23.3, Issue E.	Zhinar Architects	November 2017
Material Concept 4, Job No. 08468, Drawing No. DA-E 23.4, Issue E.	Zhinar Architects	November 2017
Material Concept – Residential Lobby, Job No. 08468, Drawing No. DA-E 23.5, Issue E.	Zhinar Architects	November 2017
Material Schedule 1, Job No. 08468, Drawing No. DA-E 24, Issue E.	Zhinar Architects	November 2017
Material Schedule 2, Job No. 08468, Drawing No. DA-E 25, Issue E.	Zhinar Architects	November 2017
Easement Site Plan, Job No. 08468, Drawing No. SP-01, Issue E3.	Zhinar Architects	Undated
Public Domain Alignment Plan, Job No. 160456, Drawing No. D1, Revision E	Quantum Engineers	7 November 2017
Longitudinal Sections and Right of Way Plan, Job No. 160456, Drawing No. D2, Revision E	Quantum Engineers	7 November 2017

Longitudinal Changes and Details, Job No. 160456, Drawing No. D3, Revision E	Quantum Engineers	7 November 2017
Landscape Site Plan, Job No. 16/1888/DA1, Issue D	Paul Scrivener	6 November 2017
Planting Plan – Level 1/Upper Ground Floor, Job No. 16/1888/DA1, Issue D	Paul Scrivener	6 November 2017
Planting Plan – Lower Ground Floor Street Tree Planting Concept, Job No. 16/1888/DA1, Issue D	Paul Scrivener	6 November 2017
SW – Basement Level 3 Plan, Job No. 160456, Drawing No. D2, Revision D	Quantum Engineers	8 August 2017
SW – Basement Level 2 Plan, Job No. 160456, Drawing No. D3, Revision D	Quantum Engineers	2 August 2017
SW – Basement Level 1 Plan, Job No. 160456, Drawing No. D4, Revision D	Quantum Engineers	2 August 2017
SW – Lower Ground Floor Plan, Job No. 160456, Drawing No. D5, Revision D	Quantum Engineers	2 August 2017
SW –Level 1 Plan, Job No. 160456, Drawing No. D6, Revision D	Quantum Engineers	2 August 2017
SW – Roof Plan, Job No. 160456, Drawing No. D7, Revision D	Quantum Engineers	2 August 2017
SW – Details, Job No. 160456, Drawing No. D8, Revision D	Quantum Engineers	2 August 2017
SW – Calculations and Details, Job No. 160456, Drawing No. D9, Revision D	Quantum Engineers	2 August 2017
SW – Sediment Control Plan, Job No. 160456, Drawing No. D10, Revision D	Quantum Engineers	2 August 2017
Basement 3, Job No. 08468, Drawing No. DA-E 05, Issue E.	Zhinar Architects	November 2017
Basement 2, Job No. 08468, Drawing No. DA-E 06, Issue E.	Zhinar Architects	November 2017
Basement 1, Job No. 08468, Drawing No. DA-E 07, Issue E.	Zhinar Architects	November 2017
Lower Ground, Job No. 08468, Drawing No. DA-E 08, Issue E.	Zhinar Architects	November 2017
Mezzanine, Job No. 08468, Drawing No. DA-E 09, Issue E.	Zhinar Architects	November 2017
Upper Ground, Job No. 08468, Drawing No. DA-E 10, Issue E.	Zhinar Architects	November 2017

Level 1, Job No. 08468, Drawing No. DA-E 11, Issue E.	Zhinar Architects	November 2017
Level 2 – 9, Job No. 08468, Drawing No. DA-E 12, Issue E.	Zhinar Architects	November 2017
Level 10 - 20, Job No. 08468, Drawing No. DA-E 13, Issue E.	Zhinar Architects	November 2017
Level 21, Job No. 08468, Drawing No. DA-E 14, Issue E.	Zhinar Architects	November 2017
Roof Terrace, Job No. 08468, Drawing No. DA-E 15, Issue E.	Zhinar Architects	November 2017
Post Adaptable Unit Layout, Job No. 08468, Drawing No. DA-E 32, Issue E.	Zhinar Architects	November 2017

