



Report to Sydney Central City Planning Panel

SWCCP reference	2017SWC076
DA No.	529/2017
Date of receipt	22 June 2017
Proposal	Residential flat building
Street address	5-9 Smith Street, EPPING NSW 2121
Property Description	Lot A, DP 392141 and Lot 1 DP 1197922
Applicant	Sunrise Epping Development Pty Ltd
Owner	Sook Chin Soon (No. 5) Tack Soon (No. 7-9)
Submissions	Four
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 (Vegetation in non-rural areas) 2017• 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 2013
Recommendation	Deferred Commencement
Council Officer	Jonathan Cleary, Senior Development Assessment Officer

Summary of Section 4.15 matters

Yes

Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report ?

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

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 ? Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (Section 7.24) ? No

Conditions

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

1. Executive summary

This report considers the demolition of existing structures and construction of a 5 storey residential flat building development 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 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve a variation to the building height control in Hornsby LEP 2013, via clause 4.6 of that plan; and
- Grant a Deferred Commencement subject to Schedule 1 of Attachment B.

2. Key issues

- a. Building height – Clause 4.6 written request submitted;
- b. Minor variations to DCP setback control.

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: Aerial View of Site Context. Sites outlined in Yellow. Source: Geocortex



Figure 2: Aerial View of the Site. Sites outlines in Yellow. Source: Geocortex

The Site comprises two properties known at No. 5 and No. 7-9 Smith Street, Epping. The proposes contain three detached dwelling houses. The southern-most dwelling is currently being utilised as a site office and storage space for the construction at Nos. 19-25 Epping Road, Epping immediately adjacent to the development.

The Site has a combined area of 3,635m² and is irregular in shape with a total frontage of 50.62 metres. The Site has a slope of approximately 10% (1 in 10) from the south-western corner to the north-eastern corner of the site.

The Site is within the Epping Town Centre Urban Activation Precinct (ETCUAP), and is located approximately 400 metres walking distance to Epping Rail Station and is close proximity to a range of existing and future retail, commercial, educational, open space and recreational facility in and around the Epping Town Centre. See Figure 1 above.

The Site is within an existing residential area with approved RFBs to the south and north-east of the site. See Figure 2 above.

Nos. 17-25 Epping Road (DA/1059/2014 former Hornsby Council) to the south was the subject of a recent development consent by the JRPP on 3 June 2015 for two, five storey residential flat buildings containing 90 units and construction of this development has commenced.

Nos. 22-26B Essex Street (DA/800/2016) to the north-east was the subject of a recent development consent by JRPP on 19 October 2016 for two, five storey residential flat buildings containing 64 units. Construction of this development has not commenced at the time of this report.

The locality is undergoing a transition from a low density to a high density residential area being within the ETCUAP and consistent with the objectives of the R4 High Density Residential Zone under the HLEP 2013.

4. Background

On 22 June 2017, the subject development application was lodged with the City of Parramatta.

On 5 July 2017, a request for additional information was sent to the applicant.

The application was advertised for a 30-day period from 6 July 2017 till 7 August 2017.

On 27 July 2017, amended information was submitted to Council to address the issues raised in the request for information dated 5 July 2017.

On 14 September 2017, the application was referred to the City of Parramatta Design Excellence Advisory Panel (DEAP).

On 27 September 2017, a further request for amended plans was sent to the applicant following the recommendations of the DEAP.

On 30 October 2017, amended information was submitted to Council to address the recommendations of the DEAP.

On 6 December 2017, the application was briefed to the Sydney Central City Planning Panel.

The application was re-advertised for a 14-day period from 28 February 2018 till 14 March 2018.

5. The proposal

The proposal comprises the following primary elements:

- 6 storey Residential Flat Building comprising 70 units;
- 79 car spaces within two levels of basement;
- Amalgamation of two existing lots;
- Tree removal.

The proposed dwelling mix is as follows:

- 2 x studio units;
- 21 x 1 bedroom units;
- 38 x 2 bedroom units;
- 9 x 3 bedroom units

The basement would include the following:

- 65 residential car spaces;
- 14 residential visitor car parking spaces;
- 2 motorcycle parking spaces;
- 23 bicycle parking spaces;
- 1 carwash bay; and
- 1 SRV Loading bay

6. Public notification

The advertising period was 6 July 2017 till 7 August 2017. Four submissions received raising the following issues:

- Privacy to the adjoining child care centre;
- Support for the removal of one tree from the rear of the site;
- Overshadowing to the adjoining properties;
- Privacy to the adjoining private open space.

Following amended plans, the application was re-advertised between 28 February 2018 till 14 March 2018. No submission were received during the re-advertising period.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions

No

8. Environmental Planning and Assessment Act 1979

Does Section 5.7 (Significant effect on threatened species) apply ?	No
Does Section 4.10 (Designated Development) apply ?	No
Does Section 4.47 (Integrated Development) apply ?	Yes
Are submission requirements within the Regulations satisfied?	Yes

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"> • R4 High Density Residential
Definition	<ul style="list-style-type: none"> • Residential flat building
Part 2 Permitted or prohibited development	<ul style="list-style-type: none"> • Permissible in the zone • Consistent with zone objectives
Part 4 Principal development standards	<ul style="list-style-type: none"> • Non-compliance - Building height The development standard is 17.5m. The maximum height of the building is 19.9 metres (non-compliance is 2.4 metres or 13.7%) A submission under Clause 4.6 has been provided. The variation is supported.
Part 5 Miscellaneous provisions	All relevant provisions satisfied
Part 6 Additional local provisions	All relevant provisions satisfied

12. Response to SWCPP briefing minutes

The matters raised by the Panel at its Briefing meeting are addressed below:

Issue 1

Concerns relating to the justification for exceedance in building height on what is otherwise a greenfield site.

Non-compliances relating to the both the LEP and DCP are not significant, and insistence on a redesign to achieve strict compliance would not result in a better planning outcome.

Conclusion

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

RECOMMENDATION

- A. That the Sydney Central City Planning Panel approve a variation to the building height control in clause 4.3 of Hornsby LEP 2013, being satisfied that the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant consent to Development Application DA/529/2017 subject to the conditions in **Attachment A**.

Physical commencement is to occur within five (5) years from the date on the Notice of Determination.



ATTACHMENT A- PLANNING ASSESSMENT

SWCCP reference 2016SYW149

DA No. 529/2017

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 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 4.46 – Integrated Development	Refer to section 2 below
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to section 4 below
Section 4.15 (1)(a)(iia) - Planning agreements	Refer to section 5 below
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 6 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15 (1)(b) - Likely impacts	Refer to section 7 below
Section 4.15 (1)(c) - Site suitability	Refer to section 8 below
Section 4.15 (1)(d) - Submissions	Refer to section 9 below
Section 4.15 (1)(e) - The public interest	Refer to section 10 below

The following internal and external referrals were undertaken:

Table 2: Referrals

Landscape	No objections- conditions provided
Development Engineer	No objections- conditions provided

Traffic	No objections- conditions provided
Environmental Health (Waste)	No objections – conditions provided
Environmental Health (Contamination)	No objections – conditions provided
Environmental Health (Acoustic)	No objections – conditions provided
Urban Design (Public domain)	No objections – conditions provided
Ausgrid	No objections
NSW Police	No objections – conditions provided

2. Integrated Development

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act, the proposed development is considered to be Integrated Development under the Water Management Act 2000.

The application was accompanied by a Geotechnical Investigation which identified the presence of groundwater at two bore hole locations, 1 and 2, identified in Figure 3:

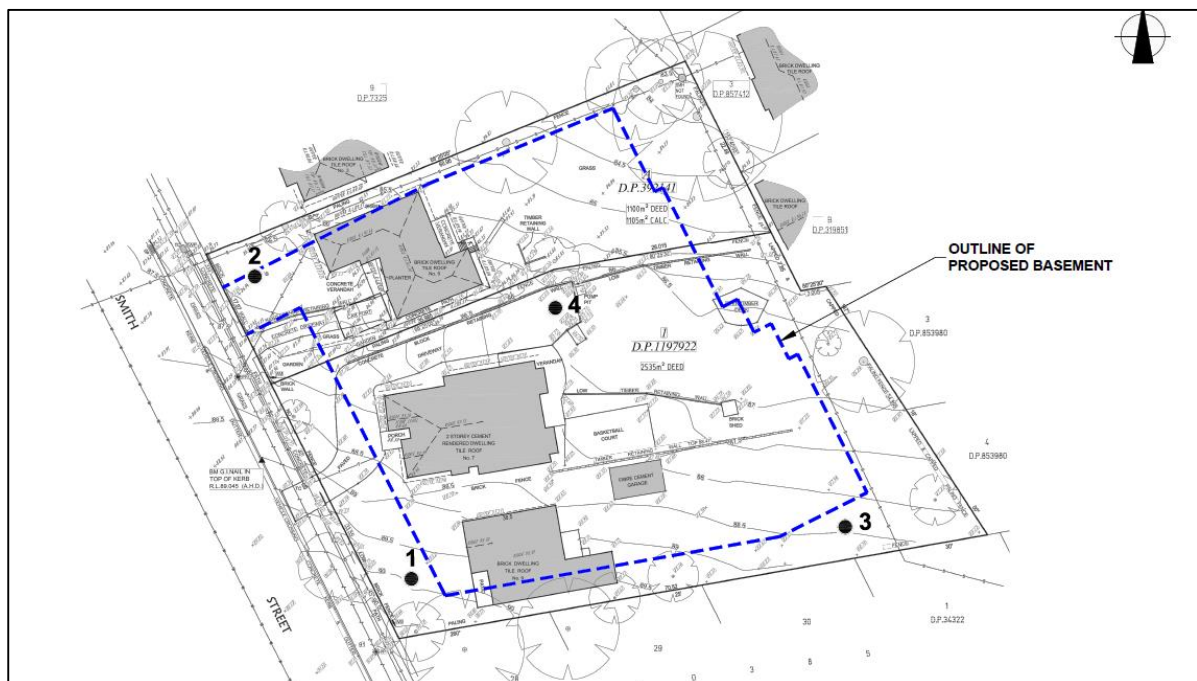


Figure 3: Extract of Borehole Location Plan. Boreholes 1 and 2 encountered groundwater at a depth of 4.7m (RL 85.2) and 3.4m (RL 83.3), respectively.

The application was referred to WaterNSW for General Terms of Approval.

On 18 July 2017, the application was forwarded to WaterNSW.

In accordance with Section 70 of the Environmental Planning and Assessment Regulations 2000, the approval body has 40 days to respond to the request.

In accordance with Section 4.47(5) of the Act, the consent authority may determine the application in its current form without General Terms of Approval from WaterNSW

3. Environmental planning instruments

Compliance with these instruments is addressed below.

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

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.

The site does not require a Phase 1 site analysis under the SEPP.

