



Report to Sydney Central City Planning Panel

SCCPP reference	2018SCC103
DA No.	560/2018
Date of receipt	13 August 2018
Proposal	Demolition of existing structures, tree removal and the construction of a 22 storey shop top housing development containing a retail shop, commercial office space and 84 residential apartments with basement parking. The proposal is Integrated Development under the Water Management Act 2000. The proposal will be determined by the Sydney Central City Planning Panel.
Street address	16-18 Cambridge Street, EPPING NSW 2121
Property Description	Lot 1 DP 701678
Applicant	AUGUSTA PROPERTIES PTY LTD
Owner	Just Properties Group Pty Ltd
Submissions	Three (3)
List of All Relevant Section 4.15 Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy No. 55• State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX)• State Environmental Planning Policy (State and Regional Development) 2011• Infrastructure SEPP (ISEPP)• Hornsby Local Environmental Plan 2013 (HLEP 2013)• Hornsby Development Control Plan 2013 (HDCP 2013)
Recommendation	Approval
Council Officer	Denise Fernandez, Senior Development Assessment Officer

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1. Executive summary

This report considers a proposal to construct a 22 storey shop top housing development containing a retail shop, commercial office spaces and 84 residential apartments with basement parking for 104 vehicles.

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 concern. 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 controls in Hornsby Local Environment Plan 2013, via clause 4.6 of that plan.

2. Key issues

- a. Building height – Clause 4.6 written request submitted; and
- b. Variations to ADG deep soil, building separation, balconies and storage.

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.

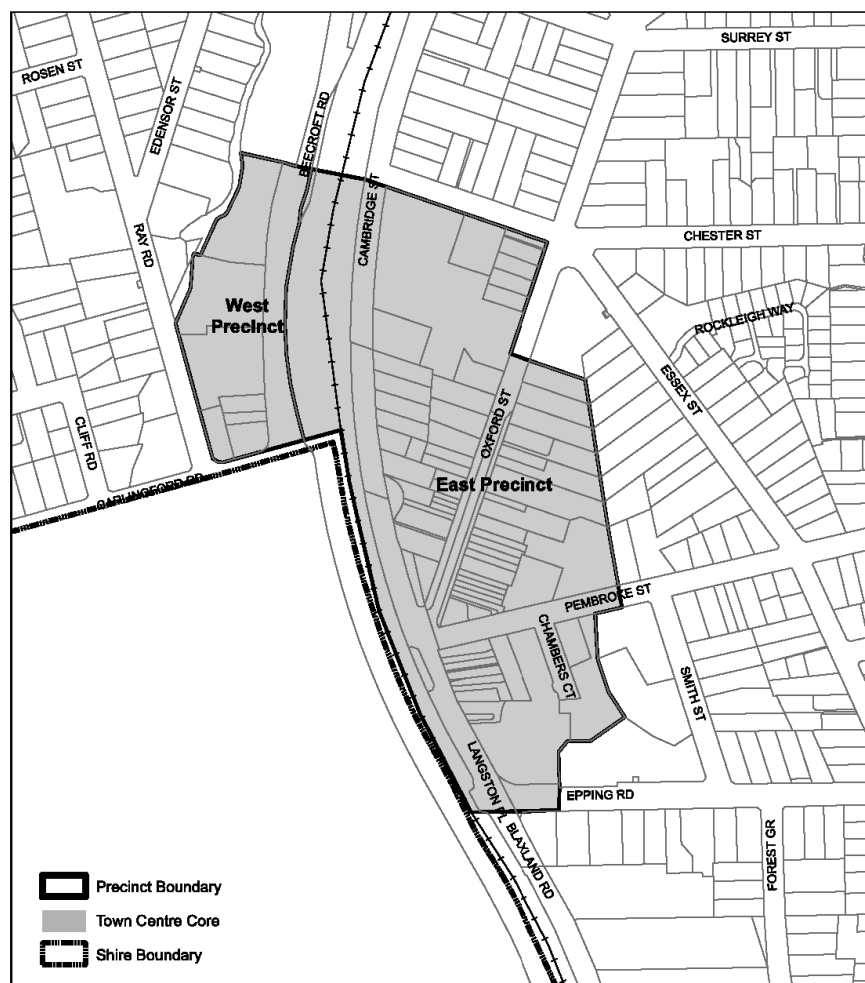


Figure 1 Epping Centre Precinct

The Epping Town Centre Core is located around the Epping Railway Station and is in proximity to public transport. The Epping Town Centre Core is divided into two planning precincts - East Precinct and West Precinct.

The Epping Town Centre Core comprises of main street retail/commercial activity, dispersed with civic/community uses and surrounded by residential development of varying density.

Epping Town Centre Core - East Precinct

The East Precinct provides traditional main street activities for Epping Town Centre. The Precinct is to provide a range of housing, retail and commercial offices, food outlets and entertainment and employment opportunities to support the larger centre and service the working and residential populations in the area.

Epping Town Centre Core -West Precinct

The West Precinct is a mixed use precinct separated from the 'main street' functions of the Town Centre Core by busy arterial roads and the railway line and station. The West Precinct support the edge of centre functions and provide a transition into the adjoining lower density residential areas.

The subject site is located within the Epping Town Centre Core East Precinct.

4. Site description and location

4.1 Background

4.1.1 The site

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

The site has an area of 1971m². The site has a frontage to Cambridge Street and is directly opposite a rail corridor. The site is within walking distance (approximately 400m) from Epping train station.

The site is currently occupied by a 5 storey commercial building and an at grade car park. The site adjoins a school (Our Lady Help of Christians) to the south and to the south-east. To the north are recently constructed higher density developments up to 22 – 23 storeys in height. The site also adjoins a 3 metre electrical easement along its northern boundary.

Within proximity to the site are:

- Heritage items to the south
- Commercial premises and retail premises to the east (along Oxford Street)
- Our Lady Help of Christians Parish Church
- Commuter car parking on Cambridge Street
- Epping branch library



Figure 2: Land the subject of DA 560/2018 outlined in yellow.

4.1.2 The Sydney Metropolitan Plan – A Plan for Growing Sydney

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

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

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

4.1.3 Epping Town Centre – Urban Activation Precinct Plan

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

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

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

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

4.1.4 Epping Town Centre Review

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

The Review covered:

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

The review has since entered the statutory phase, which involve the amendments of current planning controls to resolve land use issues as identified above. This phase commenced on July 2018.

The proposed development has responded to the goals of the Sydney Metro Plan, the Urban Activation Precinct Plan and the Review by providing 84 residential apartments along with commercial and retail spaces.

5. The proposal

The proposal comprises the following primary elements:

- One building comprising 22 storeys;
- 84 apartments located within the tower element;
- 1 retail space and 12 commercial tenancies located within the 2 storey podium; and
- 60 parking spaces within the 3 levels of basement and ground floor levels

The application also includes:

- Perimeter landscaping of common open space within the site (podium level, Level 3 and Level 11);
- Public domain works to the Cambridge Street frontage
- All required civil works including an Onsite Detention System for stormwater management.

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

5.1 Variation to Clause 4.3 – Height

The proposal on the subject site seeks to depart from the height standard that apply under the Hornsby Local Environmental Plan (HLEP) 2013.

The proposal seeks approval for a development with a height of 73.83 metres which is a 1.83 metre variation to the maximum height of 72 metres for the site.

The portion of the development that breaches the maximum height is the plant enclosure and lift overruns. It is noted that the portion of the development that breaches the maximum height limit does not contain areas that contribute to GFA / FSR.

The applicant has submitted a Clause 4.6 Statement (see **Attachment C**) to support the height variation.

Council's assessment of the variation to the height is contained in Part 2 of this report.

6. Public notification

The application was notified between 22 August 2018 and 12 September 2018. In response, three (3) submissions were received.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions No

8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply? No

Does Section 4.10A (Designated Development) apply? No

Does Section 4.46 (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

Comment or non-compliances	
Zones	<ul style="list-style-type: none">B2 Local Centre
Definition	<ul style="list-style-type: none">Shop top housing
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">Permissible in the zoneConsistent with zone objectives
Part 4 Principal development standards	<ol style="list-style-type: none">Non-compliance - Building height The development standard is 72 metres.The development proposes a maximum height of 73.83 metres. <p>A request under clause 4.6 has been provided. The variation is supported.</p>
Part 5 Miscellaneous provisions	All relevant provisions satisfied

11. Hornsby Development Control Plan 2013

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

Table 2: DCP compliance

	Comment or non- compliance
Part 3 – Residential	Consistent
Part 4 – Business	Satisfactory
Part 9 – Heritage	Satisfactory

12. Response to SCCPP briefing minutes

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

1. *Non-compliance of building separation*
2. *Slight overrun of plant on roof*
3. *Deep soil to be investigated as a result of the reduced parking*
4. *Panel envisages reduction of car parking spaces on site as a result of application of maximum RMS CBD parking guidelines*
5. *A leading practice travel plan and other measures to encourage the use of public transport*
6. *Measures to co-ordinate traffic during construction phase*
7. *Architectural integration of the podium with the podium of adjoining developments.*

Comment:

1. At the Panel briefing, the Panel raised no objections relating to the non-compliance with the building separation. The non-compliance will be discussed in detail elsewhere in this report.
2. Similarly, the Panel also raised no significant concerns relating to the lift overrun and that this results in a variation to the maximum height. The applicant has provided a Clause 4.6 statement (which is attached to this report) and is assessed as part of Attachment A.
3. The applicant has reduced the number of parking spaces within the basement. Despite this, the loss of 11 parking spaces is unlikely to result in a functioning basement layout that also allows for increased deep soil areas. Further, the site is located within the Epping CBD where deep soil areas are limited due to the provision of basement parking.
4. As noted above, the on-site parking provisions has been reduced once the maximum RMS CBD guidelines were applied.
5. A Travel Plan has been submitted with the application that outlines measures to encourage the use of public transport.
6. A Construction Traffic Management Plan has been submitted with the application to address this issue.
7. The proposed podium is of a similar height as that of the adjoining development to the south as well as to the north whilst maintaining a design that is sympathetic with these developments. DEAP as well as Council's City Architect supports the podium design.

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 the variations 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 4.15 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant Approval to Development Application DA/560/2018 subject to Schedule 1 of the conditions in **Attachment B**.
- C. That the reasons for the conditions imposed on this application are as follows:
 - 1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
 - 2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
 - 3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
 - 4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.
- D. That all the objectors be advised of the Sydney Central City Planning Panel's decision.



ATTACHMENT A- PLANNING ASSESSMENT

SWCCP reference 2018SCC103

DA No. 560/2018

1. Overview

This Attachment assesses the relevant matters for consideration under section 4.55 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 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Not applicable
Section 4.15 (1)(a)(iii) - Development control plans	Refer to section 3 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Not applicable
Section 4.15 (1)(a)(iv) - The Regulations	Refer to section 4 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable.
Section 4.15 (1)(b) - Likely impacts	Refer to section 5 below
Section 4.15 (1)(c) - Site suitability	Refer to section 6 below
Section 4.15 (1)(d) - Submissions	Refer to section 7 below
Section 4.15 (1)(e) - The public interest	Refer to section 8

The following internal and external referrals were undertaken:

Table 2: Referrals

Landscape	Satisfactory subject to conditions
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Development Engineer	Satisfactory subject to conditions
Traffic	Satisfactory subject to conditions
Environmental Health (Waste)	Satisfactory subject to conditions
Environmental Health (Contamination)	Satisfactory subject to conditions
Environmental Health (Acoustic)	Satisfactory subject to conditions
City Architect	Satisfactory
Urban Design (Public domain)	Satisfactory
Assets (Alignment)	Satisfactory
Heritage	Satisfactory
Sydney Trains	Satisfactory – concurrence and GTAs received
Water NSW	Satisfactory – concurrence and GTAs received
Sydney Metro	Satisfactory – concurrence and GTAs received
Ausgrid	Satisfactory subject to conditions
PERL	Satisfactory
DEAP	Satisfactory

2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

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

Prior to 1983, the site was occupied by 2 detached dwellings. After November 1983, the dwellings were demolished and the 5 storey commercial building was constructed. It appears that fill material was imported to the site for site levelling purposes which has since been identified as being potentially contaminated.

