

## MEMO

Folder Number: DA/1271/2016

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<b>To</b>	SWCPP – Planning Panels Secretariat	<b>Date</b>	24 October 2017
<b>From</b>	Denise Fernandez Senior Development Assessment Officer		
<b>Subject</b>	2017SWC005 – DA/1271/2016 - 158-164 Hawkesbury Road & 1/2A Darcy Road, WESTMEAD NSW 2145 (Lot 4) – Conditions of Consent		

Development Application 1271/2016 proposes the construction of a Residential Flat Building containing 344 units over basement car parking with heights ranging between 6 – 20 storeys on Lot 4. The application is to be determined by the Sydney West Central Planning Panel on 1 November 2017.

The draft conditions of consent were sent to the applicant for their review and comment. In response, the applicant has raised concerns with several conditions. These concerns and Council's response are tabled in the following pages.

It is noted that Council on the 25 October 2017 sought comment from Sydney Trains with regards to the concerns raised by the applicant and Council to Conditions 37 – 43. These conditions relate to the potential impact of works in proximity to the rail corridor which is located south of the development site. The rail corridor is located approximately 130 metres and is buffered by a reserve and development on Lot 5. As such, these conditions appear to be irrelevant to the development on Lot 4.

On 27 October 2017, Sydney Trains provided their response to these concerns by re-issuing their concurrence notice which included a recommendation to include conditions relating to compliance with the Department of Planning's document titled "*Development Near Rail Corridors and Busy Roads – Interim Guidelines*" and the use of cranes within proximity to the rail corridor.

The applicant has since reviewed the revised conditions from Sydney Trains and raises no objections to these conditions.

Condition	Applicant Response	Council Response
<p>Condition 1</p> <p>Approved Plans and Documentation</p>	<p>Incorrect plans / Additional Plans to referenced in Condition1 . Namely:</p> <ul style="list-style-type: none"> <li>Materials Board and Finishes E, Drawing No. DA-990-003. Revision No. U V</li> <li>LD-DA100 REVISION A [20.10.2016]</li> <li>LD-DA101 REVISION E [12.10.2017]</li> <li>LD-DA102 REVISION E [12.10.2017]</li> <li>LD-DA103 REVISION E [12.10.2017]</li> <li>LD-DA104 REVISION B [21.07.2017]</li> <li>LD-DA105 REVISION B [21.07.2017]</li> <li>LD-DA110 REVISION D [12.10.2017]</li> <li>LD-DA200 REVISION C [06.10.2017]</li> <li>LD-DA201 REVISION C [06.10.2017]</li> <li>LD-DA202 REVISION C [06.10.2017]</li> <li>LD-DA203 REVISION B [12.10.2017]</li> <li>LD-DA204 REVISION B [12.10.2017]</li> </ul>	<p>Council has no objections with the corrections.</p> <p>The attached modified conditions reflect the correct plans as per the applicant's comments.</p>
<p>Condition 37</p> <p>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".</p>	<p>Lot 4 is not adjacent to a rail corridor. The applicant asserts that the <i>"Development Near Rail Corridors and Busy</i></p>	<p>It is acknowledged that Lot 4 is not immediately adjacent to the rail corridor. It is noted that the rail corridor is approximately 130 metres south of the site. Also, Lot 5 and a reserve buffers Lot 4 from the rail corridor.</p>

<p><b>Reason:</b> As per Sydney Trains requirements.</p>	<p><i>Roads- Interim Guidelines</i>" relate only to development adjacent to the rail corridor. As such, the condition should be deleted from the consent.</p>	<p>The <i>Guidelines</i> support the relevant clauses under the ISEPP with regards to development adjacent to rail corridors or busy roads.</p> <p>As the development is not immediately adjacent and that Lot 5 and a reserve buffer Lot 4 from the rail corridor, Council does not object to the deletion of this condition.</p> <p>Sydney Trains have however, amended this condition to read:</p> <p><i>"The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines"</i></p> <p><b>Reason:</b> As per Sydney Trains requirements".</p> <p>No objections are raised by either Council or the applicant to the modified conditions as per above.</p>
<p>Condition 38</p> <p>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.</p> <p><b>Reason:</b> As per Sydney Trains requirements.</p>	<p>The applicant requests that this condition be removed as the development on Lot 4 is not located immediately adjacent to the rail corridor.</p>	<p>For the same reasons as above, Council raises not objections to the removal of this condition.</p> <p>Sydney Trains also raises no objection to the deletion of this condition.</p>
<p>Condition 39</p> <p>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 PCA shall not issue the Construction Certificate until written confirmation has received from Sydney Trains confirming that this condition has been satisfied.</p> <p><b>Reason:</b> As per Sydney Trains requirements.</p>	<p>The applicant requests that this condition be deleted given the distance of Lot 4 from the railway corridor.</p>	<p>Council considers the deletion of this condition to be reasonable. In addition to the distance between Lot 4 and the rail corridor, the development on Lot 4 is buffered by the development on Lot 5 and that any material used on the development on Lot 4 is unlikely to result in unreasonable glare to the rail corridor.</p> <p>Sydney Trains also raises no objection to the deletion of this condition.</p>
<p>Condition 41</p> <p>No work shall be permitted within the rail corridor, or its easements at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the applicant proposes to enter the rail corridor, the PCA shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.</p>	<p>The applicant requests that this condition be deleted as the development site is not immediately adjacent to the rail corridor.</p>	<p>Council considers the deletion of this condition to be reasonable. The development site is not immediately adjacent to the rail corridor as such, it is unlikely that works on the development site will require access to the rail corridor.</p> <p>Sydney Trains also raises no objection to the deletion of this condition.</p>