3.2 State Environmental Planning Policy – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

3.3 State Environmental Planning Policy (Vegetation in non-rural areas) 2017

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of both native and non-native vegetation as follows:

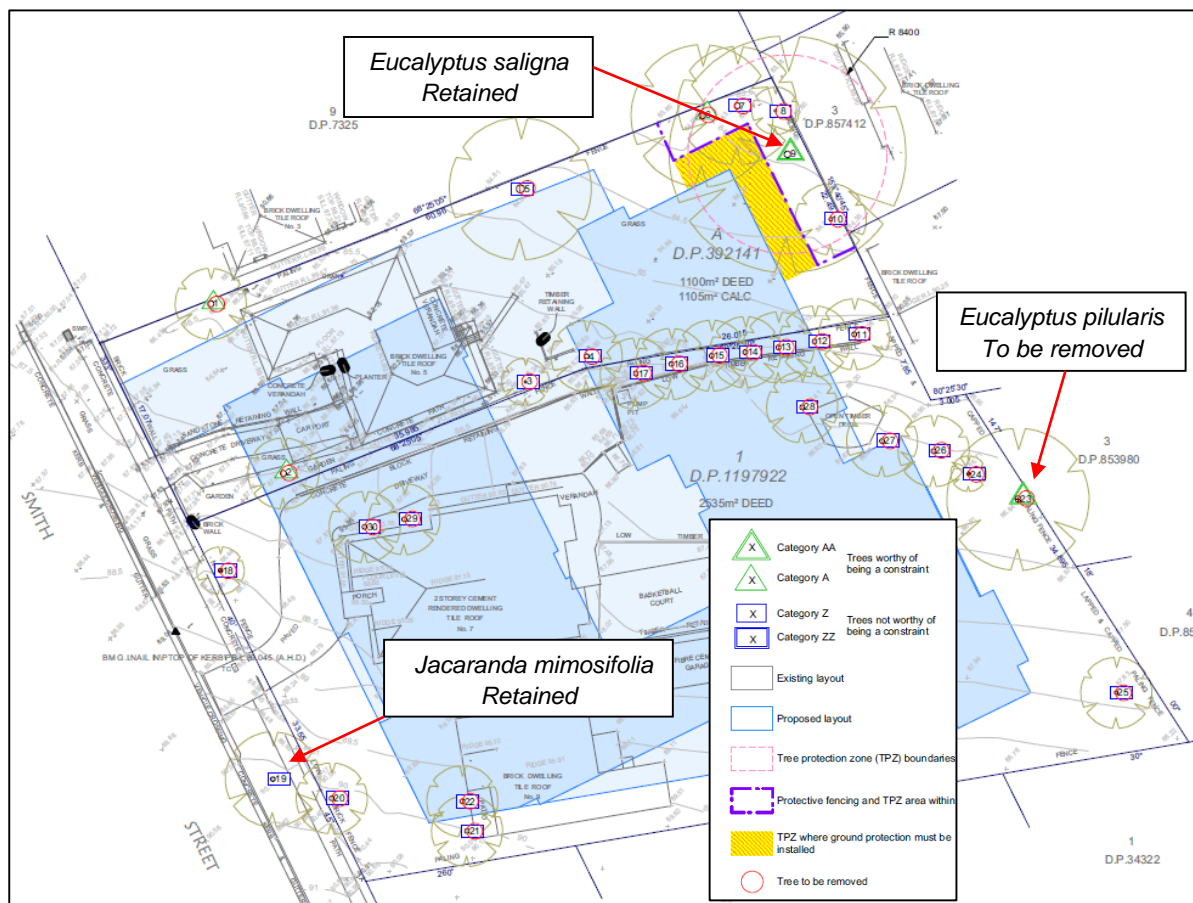


Figure 4: Extract of Tree Management Plan within the Arborist Report identifying the trees to be removed and protected. Significant Trees identified.

Table 3: Table of Vegetation to be removed from the site.

Species	Common Name	Number of Trees
<i>Cupressus sp.</i>	Cypress	1
<i>Banksia integrifolia</i>	Coast Banksia	1
<i>Hakea sp.</i>	Pincushion tree	1
<i>Prunus sp.</i>	Stone Fruit Tree	3
<i>Liquidambar styraciflua</i>	American Sweetgum	1
<i>Jacaranda mimosifolia</i>	Jacaranda	1
<i>Howea forsteriana</i>	Sentry Palm	1
<i>Photinia glabra</i>	Dwarf Photinia	1
<i>Gordonia axillaris</i>	Fried Egg Plant	7
<i>Butia Capitata</i>	Jelly Palm	1
<i>Syagrus romanzofianum</i>	Cocos Palm	2
<i>Eucalyptus pilularis</i>	Blackbutt	1
<i>Archontophoenix alexandrae</i>	Alexandra Palm	1
<i>Acer palmatum</i>	Japanese Maple	1
<i>Pyrus calleryana</i>	Callery Pear	5

The applicant's arborist made the following notes regarding the removal of the Blackbutt (Tree No. 23) highlighted above:

"...it is unlikely that the tree can be retained successfully on a development of this scale. Site access would be required within the SRZ and TPZ and existing extensive pruning of the

western canopy would be detrimental to the tree. Further, landscaping works, removed of the buried pool structure and other cumulative impacts will cause a loss in vigour of the subject tree.”

Council’s Tree and Landscape Officer concurs with the above conclusion and supports the removal of this tree.

Council’s Tree and Landscape Officer supported the removal of the remaining trees subject to the protection of another *Eucalyptus saligna* (Sydney Blue Gum) located in the north-eastern corner of the site and the *Jacaranda mimosifolia* (Jacaranda) located on the nature strip identified in Figure 3.

Subject to conditions for replanting and the protection of the remaining trees on site, the application meets the aims of the SEPP.

3.4 State Environmental Planning Policy (Sydney Harbour Catchment) 2005 (Deemed SEPP)

The application has been assessed against the requirements of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. This Policy provides general planning considerations and strategies to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

Subject to the implementation of installation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would have minimal potential to impact on the Sydney Harbour Catchment.

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 14 September 2016. In summary DEAP noted the following matters:

1. *While the Panel appreciated the orientation to maximise solar access, concern was expressed about the ‘U-shaped’ footprint of the proposal, and consequent issues for unit privacy and amenity arising from an internal separation less than the ADG guidelines of 12m for ‘habitable to habitable’ up to 4 storeys.*
2. *The Applicant maintained that high-level windows to bedrooms should enable a separation distance of 9m based on ‘habitable to non-habitable’. While the Panel*

did appreciate there were precedents for this interpretation, it was noted that visual privacy into bedrooms would be a concern that could be addressed by use of hoods over bedroom windows. While frosted glazing could also be a solution, the hoods would also enable windows to be opened for ventilation.

- 3. A further concern arising from the 'U-shaped' layout was amenity for units on the internal corners. This was more an issue in the south-west internal corner where proximity of balconies and bedrooms of adjoining units could result in both visual and acoustic problems. Some replanning of units 105 and above, and 106 and above would be assisted by reducing the depth of the lobby extending out to east. Moving the window back would free up the recess to enable windows to units either side, offset if necessary, and improve potential for cross ventilation that did not appear to meet ADG expectations. Addressing a similar situation with wasted space in the eastern lift lobby could also benefit ventilation and solar access for unit 211 and above.*
- 4. It was noted that the setback to the southern boundary was also less than the ADG guideline for 12m from the boundary. With high level windows proposed to bedrooms, the Panel again considered there should be privacy hoods to improve visual privacy from the adjoining site.*
- 5. The Panel has concerns with the limited size and functionality of the communal open-space in the central courtyard. Whilst there is no objection to the landscape treatment of this space per se, this constrained space would lack privacy and have potential acoustic issues for surrounding units. Introduction of a roof top terrace to the eastern wing would be encouraged, together with lift access, appropriate amenities, landscape treatment and shade. The Panel would support the consequent height increase, together with a minor height exceedance already proposed.*
- 6. The Panel was advised that the current owner of the site intends to retain the penthouse on the western wing, and it was understood that introduction of a communal terrace on that side would affect their amenity and privacy.*
- 7. It was agreed by the Panel that the material palette was appropriate for the location, with a preference for render in lieu of masonry. In this case a high quality render will be necessary to ensure a more durable and maintenance free finish into the future. Provision of 1:20 wall sections to provide clear indication of the construction detailing and drainage system was recommended.*
- 8. The Landscape plan prepared by Spirit Level is well considered, providing a range of landscaped precincts and amenities including an outdoor BBQ dining area, community garden with potting shed and children's sandpit, in view of the somewhat compromised solar access and narrow dimensions of the ground level communal open spaces. The addition of a roof top terrace to the eastern wing, referred to in Item 5, would considerably enhance the quality of the communal open space in the development. The planting of larger indigenous trees at the perimeter of the site is supported, and especially at the street boundary in order to complement the smaller deciduous trees and to soften and frame the building.*

The plans were subsequently amended to sufficiently respond to the DEAP advice in the following ways:

- The addition of a rooftop communal open space on the eastern 'arm' of the development;
- Internal hallway modifications within the 'U' to allow better solar access; and
- Privacy screening and window hoods added to the internal facing windows to minimise opportunities for overlooking

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 4: Response to SEPP 65 design principles (Architect's comments italicised)

Principle
<p>Context and neighbourhood character</p> <p><i>Having been rezoned to allow for high density Residential Flat buildings, the site is currently located amongst several construction sites for future residential flat buildings, existing single and double storey houses and 3 existing walk-up apartments immediately across. A generous front setback and tree lined street are to be continued in the proposed development, as well as retention of as many trees as possible around the perimeter of the site to achieve the desired future character of the area i.e. buildings in landscaped settings. The built form steps in response to the slope of the site.</i></p> <p>The locality is transforming to a high density residential precinct. The development generally accords with the desired future character nominated by the LEP and DCP being a landscaped setting. The building will contribute to the quality and identity of the area.</p>
<p>Built form and scale</p> <p><i>The site adjoins several construction sites for future high density residential flat buildings, existing single and double storey house. Several 3 storey walk-up apartments are situated immediately across the road. The proposed development is for (2) two linked, generally 5 storey residential flat buildings within an integrated north facing central garden. A 'U' shaped form was adopted to provide containment to the central courtyard, improve the microclimate of the courtyard by providing protection from southern winds, and to provide ore units with a northerly aspect with an open outlook through the communal open space, avoiding directly facing adjacent apartments.</i></p> <p><i>Due to the slope of the site some minor portions of the site are 6 storeys, however this is not visible from the stree.t</i></p> <p><i>The buildings are stepped to respond to the slope (approx. 7m) of the site towards the rear and the northern end of the site. The under-croft space is activated by the inclusion of apartment areas within otherwise blank basement walls.</i></p> <p><i>The building is well modulated and articulated with indentations, juxtaposition of horizontal and vertical elements and setbacks to the top level. Along its street frontage, a generous landscaped</i></p>

setback defines the semi-private area and the proposed landscaping will contribute to the public domains.

Acceptable. Noting its consistency with the LEP and DCP controls. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusion of the DEAP.

The proposal is a consolidation of two residential blocks. The consolidation will reduce the number of driveway crossings from three to one providing a consolidated landscaping surrounding the building. The proposal ensures no single allotment in the neighbouring properties will be isolated as a future development site.

The angle alignment of the northern and southern boundaries creates a staggered façade providing well-articulated elevations.

The side, rear, and internal setbacks ensure appropriate building separation for future RFBs on neighbouring properties. Windows that encroach within the setbacks are treated with privacy measures by the provision of high sill windows and privacy hoods.

Density

The proposed development will deliver 70 new units with a good mix of studio, one, two and three bedroom units.

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

Over 67% of the apartments are cross ventilated and 78% of them are receiving over 2 hours of sunlight to their private open space and living areas during mid-winter.

Sliding screens and adjustable vertical blades are also incorporated to improve thermal control depending on the time of the day & year, as well to aid privacy.

The building is insulated to meet Basix requirements. Energy efficiency lighting and appliances and water collected for recycles use. Deep soil is provided around the perimeter and are provided associated with the central courtyard.

Seven (10%) of the apartments are adaptable, plus another seven (10%) liveable units enabling apartments to meet the changing needs of the occupants across their lifetime.

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 communal open space area has been designed as a focal point within the development. It is located where it will receive good solar access through-out the day and year, and with level access from within the development. It has been designed to provide opportunities for both informal, quiet rest and for larger, formal gatherings. The mix of hard paved areas and open lawn and green space in the common area has been carefully considered. Other areas for passive recreation, and a communal open space for resident's garden at the rear of the site, are also provided.

New tree plantings have been carefully considered to provide shade where needed, without unduly impacting on solar access.

Planting species mix has also been developed to suit the context, i.e. street front plantings are colourful and vibrant with an avenue of trees to soften the scale of the building, internal common space plantings are shade-tolerant where required, and plantings to the rear are predominantly

local and/or native species, including large canopy trees to replace existing trees proposed for removal.

The layout and planting design of private area landscapes has been kept simple and robust, to minimise maintenance requirements and allow for embellishment by future residents.

The landscape treatment is generally satisfactory. The application proposed the removal of a number of trees from the site including a large Blackbutt, however has indicated that retaining the tree would not be practical.

Amenity

The apartments are designed to maximise the enjoyment of the living spaces both indoor and outdoor, whilst also conforming with the applicable planning controls.

Apartment layouts encourage flow between the indoor and outdoor living spaces and include appropriate privacy measures. All doors and opening into balconies and terraces are full height floor to ceiling to maximise natural light. Windows and door openings are positioned to allow for cross ventilation wherever possible.

Good quality finishes, material and appliances will ensure prolonged enjoyment of the apartment.

Communal Open Space will incorporate active and passive components, creating opportunities for the residents to interact as well as spaces for quiet enjoyment of the communal space/facilities, such as bbq area, vegetation / herb garden, sand pit, garden water feature, sheltered seating area and an area for physical exercise.

The proposal complies with the requirements under the ADG in regards to dual aspect apartments, natural ventilation, solar access, balcony width and sizes, storage and accessibility.