Further, numerous offsite sources of contamination such as service stations and dry cleaners operated within the vicinity of the site up-gradient of the site. Notwithstanding, soil sampling have shown that the concentrations of chemical contaminant in the soil across the site are generally low and would therefore not pose an unacceptable risk to human health or environmental receptors for a high-density residential setting.

The report also found that groundwater were generally low in chemical contaminants and therefore did not pose an unacceptable risk to human health via direct contact or ingestion exposure pathways.

It is noted that low concentrations of total Volatile Organic Compounds (VOCs) were detected within all groundwater samples analysed. However, no concentrations of individual VOCs were recorded, indicating that very low concentrations are present within the groundwater.

The report concluded that the site was not the source of the VOC impact but that it was attributed to an unknown source located up-gradient of the site.

The applicant provided an addendum report to the Detailed Site Investigation with regards to the status of the VOC on the site. The addendum report concluded that the likelihood of volatile contamination from groundwater would create an unacceptable risk to the proposed development is quite low. Additionally, the incorporation of an exhaust system for the 3 levels of basement would provide some level of protection against low vapour ingress in the building.

Notwithstanding, the report considered that additional gas sampling could be undertaken prior to the issue of the construction (pre or post demolition) to verify a need for additional protection such as a vapour barrier. However, the report noted that a vapour barrier in this instance would not be required. In the unlikely event that it is required, could include a passive vent system and a 'spray on vapour' membrane to be installed atop the natural rock/soil and beneath the basement floor and walls.

Given the above, the addendum report concludes that the site can be made suitable for the proposed development *"...through the additional assessment, incorporation of the vapour barrier (if deemed necessary) and management of unexpected finds (if any)"*.

The application as well as the Phase 2 Report was reviewed by Council's Health Officer whom raised no objections to the proposal subject to conditions with regards to contamination and agrees that the site can be made suitable for the proposed use.

2.2 State Environmental Planning Policy BASIX

The requirements outlined in the amended 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.

2.3 State Environmental Planning Policy (Infrastructure) SEPP

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

The application is subject to clause 45 of the SEPP as the application proposes works within the vicinity of electricity infrastructure. Ausgrid provided comments with regards to the development and found the application to be satisfactory subject to conditions.

The application was referred to Sydney Metro pursuant to Clause 85 of the SEPP as the site is within proximity to the Sydney Metro Epping station. Upon review of the proposal, Sydney Metro raised no objections and concurrence was provided.

The application is subject to clause 86 of the SEPP as the development proposes works within proximity to a rail corridor. As such, Sydney Trains were notified of the proposal within 7 days of the application being made. In response, Sydney Trains provided comment and consequently their concurrence on 22 August 2019. These requirements form part of the recommendations.

The application is subject to clause 87 of the SEPP as the development is for a residential purpose which is in proximity to a railway corridor. An acoustic report was submitted with the

application which provides recommendations that ensure that any bedroom and other rooms elsewhere in the building meet acceptable decibel levels. The acoustic report was reviewed by Council's Health (Acoustic) Officer who found the report to be satisfactory subject to conditions with regards to the acoustic impacts on the development from rail noise. The acoustic report will be included as a recommendation for inclusion in the consent.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic on Cambridge Street is less than 20,000 vehicles.

The application is not subject to Clause 104 as the proposal is not identified as being a traffic generating development pursuant to Schedule 3 of the SEPP.

2.4 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, as a formal development application. Upon submission of amended plans, Council's City Architects Team instead reviewed the amended plans given that the issues were considered minor. DEAP's comments as well as the City Architects Team are tabled below.

Table 3: DEAP and City Architects comments and response

DEAP Comments	Applicant Response	City Architects Comment
1. The current proposal shows a tower frontage to Cambridge street that is splayed and follows the street edge. The Panel is aware that at the previous pre-lodgement DEAP meeting, the applicant was advised to have a rectilinear tower form. However, the Panel is of the view that the current proposed splayed tower form is a better design outcome that better fits the context.	Noted The splayed tower form remains.	Satisfied.
2. The proposal shows an under-croft/open forecourt along Cambridge Street and the space is shared as outdoor seating for the café and as access to the buildings entrance. The Architect was asked for the design principles and rationale behind this	As requested, a CPTED report was submitted for the application in September 2018. This in conjunction with the activation of the space through the use of the outdoor area as outdoor dining for the café will ensure that Crime	See Planners Comments below.

outcome. The Panel are satisfied with the design of the proposed under-croft, however, recommends that proper CPTED measures are taken along with effective management of the space.	Prevention Thorough Environmental Design objectives are met.	
3. Due to the complete coverage of the site, there is no deep soil. The Apartment Design Guide provides guidance for deep soil in every development. The Panel recommends that deep soil be provided in the north east corner of the site. While this would utilise an area approximating up to 5 existing car spaces per level the Panel considers that this loss of spaces could potentially be made through further consideration being given to the basement layouts. This could be achieved whilst meeting parking requirements within 3 basement levels by a range of approaches that could include adding a row of cars along the northern boundary in B3; following the western boundary splayed wall with a row of cars; and finding efficiencies in other parts of the carpark. The deep soil area should be planted with large canopy trees as recommended by the project landscape architect.	<p>The proponent gave careful consideration to the panel's suggestion, however having regards to the extensive re-design that would be required to ensure that vehicles could appropriately service the development and the basement access ramps, it was not possible to provide a deep soil zone in the north eastern corner of the site.</p> <p>Notwithstanding this it is noted that the landscape plan for the podium level incorporates substantial landscaping including planter boxes that will support the planting of 3 x Watergum trees that are capable of growing to 10m in height. Given this it considered that the intent of this suggested refinement has been met by the proposed landscaping.</p>	<p>Deep soil has not been provided, however 3 large trees have been added to the north eastern corner.</p> <p>Satisfied</p>
4. There is a large <i>Eucalyptus globulus</i> (Southern Blue Gum) located within the landscape area fronting Cambridge Street. According to the arborist report, the tree has a Useful Life Expectancy (ULE) of 5-15 years. The Panel's preference is for the retention of trees. However, taking into consideration the arborist report, the ULE value and the fact that the tree has a lean, the Panel accepts that the tree be removed and replaced with new street trees to unify the streetscape. The Panel recommends that at least four semi-mature brush boxes (<i>Tristaniopsis conferta</i>) be planted as street trees along the Cambridge Street property frontage.	It is noted that this tree was blown over in the December 2018 storms. The updated landscape plan incorporates the provision of four brush box trees to be planted along the Cambridge Street frontage of the site.	Defer to Public Domain team.
5. The Landscape Plans are comprehensive and well considered. The Panel notes that the maximum soil depth on slab is only 1200mm Every opportunity should be taken to	The Landscape specification that are included on the revised landscaped plans indicate that an	Defer to Public Domain team.

maximise the soil depths where possible so ensure optimum growth for the proposed trees on the landscape podia. A comprehensive irrigation system should be provided to all planting beds.	irrigation system is to be provided to all garden beds.	
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Planners Comment:

1. Noted.
2. A review of the CPTED report indicates that it has achieved compliance with the objectives of CPTED. The report will be recommended for inclusion as part of the consent.
3. Council's Landscape Officer has raised no objections with regards to the provision of these trees as well as the overall landscaping provided on the site.
4. Council's Public Domain team have raised no objections subject to conditions with regards to the updated landscape plan to incorporate 4 brush box trees along Cambridge Street.
5. Similarly, Council's Public Domain team raised no objections to the provisions of an irrigation system for all garden beds.

Overall the Panel was supportive of the proposal, concluding:

The Parramatta Design Excellence Advisory Panel (The Panel) supports the proposal in its current form. The Panel advises that this is a well-considered and presented scheme and that the architectural, urban design and landscape quality is of a high standard.

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

Principle	Comment
Context and neighbourhood character	The site is located in Epping Town Centre which is undergoing a transition to a higher density mixed use developments. The development generally accords with the desired future character nominated by the LEP and DCP. The building will contribute to the quality and identity of the area.
Built form and scale	Notwithstanding the departure to the height for the site, the development responds to the intent of the development standard. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusions of the DEAP and Council's City Architects. Public domain outcomes are satisfactory.
Density	The proposed density is consistent with the precinct specific controls in the LEP and DCP. Those controls were developed with regard to

Principle	Comment
	the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.
Sustainability	Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.
Landscape	The landscape treatment is generally satisfactory.
Amenity	Amenity for the apartments is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.
Safety	Appropriate outcomes achieved through the design generally, and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	The application provides for a mix of unit sizes with a skew towards 2 bedroom units to respond to the current market demands. The required number of adaptable housing units is provided.
Aesthetics	The composition of building elements and materials is satisfactory.

Residential Flat Design Code

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 4: Response to ADG

Element	Comment	Complies
Building separation	Up to 4 storeys	No, but acceptable
Required:	<ul style="list-style-type: none"> - Max. 8m to the south development on Level 3 - Max. 15m to the north development on Level 3. 	
Up to 4 storeys – 12m	- Min. 20 metres to the eastern development on Level 2.	
Between 5-8 storeys – 18m		
Over 9 storeys – 24m	Up to 5 storeys	
	<ul style="list-style-type: none"> - Min. 8 metres to the development to the south - Min. 20.5 metres to the development to the north. - Min. 20 metres to the eastern development. 	
	Over 9 storeys	
	<ul style="list-style-type: none"> - Min. 8 metres to the development to the south - Min. 20.5 metres to the development to the north. - Min. 20 metres to the eastern development. 	
The building separation is generally compliant. The non-compliance occurs with the building separation to the southern development which, required 12m but only provides a min. of 8 metres. Notwithstanding, the development to the site upon re-development will require the provision of additional separation to comply with the requirements of the ADG. It is also noted that DEAP did not raise any objections with regards to building		

	separation upon its review. Accordingly, the proposal is considered to be acceptable.	
Common Open Space	Required – 479.25m ² (25% of the site) Provided – 511m ² (26.6% of the site) located on the podium as well as Level 11 with a minimum dimension of 6 metres.	Yes
Deep Soil	Required – 134.19m ² (7%) Min. dimension of 3 metres. Provided – Nil	No, but acceptable.
	The applicant has reduced the overall number of parking spaces within the basement. Despite this, the loss of parking spaces in the basement is unlikely to result in a functioning basement layout that also allows for increased deep soil areas. Landscaping however is located on the podium level as well as on Level 11 Sky Garden.	
	The site is also located within the Epping CBD where deep soil areas are limited due to the provision of basement parking.	
Visual privacy	The arrangement of units and privacy measures within the development ensures a satisfactory level of privacy between apartments and areas of private open space	Yes
Parking and Bicycle storage	The site is subject to the Hornsby DCP controls which was recently amended to reflect the RMS parking rates for high density residential flat building in CBD Centres. The parking rates in this instance is applied as a maximum.	No, but acceptable
	Accordingly, the maximum parking rates when applied to the proposed development allows up to 66 parking spaces (including 54 residential and 12 visitor).	
	The proposal as amended provides 60 residential spaces and 12 visitor spaces. The development therefore provides 6 car parking spaces in surplus of the maximum provision. Council's Traffic Engineer has provided for inclusion in the consent a condition reducing the number of parking spaces to 54 to ensure that the maximum car spaces are provided on the site.	
	A total of 98 bicycle spaces is to be provided for the development. The proposal provides 152 bicycle spaces to be located within the basement levels of the development.	
Solar access and daylight	76 out of 84 dwellings (90.4%) receive a min. of 2 hours direct sunlight.	Yes
	The podium and Level 11 COS will receive more than 2 hours of direct solar access during the winter solstice.	Yes
Common circulation	The development provides a maximum of 5 apartments per core.	Yes
Apartment size and layout	<ul style="list-style-type: none"> • Minimum unit sizes are achieved • Apartment layouts are efficient 	Yes
Ceiling heights	<ul style="list-style-type: none"> • Minimum of 2.7m for habitable rooms is achieved 	Yes

Private open space and balconies	Majority of the units complies with the balcony areas and minimum dimension. However, the balconies that adjoin the 3 bedroom apartments whilst compliant in area, does not provide the minimum 2.4 metre minimum dimension.	No, but acceptable.
Natural ventilation	<p>Despite this, the plans submitted have demonstrated that the balconies of the 3 bedroom units have the capacity to be furnished to allow for satisfactory utility for future occupants. Accordingly, the proposal is considered acceptable.</p> <ul style="list-style-type: none"> First 9 storeys – 60% (24 apartments out of 40 within the first 9 storeys) of units are ventilated (criteria is 60%) 	Yes
Storage	Required supply of storage for each unit is achieved	Yes

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

This Policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

2.6 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 2 (two) trees from the site both identified as being Tuckeroo. Councils Landscape Officer notes that these trees will require removal to facilitate the proposed development.