<b>Reason:</b> As per Sydney Trains requirements.		
<p>Condition 42</p> <p>The Applicant shall provide details of any intended encroachment into RailCorp's easement or Rai/Corp owned lands, for review and approval by Sydney Trains.</p> <p><b>Reason:</b> As per Sydney Trains requirements.</p>	<p>Similarly, the applicant also requests that this condition be deleted as the development site is not located immediately adjacent to a rail corridor.</p>	<p>Council does not have any objections with the deletion of this condition as the development site is not located immediately adjacent to a rail corridor.</p> <p>Sydney Trains also raises no objection to the deletion of this condition.</p>
<p>Condition 43</p> <p>The developer shall make provision for easy and ongoing access by rail vehicles, plant and equipment to support maintenance and emergency activities.</p> <p><b>Reason:</b> As per Sydney Trains requirements.</p>	<p>The applicant has requested this condition to be deleted as the development site does not have direct access to the rail corridor.</p>	<p>Council does not object to the removal of this condition as the site does not share a boundary with a rail corridor to allow direct access.</p> <p>Sydney Trains also raises no objection to the deletion of this condition.</p>
<p>Condition 50</p> <p>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.</p> <p>(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, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.</p> <p>(i) "The final drainage plans are consistent with the submitted Drainage Plans i.e. <b>"Stormwater Plans"</b> (Drawing ref 0789-SC02.4~SC05.4: Basement Drainage Plans, -SC06.4: Lower Ground Floor Drainage Layout Plan, -SC07.4: Ground Floor Drainage Layout Plan, SC21.4~23.4: Detail Sheets), Revision <b>"D"</b> dated 08/09/2017 prepared by Neil Lowry &amp; Associates Pty Ltd (9 sheets) together with the notes and rectification as required and address the issues.</p> <p><b>Inconsistencies.</b></p> <p>The amendments made on any other plans need to be incorporated into the stormwater plans to ensure consistency between the plans.</p>	<p>The applicant requests a modification to the wording of Condition 50. The proposes the following modification to the condition.</p> <p>"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 <b>for any construction works relating to ground floor or above ground structures</b>"</p> <p>The applicant contends that this condition does not relate / affect excavation works, retaining and shoring.</p>	<p>Council does not object to the modification of this condition as per the applicant's recommendation.</p>

<div><div>(b) A Site Storage Requirement of <b>470m³/ha</b> and a Permissible Site Discharge of <b>80L/s/ha</b> (when using <b>3<sup>rd</sup> edition</b> of UPRCT's handbook) with the minimum storage capacity of <b>477.2m³</b> as shown by the <b>OSD design Calculation summary sheet</b>.</div><div>(c) Certificate from registered structural engineer certifying the structural design adequacy of the OSD tank structure against the loads/forces including buoyancy forces.</div><div>(d) Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the approved landscaping require prior approval from the council.</div><div>(e) The OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets (from B1) are to be submitted with the documentation accompanying he construction certificate application.</div><div>A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method is to be shown on the plan. <b>Reason:</b> To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.</div></div>								
<div>Condition 76 and 77</div> <div>Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs <b>Reason:</b> To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.</div>	<div>The applicant requests that Condition 77 be deleted as it is a repeat condition of Condition 76.</div>	<div>Council acknowledges the repetitiveness of the condition and does not object to the deletion of Condition 76.</div>						
<div>Condition 142</div> <div>The required street tree species, quantities and supply stocks are as per the PDG including:</div> <table><tr><td>Street Name</td><td>Botanical Name</td><td>Common name</td><td>Pot Size</td><td>Qty</td><td>Ave Spacing</td></tr></table>	Street Name	Botanical Name	Common name	Pot Size	Qty	Ave Spacing	<div>The applicant contends that the condition is incorrect as it references Langston Place and that this address is not part of the site.</div>	<div>Council acknowledges that this condition is incorrect. Council recommended the following changes to the applicant whom agreed to the changes made by Council. The relevant condition has now been amended to reflect this change.</div> <div>The required street tree species, quantities and supply stocks are as per the PDG including:</div>
Street Name	Botanical Name	Common name	Pot Size	Qty	Ave Spacing			

(Average spacing can be included subject to site condition)