Safety

Building addresses the street and communal open space.

The entry to both the front and rear parts of the building is through the main entry to provide the same street address for all units. This promotes safety, a common mail collection point and a control point for visitors. A secondary path from the street is also provided to the rear building.

On ground level, courtyards are abutting the well-lot communal green space along Smith Street and central garden with private access where possible. Upper level balconies are orientated towards the street and the communal open space below, enhancing passive surveillance.

Appropriate outcomes achieved through the design. Windows are generally facing the central courtyard to provide a level of passive surveillance to the common open space with balconies fronting Smith Street to provide passive surveillance to the public domain. Inside each building, hallways will not have dark corners or non-visible areas.

Housing Diversity and Social Interaction

Communal open space is designed to cater for various activities appropriate for the demographic of the area, a multi-cultural community with predominantly young families and elderly people.

The north facing centre communal open space area are segmented into 3 sections: arrival square with a water feature, a tree lined corridor with seating areas, and the main lawn and outdoor bbq area with built in benches.

The use of landscape areas which are provided anticipate a diversity of occupants.

The adjoining communal open space along the eastern boundary consists areas for vegetable / herb garden and a passive recreational space with seating and sandpit area.

A children's playground and a community is located less than 200m away.

The development provides a mix of apartment types and sizes to address issues of affordability, family size and life-style choices.

Aesthetics

The proposed apartment building is well articulated and modulated, it presents itself as a contemporary and elegant design. Stepped buildings and gardens are its unique response to site constraints.

The variety of materials and colours and textures chosen for the buildings are limited to natural colours and materials, whilst applying modern architectural elements and details.

The landscape design incorporates a carefully chose mix of native and other deciduous species of trees and plants and limited material and colour palette consistent with the building.

The composition of building elements and materials is satisfactory. The massing of the proposal is adequately articulated and the architectural expression proposed is contemporary and respectful to the desired street character.

Apartment Design Guide

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 5: Response to ADG

Element	Comment	Complies
Building separation	12 metre internal building separation provided between habitable-to-habitable and 9 metre internal building separation between non-habitable-to-non-habitable. 12 metre separation between adjacent developments provided.	Yes Yes
The application was accompanied by a plan showing the separation of the proposed development from the adjoining development at Nos. 19-25 Epping Road, Epping. Notwithstanding the reduced setbacks to some portions of the development, the presence of the adjoining development allows for variation in the setbacks as the minimum separation distances are achieved as per the ADG.		
Visual privacy	The arrangement of units within the podium and the tower elements ensures a satisfactory level of privacy between apartments and areas of private open space	Yes
Solar access and daylight	77% units >2hrs solar access (Criteria is 70%) 13% get no solar access (Criteria is max 15%) 50% of common open space receives a minimum 2hrs sunlight.	Yes
Common circulation	Design complies with criteria of maximum 8 units off a circulation core	Yes
Communal Open Space	29% communal open space provided (criteria is 25%)	Yes

	3m minimum dimension provided	
Apartment size and layout	Minimum unit sizes are achieved Apartment layouts are efficient	Yes
Ceiling heights	Minimum of 2.7m for habitable rooms is achieved	Yes
Private open space and balconies	Balconies meet design criteria	Yes
Natural ventilation	61% of units are ventilated (criteria is 60%)	Yes
Storage	Required supply of storage for each unit is achieved	Yes

2.5 Hornsby Local Environmental Plan 2013

Zoning and permissibility

The Site is zoned R4 'High Density Residential'.

The proposed use meets the definitions of '*residential flat building*' and 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 R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in close proximity to bus service nodes and railway stations.*

The proposal is consistent with those objectives.



Figure 5: Extract of LEP Zone Map. Source: Geocortex

Remaining provisions

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

Table 6: HLEP 2013 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	The application includes the demolition of all existing improvements on the site.	Yes
Clause 4.3 Building height	The mapped control is 17.5m. The building would have a maximum height of 19.9 metres.	No
Clause 4.4 Floor space ratio	No FSR is applicable to the site.	N/A
Clause 4.6 Exceptions to standard	The application relies upon this clause to allow the exceedance of the height standard as noted above. See assessment following at the end of this table.	Yes
Clause 5.1 Relevant acquisition authority	No land acquisition applies to the land.	N/A
Clause 5.9 Preservation of trees	Repealed. See Part 2.3 SEPP (Vegetation in non-rural areas) above.	N/A
Clause 5.10 Heritage	The site is not a listed heritage item, nor is it within a conservation area. No heritage items in the immediate locality.	N/A
Clause 6.1 Acid sulphate soils	The site is not affected by Acid Sulphate Soils.	N/A

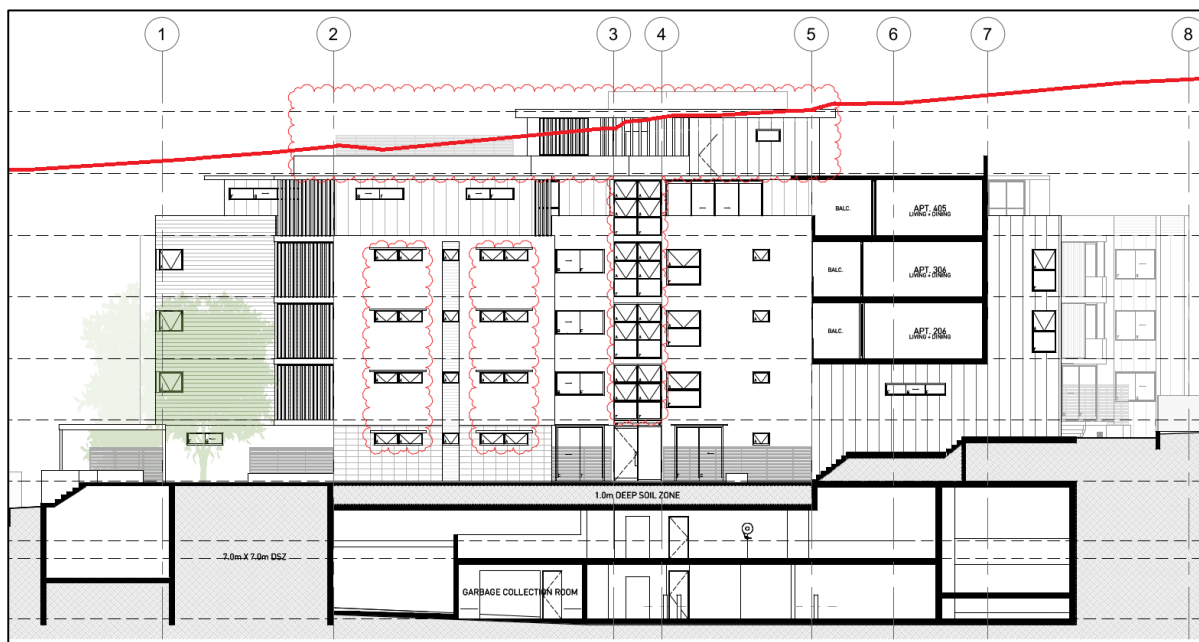
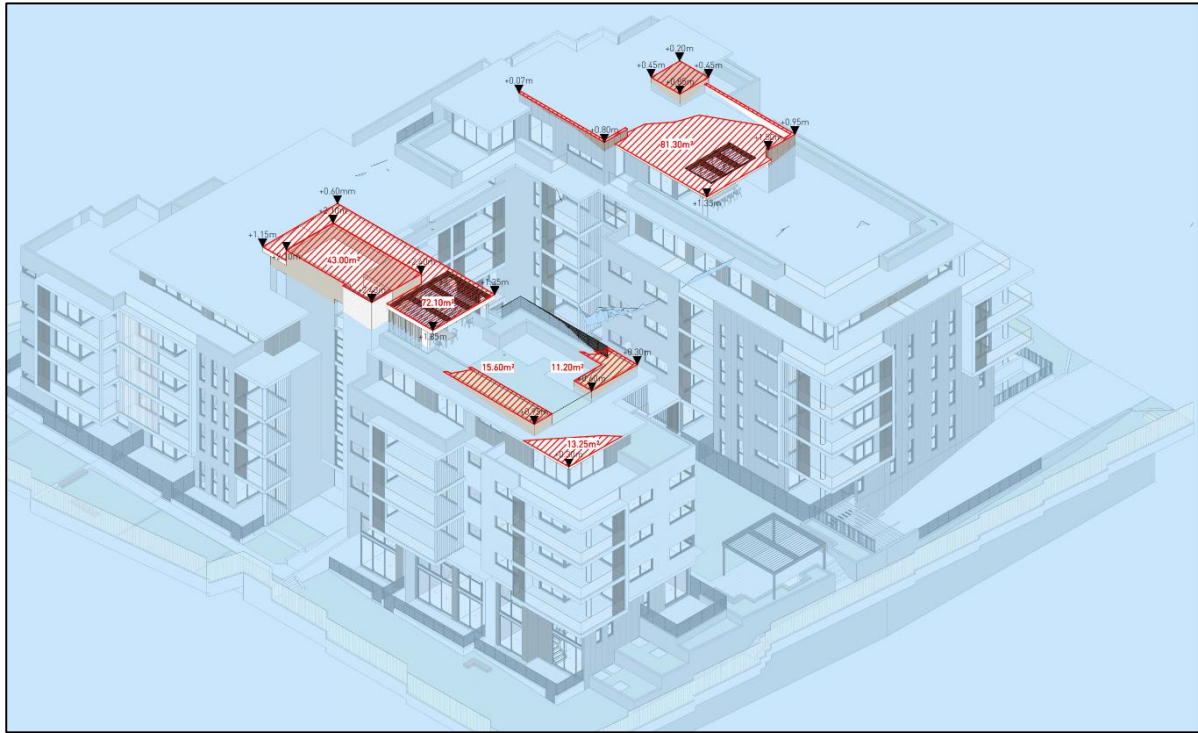
Clause 6.2 Earthworks	<p>Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council's Development Engineer, who is satisfied the works can be managed without adverse impact.</p> <p>Site works will not prejudice the future development of any adjoining land, or the amenity of that land.</p> <p>Issues relating to soil quality are addressed via considerations of SEPP 55</p> <p>No circumstances identified to indicate potential for disturbing relics.</p>	Yes
Clause 6.3 Flood Planning	The site is not identified on flood planning map	N/A
Clause 6.5 Essential services	The site is connected to all relevant utility services. To be augmented to meet service provider requirements.	Yes

Clause 4.3 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 17.5m. The application proposes a maximum height of 19.90m. The applicant was accompanied by a Clause 4.6 Statement which is discussed below.

Clause 4.6 Exceptions to development standards

Clause 4.3(2) of the HLEP 2013 identifies a site on which a building is to be erected shall not exceed 17.5 metres in height. The application proposes a maximum building height of 19.90 metres, which is a variation of 2.40 metres or 13.7%. See Figure 6, 7, and 8 below:



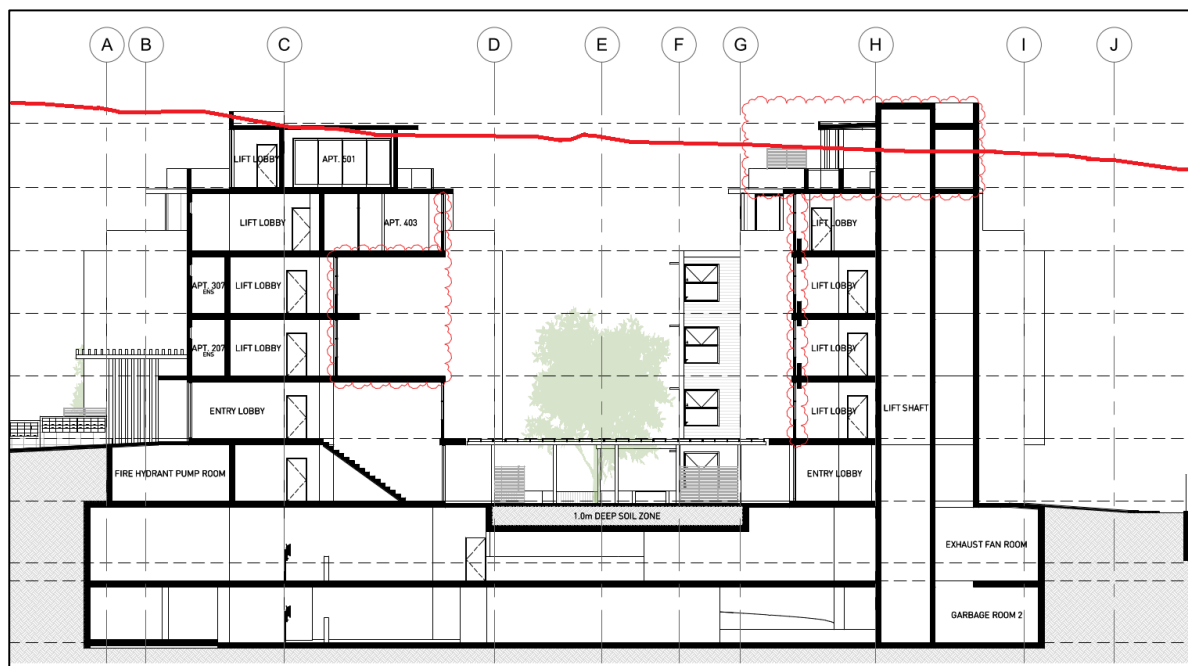


Figure 8: Extract of Section 02 showing exceedance in building height.