Document(s)	Prepared By	Dated
Access Compliance Report, Project Ref No. 16219	Vista Access Architects	Undated
Acoustic Report,	Acoustic Logic	31 October 2016
BASIX Certificate No. 770347M	BASIX	26 October 2016
Heritage Impact Statement	Urbis	4 November 2016
SEPP 65 Verification Statement	Zhinar Architects	October 2016
Traffic Report	Varga Traffic Planning	1 November 2016
Waste Management Plan	N/A	N/A

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) 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.
- (m) Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
- (n) 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).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) 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.
- (q) 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. Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

Reason: As per Sydney Trains requirements

7. The following conditions relate to the Metro Northwest underground corridor located in Lot 1 DP 1044145 and Lot 1 DP 1043820 ("Metro Corridor") in the

vicinity of the development:

- a). No foundations are to be founded in the Metro Corridor zone of influence as identified in the Zhinar Architects drawings numbered:
 - a. 160083, 5-00-15, Revision 1 dated 27 April 2017; and
 - b. 160083, 5-00-16, Revision 1 dated 27 April 2017.
- b). Foundations may pass through and be founded below the Metro Corridor zone of influence if de-bonded from the surrounding rock.

Reason: As per Sydney Trains requirements

8. Prior to the issue of a Construction Certificate, the applicant must prepare and submit the following information to Transport for NSW:

- a) plans, sections and details of any proposed foundations and basement structures and excavations within 25 metres of the Metro Corridor including their locations and dimensions and the levels of the top and bottom of each structure;
- b) loading, analysis and modelling calculations together with results of investigations of subsurface conditions and the geotechnical information used to inform the design of those structures;
- c) construction method statements in respect of the construction of those structures and excavations; and
- d) reports from qualified practising geotechnical and qualified practising structural engineers which demonstrate that the development will meet the requirements in conditions 7a and 7b above.

Reason: As per Sydney Trains requirements

9. A Construction Certificate must not be issued until Transport for NSW has confirmed in writing that the information submitted in accordance with Condition 815 has been prepared to the satisfaction of Transport for NSW.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Reason: As per Sydney Trains requirements

10. The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 - 'Premise Connection Requirements.

Reason: As per Ausgrids requirements

11. Due to the extent of excavation proposed to accommodate the on-site car parking for the development should the excavation intersect groundwater an aquifer interference activity approval is required in accordance with the NSW aquifer Interference Policy – including the need to provide a thorough hydrogeological assessment of the predicted impacts of the proposed development and calculations of the volumes likes to be extracted from the NSW Office of Water.

Reason: To ensure that the necessary approvals are obtained.

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.)

12. 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.

13. 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.

14. A) The applicant shall either pay the S94 contribution of **\$602,626.31**, or enter into a Voluntary Planning Agreement (VPA) with City of Parramatta Council prior to the issue of a Construction Certificate for the payment of the s94 contributions as set out below:

Contribution Type	Amount
Local Roads	\$ -450,092.74
Local Open Space and Recreation	\$ 924,241.31
Local Community Facilities	\$ 355,306.9
Plan Preparation and Administration	\$ 2703.84
Total	\$ 832,159.31
<i>Minus – Works in Kind</i>	\$ 229,533.00
Revised Total	\$ 602,626.31

Note: The application provides a *works-in-kind* in the form of a passenger lift. According to the QS report submitted (Prepared by Quantex, Dated 9 November 2017) with the application, the passenger lift is to the value of **\$229,533.00**.

- B) All contributions will be index linked in accordance with Part 2.6 (Indexation of contributions) of Hornsby Shire Council S94 development contributions plan 2014-2024.

Reason: To provide for improvements to community infrastructure.

15. 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.

16. 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.

17. 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 1063/2016;
- (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
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Hoarding - (<i>see Schedule of Fees and charges (\$2500 - \$10,000 per street frontage in current financial year)</i>)	\$10,000
Nature Strip and Roadway	\$20,000

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.

18. 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.

19. 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.

20. 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.

21. 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.

