



**CITY OF
PARRAMATTA**

Report to Central City Planning Panel

SCCPP reference	2016SYW0114
DA No.	DA/485/2016
Date of receipt	17 June 2016
Proposal	Demolition of all existing structures including the heritage listed dwelling on site, tree removal, construction of a mixed use development in the form of 2 towers (15 and 18 Storeys tall) over a podium and basement car parking.
Street address	44-48 Oxford Street, Epping
Property Description	Lot 1 DP 206646, Lot 2 DP 206646, Lot A DP 390454, Lot B DP 390454
Applicant	Pirsata Pty Ltd
Owner	Pirsata Pty Ltd
Submissions	50
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• State Environmental Planning Policy No. 55 – Remediation of Land• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (State and Regional Development) 2011• State Environmental Planning Policy (Infrastructure) 2007• Hornsby Local Environmental Plan 2013
Recommendation	Deferred Commencement
Council Officer	Liam Frayne

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report ? Yes

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF) ? No

Conditions

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

1. Executive summary

Advisian Pty Ltd (Advisian) has been engaged by the City of Parramatta (the Council) to provide an independent planning assessment of the Development Application (DA) No.485/2016 (the Application) including the preparation of this report and associated recommended conditions of consent should the Sydney Central City Planning Panel (SCCPP) determine to approve the application.

This report considers a proposal to construct a mixed use development consisting of two towers being 15 and 18 storeys in height containing shop top housing with retail and commercial office space over basement car parking. The proposal contains a total of 178 residential apartments and 223 car parking spaces.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concerns except for heritage (refer discussion in Section 2.5.2 in **Attachment A**). The application is therefore satisfactory when evaluated against section 79C of the *Environmental Planning and Assessment Act 1979*.

This report recommends that the Panel grant a Deferred Commencement subject to **Attachment B**.

The parts of Epping under the LEP and DCP are divided into East and West Precincts (separated by the rail corridor). The site is in the East Precinct. The East Precinct is intended to provide main street activities for Epping Town Centre.

The Precinct will provide a mix of housing, retail, commercial offices, food outlets, entertainment and employment opportunities to support the larger centre and service the working and residential populations in the area.

4. Site description and location

4.1 Background

4.1.1 The site

The site of the proposal (the site) is located on the eastern side of Oxford Street in Epping, between Essex Street and Pembroke Street. The site is at the northern extremity of the Epping main street retail area along Oxford Street, situated between Arden Anglican School and the Epping Uniting Church and almost opposite the Catholic Church.

The site comprises 4 separate allotments and has an area of 3,877.1m² and a frontage of 40.235m to Oxford Street. The site contains a part 1, part 2 storey commercial building, a car park, and the "House" (Item No. 394) that is listed as an item of local heritage significance in Schedule 5 to the LEP. The site spans across Lot 1 DP 206646, Lot 2 DP 206646, Lot A DP 390454 and Lot B DP 390454.

The site is generally surrounded by institutional and commercial uses. The adjoining site to the immediate north contains a two storey residential development at 48A Oxford Street, known as 'Oxford Green'. To the east the site are two x four storey residential flat buildings. Directly west, on the opposite side of Oxford Street, is Our Lady Help of Christians Church which is listed as a heritage item in Schedule 5 to the LEP. To the south of the site, is the approved redevelopment site at 30-42 Oxford Street, being a 17 storey, two tower mixed use development with a building height of 53.2m, which retains and incorporates a heritage item, being "House" (Item No. 804) which is listed in Schedule 5 to the LEP.

The site is close proximity to Epping Station to the south. A number of developments along Oxford Street have commenced construction of similar scale to that of the proposed development.