The applicant has submitted a written request seeking variation to the maximum building height prescribed by Clause 4.3, as required by Clause 4.6 of the HLEP 2013. Clause 4.6(2) provides that in certain circumstances, consent *...may be granted for development even though the development would contravene a development standards imposed by this or any other environmental planning instrument.*

The objectives of Clause 4.6 are as follows:

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

Clause 4.6(3) prescribes

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The departure from the maximum building height development standard is supported by a written request from the applicant under Clause 4.6 of the HLEP 2013 as follows:

In consideration of the variation to Clause 4.3 of the HLEP 2013, the following is noted:

- The extent of the non-compliance is primarily within the rooftop terrace and lift overrun. Although a rooftop terrace is not permitted as per the Hornsby DCP 2013, in this instance, the use of a rooftop terrace results in communal open space with more usable space, better solar access, and is more accessible to residents;
- To minimise overlooking to the adjoining properties from the rooftop communal open space, raised planter boxes are proposed on the eastern and western sides of this space to limit the potential for overlooking;
- City of Parramatta's Design Excellence Advisory Panel raised no objections to the rooftop terrace and exceedance in building height;
- A compliant development could be achieved on the site, however would result in a reduction in the footprint of the building which is generally compliant with the Hornsby DCP 2013 and the Apartment Design Guide. As a result of the deletion of the rooftop communal open space, the private open space available for residents on the ground floor would be significantly reduced to accommodate a 4-metre-wide landscaped area;
- The exceedance in building height would not result in any additional overshadowing of the adjoining properties.

The Clause 4.6 statement and justification was considered against the following recent cases:

1. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 9*

Four2Five established that the applicant must demonstrate that compliance with the development standard is unreasonable and unnecessary is separate from the consistency with the objectives of the standard.

Unreasonable and Unnecessary

In consideration of whether the development standard is unreasonable and unnecessary, a review of the developments immediately adjacent to the site was undertaken:

The development at No. 17-25 Epping Road (immediately south of the Site) was approved with a maximum height of 18.3 metres consisting of lift overruns and roof structures as illustrated in Figure 9:

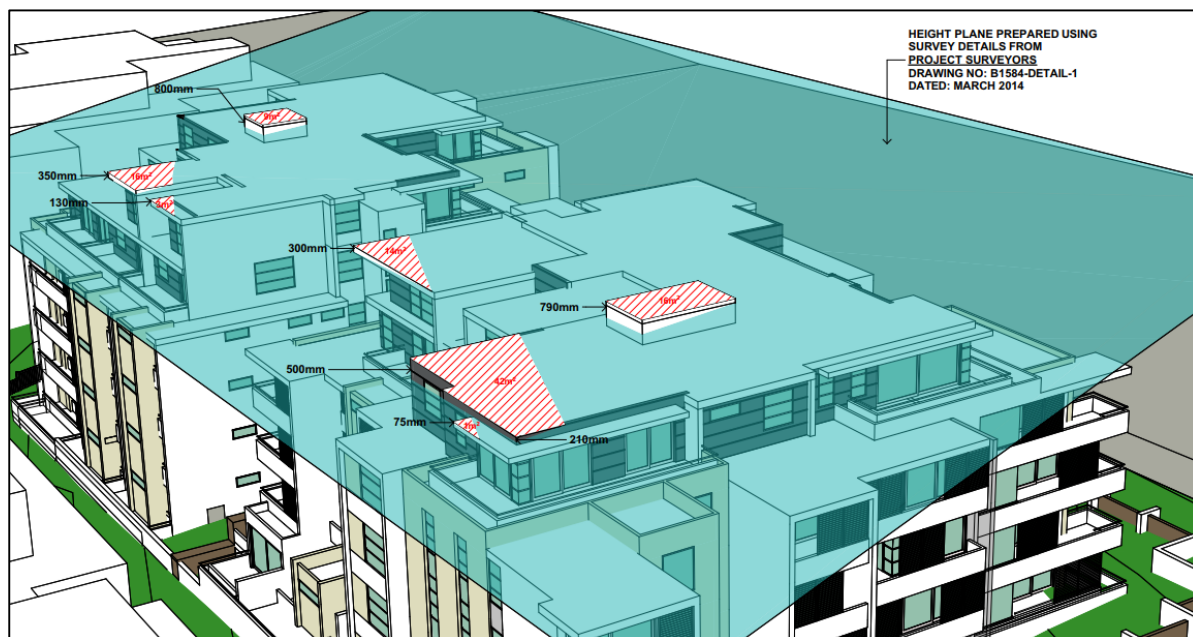


Figure 9: Extract of Height Plane of No. 17-25 Epping Road, Epping (2014SYW136)

The development at No. 22-26B Essex Street (immediately east of the Site) was approved with a maximum height of 18.7 metres consisting of lift overruns and roof structures as illustrated in Figure 10:

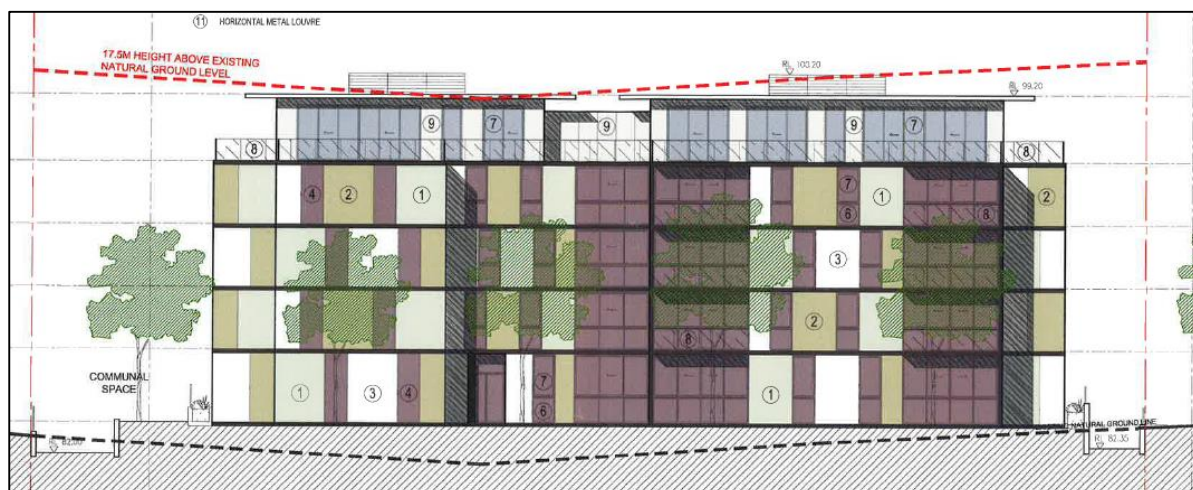


Figure 10: Extract of Elevation Plan of No. 22-26B Essex Street, Epping (2015SYW188)

The exceedance of the proposed development would be lift overrun and communal facilities on the eastern 'arm' of the development, and lift overrun and a shade structure on the western 'arm'.

The location of the non-compliances is centrally located on the building and unlikely to cause any additional overshadowing or privacy impacts to the adjoining sites.

In consideration of the above, the standard is unreasonable and unnecessary in this instance given the previous approvals granted by Council and the SCCPP and the minimal environmental impact as a result of the non-compliance.

Objective of the Standard

The objective of Clause 4.3 Height of Buildings is “*to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality*”.

The proposed development has generally responded to the 7-metre cross-fall of the site with two-storey units on the ground floor in the north-western corner to avoid protruding basement car parking and proposing a single unit on the top-most floor. The development, being generally compliant with the controls in the ADG and the Hornsby DCP meets the envisioned development potential of the site and is in keeping with the up-zoning of the Epping Town Centre Urban Activation Precinct. The development is in keeping with the objectives of the standard.

2. *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7*

Micaul requires that the consent authority must be satisfied that the applicant’s written request has adequately addressed the matter in Clause 4.6(3)(a) that compliance with each development standard was unreasonable or unnecessary.

In this instance, Council is satisfied that applicant’s Clause 4.6 Statement adequately addresses the matter in Clause 4.6(3)(a) of the HLEP and has provided a suitably argument as why the standard is unreasonable and unnecessary in this case.

3. *Seaside Property v Wyong Shire Council [2004] NSWLEC 600*

Notwithstanding the deviation from the development standard, a fully compliant development with respect to building height would have less desirable outcomes for the future residents, in particular on the ground floor.

It is noted that *Seaside* states “*where a planning instrument, policy or guideline requires the provision of communal open space or landscaped area, that space should be provided principally on ground level, unless the instrument, policy or guidelines states otherwise or the proposal is in high-density urban context where buildings are built to the boundary, for example the CBD*”. In this instance, the Hornsby DCP 2013 states “*rooftop terraces and balconies are not permitted*”.

In consideration of the above, the area surrounding the subject site to the south, west and east is predominantly new and future residential flat buildings.

The proposed structures within the rooftop communal open space are to provide a degree of interest to the space, not to provide any significant shading as shown in Figure 11 below:

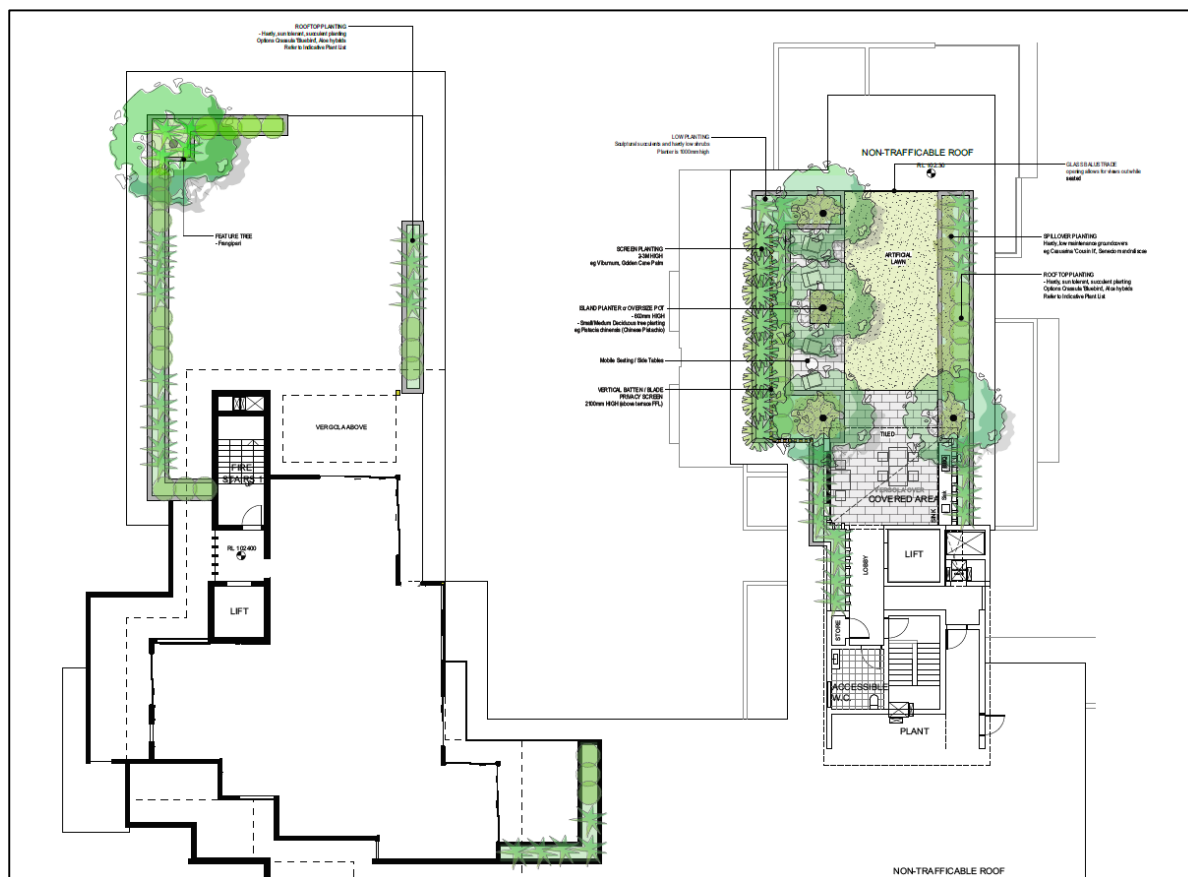


Figure 11: Extract of Landscaping plan showing the top-floor unit (left) and communal open space (right).