22. The development must incorporate 9 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 appropriate designed.

23. The final Landscape Plan must be consistent with plan prepared by Paul Scrivener Landscape Architecture Issue B together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Provision of a plant schedule including species selection, location and quantities.
- (b) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

24. 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 located within adjoining properties where situated within 5m of the proposed basement excavation 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 (i.e. bridging of roots); and
- (e) Back filling

Reason: To ensure adequate protection of existing trees.

25. 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.

26. 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.

27. 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.

28. 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.

29. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

30. 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 Council's Stormwater Disposal Policy, the Hornsby Shire Council DCP Stormwater Management Requirements, the relevant Australian Standards and the National Construction Code.

- i. Stormwater Management Plan, Details Notes and Legend, Drawing No. D1, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- ii. Basement Level 3 Plan, Revision D, Drawing No. D2, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- iii. Basement Level 2 Plan, Drawing No. D3, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- iv. Basement Level 1 Plan, Drawing No. D4, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- v. Lower Ground Floor Plan, Drawing No. D5, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- vi. Level 1 Floor Plan, Drawing No. D6, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- vii. Roof Plan, Drawing No. D7, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- viii. Stormwater Details, Drawing No. D8, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- ix. OSD Details & Calculations, Drawing No. D9, Revision D, dated 02.08.2017, prepared by Quantum Engineers.
- x. Sediment Control Plan & Details, Drawing No. D10, Revision D, dated 02.08.2017, prepared by Quantum Engineers.

- (b) A Site Storage Requirement and discharge rate shall be based on Hornsby Councils requirement for On-Site Detention System.
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

31. 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.

32. 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.

33. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

34. 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.

35. 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.

36. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

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

37. The PCA shall ascertain that any new element in the basement carpark 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 application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

38. The bicycle storage/racks are to comply with AS 2890.3. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

39. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

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

40. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

Reason: As per Sydney Trains requirements

41. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

Reason: As per Sydney Trains requirements

42. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Reason: As per Sydney Trains requirements

43. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
Reason: As per Sydney Trains requirements
44. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
Reason: As per Sydney Trains requirements.
45. If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.
Reason: As per Sydney Trains requirements.
46. Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling.
Should rail services be identified within the subject development site, the Applicant must discuss with Sydney Trains as to whether these services are to be relocated or incorporated within the development site.
Reason: As per Sydney Trains requirements.
47. Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) within 20m of the rail corridor and that face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies etc.) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.
Reason: As per Sydney Trains requirements.
48. There are existing underground electricity network assets in Cambridge Street. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record

the depth of all known underground services prior to any excavation in the area. Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Reason: As per Ausgrids requirements.

49. The recommendations outlined in the acoustic report prepared by Acoustic Logic with reference number 20161489.1 dated 31/10/2016 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity.

50. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the building has been acoustically designed and capable of being constructed to meet the requirements of:

- (a) AS3671-1989 (Acoustics – Road Traffic Noise Intrusion - Building Siting and Construction), and
- (b) AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors); and
- (c) The NSW Road Noise Policy.

Certification is to be provided by a practising acoustic engineer certifying the construction plans have been prepared to satisfy the above criteria.

Reason: To ensure a suitable level of residential.

51. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Identify sensitive location near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise and dust from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and
- (l) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants.

52. An additional report from an acoustic consultant is to be provided prior to construction detailing how mechanical plant will be acoustically located/treated to ensure adjacent residents are not subjected to offensive noise.

Reason: To ensure neighbours are protected from offensive noise.

53. A Construction Traffic Management Plan shall be prepared prior to the issue of the Construction Certificate to the satisfaction of the Council's Service Manager, Traffic and Transport. The following matters must be specifically addressed in the Plan:

A. Construction Management Plan for the Site

- a) A plan view of the entire site and frontage roadways indicating:
- b) Access arrangements to and from the site.
- c) Proposed number of trucks during the phases of development
- d) Hours of proposed truck movements to and from the site.
- e) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and demolition related vehicles in the frontage roadways.
- f) Turning areas within the site for demolition and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- g) The locations of proposed Work Zones in the egress frontage roadways.
- h) Location of any proposed crane standing areas.
- i) A dedicated unloading and loading point within the site for all demolition vehicles, plant and deliveries.
- j) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- k) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; taking advantage of the staged nature of the development's construction by providing parking on adjacent sites for the construction of this site and vice versa.