Accordingly, Council's Landscape Officer has reviewed the application and raise no objections subject to conditions.

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

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

2.8 Hornsby Local Environmental Plan 2013

Zoning and permissibility

Floor space ratio	<p>The development standards 4.5:1 (Max. 8626.5m²). The total FSR for the development is as follows:</p> <p>L1 – 396.93m² L2 – 823.71m² L3 – 389.90m² L4 to L10 – 192.22m² L11 – 117.9m² L12 to L22 – 385.23m²</p> <p>Total = 7311.51m² Site = 1917m² FSR = 3.8:1</p>	Yes
Clause 4.6 Exceptions to standard	The application relies upon this clause to allow the exceedence of the height standard as noted above. See assessment following at the end of this table.	Yes
Clause 5.1 Relevant acquisition authority	Not applicable.	N/A
Clause 5.6 Architectural Roof Features	The development does not propose architectural roof features.	N/A
Clause 5.10 Heritage	<ul style="list-style-type: none"> The site is not a listed heritage item, nor is it within a conservation area. The site is within close proximity to the heritage item located on 31 Oxford Street as well as 48 Oxford Street. As the subject site addresses Cambridge Street and is located to the rear (east) of the development site, it is considered that the proposed development is unlikely to result in adverse impacts on these heritage items. 	Yes
Clause 6.1 Acid sulphate soils	<ul style="list-style-type: none"> The site is identified a “Class 5” ASS. The works do not trigger need for an ASS management plan. 	Yes
Clause 6.2 Earthworks	<ul style="list-style-type: none"> Consideration of potential impacts upon drainage patterns, and proximity to watercourses have been considered by Council’s Development Engineer, who is satisfied the works can be managed without adverse impact. Site works will not prejudice the future development of any adjoining land, or the amenity of that land. Issues relating to soil quality are addressed via considerations of SEPP 55 No circumstances identified to indicate potential for disturbing relics. 	Yes
Clause 6.3 Flood Planning	The site is not identified on the flood planning map	N/A
Clause 6.4 Biodiversity	The site is not identified on the biodiversity map	N/A
Clause 6.5 Water protection	The site is not identified on water protection map	N/A
Clause 6.6 Landslide Risk	The site is not identified on the landslide risk map	N/A

Non-compliance with Building Height

Overview

The standard/s	Clause 4.3 of HLEP 2013 - Height of buildings – 72 metres.
Objectives of the standard/s	As per clause 4.3(1) of the LEP: (a) <i>to establish a maximum height of buildings to enable appropriate development density to be achieved, and</i> (b) <i>to ensure that the height of buildings is compatible with the character of the locality</i>
Extent of the variations	The maximum defined heights and the % variations are: <ul style="list-style-type: none"> Proposed height of 73.68m. Non-compliance is or a non-compliance is 1.68m (2% variation).

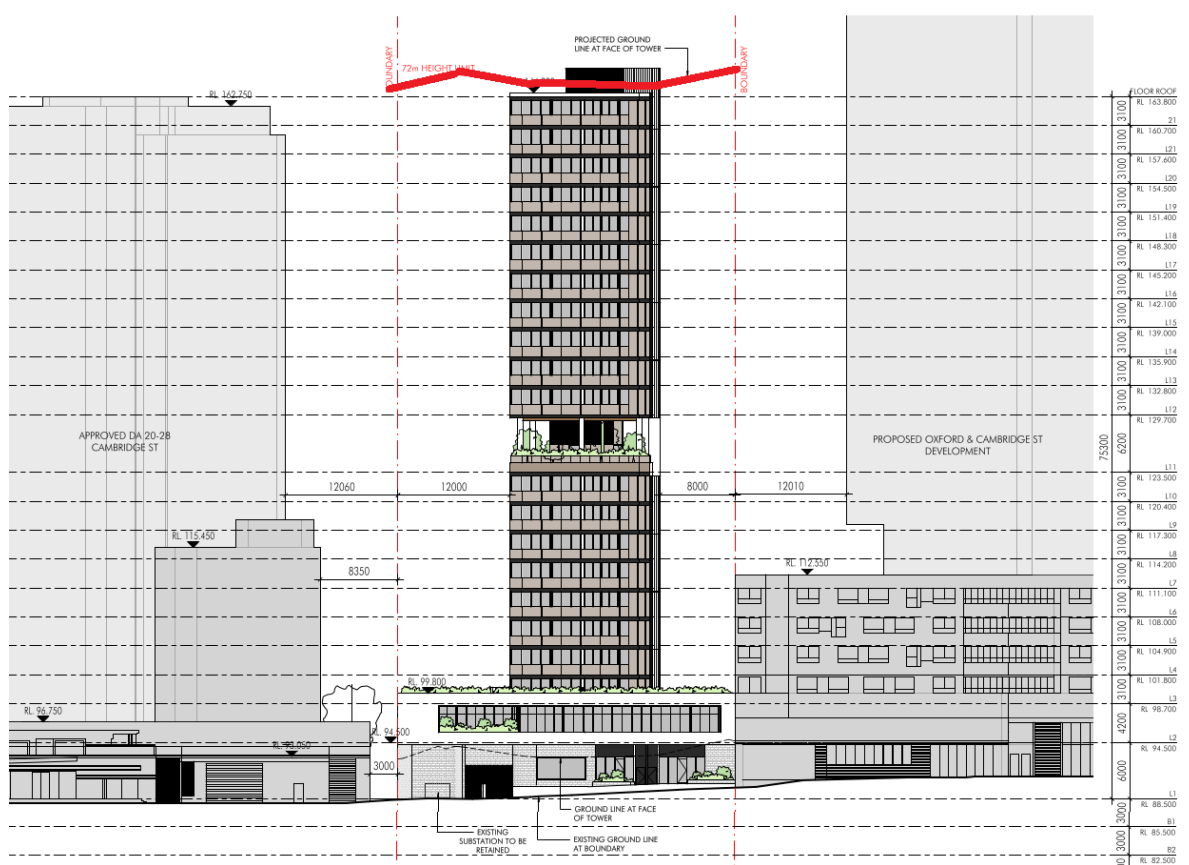


Figure 12: Extract of elevation drawing when viewed from the Western (Front) Elevation.

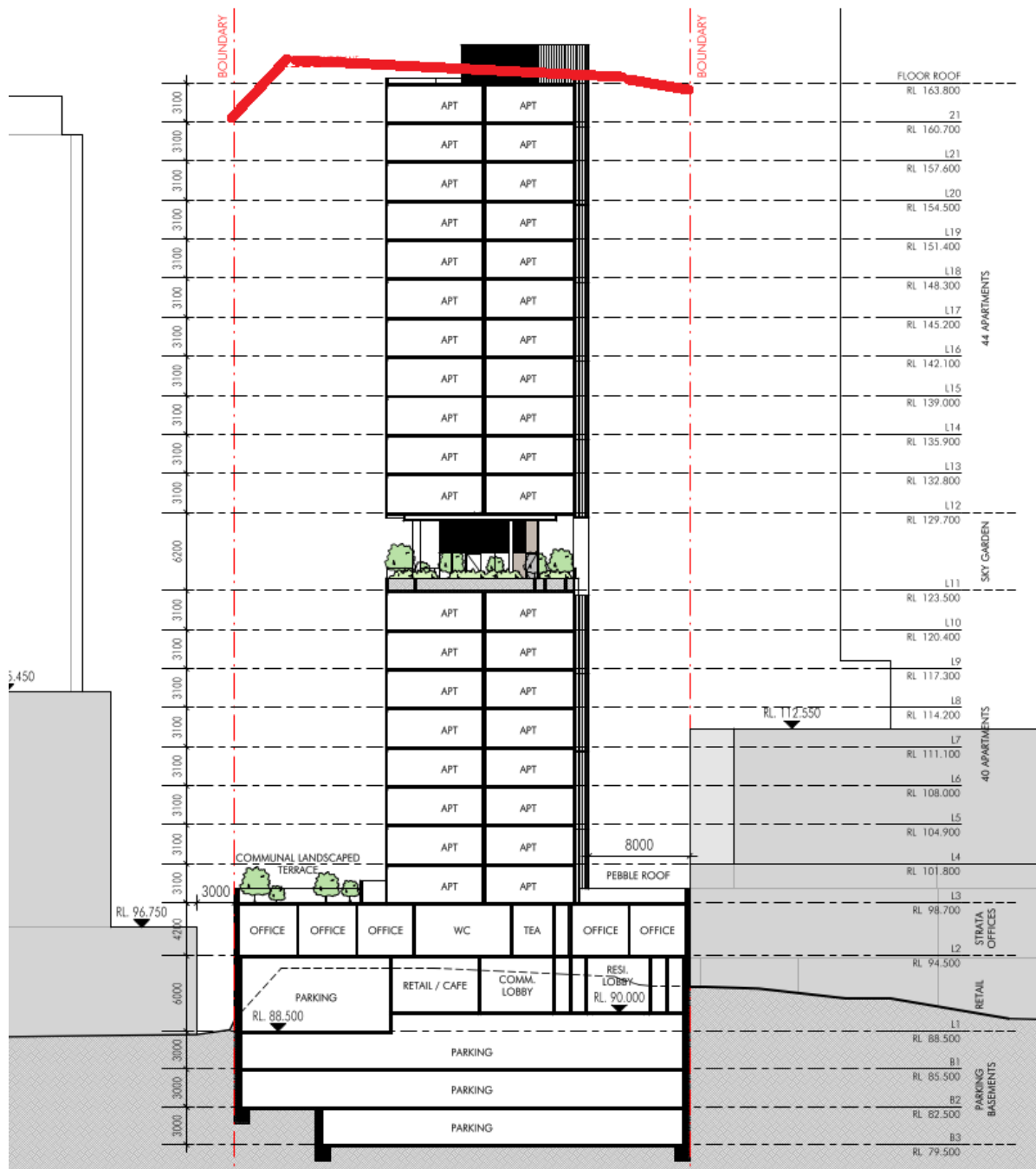


Figure 13: Extract of sectional drawing.

Evaluation

Clause 4.6(1) of the LEP – Objectives of clause 4.6

The objectives of this clause are:

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

Clause 4.6(2) of the LEP – Operation of clause 4.6

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

Clause 4.6 (3) - The applicant's written request

Clause 4.6 (3)(a) - Is strict compliance unreasonable or unnecessary in the circumstances of the case.

The applicant contends this consideration is met by reliance upon one of the 'five ways' established by the Land and Environment Court (LEC) in its judgement *Wehbe v Pittwater Council* (2007), being that:

Compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding noncompliance with the standard.