To minimise overlooking to the adjoining developments to the east and units within eastern 'arm' of the building, 1.7-metre-wide planter boxes along the eastern and western sides of the communal open space. It is considered that this width is sufficient to minimise the potential for overlooking to the adjoining properties.

The proposed rooftop communal open space would not add any additional bulk and scale to the appearance of the building within the streetscape and the bulk is centralised within the footprint.

The proposed maximum building height of 19.90 metres is considered acceptable.

4. Hornsby Development Control Plan 2013

Overview

Part 1C of the DCP provided general controls for development.

Part 3.4 of the DCP provides controls for the erection of residential flat buildings with a height of 17.5 metre (5 storeys).

Compliance

Part 1 is comprised of the following sections:

- 1C.1 Natural Environment
 - 1C.1.1 Biodiversity
 - 1C.1.2 Stormwater Management
 - 1C.1.3 Watercourses
 - 1C.1.4 Earthworks and Slope
- 1C.2 Built Environment
 - 1C.2.1 Transport and Parking
 - 1C.2.2 Accessible Design
 - 1C.2.3 Waste Management
 - 1C.2.4 Effluent Disposal
 - 1C.2.5 Noise and Vibration
 - 1C.2.6 Air Quality
 - 1C.2.7 Crime Prevention
 - 1C.2.8 Building Sustainability
 - 1C.2.9 Landscaping
 - 1C.2.10 Services and Lighting
 - 1C.2.11 Signage
 - 1C.2.12 Avoiding Isolated Sites
- 1C.3 Hazards
 - 1C.3.1 Bushfire
 - 1C.3.2 Flooding
 - 1C.3.3 Acid Sulfate Soils
 - 1C.3.4 Land Contamination

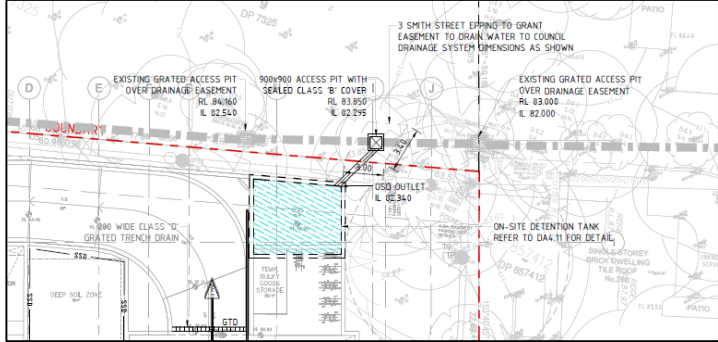
Part 3.4 is comprised of the following sections:

- 3.4.1 Desired Future Character
- 3.4.2 Design Quality – SEPP 65
- 3.4.3 Site Requirements
- 3.4.4 Height
- 3.4.5 Setbacks
- 3.4.6 Building Form and Separation
- 3.4.7 Landscaping
- 3.4.8 Open Spaces
- 3.4.9 Privacy and Security
- 3.4.10 Sunlight and Ventilation
- 3.4.11 Housing Choice
- 3.4.12 Vehicle Access and Parking
- 3.4.13 Public Domain and Traffic Management Works
- 3.4.14 Key Development Principles

Clause 6A of SEPP 65 allows for the following issues to be dictated by the Apartment Design Guide rather than a Development Control Plan:

- (a) *visual privacy*
- (b) *solar and daylight access,*
- (c) *common circulation and spaces,*
- (d) *apartment size and layout,*
- (e) *ceiling heights,*

- (f) private open space and balconies,
 (g) natural ventilation,
 (h) storage.

Part 1C – General Controls		Complies
1C.1.1 Biodiversity	Not mapped as Biodiversity	N/A
1C.1.2 Stormwater Management	<p>The application proposes to connect the stormwater drainage from the development to an existing Council-controlled stormwater pipe located on the adjoining property, No. 3 Smith Street, Epping, adjacent to the shared boundary.</p>  <p>Figure 12: Extract of Stormwater Plan showing proposed connection.</p> <p>On 18 December 2017, the applicant provided the adjoining landowners consent for the creation of an easement over their land for the purposes of stormwater drainage.</p> <p>Council's development engineer has reviewed the stormwater plan and supports the drainage solution.</p>	Yes
1C.1.3 Watercourses	No watercourses identified in the vicinity of the site that would affect the development	N/A
1C.1.4 Earthworks and Slope	<p>The proposal would involve the excavation of two levels of basement parking requiring approximately 9.5 metres of excavation.</p> <p>The application was accompanied by a Geotechnical Assessment which considered the geological stability of the site for the development.</p>	Yes
1C.2.1 Transport and Parking	<p>The application proposed sufficient parking at the following rates:</p> <p>Residential spaces – 69 spaces required</p> <p>Visitor spaces – 7 spaces required</p> <p>79 spaces provided.</p> <p>Conditions of consent are recommended that the spaces be allocated in accordance with the above requirements. Excess spaces must be allocated to visitor parking.</p>	Yes
1C.2.2 Accessible Design	<p>10% of dwellings are adaptable dwellings</p> <p>10% of dwellings are identified as liveable dwellings.</p>	Yes

	The adaptable dwellings achieve the minimum standards of Silver Design in accordance with the <i>Liveable Housing Guidelines</i> (2012).	
1C.2.3 Waste Management	<p>The application was accompanied by a waste management plan to guide the disposal of waste generated from the demolition of existing structures and excavation of the site.</p> <p>The application proposes the use of 360L bins for the management of waste within the basement. Council prefers the use of 660L bins to more easily manage the disposal of waste by Council contractors.</p> <p>Conditions of consent are recommended to change size of bins from 360L to 660L and the establishment of easements for the servicing of the bin rooms by Council.</p>	Yes
1C.2.4 Effluent Disposal	The site is serviced by Sydney Water.	Yes
1C.2.5 Noise and Vibration	<p>The site is located in an area transitioning from low density to high density residential developments.</p> <p>Conditions of consent are recommended to limit the hours of construction.</p>	Yes
1C.2.6 Air Quality	<p>The development does not include any uses that would have an ongoing impact on the air quality of the surrounding area.</p> <p>Conditions of consent are recommended for appropriate dust mitigation measures to be installed and maintained throughout the demolition/excavation/construction phases.</p>	Yes
1C.2.7 Crime Prevention	<p>Clear paths of entry for both pedestrians and vehicles are provided.</p> <p>Conditions of consent are recommended for appropriate security measures to be installed within the premises (security gates at the garage, and pedestrian access to the building only via security key or card).</p>	Yes
1C.2.8 Building Sustainability	The application was accompanied by a BASIX Certificate and NatHERS Certificate indicating that the development achieves the requirements of SEPP (BASIX) and minimum building energy efficiency.	Yes
1C.2.9 Landscaping	<p>The application proposes the removal of the majority of trees from the site.</p> <p>Council's Landscape officer supports the removal of the trees and the proposed replacement landscaping within the site.</p>	Yes
1C.2.10 Services and Lighting	The architectural plans indicate that service rooms and cupboards would be located within the basement or centrally within the development.	Yes
1C.2.11 Signage	No signage proposed	N/A
1C.2.12 Avoiding Isolated Sites	<p>The development of Nos. 5 – 9 Smith Street would not isolate the adjoining sites, No. 1 and No. 3 Smith Street, Epping.</p> <p>The adjoining sites, No. 1 and No. 3 Smith Street have a combined frontage of approximately 34 metres with direct</p>	Yes

	access to a Council controlled stormwater pipe located immediately adjacent to the southern boundary.	
1C.3.1 Bushfire	The site is not located within Bushfire Prone Land	N/A
1C.3.2 Flooding	The site is identified as Flood Prone Land. Council's Development Engineer has assessed the submitted Flood Impact Study and stormwater plans and support the proposed method of stormwater disposal and flood mitigation.	Yes
1C.3.3 Acid Sulphate Soils	The site is not identified as affected by Acid Sulphate Soils	N/A
1C.3.4 Land Contamination	As discussed above under SEPP 55, the site has historically been used for residential purposes. There is no evidence of contamination on site and further investigation is not required.	Yes

Table 7: Hornsby DCP 2013 compliance table

Part 3.4 – Residential Flat Buildings (5 Storeys)		Complies
3.4.1 Future Desired Character	<p>The application proposes a 5 storey residential flat building in a landscape setting with underground parking.</p> <p>The development footprint maintains landscape corridors and the preservation of trees where possible.</p> <p>The façade is well articulated avoiding the appearance of a continuous wall of development.</p> <p>The façade is not fully rendered, with the use of varied materials in vertical panels and metal/glass balustrades to balconies.</p> <p>Balconies wrap around corners of the building where possible.</p> <p>Active living encouraged with bicycle parking and clear pedestrian paths through the building.</p>	Yes
3.4.2 Design Quality	The application was accompanied by a statement from the registered architect that he directed the design of the development	Yes
3.4.3 Site Requirements	<p>>30 metre frontage provided.</p> <p>Amalgamation of the sites would not isolate adjoining sites.</p>	Yes
3.4.4 Height	<p>Development is generally 5 storeys.</p> <p>One portion of the development is 6 storeys in the north-eastern corner of the site.</p>	<p>Yes</p> <p>See discussion below</p>
<u>6 Storey element</u>		
The north-eastern portion of the development is 6 storeys in height. See Figure 13 below.		

As a result of the 7 metre cross-fall across the site, the located of the basements would result in a portion of the basement being above ground. In order to mask the appearance of the basement within the eastern and northern elevations, two-storey units have been included adjacent to the carparking.

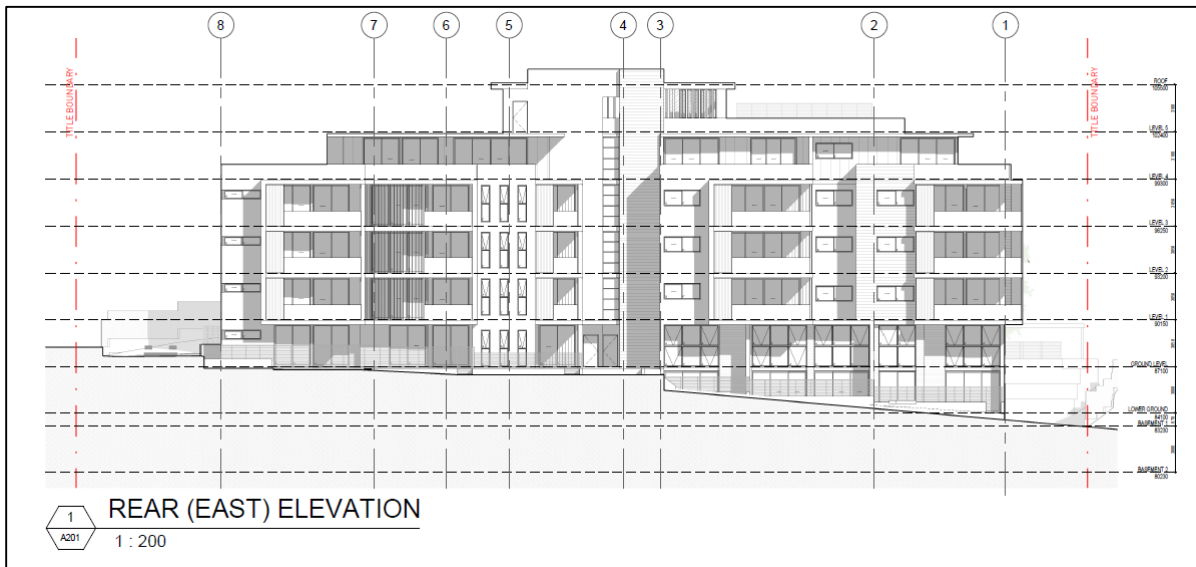


Figure 13: Extract of Elevation Plan showing 6 storey element

The inclusion of the two-storey units within the rear elevation, the development provides a more interesting appearance and passive surveillance of the communal open space in the north-eastern corner of the site.