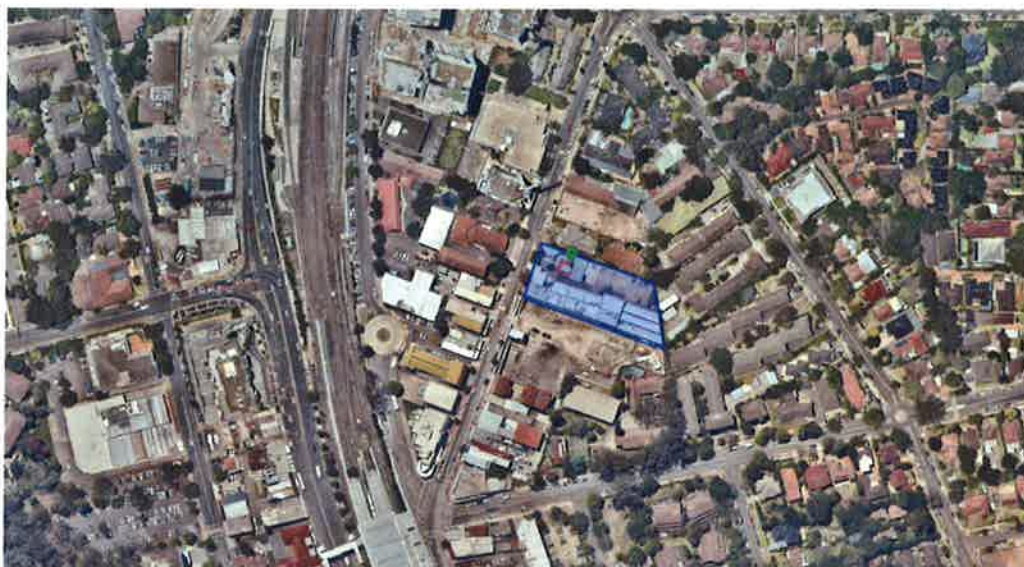


Figure 2: Land the subject of DA/485/2016 outlined in yellow (Source: Nearmap, 2017)

4.1.2 The Sydney Metropolitan Plan – A Plan for Growing Sydney

The NSW Government's Sydney Metropolitan Plan "A Plan for Growing Sydney" 2014 (the Plan), 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, to be delivered by the Greater Sydney Commission (GSC).

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 Draft Greater Sydney Regional Plan

The Greater Sydney Commission's Draft Greater Sydney Regional Plan (DGSRP) is the revised version of the "Towards our Greater Sydney 2056", incorporating comments received during its public exhibition from November 2016 to March 2017. The DGSRP was on public exhibition until December 2017. The DGSRP is the first regional plan created by the GSC. It supports the vision for a metropolis of three cities, with a vision of enabling people to live within 30 mins of their jobs, education and health facilities and services. Objective 10 and 11 of the DGSRP relate to 'Housing the City' and include:

- Objective 10: Greater housing supply
- Objective 11: Housing is more diverse and affordable

4.1.4 Revised Draft Central City District Plan

The Revised Draft Central City District Plan (RDCCDP) provides a 20 year plan to manage growth in Greater Parramatta. The RDCCDP is a guide for implementing the DGSRP at a District level and is a bridge between regional and local planning. It includes four key themes, including infrastructure and collaboration, liveability, productivity and sustainability.

It is predicted that 546,500 dwellings are required to meet current projections for Greater Parramatta by 2036. 'Housing the City' by providing varied housing choices is one of the ten key directions of the RDCCDP. A planning priority for Greater Parramatta and which includes the Epping Strategic Centre is providing housing supply, choice and affordability with access to jobs and services with focus on delivering investments in public transport.

4.1.3 Epping Town Centre – Urban Activation Precinct Plan

Upon detailed community consultation, the Department developed the Epping Town Centre Urban Activation Precinct Plan for the Epping Town Centre in response to the goals set out in the then "Draft Metropolitan Strategy for Sydney to 2031". 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:

- 54 hectares (ha) to be rezoned for residential development, with capacity for approximately 3,750 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 are supported by the Hills M2 Upgrade (complete) and the under construction Sydney Metro North West (formerly known as the North West Rail Link).

4.1.4 Epping Town Centre Public Domain Guidelines

The Epping Town Centre Public Domain Guidelines adopted by Hornsby Shire Council in December 2015 provide a set of specific objectives and technical information to guide the design and construction of the street, footpaths and public spaces within the Epping Town Centre which is defined by the Epping Town Centre Urban Activation Precinct Plan. The proposal responds to the relevant guiding principles governing built form, street typologies, public spaces, public transport and access, pedestrian movement and community facilities.

4.1.5 Epping Town Centre Review

In June 2017, the Council released the results of a Stage 1 review of the Epping Town Centre in light of recent developments and significant transport projects which have since changed the function of Epping Town Centre (the Review). These changes include how people walk, drive, visit and work in Epping due to pressure from increased numbers of residents, traffic movements and the mix of retail and commercial activities to service the centre.

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.
- Review of current traffic conditions and future traffic requirements.

The proposal realises the goals of the Plan, the Epping Town Centre Urban Activation Precinct Plan and the Review, by providing 178 residential apartments, usable commercial office space and retail spaces and arrangements for vehicle access and traffic generation that will not compromise safety for road users, and will not reduce the efficiency of the local road network.