B. Traffic Control Plan(s) for the site:

1. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
2. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

C. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

D. The plan must address the following:

- 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.

- Minimising construction related traffic movements during school peak periods.

Reason: To ensure appropriate traffic management during construction works.

54. A Pedestrian Access and Mobility Plan is to be prepared prior to the issue of the Construction Certificate which detail pedestrian movements during construction.

Reason: To ensure appropriate pedestrian management during construction works.

55. Prior to the issue of the Construction Certificate, a Wind Report is to be prepared by suitably qualified engineer. The recommendations of the Wind Report should result in wind speeds that does not exceed the requirements under the relevant controls of Hornsby DCP 2013.

Reason: In accordance with the controls pursuant to Hornsby DCP 2013.

56. Prior to the issue of the Construction Certificate, a Reflectivity Report is to be prepared by suitably qualified engineer. The results of the report should demonstrate compliance with the relevant controls and objectives of the Hornsby DCP 2013.

Reason: In accordance with the controls pursuant to Hornsby DCP 2013.

57. Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Alignment Drawings** must be submitted and approved by Council's DTSU Manager. The drawings shall address the following areas:

- all the frontages of the development site between the gutter and building line, including footpath, verge, drainage, forecourt and entry pavements and front setback;
- dedicated land for public use as per VPA (*if applicable*); and
- works in new carriageway/laneway

The Public Domain Alignment Drawings shall be prepared in accordance with:

- the latest Parramatta City Council Public Domain Guidelines;
- the approved Public Domain Concept Drawings,
- any requirements addressed in a **VPA** (*if applicable*), and

On approval of the **Public Domain Alignment Drawings** for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted and approved by Council's DTSU Manager. The drawings shall address the following areas:

- all the frontages of the development site between the gutter and building line, including footpath, verge, drainage, forecourt and entry pavements and front setback;
- dedicated land for public use as per VPA (*if applicable*); and
- all the DA Conditions listed in this consent.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- the latest Parramatta City Council Public Domain Guidelines;
- the approved **Public Domain Alignment Drawings**
- any requirements addressed in a **VPA** (*if applicable*), and
- works in right of way/laneway
- all the DA Conditions listed in this consent.

Reason: In with the Public Domain Guidelines.

PRIOR TO WORKS COMMENCING

58. 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.

59. 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.

60. 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.

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

Reason: To ensure adequate toilet facilities are provided.

62. 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 are 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.

63. Prior to the commencement of work, the 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.

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. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Council's Service Manager Traffic and Transport. 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.

67. 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.

68. 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.

69. 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.

70. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

71. 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.

72. 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.

73. 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.

74. 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.

75. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

Reason: As per Sydney Trains requirements

76. It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the

proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not the existing network can support the expected electrical load of the development: a substation may be required on-site, either a pad mount kiosk or chamber; and site conditions or other issue. Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Reason: As per Ausgrids requirements.

77. The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

Reason: As per Ausgrids requirements.

78. 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.

79. 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.

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

80. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:
- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
 - (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

81. Confirmation of ground floor slab levels, including finishes, finish flush as per the approved Public Domain Alignment Drawings and Public Domain Construction Drawings with existing public domain.
Reason: To ensure public domain works are satisfactory.

DURING WORKS

82. 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.

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

Reason: To ensure maintenance of Council's assets.

84. Trees to be removed are:

Tree No.	Species	Common Name	Location
1x	<i>Callistemon salignus</i>	White Bottlebrush	NE Corner of the site
1x	<i>Celtis australis</i>	Celtis	NE Corner of the site
1x	<i>Pittosporum sp</i>	Pittosporum	NE Corner of the site
1x	<i>Ligustrum lucidum</i>	Broad-leaved Privet	NE Corner of the site

Reason: To facilitate development.

85. 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.

86. 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.

87. 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.