3.4.5

Setbacks

Requirement:

Side – 6m which can be reduced to 4m for a maximum of 1/3 of the building width
Rear – 10m which can be reduced to 8m for a maximum of 1/3 of the building width

Proposed:

Side – 6m however 43% of the building width has a reduced setback.
Rear – 10m however 52% of the building width has a reduced setback.

The development provides reduced setbacks to the southern, side, and eastern, rear, boundaries. Notwithstanding the non-compliances, the development achieves the minimum building separations as required by the Apartment Design Guide. In particular to the south where the building at No. 17-25 Epping Road is under construction but significantly progressed.

Deep soil verge variable width (1.4 – 3.7m wide) adjacent to driveway.

Appropriate setbacks for basement to allow for deep soil planting within front and rear setbacks.

No

But acceptable

3.4.6 Building Form and Separation	Distinct indentation provided within centre of front façade to create the appearance of two building pavilions with varied materials and roof features. Building separation complies with the Apartment Design Guide.	Yes
3.4.7 Landscaping	Communal landscaping provided around the perimeter of the site to provide a landscaped setting. Numerically compliant deep soil widths provided at the front, southern side, and rear boundaries. Sufficient deep soil provided to allow for canopy trees to grow. No front fencing proposed. Fencing of the private open space areas is provided, however setback 4 metres with significant landscaping proposed.	Yes
3.4.8 Open Space	Sufficient private open space provided for each unit. Principal communal open space provided on the ground level. The Hornsby DCP does not support rooftop terraces. Roof terrace proposed See Section 2.3 above regarding <i>Seaside Property v Wyong Shire Council [2004] NSWLEC 600</i> for a discussion regarding the location of the communal open space on the roof.	Yes
3.4.9 Privacy and Security	Privacy provided through the use of window hoods for internally facing windows and building separations. Dwellings are primarily orientated east-west to provide passive surveillance of communal open space and public domain. Open space provided on the roof. Clear pedestrian entrance the building. Internal hallways avoid blind / dark corners.	Yes
3.4.10 Sunlight and Ventilation	>70% of units receive 2 hours of direct sunlight access. >60% of units are dual aspect and have natural ventilation.	Yes
3.4.11 Housing Choice	Adequate housing choice provided within the development: Studio apartments – 2 (2.9%) 1 Bedroom – 21 (30%) 2 Bedroom – 38 (54.3%) 3 Bedroom – 9 (12.9%)	Yes
3.4.12 Vehicle Access and Parking	Sufficient car parking provided in basement for residents and visitors. Driveway location is considered suitable	Yes
3.4.13 Public Domain and Traffic Management Works	Existing street trees to be retained. Additional native trees to be planted within front setback to improve the streetscape character.	Yes

	No traffic improvement works identified as part of the development.	
3.4.14 Key Development Principles	Significant trees to be retained where possible. Additional canopy trees are proposed.	Yes

5. Planning agreements

No applicable planning agreements apply to the site or development.

6. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 8: Relevant EPA Regulations

Clause 50(1)(a)	The nominated documentation is provided being <ul style="list-style-type: none"> ○ A design verification statement; ○ An explanation of the design in terms of the principles in SEPP 65 ○ 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.

7. Likely impacts

7.1 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; the development includes a stepped design and has open space that responds to the topography of the site;
- Appropriate arrangements will be made for the collection and disposal of Stormwater to the adjoining property, No. 3 Smith Street, Epping;
- 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 residential flat building of a scale contemplated by the planning controls;
- Site planning locates communal open space to the north of the site and on the rooftop. The exceedances in building height would not compromise the amenity of the adjoining sites or areas of public open space;
- 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.

7.2 Site works

Excavation

The development includes the excavation of two levels of basement for parking. A geotechnical assessment was submitted with the application which considers the stability of the site for the proposed works including dilapidation reports for all adjoining structures, additional inspections, and specific retention works.

Tree removal

The site contains a variety of native and non-native vegetation.

The application proposes the removal of 28 trees from the site as shown in Figure 4 and Table 3. In particular, the application proposes the removal of a Blackbutt (*Eucalyptus pilularis*) located at the southern end of the site adjacent to the eastern boundary.

Council's Tree and Landscape Officer has considered the retention of the tree as part of the application, however the tree would require significant canopy pruning to accommodate the development on the site and may be impacted as a result of construction access.

The landscape plan submitted with the application indicates extensive landscaping within the site to achieve the future desired character of a residential flat building within a landscape setting.

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.

7.3 Natural and technological hazards

The site is affected by an overland flow. An Overland Flow Study was submitted with the application and reviewed by Council's Development Engineer.

Council's Development Engineer supports the proposal with respect to stormwater drainage and overland flow subject to conditions of consent requiring the registration of an easement over the downstream property.

7.4 Site design

Setbacks

There are several instances where the design does not strictly comply with the DCP setbacks, however the outcome is nevertheless satisfactory. In summary:

- Southern Boundary

The DCP nominates a 6m setback which can be reduced to 4 metres for 1/3 of the building width.

The southern elevation provides a varied façade with a number of steps and changes in level. The application would provide separations in accordance with the Apartment Design Guide

No portion of the building extends within 4 metres of the southern, side boundary.

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 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.

7.5 Amenity considerations

Internal amenity

A satisfactory outcome is achieved noting:

- 4% (3 units) of apartments are single aspect, south facing apartments;
- 61% of apartments benefit from cross ventilation;
- 77% 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 at ground level with a northern aspect. Rooftop communal open space was provided at Council's recommendation to allow additional communal open space that would not be overshadowed during the day. That area meets the ADG criteria for size (minimum of 25% of the site area) and solar access (50% receiving 2 hours).

7.6 Public domain

Built form relationship to public domain

A positive public domain outcome will result given:

- The building achieves a desirable interface with public domain by orientating apartments to Smith Street and providing landscaping within the front setback.
- The building addresses its street frontage;
- Vehicle access is consolidated to a single edge of the site;
- Service areas are located at the northern and southern corners of the site to minimise the impact on future landscaping potential of the front setback.
- The building provides for a direct visual connection to the street ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and

- An appropriate landscape treatment is provided for those edges of the site that contribute to the public domain.

7.7 Relationship to adjacent sites

Overlooking

The location of the building and landscape design for both private open space and communal open space ensure adequate separation from future residential developments on surrounding allotments.

Overshadowing

Midwinter shadows from the development will fall partially over the development at No. 17-25 Epping Road. A shadow analysis of the adjoining site was provided which indicates that north facing units would continue to receive adequate sunlight throughout mid-winter.

Operational noise

Enclosed space for mechanical plant is provided within the basement, on each floor, and also at the roof level.

Lighting

Adequate lighting at the street frontage to illuminate both the pedestrian and vehicle entrance will be necessary.

Additional internal lighting will be necessary to allow the use of the communal open space during night hours.

The recommendation includes a condition to ensure such lighting will be to relevant standards, while also designed to avoid nuisance.

7.8 Access, transport and traffic

Parking supply

The quantum of parking provided, and its allocation amongst the uses, satisfies the DCP.

Parking access and design

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

Construction Traffic

A Construction Traffic Management Plan was provided with this application. The provided CTMP includes details of truck movements during the demolition and construction phase however is deficient in a number of details.

A condition of consent is recommended for an updated CTMP be prepared by a suitably qualified and experienced traffic consultant prior to the commencement of works.

7.9 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.

7.10 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

Garbage chutes are proposed to be used to service the development with compactors within the basement.

Council's Environmental Health Officer has reviewed the Waste Management Plan which supports the application and is satisfied with the arrangement for the storage and collection of waste from the development.

7.11 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.

7.12 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.

To ensure a suitable outcome is achieved, the recommendation includes conditions which require the following measures:

- Internal and external lighting to Australian Standards;
- Installation of CCTV to the basement entry;
- Way finding measures within the parking levels;
- The roller door to the basement /service entry to be closed

These matters are addressed by conditions.

7.13 Social and economic impacts

No adverse impacts have been identified.

8. 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.

9. Submissions

The application was advertised in accordance with Hornsby DCP 2013 from 6 July 2017 to 7 August 2017 and re-advertised from 28 February 2018 to 14 March 2018. In response, four submissions were received raising the following concerns:

1. Privacy to adjoining dwelling houses and child-care centre

The submissions raise concern with respect to overlooking from the proposed development to the adjoining dwelling houses and child care centre.

Comment: The proposed development provides the minimum requires separation distances to the rear boundary of the site in accordance with the Apartment Design Guide.

The development generally accords to the future desired character of the area being for residential flat buildings. In this instance, dwelling houses located within a high density

residential area undergoing transition would be expected to experience a degree of overlooking from the adjoining developments.

As the properties fronting Smith Road are topographically higher than the properties fronting Essex Street, even ground floor units within the development may have opportunities to overlook the adjoining properties. In this instance, it would be incumbent upon the adjoining property owners to install devices to provide a suitable level of privacy to their own standard.

2. Support removal of tree

The submission raises support for the removal of Tree 23 (Blackbutt) located adjacent to the eastern boundary.

Comment: The removal of the tree is supported by Council.

3. Visual and Acoustic Privacy

The submissions raise concerns with respect to the visual and acoustic privacy to the adjoining residential flat building currently under construction.

Comment: The application achieves the minimum separation distances as per the ADG with the use of high light windows with a minimum sill height of 1.8 metres above finished floor level to minimise the potential for overlooking to and from bedrooms and living rooms.

The proposed separation distances meet the design criteria and objectives of the ADG with respect to visual and acoustic privacy and is considered acceptable in a high density residential environment.

4. Overshadowing

The submissions raise concerns with respect to overshadowing on the adjoining residential flat building and dwelling houses.

Comment: The applicant has provided an overshadowing study of the impact of the proposed development on the adjoining residential flat buildings:

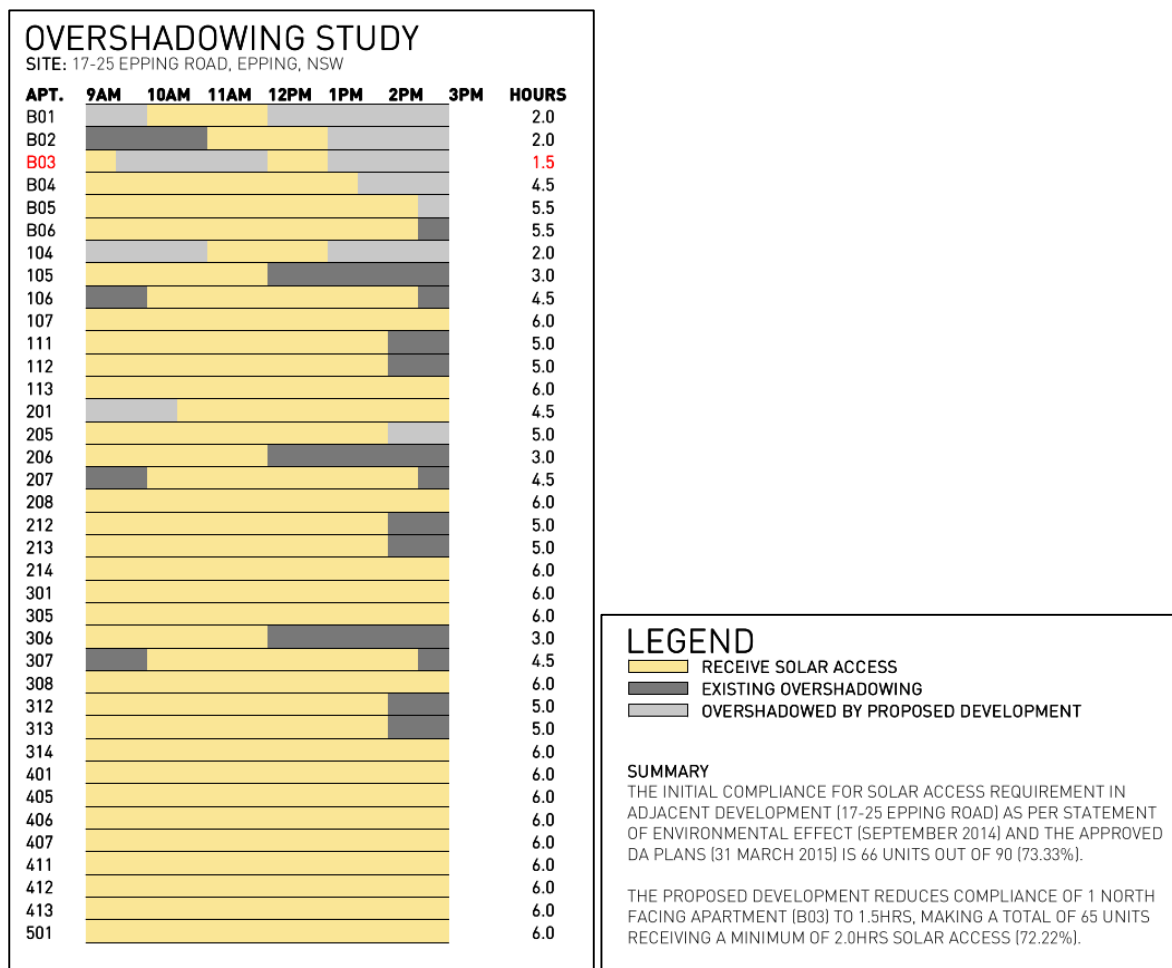


Figure 14: Extract of Overshadowing study showing existing overshadowing and overshadowing as a result of the proposed development

As detailed in the above overshadowing study, the adjoining development would continue to receive adequate sunlight throughout midwinter and would continue to be compliant with the ADG with respect to sunlight access.