5. The proposal

The proposal comprises the following primary elements:

- 178 apartments located within 2 towers.
- 3 retail premises with gross floor area (GFA) of 591.3m² – 2 with direct frontage to Oxford Street.
- 1 commercial office space with GFA of 991.1m² located on the first floor of Tower A.
- 223 parking spaces within the 4 levels of basement.

A perspective view of the proposal is shown in Figure 3.



Figure 3: Perspective view of the proposal (Source: Nettleton Tribe, 2017)

The application also includes:

- Landscaping of the communal open space areas on the site;
- Public domain works to the Oxford Street frontage;
- All required civil works including an Onsite Detention System for stormwater management.
- Demolition of the listed heritage item and all other structures on the site.

Regarding the commercial and retail spaces, this application only seeks consent for that land use. Separate consent will be sought for the fitout and operational details of the commercial spaces.

6. Public notification

The notification period was 29 June and 20 July 2016 and between 22 November and 6 December 2017. 50 submissions were received in total.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	Yes - Heritage
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8. Environmental Planning and Assessment Act 1979

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

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	None - A detailed assessment is provided at Attachment A.
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10. Hornsby Local Environmental Plan 2013

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

Table 1: LEP compliance

	<i>Comment or non-compliances</i>
Zones	<ul style="list-style-type: none">• B2 Local Centre
Definition	<ul style="list-style-type: none">• Shop top housing• Commercial and retail premises• Residential flat building
Part 2 Permitted or prohibited development	<ul style="list-style-type: none">• Permissible in the zone• Consistent with zone objectives
Part 4 Principal development standards	<ul style="list-style-type: none">• Building Height – non-compliance to development standard of 48m. Exceedance of standard as follows:<ul style="list-style-type: none">○ Tower A – 62.2m (Non-compliance is 14.2m or

	Comment or non- compliances
	29.6% breach)
	<ul style="list-style-type: none"> ○ Tower B – 51.12m (Non-compliance is 3.12m or 6.5% breach)
	A submission under Clause 4.6 has been provided. The variation is supported.
	<ul style="list-style-type: none"> • Floor Space Ratio – complies (4.35:1) with development standard of 4.5:1
Part 5	
Miscellaneous provisions	All relevant provisions satisfied
Part 6	
Additional local provisions	All relevant provisions satisfied

11. Hornsby Development Control Plan 2013

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

Table 2: DCP compliance

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

12. Response to SCCPP Briefing Minutes

The following matters raised by the then Sydney West Joint Regional Planning Panel at its Briefing Meeting held on 19 October 2016 are addressed below.

Issue 1

Need to justify substantial height exceedence where this standard has been only recently imposed in the precinct

The applicant has submitted a Clause 4.6 variation statement to the maximum building height development standard in Clause 4.3 of the LEP, which is considered to have adequately justified the height breaches.

A previous 4.6 had been submitted but was not available to the Panel at that time.

Issue 2

Adjacent isolated site issue – background of negotiations and the impact on design outcomes if not incorporated in to any development

The applicant has submitted documentation in accordance with the DCP requirements. However, it is understood that despite offers being made, no offer of sale has been

accepted at the time of the preparation of this assessment report between the applicant and the owners of 48A Oxford Street. It is noted that the applicant has submitted amended plans that seek to minimise impacts on the potential isolated site to the north, by reducing the building floor plate and use of separation, while still seeking the northern aspect to ensure a level of "developability" of the adjoining site as far as reasonably possible and meritorious from an environmental planning perspective that sees a realisation of optimal development of the respective sites as envisaged under the statutory and strategic planning provisions.

Issue 3

Need to consider the need/merit and impacts of retaining onsite heritage item

The applicant has submitted documentation that has analysed options for potential retention within the site and provided a heritage impact assessment. It is important to acknowledge: (1) the item's contribution to the history and heritage significance of Epping; and (2) the impact its retention would have in effect preventing redevelopment of this site in accordance with the desired future outcomes espoused in the Epping Town Centre planning framework. Subject to implementation of the recommended conditions, the demolition of the item can be supported on a planning merits basis. Refer to discussion in Section 2.5.2 in **Attachment A**.

Issue 4

The condition of trees to be removed from the street

The three street trees (Narrow-leaved Paperbarks) are now proposed for retention in the amended plans submitted.

Issue 5

Through link to Cambridge Street

The driveway access has been relocated from the northern boundary to be adjacent to the approved driveway of 32-40 Oxford Street at the southern boundary, so as the existing signalised pedestrian crossing is not impacted. This change does not have any impact on the construction of any future through link to Cambridge Street which is shown to be located further north along Oxford Street in the Epping Town Centre Public Domain Guidelines.