To that end, and in summary, the proponent contends with regards to the height:

- The current development proposal is designed to facilitate the provision of a Sky garden on level 11 of the development and not a desire to achieve additional density, noting consistency with the maximum FSR control applying to the site.*

The proposal remains consistent with the objectives based on the following:

- Given the scale of the proposal, being 22 storeys, the extent of the variation is not perceptible at street level given the podium and recessed upper level elements which means that the upper level is highly recessive in the streetscape;*
- The proposed buildings will present an appropriate bulk and scale on the site with a solid base and residential tower above that will deliver an FSR of 4.5:1 . The additional height does not generate any substantial amenity impacts given the location of the site and the surrounding site context noting particularly the location of the site and relationship to the train station opposite the site;*
- The overall height of the development presents as a compatible form of development to the anticipated residential buildings that will emerge in the locality, noting that development in the locality is trending towards 22 storey mixed use developments;*
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors - noting that as the departure is at the recessed upper level there will be no detrimental overshadowing impacts arising from the non-compliance portion of the development;*
- The proposal does not result in any discernible increased shadow impact given the recessed upper level; and*
- The overall height of the development presents as a compatible form of development with the lift shaft and structures associated with the private open space on the rooftop recessed back to downplay visual dominance as viewed from the public domain and adjoining properties- thus ensuring the building presents a maximum height of 72m relative to the public domain;*

Clause 4.6 (3)(b) - Sufficient environmental planning grounds

The applicant contentions that this consideration is met, are summarised below:

Height

- The departure facilitates the use of the rooftop for recreational opportunities. This is an appropriate use of a rooftop in a dense town centre environment;*

2. *The departure does not discernibly increase overshadowing from the additional height; and*
3. *The departure does not facilitate the provision of additional floorspace with the proposal having a floorspace ratio of 4.47:1 which is less than the maximum F5R permitted on 4.5:1.*

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6 (4)(a)(i) of the LEP - Adequacy of submission

In *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* demonstrated the importance of the request as being 'adequate' to address the matters under Clause 4.6(3)(a). This case confirms that a request that is otherwise meritorious may fail in the first instance because it is not well drafted.

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

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

The applicant's written request is provided in **Attachment C**.

In this instance, Council is satisfied that applicant's Clause 4.6 Statement is not only well drafted, but that it also addresses the matters in Clause 4.6(3)(a) of HLEP 2013. The applicant's statement provided a suitable argument as to why the standard is unreasonable and unnecessary in this case, in particular that it has been appropriately designed to respond to consider the site, its surroundings and the Epping Town Centre precinct.

Clause 4.6 (4)(a)(ii) of the LEP – The public interest

The variation to the building height standard is in the public interest because the resulting built form will be consistent with:

- The objectives for height as prescribed by clause 4.3(1) and noted above; and
- The zone objectives, as provided at section 2.5 above.

Clause 4.6 (4)(b) – Concurrence of the Secretary

Such concurrence is assumed as per Planning Circular PS 08-003 '*Variations to development standards*'.

Conclusion

The request for a variation of the height control is supported for the following reasons:

- The proposed variation of 1.68 metres represents only a 2% departure to the standard. This is considered to be minor given the overall scale of the development.
- The departure relates only to the lift overrun located on the roof. There are no areas that contribute to GFA/FSR located beyond the maximum height and therefore does not contribute to any perception of adverse bulk and scale.
- As the portion of the development that departs from the standard does not contain GFA / FSR, it does not create any adverse solar access impacts on adjoining sites.
- Despite the variation, the development maintains a scale that is acceptable in the location, which is opposite a railway station and within the Epping Town Centre and where high density developments are expected.
- The site is not identified as containing significant views to places of interest and does not in this instance exacerbate visual impacts to and from the site.
- The proposal provides generally compliant building separation in accordance with the ADG's and HDCP 2013 to ensure that the development does not contribute to a loss of privacy to and from the site.
- It is noted that the proposed height is not that dissimilar to the recently constructed / approved developments located on Cambridge Street and on Oxford Street. As such, the proposed development is considered to be consistent with the heights within the Epping Town Centre. This is also consistent with the site specific controls and objectives under HDCP 2013.
- The departure to the height has the support of Council's City Architect and DEAP as it is considered to result in a better Urban Design outcome.
- The development contributes to the wider Epping precinct by providing a mixed use development to support its primary function as town centre and that it is favourably located opposite a railway corridor which includes the Sydney Metro.
- The departure to the standard does not hinder the development from achieving the objectives of the B2 local centre zone as it accommodates a mix of uses in an accessible location to maximise public transport patronage and encourage walking and cycling.
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

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

3. Hornsby Development Control Plan 2013

Compliance

The DCP is comprised of the following sections:

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

Compliance tables are provided below:

Table 6: DCP 2013 compliance table

Part 1 – General		Complies
1C.1.1 Biodiversity	Council's Landscape Officer has not raised any objections with regards to the Landscape Plan subject to conditions.	Yes

The landscape plan submitted with the application does not include provision for species nominated in HDCP 2013.

The site does not adjoin bushland.

1C.1.2 Stormwater Management	<p>An erosion and sedimentation plan has been submitted with the application.</p> <p>Council's Development Engineer has advised that the concept Stormwater plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p>	N/A
1C.1.3 Watercourses	The site does not adjoin a watercourse such as a creek or river.	N/A
1C.1.4 Earthworks and slope	<p>The site falls from the south-east to the north-west by approximately 4 metres. The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.</p> <p>Also due to the extent of the excavation works to accommodate the basement, the development may intersect with groundwater which may require a Water Supply Work Approval under the Water Management Act 2000 for dewatering during the construction phase. Accordingly, Water NSW has provided concurrence conditions requiring the consent holder to obtain this approval from Water NSW prior to works commencing.</p>	Yes
1C.2.1 Transport and Parking	<p>See ADG assessment for residential car parking requirements.</p> <p>For the office and retails premises, the DCP requires the following:</p> <p>Office Premises – Min. 12 / Max. 16 Retail – Min. 3 / Max. 5</p> <p>Provided - 16 Commercial and 5 retail spaces.</p>	Yes
1C.2.2 Accessible Design	<p>9 units are adaptable.</p> <p>10 disabled parking spaces are provided</p>	Yes
1C.2.3 Waste Management	A bulk waste room, a residential garage room as well as a retail and commercial garbage area are provided to the rear of Level 1. A WMP has also been prepared which was reviewed by Council's Waste Officer whom found the WMP to be satisfactory subject to conditions of consent.	Yes
1C.2.5 Noise and Vibration	Conditions of consent will be imposed to reduce any adverse acoustic impacts on adjoining properties during construction of the development.	Yes

The development site is located opposite a rail corridor. See ISEPP assessment with regards to Clause 87.

1C.2.6 Air Quality	Standard conditions of consent will be applied.	Yes
1C.2.7 Crime Prevention	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. Entries to the building addresses Cambridge Street to promote natural surveillance within the front setback. The balconies related to the units in the tower also face the street, Cambridge Street and the COS areas on the podium and public domain.	Yes
1C.2.8 Building Sustainability	See BASIX SEPP comments.	Yes
1C.2.9 Landscaping	The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent. Due to the location of the basement and the irregular shape of the allotment, it is difficult to provide significant landscaping on the ground floor. Also, given the town centre setting, landscaping on the ground floor is not common place. Despite this, the development provides adequate landscaping on the podium level and Level 11.	Yes
1C.2.10 Services and Lighting	Conditions of consent will be imposed to ensure that the site is serviced by the relevant energy providers.	Yes
1C.2.12 Isolated Sites	The development on the subject site will not result in the isolation of adjoining sites. It is noted that an application for a 29 storey mixed use development is currently under assessment to the allotment to the south of the site at 6 – 14 Cambridge Street.	N/A
1C.3.1 Bushfire	The site is not identified as being bushfire prone.	N/A
1C.3.2 Flooding	The site is not identified as being flood prone.	Yes
1C.3.4 Contamination	See SEPP 55 for further assessment.	Yes

Part 4 – Business (Epping Town Centre)	Complies
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4.6.2 Design Quality – SEPP 65	See SEPP 65 and ADG assessment	Yes
4.6.3 Site Requirements	Control – 30m Cambridge Street – 38.05m	Yes
4.6.4 Scale	<u>FSR</u> Max – 4.5:1 Proposal – 3.8:1	Yes

	<u>Floorplates</u>	
	Control – Residential floorplates above the podium should have a maximum GFA of 700m ² and Commercial floorplates is a max. of 1200m ²	Yes
	Proposal – Residential (Max. 456m ²) and Commercial (Max. 877.8m ²). Note: The commercial component is located within the podium level.	
	<u>Height</u>	Yes
	See LEP discussion.	
	Max storeys – 22 storeys	
	Proposal - 22 storeys	
	<u>Podium</u>	
	The podium has a maximum height of 2 storeys.	Yes
	A podium has been incorporated into the design of the development that presents a human scale at the street frontage whilst providing commercial floor space with an active frontage to the Cambridge Street.	
4.6.5	<u>Street Setbacks</u>	
Setbacks	Front – Nil	Yes
	Side – Nil to podium and 6m above podium	
	Rear – Nil to podium and 6m above podium	
	Proposal -	
	Front – Nil then increases to 6m from L4	
	Side – Nil then increases to 12m from L4	
	Rear – 13.8m then reduces to 9.3m from 2 nd level of podium	
	Basement – Nil	
	Awnings are not provided along the Cambridge Street frontage. Notwithstanding, Figure 4.6(f) does not require awnings along this frontage.	Yes
	The subject site is not identified as requiring a landscape setback in accordance with Figure 4.6(e) of the DCP	N/A
4.6.6		
Design Details	The development has been designed as a podium with tower. The design provides a distinctive base, middle and top with the tower form simple and slender in design.	Yes
	The design of the development has been reviewed by DEAP whom raised no significant objections to the design of the podium and tower elements in accordance with SEPP 65, the ADG's and this control.	
	<u>Active Frontages</u>	
	The commercial / retail ground floor uses of the development will increase the level of activation along Cambridge Street.	Yes
	It is noted that approximately 70% of Cambridge Street frontage is commercial windows and building entrances.	
	<u>Facades, Wind Effects and Reflectivity</u>	

	<p>The application was reviewed by DEAP and upon review of the proposal, DEAP considered the façade as being consistent with the streetscape.</p>	Yes
	<p>The application was accompanied by a Wind Report which was reviewed by an external specialist. The external specialist on this occasion has noted that wind mitigation measures would ensure that the development does not result in adverse impacts from wind (particularly at the pedestrian level) should the development incorporate wind mitigation strategies as recommended by the submitted Wind Report. Accordingly, the Wind Report will be included in the consent to ensure that its strategies are implemented in the development.</p>	
	<p>A condition will be imposed on the consent requiring that external finishes must be pre-colour coated having a low glare and reflectivity finish.</p>	
4.6.7 Open Spaces	See SEPP 65 and ADG assessment.	Yes
4.6.8 Landscaping	See SEPP 65 and ADG for assessment.	Yes
	<p>It is noted that the podium levels and Level 11 Sky garden is provided with extensive landscaping and was reviewed by Council's Landscape Officer whom raised no objections to the proposal subject to conditions of consent.</p>	
4.6.9 Privacy and Security	<ul style="list-style-type: none"> - Commercial areas of the development do not increase any direct views to adjoining residential uses. - The commercial and residential entries are provided separately. Also, the common open space and private open space for the units are demarcated for privacy. - Dwellings are oriented to avoid overlooking into adjoining dwellings. - The private open space of units located on the podium level are screened from the common open space area. - Clear and direct pedestrian access is provided - Windows and balconies address the street and the public domain for passive surveillance. - Communal hallways are limited in length and provides windows. - Separate lift lobbies are provided for the commercial and residential components. 	Yes
4.6.10 Sunlight and Ventilation	See SEPP 65 and ADG assessment.	Yes
4.6.11 Housing Choice	<p>35 x 1 bedroom units (41.6%) 38 x 2 bedroom units (45.2%) 11 x 3 bedroom units (13%) 9 adaptable units provided</p> <p>It is also noted that the applicant has submitted an Access Report that confirms that 18 units (or 21% of the development) achieve a LHA silver design rating.</p>	Yes

4.6.12 Vehicle Access and Parking	Vehicle access and parking were reviewed by Council's Traffic Engineer whom raised no objections to the proposal subject to conditions of consent.	Yes
4.6.13 Public Domain and Traffic Management Works	<p>Council's Urban Designer (Public Domain) has reviewed the proposal and raised no objections with regards to the public domain works.</p> <p>The proposal responds to the Key Development Principles diagram in that the development:</p> <ul style="list-style-type: none"> - The proposal is 22 storeys in height including 2 storeys of commercial spaces and serviced by basement parking - Provides a continuous shop front on the Cambridge frontage. - Provision of a development that is generally consistent with SEPP 65 and the ADG's. 	Yes

Part 9 – Heritage	Complies
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9.4 Development in the Vicinity of heritage items	See LEP assessment for Heritage.	Yes
9.5 Aboriginal Heritage	See LEP assessment for Heritage.	N/A

4. Planning agreements

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

5. Environmental Planning and Assessment Regulation 2000

This application satisfies relevant clauses of the Regulation as follows:

Table 7: Relevant EPA Regulations

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

6. Likely impacts

6.1 Context and setting

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

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

Response

This proposal will result in acceptable physical impacts as follows:

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

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

Response

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

- It contributes to the mix of land uses contemplated by the planning controls and the residential needs of the Westmead precinct;
- Site planning locates tower elements in suitable location to avoid negative amenity outcomes of adjacent sites or areas of public open space;
- The scale and form and presentation of the building is generally 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 significant adverse impacts for adjacent sites;
- The public domain treatment is satisfactory;
- The operational characteristics of the site will not result in any adverse impacts for adjacent sites or the wider locality.