The adjoining dwelling houses would be overshadowed during midwinter at 3pm according to the submitted shadow diagrams.

The adjoining dwelling house would continue to receive at least 3 hours of solar access to the private open space in compliance with the Hornsby DCP 2013.

5. Landscaping

The submission raises concern that the landscaping on the southern boundary of the site is not sufficient.

Comment: The application proposes the replanting of native species adjacent to the southern boundary such as *Snatalum acuminatum* (Wild Peach), *Angophora costata* (Smooth Barked Apple), and *Syncarpia glomulifera* (Turpentine).

Council's Tree and Landscape Officer has reviewed the landscape plan and support the replacement planting within the site. The Design Excellence Advisory Panel agreed that the submitted landscape plan was well considered.

6. Building height

The submission raises concern that the development exceeds 17.5 metres in height.

Comment: As addressed above in this report, the variation to Clause 4.3 of the Hornsby LEP 2013 is considered appropriate and would result in a positive outcome on the site overall.

The development would include a 6 storey element located in the north-eastern corner of the site. As a result of the 7 metre cross-fall across the site, the location of the basements would result in a portion of the basement being above ground. In order to mask the appearance of the basement within the eastern and northern elevations, two-storey units have been included adjacent to the carparking.

In this instance, the 6 storey element is considered appropriate and is supported.

7. Excavation works

The submission raises concern with respect to the excavation works required and the potential impact on the adjoining properties.

Comment: The application was supported by a Geotechnical Assessment which indicated that the site is capable of being excavated and the development would not have an impact on the structural stability of the adjoining properties subject to additional supporting works.

10. Public interest

10.1 Draft Greater Sydney Regional Plan and (Revised) Draft Central City District Plan

The *Greater Sydney Regional Plan* has been prepared by the Greater Sydney Commission to manage growth and change and guide infrastructure delivery over the next 40 years. The Plan sets a strategy for accommodating Sydney's future population growth and identified the need to deliver 817,000 new jobs and 725,000 new homes by 2036. The Plan identified the need for new housing within walking distance of a local or strategic centre and open space.

The Greater Sydney Commission will use the District Plans to inform Council's plans, guide assessment of local planning proposals, and information the delivery of infrastructure within the district. The City of Parramatta has been grouped with Blacktown, Cumberland, and The Hills Councils. The *Revised Draft Central City District Plan* will be reviewed with the on-going monitoring of housing supply to ensure planning controls are in place to stimulate housing development.

The proposed development is consistent with the *Greater Sydney Regional Plan* as it would provide 49 additional dwellings and would contribute to housing choice in the locality.

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ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP reference 2017SWC076

DA No. 529/2017

Deferred Commencement

Schedule 1 (Deferred Commencement)

Pursuant to the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

1. Submission to Council of a copy of the registered document from the Department of Lands confirming the creation of a drainage easement to drain water 1.5 metres wide over Lot 9 in DP7325 (also known as 3 Smith Street) benefiting the subject Lot (Lot A in Dp392141 and Lot 1 in DP1197922) known as 5 & 7-9 Smith Street

Reason: To ensure a drainage easement has been registered with the NSW Land and Property Information Service and compliance with council's requirements.

2. Submission of amended stormwater plan that address the following issues:

- a) Details of new pit within the adjoining neighbouring property and connection into the new pit

The stormwater plan shall indicate details of the disposal including the details of the new junction pit and connection in accordance with council's standard. The detail shall include:

- i) Invert levels and obvert levels in mAHD of the new pit at the connection point,
- ii) A long section profile showing the existing invert levels, pipe size & grade, hydraulic grade line of the council pipe from kerb inlet pits on western side of the road pavement on Smith Street up to the kerb inlet pit on Essex Street etc. (*Council's Civil Infrastructure Unit can be contacted for requirement details on pit type, connections requirements and the relevant standard plan number/drawing*).

- b) Hydraulic grade line along existing council pipe.

Submission of detail drawings showing the long section profile of existing council pipeline with the invert levels, pipe size & grade, hydraulic grade line for the pipe from kerb inlet pits on western side kerb of Smith Street up to the kerb inlet pit on Essex Street etc.

- c) Amended OSD details.

The stormwater plan and the OSD details shall be amended to readjust /raise the OSD tank and outlet pipe levels taking into account the hydraulic grade line along the existing Council pipe. The raised level shall be such that it prevents a drowned outlet condition and backflow of street stormwater into the OSD tank due to high energy/hydraulic grade along the existing pipe.

- d) High-flow bypass chamber lower level outlet size.

The lower level outlet of the High-Flow bypass chamber shall be fitted with 130mm dia orifice to control the low flow to the filtration chamber to 1 in 3 month's equivalent flow of 39l/s.

The above requirement(s) must be satisfied within 12 months of this determination or the consent will lapse.

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

General Matters

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

Plan Name	Plan no.	Prepared By	Dated
Context Map Revision E	Job no. 15096 Drawing no. A001	Giles Tribe Architects	2018.01.23
Site analysis Revision E	Job no. 15096 Drawing no. A002	Giles Tribe Architects	2018.01.23
Streetscape Elevations Revision E	Job no. 15096 Drawing no. A003	Giles Tribe Architects	2018.01.23
Site Plan Revision E	Job no. 15096 Drawing no. A004	Giles Tribe Architects	2018.01.23
Demolition Plan Revision E	Job no. 15096 Drawing no. A005	Giles Tribe Architects	2018.01.23
Basement 2 Revision E	Job no. 15096 Drawing no. A100	Giles Tribe Architects	2018.01.23
Basement 1 Revision E	Job no. 15096 Drawing no. A101	Giles Tribe Architects	2018.01.23
Ground Level Revision E	Job no. 15096 Drawing no. A102	Giles Tribe Architects	2018.01.23
Level 1 Revision E	Job no. 15096 Drawing no. A103	Giles Tribe Architects	2018.01.23
Level 2 Revision E	Job no. 15096 Drawing no. A104	Giles Tribe Architects	2018.01.23
Level 3 Revision E	Job no. 15096 Drawing no. A105	Giles Tribe Architects	2018.01.23

Level 4 Revision E	Job no. 15096 Drawing no. A106	Giles Tribe Architects	2018.01.23
Level 5 Revision E	Job no. 15096 Drawing no. A107	Giles Tribe Architects	2018.01.23
Roof Revision E	Job no. 15096 Drawing no. A108	Giles Tribe Architects	2018.01.23
Elevations Revision E	Job no. 15096 Drawing no. A200	Giles Tribe Architects	2018.01.23
Elevations Revision E	Job no. 15096 Drawing no. A201	Giles Tribe Architects	2018.01.23
Elevations Revision E	Job no. 15096 Drawing no. A202	Giles Tribe Architects	2018.01.23
Sections Revision E	Job no. 15096 Drawing no. A300	Giles Tribe Architects	2018.01.23
Sections - Ramps Revision E	Job no. 15096 Drawing no. A301	Giles Tribe Architects	2018.01.23
Adaptable Units' Plans Revision E	Job no. 15096 Drawing no. A400	Giles Tribe Architects	2018.01.23
Development Summary Revision E	Job no. 15096 Drawing no. A500	Giles Tribe Architects	2018.01.23
External Area Calculations Revision E	Job no. 15096 Drawing no. A501	Giles Tribe Architects	2018.01.23
Building Separation Revision E	Job no. 15096 Drawing no. A502	Giles Tribe Architects	2018.01.23
Building Height Plane Revision E	Job no. 15096 Drawing no. A503	Giles Tribe Architects	2018.01.23
GFA Calculation Revision E	Job no. 15096 Drawing no. A504	Giles Tribe Architects	2018.01.23
Shadow Diagrams Revision E	Job no. 15096 Drawing no. A600	Giles Tribe Architects	2018.01.23
Shadow Diagrams Revision E	Job no. 15096 Drawing no. A601	Giles Tribe Architects	2018.01.23
Shadow Diagrams Revision E	Job no. 15096 Drawing no. A602	Giles Tribe Architects	2018.01.23
Shadow Diagrams Revision E	Job no. 15096 Drawing no. A603	Giles Tribe Architects	2018.01.23
Shadow Diagrams Revision E	Job no. 15096 Drawing no. A604	Giles Tribe Architects	2018.01.23

Shadow Diagrams Revision E	Job no. 15096 Drawing no. A605	Giles Tribe Architects	2018.01.23
Overshadowing Diagrams Revision E	Job no. 15096 Drawing no. A606	Giles Tribe Architects	2018.01.23
Materials & Finishes Revision E	Job no. 15096 Drawing no. A700	Giles Tribe Architects	2018.01.23
View from Smith Street Revision E	Job no. 15096 Drawing no. A701	Giles Tribe Architects	2018.01.23
View of Communal P.O.S Revision E	Job no. 15096 Drawing no. A702	Giles Tribe Architects	2018.01.23
Wall Detail Sections Revision E	Job no. 15096 Drawing no. A703	Giles Tribe Architects	2018.01.23
Landscape Concept Plan Revision M	Project 1240 Drawing L100M	Spirit Level Designs Pty Ltd	20/10/17
Elevation & Plan Lists Revision G	Project 1240 Drawing L101G	Spirit Level Designs Pty Ltd	20/10/17
Central Courtyard & Community Garden Detail Revision G	Project 1240 Drawing L102G	Spirit Level Designs Pty Ltd	25/7/17
Level 5 Rooftop Detail Revision A	Project 1240 Drawing L103A	Spirit Level Designs Pty Ltd	20/10/17

Document(s)	Prepared By	Dated
Statement of Environmental Effects Job Ref: 021 – 2016 Issue: 03-021/2016	Wales & Associates Pty Ltd	12.06.17
SEPP 65 Design Verification Statement	Giles Tribe Architects	22 May 2017
Waste Management Plan	Sunrise Epping Developments P/L	4 June 2017
Arboricultural Impact Appraisal	Naturally Trees	7 November 2016
Root Investigation	Naturally Trees	26 July 2017
BASIX Certificate No.806379M_04	Integreco	26 October 2017
Capital Investment Report	MMDCC	24 April 2017
Geotechnical Investigation	JK Geotechnics	26 April 2017

Ref: 30092SBrpt		
BCA Compliance Compatibility Report Project no. J170025	Vic Lilli & Partners	19 April 2017
Access Report Revision B	Ergon Consulting	24 April 2017
Traffic and Parking Assessment Report Ref: 16617	Varga Traffic Planning Pty Ltd	26 April 2017
Overland Flow Study Report Ref: 16204 Revision 001	Sparks + Partners	8 May 2017
Water Sensitive Urban Design Strategy Re: 16204 Revision 001	Sparks + Partners	8 May 2017

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. Trees numbered 9 and 19 are to be retained as marked in red on the approved Demolition Plan, Revision E, prepared by Giles Tribe Architects, dated 2018.01.23 .