88. The proposed paved footpath works outside the development site shall be constructed in accordance with the DA approved Public Domain 'Alignment Plans'. 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.
89. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.
Reason: To ensure pedestrian safety.
90. 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.
91. No rock anchors/bolts are to be installed into Sydney Trains'/RailCorp property or easements.
Reason: As per Sydney Trains requirements
92. 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.
93. 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.
94. A Waste Data file is to be maintained, recording building/demolition contractor's 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.
95. 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.

96. 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.

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

Reason: To prevent pollution of the environment.

98. All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact **Council's Inspection Officer** for each inspection listed below. At least **48 hour** notice must be given for all inspections.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, kerb and gutter, pram ramps (if required), drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; The contractor shall provide Council Officer the NATSPEC document to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

Note: Additional daily inspections by Council Officers may occur to view progressive paving set out and construction depending on the project size and type.

Reason: To ensure the quality of public domain works complying with Council standards and requirements.

PRIOR TO THE ISSUE OF OCCUPATION 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. 770347M, 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 a 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. 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.

109. 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.
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer, certifying that the Basement Pump system, On-Site Stormwater Detention system and the associated Rainwater Tank have been installed in accordance with the approved plans.

- (f) Certificate of Structural compliance of the OSD tank / Rainwater Tank / Pump Holding Tank walls and cover slabs 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's records.

110. 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 instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

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.

In addition to this an additional Positive Covenant shall also be created for the maintenance of the pump out system. Terms of the Positive Covenants and Restriction can be obtained from Council's Development Section.

Registered title documents showing the Positive Covenants and the Restriction must be submitted to the Principal Certifying Authority prior to Occupation or use of the site.

Reason: To ensure maintenance of on-site detention facilities and the basement pump out system.

111. 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 then the "e-developer" icon or telephone 13 20 92.

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

112. 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.

110. 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 Occupation Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

111. If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant.

These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: As per Sydney Trains requirements

112. Prior to issue of any Occupation Certificate, the Applicant must provide a completion report from qualified structural and geotechnical engineers responsible for the approved design, to the satisfaction of Transport for NSW, that:

- a) demonstrates that the development has been carried out in accordance with the design plans and reports prepared for Sydney Trains and by the relevant conditions in the consent.
- b) includes detailed survey information prepared by a Registered Surveyor for each foundation founded above and through the Metro Corridor zone of influence, including the location, vertical dimensions and diameter of each excavation and the levels of the top and bottom of each hole excavated for any foundation.

Reason: As per Sydney Trains requirements

113. The acoustic measures required by the acoustic report in relation to mechanical plant and the acoustic report prepared by Acoustic Logic, referenced 20161489.1 dated 31/10/2016 must be implemented and certified by an acoustic consultant prior to issue of any Occupation Certificate.

Reason: To minimise the impact of noise.

114. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the public domain construction works must be completed to Council's satisfaction and a **final approval** shall be obtained from Council's Assets & Environment Manager.

Council will issue the **final approval** for the finished public domain works that complied with the approved public domain documentations and Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified.

The Certificate of Completion shall not be issued until Council's final approval is obtained.

The **Work-as-Executed Plans** shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council that specifies at 26 (or 52) weeks after Council's final approval how and who's to maintain the public domain works.

Reason: To ensure the quality of public domain works is completed to Council's satisfaction

115. Prior to the issue of the Occupation Certificate, the following works are to be undertaken:

Paving

- a.) The standard 'Epping' PDG paving shall be applied to the full length of the development site and street frontage. This includes the public footways, any setback between the building line and property boundary. The footway paving set out and details should comply with Council's design standard (DS45, sheet 1-7).

Reason: To comply with the Public Domain Guidelines

Kerb & Gutter

- b.) The kerb and gutter of the lane shall be reconstructed in accordance with Council's design standard to the full length of the street frontage.

Reason: To improve the public domain work quality

Underground Conduit for Multi-media facility

- c.) A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontages on Langston Place. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications – refer Community Crime Prevention Officer.

Reason: To facilitate Council's CCTV network

Kerb Ramps

- d.) Where required, but not shown on the plan, kerb ramps must be designed and located in accordance with Council's design standards.