6.2 Site works

Excavation

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

Tree removal

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

Utility services

All utility services are available to the site. Standard conditions will be imposed on the consent requiring approvals to be obtained for connection to the service providers prior to the issue of the Occupation Certificate.

6.3 Natural and technological hazards

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

6.4 Site design

Setbacks

There are several instances where the design does not strictly comply with the DCP / ADG setbacks, however the outcome is nevertheless satisfactory. See DCP / ADG tables for the assessment.

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.

External materials

The schedule of external materials and finishes is satisfactory.

Wind

The application is supported by a technical report which has identified the need for wind mitigation measures as follows:

Table 8: Wind mitigation measures

<i>Location</i>	<i>Mitigation measures</i>
Ground Level and Podium Terraces	<ul style="list-style-type: none">• Retention of densely foliating trees along the Cambridge Street frontage will provide protection from the southerly winds.• An awning with a 2 metre depth is to be added along the north- east and south-east edges of the tower for protection from north-east winds.• Planting of densely foliating evergreen tree species and positioned at the foot of the tower along the

south side to protect the southern face of the tower and the podium from wind.

Private Balconies

- Impermeable balustrades are to be used for all balconies particularly the northern corner balconies. .

Communal sky garden

- Further densely foliating trees are to be planted in the south-eastern corner.
- A 2.5m deep deflector awning within the south-west corner of the tower perimeter to mitigate the effects of down wash from the tower façade.

Suitable conditions are included in the recommendation.

Accessibility

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

Landscaping

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

6.5 Amenity considerations

Internal amenity

A satisfactory outcome is achieved. See ADG assessment for further comment.

Common open space

The primary common open space is located on the podium levels and the Level 11 sky garden. These areas meet the ADG criteria for size and solar access.

Noise

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

The report confirms identifies glazing/seals treatments to facades to resolve that circumstance. Suitable conditions are included in the recommendation.

6.6 Public domain

Built form relationship to public domain

A positive public domain outcome will result given:

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

Public domain works

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

6.7 Relationship to adjacent sites

Overlooking

The development, ensures adequate separation within the development as well as the development to the north and future developments to the east and south.

Overshadowing

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

Operational noise

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

6.8 Access, transport and traffic

Parking supply

Upon reduction of parking spaces (to 54 residential spaces) via conditions of consent, the number of parking provided satisfies maximum provisions under the DCP.

Parking access and design

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

Construction Traffic

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

6.9 Water management

Stormwater collection and disposal

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

Water quality during construction

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

6.10 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

Dedicated space for the storage and collection of waste is provided on Level 1. Council's Waste Officer has reviewed the Waste Management Plan which supports the application, and is satisfied with arrangements for the storage and collection of waste from the development.

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

6.11 Construction Management

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

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

- Tree protection.

6.12 Safety, security and crime prevention

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

Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations. Further, a Crime Prevention Assessment was submitted with the application which ensures suitable outcomes are achieved.

6.13 Social and economic impacts

No adverse impacts have been identified.

7. Site suitability

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

- That the proposal is an appropriate “fit” for the locality given the preceding analysis; and
- Site attributes are conducive, noting a lack of natural constraints/hazards.

8. Public interest

In accordance with the notification procedures that are contained in Appendix 5 of PDCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 30 day period between 22 August 2018 and 12 September 2018. In response, 3 submissions were received.

The issues raised in the submissions are as follows.

Issue	Comment
Not enough commercial spaces within Epping Town Centre	The proposal provides 877.8m ² of commercial / retail floor area in comparison to the 456m ² of residential floor area. The development in this regard complies with the maximum floor plates dictated by Hornsby DCP 2013.
Insufficient Infrastructure to support the development	The proposal is a form of development envisaged by the controls in response to services, schools and transport available in the area. As such, it is considered that sufficient infrastructure is available to support the development.
Need improved traffic and transport solutions	The increase in traffic movement within the locality as a result of the development was reviewed by Council's Traffic Engineer whom raised no objections subject to conditions of consent. Further, the proposal provides the required parking spaces for the development and is considered to be appropriate given its proximity to public transport.

	The applicant has provided a Green Travel Plan to encourage alternate forms of travel apart from private motor vehicle use. This will be incorporated in the consent.
Privacy	The proposal provides adequate setback and building separation to ensure that privacy is protected to and from the development site.
Views	The development form with a podium and tower element is a design envisaged by the controls. The impacts this may have on views should be minimal and anticipated by the planning controls. Accordingly, any views enjoyed by adjoining developments to specific locations should not be adversely interrupted. Notwithstanding, the subject site is not identified as contributing to significant views.
Bulk and scale	This issue is assessed in detail elsewhere in this report. Despite the variation to the height, it is considered appropriate for its location and is designed as envisaged by Council's controls for the Epping Town Centre Precinct.
Construction Noise	Standard conditions of consent will be imposed to regulate construction noise as a result of the works.
Impact of construction to the school	Via conditions of consent, the applicant will be required to submit Construction Management Plan as well Traffic Management Plans to ensure that the construction phase of the development will not adversely impact adjoining developments including the school.
Property Values	This is not a consideration under Section 4.15 of the EP&A Act.

Amended Plans

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

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Not Required

The application received 3 unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

9. CONCLUSION

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. It has been approved for the following reasons:

1. The development is permissible in the B2 zone and satisfies the requirements of all of the applicable planning controls.

2. The development will be compatible with the emerging and planned future character of the area.
3. For the reasons given above, approval of the application is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.



ATTACHMENT B - CONDITIONS OF CONSENT

SCCPP reference 2018SCC103

DA No. 560/2018

General Matters

1. The development must be carried out in accordance with the plans and documentation listed below, and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Architectural Drawings

Plan No.	Issue	Plan Title	Dated
4479_DA002	A	Demolition / Site Plan	18.7.18
4479_DA201	A	North Elevation	18.7.18
4479_DA202	B	South Elevation	20.7.18
4479_DA203	A	West Elevation	18.7.18
4479_DA204	A	East Elevation	18.7.18
4479_DA301	A	Section AA	18.7.18
4479_DA302	A	Section AA	18.7.18
4479_DA902	B	External Finishes 1/2	18.7.18
4479_DA903	A	External Finishes 2/2	18.7.18
4479_DA101	C	B3 Floor Plan	1.3.19
4479_DA102	C	B2 Floor Plan	1.3.19
4479_DA103	C	B1 Floor Plan	1.3.19
4479_DA104	E	L1 Floor Plan	26.3.19
4479_DA105	A	L2 Floor Plan	18.7.18
4479_DA106	B	L3 Floor Plan	20.7.18
4479_DA107	B	L4 – L10 Floor Plan	20.7.18
4479_DA108	A	L11 Sky Garden Floor Plan	18.7.18
4479_DA109	C	L12 – L22 Floor Plan	1.3.19
4479_DA110	A	Roof Plan	18.7.18
4479_DA401	B	Typical Unit Type 1A and 2A Floor Plans	20.7.18
4479_DA402	B	Typical Unit Type 1 and 2 Floor Plans	20.7.18
4479_DA403	A	Typical Unit Type 3, 4 , 5 Floor Plans	18.7.18
4479_DA404	B	Typical Unit Type 6 & 7 Floor Plans	18.7.18

Plan No.	Issue	Plan Title	Dated
4479_DA501	B	Liv/Adaptable Unit Type 1 and 4 Plans	20.7.18
4479_DA904	A	Façade Details	18.7.18

Civil Drawings (Project No. 6165000)

Plan No.	Issue	Plan Title	Dated
C1.03	1	General Arrangement Plan	25.3.19
C2.01	2	Sediment and Erosion Control Plan	24.8.18
C2.02	2	Sediment and Erosion Control Plan Details	24.8.18
C5.01	1	Plan and Long Section Cambridge Street	25.3.19
C5.02	1	Cross Sections	25.3.19
C5.03	1	Site Sections	25.3.19
C6.01	2	Stormwater Layout Ground Level	22.8.18
C6.02	1	Stormwater Layout Roof Level	24.8.18
C6.03	1	Stormwater Layout Basement Level 1 & 2	24.8.18
C6.04	1	Stormwater Layout Basement Level 3	24.8.18
C6.05	2	OSD Plan and Sections	24.8.18
C6.03	2	Stormwater360 Treatment Device Typical Details	24.8.18

Landscape Drawings

Plan No.	Issue	Plan Title	Dated
N/A	E	Landscape Public Domain Alignment Plan	April 2019
N/A	E	Landscape Public Domain Details 1/2	April 2019
N/A	E	Landscape Public Domain Details 2/2	April 2019
N/A	E	Landscape Public Domain Section	April 2019

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Landscape Report	N/A	N/A	Arcadia	Jan 2019
Disabled Access and Egress Report	IAC 939	N/A	I Access Consultants	27.7.2018
Access Report	IAC 939	N/A	I Access Consultants	27.7.2018
Acoustic Report	20181008.1	N/A	Acoustic Logic	9.8.18
Arborist Report	16-18/CAM/18	A	Tree IQ	15.5.18
BASIX Certificate No. 940631M	N/A	N/A	BASIX	17.7.18
CPTED Report	N/A	N/A	Think Planners	28.8.18
Construction Traffic Management Plan	18077	A	Transport & Traffic Planning Associates	Jan 2019

Civil Engineering Services	N/A	2	Warren Smith & Partners	19.7.2018
Geotech Report	31372ZNRpt	1	JK Geotechnics	24.7.2018
Green Travel Plan	18077	E	Transport & Traffic Planning Associates	March 2019
LHA Certificate	IAC 939	N/A	I Access Consultants	27.7.2018
Detailed Investigation Site	19/0967_Rev 1	N/A	STS GeoEnvironmental	June 2019
Detailed Investigation Addendum Site	19/1975	N/A	STS GeoEnvironmental	June 2019
SEPP 65 Verification Statement	N/A	N/A	NettleonTribe	July 2018
Traffic and Parking Report	N/A	D	Transport and Traffic Planning Associates	August 2018
WMP	N/A	N/A	Think Planners	13.12.2018
Wind Tunnel Report	N/A	N/A	Windtech	21.12.2018

Note: In the event of any inconsistency between the architectural plans, landscape plans, stormwater disposal plans or photomontages, the architectural plans 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), 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 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.