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

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.)

7. The waste management plan shall be amended to replace the 360L bins within the basement to an equivalent volume of 660L bins.

Reason: To ensure appropriate domestic waste collection by Council.

8. 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.

9. 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.

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

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

11. A monetary contribution comprising **\$928,492.80** is payable to the City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and *City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre)*. Payment must be by EFTPOS, bank cheque or credit card only.

Contribution Type	Amount
Plan Administration	\$1746.15
Community Facilities	\$72,236.75
Drainage & Water Quality	\$15,970.10
Open Space & Recreation	\$631,560.75
Public Domain	\$134,538.60
Roads & Shared Paths	\$72422.45
Total	\$928,492.80

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

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

The *City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre)* can be viewed on Council's website at:

<https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

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

12. 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.

13. 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.

14. In accordance with Section 4.17(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 D/529/2017;
- (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
Development Site Bond	\$25,000
Street Trees	\$2,000

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.

15. 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.

16. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

17. 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.

18. 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.

19. 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.

20. The development must incorporate **seven (7)** 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.

21. 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.

22. The bicycle storage/racks are to be provided in a security level B facility and are to comply with AS 2890.3-1993. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

23. 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.

24. The recommendations as outlined in the Geotechnical investigation report titled "Reports on Geotechnical Investigation", Report number 30092SB rpt dated 26/04/2017, prepared by JK Geotechnics shall be implemented accordingly.

Reason: To ensure the geotechnical compliance, ongoing safety and protection of property.

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 drawing details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be prepared and certified submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- (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, **Section 1C.1.2 of Part 1 (General) of Hornsby council DCP 2013**, the relevant Australian Standards and the National Construction Code.

- i. The final drainage plans are consistent with the submitted Concept Stormwater Drainage Plans, Hob No. 16204, prepared by Sparks + Partners i.e.

Plan Name and No.	Dated
Basement 2 Dwg No. DA4.01 Revision 5	19.01.2018
Basement 1 Dwg No. DA4.02 Revision 4	19.01.2018
Ground Floor Dwg No. DA4.03 Revision 4	19.01.2018
Concept Catchment Plan Dwg No. DA4.05 Revision 4	19.01.2018
Details Sheet 1 Dwg No. DA4.11 Revision 5	19.01.2018

together with the notes and rectification as required and address the issues.

- a. Details of new pit within the adjoining neighbouring property and connection into the new pit

The stormwater plan shall indicate details of the disposal including the details of the new junction pit and connection in accordance with council's standard. The detail shall include

- i) Invert levels and obvert levels in mAHD of the new pit at the connection point,
- ii) A long section profile showing the existing invert levels, pipe size & grade, hydraulic grade line of the council pipe from kerb inlet pits on western side of the road pavement on Smith Street up to the kerb inlet pit on Essex Street etc. *(Council's Civil Infrastructure Unit can be contacted for requirement details on pit type, connections requirements and the relevant standard plan number/drawing).*

- b. Hydraulic grade line along existing council pipe.

Submission of detail drawings showing the long section profile of existing council pipeline with the invert levels, pipe size & grade, hydraulic grade line for the pipe from kerb inlet pits on western side kerb of Smith Street up to the kerb inlet pit on Essex Street etc.

- c. Amended OSD details.

The stormwater plan and the OSD details shall be amended to readjust /raise the OSD tank and outlet pipe levels taking into account of the hydraulic grade line along existing Council pipe. The raised level shall be such that to prevent a drowned outlet condition and backflow of street stormwater into the OSD tank due to high energy/hydraulic grade along the existing pipe.

- d. High-flow bypass chamber lower level outlet size.

The lower level outlet of the High-Flow bypass chamber shall be fitted with 130mm dia orifice to control the low flow to filtration chamber to an equivalent of 1:3 month's storm event flow (39l/s).

- (b) The On-site detention (OSD) system shall have a storage capacity of not less than the Site Storage Requirement of **32m³** (**23m³** for OSD storage capacity and **9m³** for filtration holding capacity) and the orifice size to control the flow to a Permissible Site Discharge as indicated by the **OSD design Calculation summary sheet**.
- (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) Certification from a registered structural engineer certifying the structural design adequacy of the OSD tank structure against the loads/forces including buoyancy forces.

- (e) 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.
- (f) The OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets are to be submitted with the documentation accompanying the construction certificate application.
- (g) A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method is to be shown on the plan.

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. As a part accomplishment of Water Sensitive Urban Design principles, in accordance with the Section 1C.1.2 of Part 1 (General) of Hornsby DCP 2013 appropriate Water Sensitive Urban Design Measures (Water Quality measures) shall be employed as a part of Site Stormwater Management. In this regard the followings shall be carried out

- (a) All the surface pits at the basement car park shall be fitted with the filtration/screening basket fitted with the oil & grease-trapping pad of Enviropod make or equivalent that are capable of capturing sediments and spilled hydrocarbon.
- (b) The orifice size of 130mm dia shall be fitted on the lower outlet pipe within the high-flow bypass chamber.
- (c) Filtration system consisting of at least eighteen (18) numbers of 690mm dia StormFilter cartridges (Stormwater360 make or equivalent with demonstrated performance) that provide water quality flow (Filtration) rate of 8l/s in normal condition,
- (d) The filter media shall be "Phosphosorb", or similar perlite based media that has demonstrated performance characteristics equivalent or better.
- (e) Filtration chamber of at least 8.8m² area (for 9m³ holding capacity,
- (f) The hydraulic head drop (head difference between the inlet invert level and the outlet tail water level) of at least 930mm shall be maintained at any time/ event. The water quality flow (filtration) rate of the filtration system shall be no less than 16.2l/s. If the head drop or water quality flow (filtration) rate cannot be maintained additional cartridges shall be provided proportionately to maintain the designated flow rate.
- (g) The construction and installation of the filtration system shall be in accordance with the manufacturer's specification and instruction.

Reason: To ensure that the water quality management measures are implemented

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

Reason: To enable future upgrading of electricity services.

33. 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.

34. 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.

35. 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.

36. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

37. 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.

38. 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.

39. 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.

40. The underground OSD storage tank structures shall be constructed as designed and certified by a Qualified Structural Engineer, taking into account of the structural loads including dead load and live load from the above and surrounding areas/structures including the buoyancy forces, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate and comply with Australian Standard: AS3600-2009-concrete structures and AS3700-2001-Masonry structures.

The principal certifying authority shall ensure that upon completion of the construction works a practicing certified Engineer has duly certified the construction works.

Reason: To ensure that the structural stability of the underground tank structure.

41. The driveway within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath within the nature strip and that joints are smooth, and no part of the concrete protrudes out. To prevent street stormwater spilling into the property through the driveway, the driveway surface should be graded such that it rises upward from kerb & gutter with the crest across the driveway at the property line, which should be at least **150mm** higher than the top of kerb.

Reason: To provide suitable vehicle access and smooth junction.

Prior to Work Commencing

42. 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.

43. 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.

44. 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.

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

Reason: To ensure adequate toilet facilities are provided.

46. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

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

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

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

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

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

47. 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.

48. 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.

49. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Naturally Trees dated 7 November, 2016 and the conditions of consent.

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

50. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drip line or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

51. 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.

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

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

- (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- (iii) The locations of proposed Work Zones in the egress frontage roadways,
- (iv) Location of any proposed crane standing areas,

- (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

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

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

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the

environmental amenity and ensures the ongoing safety and protection of people.

53. 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.

54. 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.

55. 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.

56. The proposed outlet pipe connection from the subject site into the Council's Stormwater pipe system shall be designed comply with the following requirements:

- (a) New junction pit and connection

A new junction pit and the connection details into the pit shall be designed in accordance with requirements of Council's Civil Infrastructure Unit and the relevant Standard Plan as required accordingly (Council's Civil Infrastructure Unit may be contacted for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing).

- (b) The drawings including connection details.

The drawings of the proposed connection and pipeline (if any) should show

- i. Details of the new kerb inlet pit
- ii. Connection details into the new pit.

The above drawings including the construction and connection details shall be submitted to the satisfaction of Council's Civil Infrastructure Unit for approval. No pipe works shall commence until the approval is obtained.

Upon completion of the work, the construction and connection work shall be certified by a qualified engineer. A separate Work-As-Executed plan shall be prepared on the approved stormwater plan and submitted together with the engineer's certificate to Council separately.

Reason: To ensure that the stormwater work comply with requirements of relevant authority.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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

Reason: To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

During Work

63. 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.

64. 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.

65. Trees 1-8, 10-18, 20-30 are approved for removal. Refer to the arborist report prepared by Naturally Trees dated 7/11/2016 for tree species and locations

Reason: To facilitate development.

66. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

Reason: To protect the amenity of the area.

67. 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.

68. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

Reason: Protection of existing environmental infrastructure and community assets.

69. 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.

70. A **200mm** wide grated channel/trench drain with a heavy-duty removable galvanised steel grate shall be provided to the full width at the end of the driveway ramp to collect driveway runoff. The grated/channel drain shall be connected to the OSD tank basement pump-out tank and shall have an outlet of minimum diameter **150mm** to prevent blockage by silt and debris.

Reason: Stormwater control & runoff management

71. 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.

72. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath

works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

73. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

74. 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.

75. 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.

76. The proposed outlet pipe and connection works into the existing downstream kerb inlet pit within the public domain shall comply with the following requirements.

- a) The connection into the stormwater system shall be in the direction of flow (not against the flow).
- b) Constructions of new Pit.
A new Junction pit shall be constructed over the existing council pipe at the connection point to connect the site Stormwater pipe into this pit. The new kerb inlet pit shall be constructed in accordance with Council Standard Plan. (Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing).
- c) Request for inspection by council's Civil Infrastructure Unit, of works during progression as required by Council's Civil Infrastructure Unit.
- d) The connection work must be inspected by the engineer from Council's Civil Infrastructure Unit and approved prior to backfilling.
- e) Remediation of site upon completion of work to the satisfaction of Council's Civil Infrastructure Unit.
- f) Upon completion of works, the following documents shall be submitted to council.
 - i. Work-As-Executed Stormwater plan (layout and long section profile) prepared on the copies of the approved plan with the variations marked in RED ink and duly certified by a registered surveyor.
 - ii. A certificate of compliance a qualified drainage/hydraulic engineer. The person issuing the compliance certificate shall ensure that all the works have been completed and comply with the approved plans and the council's requirements.
- g) Final inspection and satisfactory completion of the pipe work to the satisfaction of Council's Civil Infrastructure unit.

Prior approval for the drawings shall be obtained from Council's Civil Infrastructure Unit. No pipe/pit works shall commence until the approval is obtained. During the progress of work, booking for staged/progress inspection by Council's Civil Infrastructure Unit shall be made.

Upon completion of the work, the construction and connection work shall be certified by a qualified engineer. A separate Work-As-Executed plan shall be prepared on the approved stormwater plan and submitted together with the engineer's certificates to Council separately.

Reason: To ensure that the stormwater work comply with requirements of relevant authority.

Prior to the issue of an Occupation Certificate

77. 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.

78. 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.

79. 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.

80. 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. 806379M_04, will be complied with prior to occupation

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

81. 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.

82. 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.

83. 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.

84. 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.

85. 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.

86. 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.

87. 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.

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

Reason: To comply with the Conveyancing Act 1919.

89. 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.

90. Prior to an Occupation Certificate being issued, the PCA must obtain Council’s approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

Reason: To ensure arrangements are in place for domestic waste collection by Council.

91. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted

- 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 using the pyramid volume and prismatic volume calculation method.
- d. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- e. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f. Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- g. Structural Engineer’s Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the **Principal** Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.

Reason: To ensure works comply with approved plans and adequate information are available for Council to update the Council's Record.

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

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

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

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

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

93. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

94. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

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 be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. 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: Pedestrian and Vehicle safety.

95. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the Water Quality improvement of and facilities installed on the lot. The positive covenant and Restriction on the use of land shall be created only upon completion of the system and certification by a qualified practicing engineer to the satisfaction of the Principal Certifying Authority.

Note: ^{96.} *The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.*

Reason: To ensure maintenance of on-site detention facilities

97. 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, infrastructure and roads. The report is to be submitted to and approved by the certifier prior to issue of occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the certifier must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
- (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

Reason: To establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

The Use of the Site

98. 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.
99. 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.