Reason: To improve accessibility in public domain and comply with AS 1428.1

Lighting

- e.) Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket.

Reason: To improve safety and public domain amenity

Street Tree Placement & Tree Pit

- f.) Consistent tree pit size of **1.8X1.2m** should be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standards with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

Reason: To ensure street trees being planted in appropriate locations

Street Tree Stock

- g.) The required street tree species, quantities and supply stocks are as per the PDG including:

Street Name	Botanical Name	Common name	Pot Size	Qty
Cambridge Street	<i>Lophostemon confertus</i>	Brush Box	400L	Shown on submitted dwgs

(Average spacing can be included subject to site condition)

The tree supply stock shall comply with the guidance given in publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container Size	Height (above container)	Calliper (at 300mm)	Clear Trunk Height
45 litre	1.9 – 2.3 metres	30 – 35mm	1.2 metres
75 litre	2.2 – 2.4 metres	40 – 45mm	1.4 metres
100 litre	2.4 metres	50mm	1.4 metres
200 litre	2.8 metres	60mm	1.5 metres
400 litre	3.5 metres	80mm	1.7 metres

Drainage

- h.) Base of all tree pits shall incorporate a stormwater pipe that connects to nearest stormwater pit.

Landscape Planting on Slab

- i.) Planter bed soils depths to be as per ADG 4P Planting on Structures in addition to adequate drainage connected to the nearest stormwater drain system. All landscape planting will be irrigated with a fully automatic irrigation system.

Reason: To ensure high quality of tree and plant stocks

Accessible Facilities in Public Land

Steps, Handrails and Shoreline (clear path of travel)

- j.) The preferred maximum gradients of a **ramp** shall be less than 1:20 to mitigate need for hand rails and landings. Maximum ramp grade is 1:14. According to AS 1428.1:2009, ramps with gradients between 1:20 and 1:14 are to have compliant handrails on each side. The landings at the top and base of a ramp are to be at least 1200mm long and level. The minimum clearance between handrails shall be 1m.

- k.) Level landing areas shall be provided at the top and base of the steps; handrails are to be installed on each side. The landing area shall be designed to sufficiently accommodate the required TGSi and handrail projection, which must not project into pedestrian path of travel and circulation spaces. The design of handrail shall comply with AS1428.1:2009
 - l.) **Handrail** design shall comply with AS1428.1:2009, in terms of the height, length, turn-back and size. The detail design of the handrail must not project into pedestrian path of travel.
 - m.) **TGSi** shall be placed in accordance with AS1428.4.1:2009 with minimum 30% luminance contrast with the pavement.
 - n.) All the **common areas** proposed within the site, including rooftop terraces, shall be fully accessible.
 - o.) Provide an unambiguous clear path of travel along the shoreline of the building street frontage without unnecessary need for tactile in the pavement.
116. Prior to the issue of the Occupation Certificate, the portion of the Council allotment adjoining the site from Oxford Street (as per annotations on the Easement Site Plan) is to be improved in accordance with Council's Public Domain Guidelines.
Reason: To improve pedestrian access between Oxford Street and Cambridge Street.
117. In accordance with the 'Public Domain Alignment Plan' (Job No. 160456, Drawing No. D1, Issue E, Prepared by Quantum Engineers), the portion of the site in front of the retain entry is to be dedicated to Council prior to the issue of the Occupation Certificate.
Reason: To improve pedestrian and traffic safety.

THE USE OF THE SITE

118. 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.
119. 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.
120. The roller shutter door to be provided at the driveway entry and exit from Cambridge Street 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 carpark.
Reason: To comply with Australian Standards.
121. 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.

122. 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.

123. 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.

124. The days and hours of the retail and commercial operation are restricted to:

Day	Time
Monday	9am to 6pm
Tuesday	9am to 6pm
Wednesday	9am to 6pm
Thursday	9am to 6pm
Friday	9am to 6pm
Saturday	9am to 6pm
Sunday	9am to 6pm
Public Holidays	Closed

Reason: To minimise the impact on the amenity of the area.