- (j) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (k) 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.
- (l) 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.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

- 6. The development shall comply with the requirements of the General Terms of Approval in the Water NSW letter **IDAS1111041** dated **24 December 2018**.

Reason: To comply with Water NSW integrated requirements.

- 7. The development shall comply with the requirements of the General Terms of Approval in the Sydney Trains letter dated **22 August 2019**.

Reason: To comply with Sydney Trains integrated requirements.

- 8. The development shall comply with the requirements of the General Terms of Approval in the Sydney Metro letter dated **30 April 2019**.

Reason: To comply with Sydney Metro integrated requirements.

- 9. All the common areas proposed within the site, including rooftop terraces, shall be fully accessible to disabled persons.

Reason: To provide equitable access for disabled persons.

- 11. Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all

works/methods/procedures/control measures approved by Council in the following report has been completed:

- (a) Acoustic Report No. 20181008.1/0908A/RO/MF, dated 9/8/18, prepared by Acoustic Logic.

Reason: To demonstrate compliance with submitted reports.

12. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

13. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

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

14. During construction of the project, Sydney Metro or Transport for NSW, and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

Reason: As per Sydney Metro requirements.

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.)

15. 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.

16. A monitoring plan (including instrumentation and the monitoring regime for the wall adjacent to Cambridge Street, during basement excavation) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. Unless written confirmation has been received from Sydney Metro confirming that this is not required. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Metro advising that there is no need to undertake the monitoring plan or if required, that it has been endorsed.

Reason: As per Sydney Metro requirements.

17. The following must be provided with an application for a Construction Certificate:
- a. Construction details showing substrate depth, drainage and waterproofing for all plantings on structures, including plantings over on-site detention tanks, raised planters, basements and rooftop gardens, are to be provided by a suitably qualified structural engineer.
 - b. Specifications for the soil volume, soil depth and soil area that must meet the prescribed standards in the "*Apartment Design Guide – tools for improving the design of residential apartment development*" (NSW Department of Planning and Environment, 2015) are to be provided by a suitably qualified Landscape Architect or Soil Scientist. Tree planting densities shall not exceed the prescribed soil volume and area requirements in the abovementioned document.
 - c. Specifications for soil type and a maintenance schedule are to be provided by a suitably qualified Landscape Architect or Soil Scientist to ensure sufficient nutrient and water availability is achieved.

Reason: To ensure the creation of functional gardens.

18. A Methodology Statement, prepared by a suitably qualified arborist (Australian Qualification Framework Level 5 or above), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of the neighbouring trees numbered A and B during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:

- (a) Demolition;
- (b) Excavation;
- (c) Canopy trunk and tree root protection;
- (d) Construction of any retaining wall;
- (e) Installation of services (i.e. bridging of roots);
- (f) Back filling; and
- (g) Any other stages that the project arborist deems necessary.

The methodology statement shall incorporate the prescriptions outlined in the Arboricultural Impact Assessment prepared by L&CO (no date) and the requirements of the consent conditions.

Reason: To ensure adequate protection of existing trees.

19. 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.

20. 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.

21. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, Hornsby Shire Council's Development Design Specification 0074 – Stormwater Drainage (Design), the relevant Australian Standards and the National Construction Code.
 - (b) The OSD system is to be designed to ensure that the post development discharge from the site in the 5% AEP (20 Year ARI) storm event is restricted to the 20% AEP (5 Year ARI) pre development flow rate. Appropriate tailwater assumptions are to be included in the calculations for potential drowned orifice conditions which may affect the sizing of the system.
 - (c) The piped drainage system is to be designed with capacity for the 5% AEP (20 Year ARI) storm event and include overflow measures to ensure blockage of the piped system does not affect adjoining properties.
 - (d) 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.
 - (e) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.
22. Water quality treatment devices must be installed to manage the water quality of the stormwater discharge from the site to Cambridge Street to satisfy Hornsby Shire Council's WSUD Reference Guidelines. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority and be consistent with the Civil Engineering Report, Revision 03, dated 24 August 2018, prepared by Warren Smith & Partners.
- Reason:** To ensure appropriate water quality treatment measures are in place.
23. The applicant shall pay the applicable Section 7.11 contribution of **\$1,001,001.95** to City of Parramatta Council prior to the issue of a Construction Certificate for the payment of the Section 7.11 contributions as set out below:

Contribution Type	Amount
Plan Administration	\$ 1901.90

Community Facilities	\$ 77877.95
Drainage & Water Quality	\$ 17217.25
Open Space & Recreation	\$ 680881.50
Public Domain	\$ 145045.20
Roads & Shared Paths	\$ 78078.15
Total	\$ 2,596,711.75

All contributions will be index linked in accordance with Part 2.13 (Adjustment of contribution rates in this Plan) of City of Parramatta Council Section 94 Development Contributions Plan (Former Hornsby LGA Land and Epping Town Centre).

Reason: To provide for improvements to community infrastructure.

24. 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.

25. 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.

26. 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.

27. 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 **DA/560/2018**;

- (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	
Development Site	\$25,000

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.

28. 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.

29. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on the 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. The connections are to be operational prior to the issue of any Occupation Certificate.

Reason: To protect the visual amenity of the area.

30. 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.

31. 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.

32. 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.

33. At least **9** adaptable residential units shall be provided. Plans submitted with the relevant 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 provided.

34. At least **17** of the residential units shall be designed and fit-out to achieve the 'silver level' requirements as set out in the Liveable Housing Design Guidelines Details published by Liveable Housing Australia. Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

Reason: To ensure the required liveable dwellings are provided.

35. Prior to the issue of the relevant Construction Certificate, the basement storage areas will be allocated to the applicable units to the satisfaction of the Principal Certifying Authority. The allocation will be such that each unit has a minimum total secure storage volume (including the storage space within each unit) as follows:

- i) Studio units – 4m³
- ii) 1 bedroom units – 6m³
- iii) 2 bedroom units – 8m³
- iv) 3+ bedroom units – 10m³

Reason: To ensure each unit has sufficient on-site storage capacity.

36. The recommendations in the specialist reports outlined in Condition 1 shall be

incorporated into the plans and documentation accompanying the relevant Construction Certificate to the satisfaction of the Principal Certifying Authority.

A list of all of the recommendations and how they have been actioned shall be provided to Council.

Reason: To ensure the development is implemented as proposed.

37. All window openings servicing a bathroom and/or WC within each dwelling must have either frosted or obscure glazing. Details are to be provided on the plans and documentation accompanying the Construction Certificate application to the satisfaction of the Certifying Authority.

Reason: To ensure privacy to adjoining sites is adequately maintained.

38. Access and services for people with disabilities shall be provided to the 'affected part' of the building, in accordance with the requirements of the Access to Premises Standard 2010, and the National Construction Code 2013. Detailed plans, documentation and specification must accompany each application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

39. Prior to the issue of a Construction certificate, the Certifying Authority must be satisfied that all plant and equipment (including but not limited to air condition equipment) is located within the basement or screened on the roof, except as explicitly shown otherwise on the approved drawings.

Note: Architectural plans identifying the location of all plant and equipment must be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

40. To reduce the extent of overhead cabling, all service mains required to facilitate the development must be underground, both within the allotment boundaries and the public way. Details must be provided with the plans and documentation accompanying each application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape.

41. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the

NCC as proposed and as built.

Reason: To ensure building materials are sufficiently non-combustible.

42. External materials must be pre colour coated on manufacture having a low glare and reflectivity finish. The visible light reflectivity index of roof finishes and glazing is to be no greater than 20% so as not to result in glare that causes any nuisance or interference to any person or place. Details must accompany the Construction Certificate to the satisfaction of the Principal Certifying Authority.

Reason: To have a minimal impact on the neighbouring property.

43. Any openings specified as requiring enhanced glazing in the NatHERS certificate hereby approved shall be clearly specified on the Construction Certificate drawings and installed in the building to the satisfaction of the Certifying Authority prior to the release of the applicable Occupation Certificate.

Reason: To ensure the amenity of future occupants.

44. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

45. 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.

46. The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations

- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

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

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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 any Construction Certificate. The Principal 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:

- (e) Identification of nearby residences and other sensitive land uses.
- (f) Assessment of expected noise impacts.
- (g) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (h) 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.

53. Waste and recycling storage facilities are to be provided in each **residential, office and retail unit**. Details of the unit waste storage areas are to be provided to the satisfaction of the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Reason: To ensure adequate storage for refuse.

54. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection.

A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities as indicated in the Waste Management Plan.

Reason: To ensure appropriate waste storage facilities are provided for future occupants.

55. Storage rooms for waste and recyclables are to be provided within the development as indicated on the approved plans, and shall be constructed to comply with the following provisions:

- i) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- ii) The floor being graded and drained to an approved drainage outlet connected to the sewer, and having a smooth, even surface, coved at all intersections with walls;
- iii) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- iv) Cold water being provided in the room, with the outlet located in a position so that it cannot be damaged, and a hose fitted with a nozzle

being connected to the outlet.

- v) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Details shall be indicated on the plans submitted with the relevant Construction Certificate application that demonstrate compliance with these requirements to the satisfaction of the Principal Certifying Authority.

Reason: To ensure provision of adequate waste storage arrangements.

- 56. Parking spaces and internal access ways are to be provided in accordance with the approved plans and with AS 2890.1, AS2890.2 and AS 2890.6.

Any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like must not compromise appropriate manoeuvring and maintain compliance with AS 2890.1, AS2890.2 and AS 2890.6.

Details of compliance are to accompany the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

Reason: To ensure appropriate vehicular manoeuvring is provided.

- 57. 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.

- 58. The bicycle storage areas must be capable of accommodating a minimum of **152** bicycles within fixed bicycle rails. The bicycle storage areas and bicycle rails must be designed to meet the requirements of AS 2890.3 – 2015. Details of compliance with this standard are to accompany the relevant Construction Certificate application to the satisfaction of the Principal Certifying Authority.

Reason: To comply with Council's parking requirements.

- 59. Accessible car parking spaces must be provided as part of the total car parking requirements.

These spaces, and access to these spaces, must comply with AS2890.6: 'Parking facilities', 'Off-street parking for people with disabilities', AS1428.1: 'Design for access and mobility', 'General requirements for access - New building work' 2001 and 2009, and AS1428.4: 'Design for access and mobility', 'Tactile ground surface indicators for orientation of people with vision impairment', 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany each application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

- 60. Each basement visitor car parking space is to be signposted. Details are to be

provided with the application for each Construction Certificate.

Reason: To comply with Australian Standards.

61. Prior to the issue of a Construction Certificate, amended plans and details must be provided to the Certifying Authority to demonstrate that:
- The basement will be constructed with a fully tanked construction and be entirely waterproofed, and,
 - The groundwater management system will not rely on a pump-out system for collection and disposal of groundwater.

Reason: To ensure that the development does not adversely impact upon other properties or the environment.

62. 5 motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with the Australian Standard.

63. Two (2) car parking spaces is to be allocated for car share parking space. Car share parking spaces must be publicly accessible at all times, adequately lit and sign posted. Written evidence must be provided with the development application demonstrating that offers of a car space to car share providers have been made together with the outcome of the offers or a letter of commitment to the service. The PCA shall ascertain that agreement with a commercial operator is subscribed prior to issue of the construction certificate. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's Development Control Plan.

64. Convex mirrors are to be installed at both ends of the ramps between basement levels and at the corner of all circulation aisles within the basement levels, with their height and location adjusted to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure safety of driver

65. Prior to the issue of the Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback etc
- Any publicly accessible areas;
- Any works in carriageway, and
- Onsite landscape work.

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.

- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

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

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved Arcadia Landscape Drawings dated April 2019 issue E,
- The approved Warren Smith and Partners drawings dated march 2019 issue 3
- The approved nettletontribe L1 floor plan dated march 2019 issue E, and
- All the conditions listed in this consent.

Reason: To ensure the public domain is constructed in accordance with Council standards.

66. Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

Footpath

The standard **in-situ concrete, colour natural grey with a broom finish** shall be applied to the full length of the development site on Cambridge Street. The details shall be modified to reflect the site conditions and adjoining materials as required.

A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

Vehicle Crossing

Provide Council's standard vehicle crossing. Refer Council's design standard DS 9.

Materials to match the surrounding paving based on location of the vehicle crossing within the public domain.

Pit Lids

All Pit lids in paved areas of the public domain and the publically accessible areas of the site, should be level with the paving around and aligned with the paving pattern / material. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material.

Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and the publically accessible areas, as required, and comply with the requirements in the Public Domain Guidelines. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

TGSI's must comply as follows.

- TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) including its amendment in 2010.
- TGSI's are not required on a landing where handrails continue through the landing.

Clear Path of Travel (Shore-Lining)

Council continues to develop uniform design approach(s) to delineating a clear path of travel past complex built forms at the footway level. Options could include, but not be limited to, change in pavement colour, textures and or other visual aids etc. that meet DDA requirements. Final design solutions to suit the project are to be proposed by the applicant for consideration and inclusion in the Public Domain Construction Drawings prior to issuing of CC approval.

Lighting

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

Applied to Publically Accessible Private Space

Steps

Steps in public open space must comply with the following requirements:

- Equal height risers of 150-165mm, and equal width treads of 275-300mm.
- Level landing areas at the top and base of steps.
- **The first riser at least 900mm from the property boundary**
- Opaque risers
- Compliant contrast nosings for full stair width
- Non-slip surfaces in wet and dry conditions

Handrails

A handrail should be provided at the northern end of the entry steps at the property boundary, leading to the plaza and building lobbies.

Handrails must comply as follows:

- Handrails installed on each side of the stair (or centrally).
- Landing area designed to sufficiently accommodate the required TGSI and handrail projection, which must be outside pedestrian path of travel and circulation spaces.
- Design of handrail according to AS1428.1:2009.
- Diameter of handrail 30-50mm.
- Clearance behind the handrail at least 50mm.

Ramps

Ramps, if required, must comply as follows:

- Level landings at top and base
- Non-slip surfaces in wet and dry conditions
- Compliant handrails on each side with at least 1000mm between handrails
- A lower rail with maximum clearance of 65mm below.

Preference is to achieve ramps which do not require handrails (ie make them flatter than 1:20).

Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontage on Cambridge Street. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To comply with the Public Domain Guidelines.

67. Notwithstanding the approved The approved Arcadia Landscape Drawings dated April 2019 issue E, the required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Cambridge Street	Lophostemon confertus	Brush Box	200 L	4	As shown on the approved drawings or as agreed by Council's DTSU Manager

Note: *Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.*

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018.

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standards (details available on request) with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be shown on the Public Domain Construction Drawings. The invert level of the storm water pit receiving the drainage water

from the tree pits is also to be shown on the Public Domain Construction Drawings.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To ensure high quality street trees are provided.

68. Notwithstanding the approved Landscape DA concept drawings final approval of plant species selection for the project will be provided according to the detailed design work and plant schedules prepared by the applicant for the Public Domain Construction Drawing submission. Commentary about proposed species by council officers can be arranged as required.

69. Trees and all planted areas must be provided with the required soil volumes and depths as follows:

- Trees located in deep soil – in accordance with the Public Domain Guidelines (refer Table 5.1)
- Any planting on bedrock or podium slabs and any planters – Apartment Design Guide (refer Section 4P, Table 5) even in case the guidelines are not applicable to the project.

Calculations demonstrating soil volume compliance are to be included in the Public Domain Construction Drawings. Soil depth calculations are to be based on a maximum depth of 1m excluding any drainage layers.

70. Where tree and understorey planting is proposed on slab, under building, green wall or any other overhang fronting the public domain an automatic irrigation system is to be provided. Irrigation design information is to be provided in the Public Domain Construction Drawings.

Reason: To provide best conditions to achieve healthy, thriving, long-lived trees in the CBD and town centres.

71. All the common areas proposed within the site, including rooftop terraces, shall be fully accessible.

Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Details demonstrating compliance are to be submitted to the PCA prior to the issuing of a Construction Certificate and again prior to the issuing of an Occupation Certificate.

Reason: To improve accessibility.

72. No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements, unless the Applicant has obtained prior written consent from Sydney Metro for any proposed use of rock anchors, The final anchor design must be submitted to Sydney Metro for review and endorsement. The Certifier must not issue a Construction Certificate for the development until it has

received written confirmation from Sydney Metro that this condition has been satisfied.

Reason: As per Sydney Metro Requirements.

73. A maximum of 54 parking spaces for residents is to be provided. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To comply with Council's parking requirements.

Prior to Work Commencing

74. 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.

75. 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.

76. 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.

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

Reason: To ensure adequate toilet facilities are provided.

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

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

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

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

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

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

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

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

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

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

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

81. A Construction Environmental Management System and Plan (CEMP) shall be submitted to, and approved by, Council's Manager DTSU prior to work.

The CEMP must be prepared in accordance with ISO14001:2015 and the Department of Infrastructure, Planning and Natural Resources (2004) '*Guidelines for the Preparation of Environmental Management Plans*' and submitted to the relevant authorities at least 4 weeks prior to the commencement of construction.

This plan should cover demolition, soil and water management and site maintenance and any associated groundwater, flooding and overland stormwater flow management. It must address any possible pollution risks, and how they will be managed. It must incorporate updated erosion and sediment control plans/ stormwater plan showing how rainwater and groundwater captured within the site will be treated to satisfactory water quality standards, monitored and discharged. The plan and management system must be implemented throughout the work.

Reason: Environment protection.

82. 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.

83. 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 Principal 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.

84. 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.

85. The proposed outlet pipe connection from the subject site into the council's stormwater pipe system shall be designed to comply with the following requirements:

a. new kerb inlet pit and connection

A new kerb Inlet 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 (*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*).

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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. 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.

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

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

93. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:
 - a) The location of hazardous materials throughout the site;

- b) A description of the hazardous material;
- c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f) Identification of the disposal sites to which the hazardous materials will be taken.

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

- 94. The trees identified for protection (Trees A & B) 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 L&Co (no date), the conditions of consent and the arborist methodology statement.

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

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

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

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

- 96. 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.

During Work

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

Reason: To ensure compliance with this consent.

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

Reason: To ensure pedestrian access.

- 99. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

100. 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 Friday inclusive, and 8:00am to 1:00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note: Council may allow extended work hours in limited circumstances and upon written application and approval being given by City of Parramatta Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses;
- Internal fit out work.

Reason: To protect the amenity of the area.

101. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- i) The date and time of the complaint;
 - ii) The means by which the complaint was made;
 - iii) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
 - iv) Nature of the complaints;
 - v) Any action(s) taken by the applicant in relation to the complainant, including any follow up contact with the complainant; and
 - vi) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

Reason: To allow the Principal Certifying Authority to ensure complaints are dealt with appropriately.

102. 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.

103. 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: To minimise risk of basement flooding.

104. 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.

105. 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.

106. 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.

107. 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.

108. 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.

109. The recommendations as outlined in the Geotechnical Report titled **Preliminary Geotechnical Investigation** shall be implemented to the satisfaction of the Principal Certifying Authority.

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

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

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

111. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

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

Reason: To ensure that contaminated groundwater does not impact upon waterways.

112. All friable and non-friable asbestos-containing waste on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines - 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

113. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

114. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

Reason: To confirm waste minimisation objectives are met.

115. Dust control measures shall be implemented during all periods of earth works, demolition, excavation, and construction to minimise the dust nuisance on surrounding properties.

In this regard, dust minimisation practices must be carried out in accordance with the City of Parramatta Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.

Reason: To protect the amenity of the area.

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

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

Reason: To protect the amenity of the area.

117. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM), and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated, and appropriate compaction levels can be achieved.

118. 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.

119. 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.

120. Trees to be removed are:

Tree No.	Species	Common Name	Location
2 x	<i>Cupaniopsis anacardioides</i>	Tuckeroo	Along northern boundary

Reason: To facilitate development.

121. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

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

122. 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.

123. Stormwater must be connected to the proposed kerb inlet pit within the property frontage of Cambridge Street.

Reason: To ensure satisfactory storm water disposal.

124. 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.

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

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

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Subgrade inspection following excavation for footings, drainage and pavements, tree pits showing root barriers, structural soil cell, sub-surface drainage and irrigation system as required;
- Installation of required underground conduits;
- Blinding layer/concrete slab based completion and initial (indicative) set out of pavers street fixtures and fittings as applicable to ensure compliance with the requirements in the Public Domain Guidelines;
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments;
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation;
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Completion of concrete paving.
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant (if required), tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.

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 Public Domain Guidelines. Certification is required to be provided with the Occupation Certificate.

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

126. 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 Public Domain Guidelines. Certification is required to be provided with the Occupation Certificate.

Reason: To ensure Council's assets are appropriately constructed.

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

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

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

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

Reason: To prevent pollution of waterways.

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

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

Prior to the issue of an Occupation Certificate / Subdivision Certificate

130. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

131. 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.

132. 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. **940631M**, will be complied with prior to occupation.

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

133. 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.

134. 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.

135. 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.

136. Confirmation that 20% of the units comply with the Liveable Housing Guidelines Silver Level design feature is to be prepared by a suitably qualified consultant and submitted to Council prior to the issue of an Occupation Certificate.

Reason: To ensure that the development provides accessible dwelling options for future occupants.

137. Prior to the issue of each Occupation Certificate, a final fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.

Reason: Protection of life and to comply with legislative requirements.

138. 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.

The developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes.

The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

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.

139. A street number is to be placed on the building 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 assist wayfinding.

140. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements have been made with the National Broadband Network (NBN) Company where relevant, and implemented at no cost to Council for the provision of broadband access to the development.

Note: For more information contact NBN Co. Development Liaison Team:

Call: 1800 881 816

Email: newdevelopments@nbnco.com.au

Web: www.nbnco.com.au/NewDevelopments.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

141. The submission of documentary evidence from the telecommunications provider authorised under the *Telecommunications Act 1997* confirming arrangements have been made for the provision of telephone services prior to the issue of a Subdivision Certificate.

Reason: To ensure appropriate telephone services are provided.

142. 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.

143. 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.

144. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

If you require any further information, please contact Lulu Huang of Growth Planning and Development on urbangrowth@sydneywater.com.au.

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

145. 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 versus 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.

146. 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 Principal Certifying Authority (PCA) prior to issue of occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA 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.

147. Prior to the issue of an Occupation Certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and the City of Parramatta, stating that all works/methods/procedures/control measures/recommendations approved by Council in the specialist reports listed in Condition 1 have been implemented.

Reason: To demonstrate compliance with submitted reports.

148. Prior to issue of an Occupation Certificate or Subdivision 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 of each residential lot with disqualification from participation in any existing or future City of Parramatta Council on-street resident parking permit scheme. The authority to release must be the City of Parramatta Council.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through 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 car share spaces within the lot.

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 the site.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW.

Reason: To reduce parking demand.

149. The Applicant shall provide written evidence to Council's DTSU Manager, prior to release of the final Occupation Certificate, demonstrating that at least two (2) car share spaces have been offered to all car share providers operating in Sydney together with the outcome of the offers or a letter of commitment to the service.

Reason: To comply with Council's parking requirements.

150. 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 provide and maintain two (2) car share parking spaces on the lot and provide public access to these spaces. The authority to release must be the City of Parramatta Council.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through 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 car share spaces within the lot.

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 the site.

Reason: To ensure the availability of these spaces for car share operators.

151. Prior to issue of any Subdivision Certificate, the Certifying Authority is to ensure that the 2 car share spaces are to be included within common property on the site. These spaces are not to be sold for use as, leased for use as, or used as, residential occupant spaces.

Reason: To ensure the ongoing availability of these facilities.

152. Prior to issue of the final residential Occupation Certification the Principal Certifying Authority is to be satisfied that the facilities provided on site are in accordance with the recommendations of the Green Travel Plan reference number 18077 prepared by Transport and Traffic Planning Associates and dated March 2019.

Reason: To ensure implementation of the Green Travel Plan.

153. A Green Travel Plan to promote non-private vehicle transport for employees and visitors is to be submitted to the satisfaction of the Certifying Authority and a copy provided to Council prior to the issue of the final Occupation Certificate.

Reason: To discourage trips by private vehicle.

154. 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.

155. Prior to the issue of the relevant occupation certificate, the applicant must submit a Carpark Management Plan, as nominated in the Traffic Response letter by Transport and Traffic Planning Associates (dated 10 April 2019), to the satisfaction of Council's Traffic and Transport Manager. The Plan must include the following requirements:

- Details of parking facilities and vehicle movements within the parking area and access driveway;
- Protocols in the event there is a visitor's vehicle waiting at the intercom;
- Internal circulation routes to be followed and queuing procedures;
- Pedestrian access arrangements to, from and within the parking area;
- Car share parking facilities for use;
- Bicycle parking facilities and arrangements for use.

Reason: To ensure appropriate operation of the roller shutter door.

156. Prior to the issue of the relevant Occupation Certificate(s), a Green Travel Plan is to be submitted to Council, supported by details of how that Plan will be implemented. The plan is to include targets, travel data and the measures to achieve the targets. It is recommended that the plan consider an Opal Card with \$100 value and information pack on public transport to be provided to the new residents and information pack on public transport to encourage use of public transport. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

Reason: To comply with Parramatta DCP 2011.

157. Prior to **any issue** of the Occupation Certificate (including a Preliminary OC), the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

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

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A **final inspection** will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

A two year (104 week) maintenance and defects period is required for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc., to be carried out by the developer following final OC approval of the public domain works by Council Officers.

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

158. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Metro property or easements, unless agreed to by these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Metro confirming that this condition has been satisfied.

Reason: As per Sydney Metro requirements.

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

Reason: As per the BCA.

Operational Conditions - The Use of the Site

160. No advertisement or signage shall be erected on, or in conjunction with the

development without prior consent. No digital displays are to be installed behind the shop display or otherwise.

Reason: To comply with legislative controls.

161. Roller shutters are not to be placed over any external door or window of the premises.

Reason: To provide an appropriate streetscape appearance.

162. The hours of operation of the ground floor retail premises are restricted to 7:00am to 10:00pm daily, unless approved otherwise under a separate application.

Reason: To minimise the impact of the use on adjoining properties.

163. Any use of the premises as a Place of Public Entertainment requires separate approval from Council.

Reason: To protect the amenity of the area.

164. Commercial deliveries/servicing shall not occur between the hours of 7:00pm and 7:00am daily unless otherwise approved by Council.

Reason: To protect the amenity of the area.

165. No goods are to be stored/displayed outside the walls of the building.

Reason: To ensure visual amenity.

166. 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.

Any air conditioners must not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- i) Before 8:00am and after 10:00pm on any Saturday, Sunday or public holiday; or
- ii) Before 7:00am and after 10:00pm on any other day.

Emit a sound pressure level when measured at a boundary of any other residential property, at a time other than those specified in (a) and (b) above which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

Reason: To minimise noise impact of air conditioning equipment and protect amenity

167. 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.

168. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

169. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

170. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

171. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

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

Reason: To ensure provision of adequate waste disposal arrangements.

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

Reason: To prevent pollution of the environment.

174. A two-year (104 weeks) maintenance period, from the date of issue of the final Occupation Certificate, is required to be carried out by the applicant for all the works constructed in the public domain.

A Landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council, prior to the issue of the final Occupation Certificate, that specifies after Council's final approval who and how to maintain the public domain works during the 104 weeks.

Reason: To ensure the required public domain improvements are maintained.

175. One year from the issue of the Occupation Certificate, and every year for 2 years thereafter, the applicant shall submit to Council's Manager Development & Traffic Services a review of the effectiveness of the Green Travel Plan. The reviews shall include surveys of modal share and vehicle trip generation for the various land uses within the development during peak and off-peak periods. The review shall also include recommendations for improving the effectiveness of the plan. Any recommendations made to improve the effectiveness of the plan shall be incorporated into an updated Green Travel Plan.

Reason: To ensure the effective management of the Green Travel Plan.

176. The Green Travel Plan shall be incorporated into or annexed to the strata management plan for the residential units in perpetuity.

Reason: To ensure implementation of the Green Travel Plan.

177. The facilities provided and the uses on site are to be operated at all times in accordance with the recommendation of the Green Travel Plan reference number 18077 prepared by Transport and Traffic Planning Associates and dated March 2019.

The Green Travel Plan, required by these conditions, shall be displayed throughout the residential and commercial areas of the site at all times.

Reason: To ensure implementation of the Green Travel Plan.

178. If one or more car share provider accepts the applicant's offer of car share space(s), those car share space(s) shall be provided to the preferred operator on the site for as long as the car share operator would like to occupy the space or as otherwise agreed by Council's DTSU Manager.

Reason: To comply with Council's parking requirements.

179. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.



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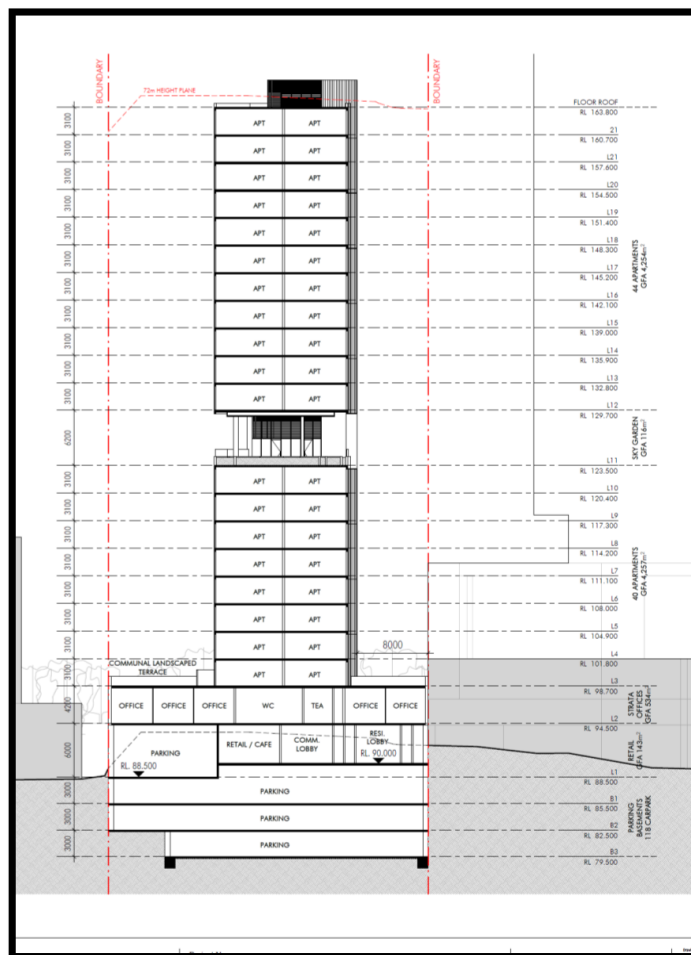
ATTACHMENT C – Applicant Clause 4.6 Statement for Height

Background

This Clause 4.6 variation has been prepared in support of development application for the demolition of the existing structures on site to facilitate the construction of a shop top housing development at 16 -18 Cambridge Street, Epping

Height Departures

As illustrated in the Section below the development marginally exceeds the 72m height control.



The roof top plant including the lift overrun and plant screen exceeds the 72m height by up to 1830mm which equates to 2.54% of the control;

Therefore, a Clause 4.6 variation request has been prepared, noting that the request addresses a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*. The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “consistent with” the objectives of the development standard and zone is not a requirement to “achieve” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate how the proposal achieves a better outcome than a complying scheme; and
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the B2 zoning;
- Being in the public interest; and
- Satisfying the relevant provisions of Clause 4.6.

These matters are addressed below, noting that the proposal only exceeds the height control by the desire to provide lift access to the roof top private open space areas.

Clause 4.6 Variation: Building Height

As addressed the proposal is non-compliant with Clause 4.3 – Height of Buildings which stipulates that the maximum building height is 72m on the site.

The proposal presents the following departures to the height controls:

- Plant Level: The proposal has a 1.83mm departure to the maximum building height at the highest point of the building at the lift over-run, which equates to 2.54% of the control;

The proposal adopts a 22 storey form and incorporates a height variation of 1830mm, however it is important to note that the proposal is fully compliant with the maximum permitted FSR of 4.5:1 and does not seek additional floor space above that envisaged by the LEP.

In this instance, no additional yield is requested, however dispensation to the height control is requested to facilitate plant to service the building to be provided. It is noted that if the proposal did not incorporate a sky garden at level 11 of the building that a complaint building height could be provided. The Sky garden is considered to be a key design feature of the development that adds substantial architectural interest to the building as well as providing a superior level of amenity to future residents.

Building Height Context Consideration: Better Development Outcome

In summary, the departure to the height control is a better outcome because:

1. The proposed sky garden is a key design feature of the building and locating this facility on the roof to provide a compliant building height, would remove this design feature;
2. The departure does not discernibly increase overshadowing from the additional height given the upper levels are recessed and located towards the centre of the building; and
3. The departure enables the provision of appropriate plant much of which would otherwise be located at ground or podium levels which would reduce the amenity for future occupants;

Relevant Provisions of Hornsby LEP 2013

Clause 4.6 of the Hornsby LEP 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (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.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*

- (a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) 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 in which the development is proposed to be carried out, and*
- (b) the concurrence of the Secretary has been obtained.*

- (5) In deciding whether to grant concurrence, the Secretary must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Each of these provisions are addressed individually below.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the Height development standard are stated as:

(1) The objectives of this clause are as follows:

- a) to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.*

The current development proposal is designed to facilitate the provision of a Sky garden on level 11 of the development and not a desire to achieve additional density, noting consistency with the maximum FSR control applying to the site.

The proposal remains consistent with the objectives based on the following:

- Given the scale of the proposal, being 22 storeys, the extent of the variation is not perceptible at street level given the podium and recessed upper level elements which means that the upper level is highly recessive in the streetscape;
- The proposed buildings will present an appropriate bulk and scale on the site with a solid base and residential tower above that will deliver an FSR of 4.5:1. The additional height does not generate any substantial amenity impacts given the location of the site and the surrounding site context noting particularly the location of the site and relationship to the train station opposite the site;

- The overall height of the development presents as a compatible form of development to the anticipated residential buildings that will emerge in the locality, noting that development in the locality is trending towards 22 storey mixed use developments;
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors - noting that as the departure is at the recessed upper level there will be no detrimental overshadowing impacts arising from the non-compliance portion of the development;
- The proposal does not result in any discernible increased shadow impact given the recessed upper level; and
- The overall height of the development presents as a compatible form of development with the lift shaft and structures associated with the private open space on the rooftop recessed back to downplay visual dominance as viewed from the public domain and adjoining properties- thus ensuring the building presents a maximum height of 72m relative to the public domain;

The unique circumstances of the case that warrant support of the departure are:

1. The departure facilitates the use of the rooftop for recreational opportunities. This is an appropriate use of a rooftop in a dense town centre environment;
2. The departure does not discernibly increase overshadowing from the additional height; and
3. The departure does not facilitate the provision of additional floorspace with the proposal having a floorspace ratio of 4.47:1 which is less than the maximum FSR permitted on 4.5:1.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in these unique circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 zone.

It is understood that the concurrence of the Secretary can be assumed in the current circumstances.

Clause 4.6(5)

As addressed, it is understood the concurrence of the Secretary may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality based on the observed building forms in the locality. The significant public benefit of the proposal must be emphasised in considering the merits of the departure to the height control and the proposal is a site specific response and is not replicated elsewhere in the precinct and as such 'precedent' issues are not relevant.

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council and the planning panel is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.