Issue 6

Design and presentation of façade to Oxford Street in context of the streets character

Amendments to the design of the presentation of Tower A to the Oxford Street streetscape have been proposed as follows:

- Oxford Street podium level lowered to match the approved podium level of the building to the south at 32-40 Oxford Street.
- Introduction of additional podium façade articulation to the Oxford Street frontage to demonstrate the rhythm of articulation in the existing street character;
- Extension of the podium at the ground floor to provide for improvement in internal amenity.
- Inclusion of new areas for "greening" on the podium level to soften its presentation along edges.

- Repositioning of the driveway access.
- Retention of street trees.

Issue 7

Need to report the assessment by the Design Excellence Panel

The proposal was considered by Hornsby Shire Council's Design Advisor at pre-lodgement stage, and again as a formal development application with the City of Parramatta Design Excellence Advisory Panel (DEAP) at its meeting of 28 July 2016 and once amended plans were submitted, these plans were considered at a DEAP meeting of 9 November 2017.

Issue 8

Need to consider the adequacy of the commercial content provided noting the concerns earlier expressed by the Chamber of Commerce that inadequate provision is being made in Epping centre developments.

The proposal contains 3 retail premises with GFA of 591.3m² and 1 commercial office space with GFA of 991.1m² which is consistent with the vision for mixed use development in the Epping Town Centre Urban Activation Precinct Plan.

Conclusion

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

RECOMMENDATION

- A. That pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant a Deferred Commencement to Development Application DA/485/2016 subject to the conditions in **Attachment B**.
- B. That all the objectors be advised of the Sydney Central City Planning Panel's decision.



ATTACHMENT A - PLANNING ASSESSMENT

SCCPP reference 2016SYW0114

DA No. 485/2016

1. Overview

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

Table 1: Matters for consideration

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to section 2 below
Section 79C(1)(a)(ii) - Draft planning instruments	Applicable but none directly relevant
Section 79C(1)(a)(iii) - Development control plans	Refer to section 3 below
Section 79C(1)(a)(iiia) - Planning agreements	Refer to section 4 below
Section 79C(1)(a)(iv) - The Regulations	Refer to section 5 below
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 6 below
Section 79C(1)(c) - Site suitability	Refer to section 7 below
Section 79C(1)(d) - Submissions	50 submissions
Section 79C(1)(e) - The public interest	Refer to section 8

The following internal and external referrals were undertaken:

Table 2: Referrals

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

Environmental Health (Acoustic)	Satisfactory - conditions provided
Urban Design (Public domain)	Satisfactory - conditions provided
Civil Assets	Satisfactory
Heritage	Unsatisfied - refer to further discussion elsewhere in this report
Roads and Maritime Services	Satisfactory - conditions provided
Ausgrid	Satisfactory - conditions provided

2. Environmental planning instruments

Compliance with these instruments is addressed below.

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

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

The subject site comprises 4 allotments. The site is not identified in Council's records as being contaminated.

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

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

Planning Comment:

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

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

Planning Comment:

The application notes that the site has been used for retail/commercial purposes since the 1930s, although there had been earlier residential development on the site from circa 1900. The rear of the site has been used for parking since 2003.

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

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

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

Planning Comment:

The current zoning for the site is B2 Local Centre under the LEP.

The preliminary site investigation has identified that the site has been used for retail/commercial purposes since the 1930s.

- Is the subject land currently used for an activity listed in Table 3 above?

Planning Comment:

No. The uses on the site currently comprise medical clinics and offices.

- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation any activity listed in Table 3?

Planning Comment:

Council is not aware of any licence issued for any uses listed in Table 3.

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

Planning Comment:

No.

Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 3?

Planning Comment:

A number of site inspections were undertaken during the course of assessment. No uses as identified in Table 3 were noted as being undertaken on the subject site.

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

Planning Comment:

No. The site to the north contains residential development and has done so since the 1980s, the sites to the east also contain residential development, in this case from the 1970's or earlier, while to the south was formerly a place of worship.

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

Planning Comment:

The applicant carried out a Phase 1 Preliminary Site Investigation which concluded:

'On the basis of the results of this Preliminary Site Investigation, there is no evidence to suggest any activities with a high potential for causing soil and groundwater contamination have been undertaken on the site to date. Any minor filling encountered on the site will be removed as part of the excavation works for the proposed basement.

It is therefore considered that the site may be suitable, or could easily be made suitable for the proposed development'.

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

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

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

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

Design Excellence Advisory Panel (DEAP)

The proposal was considered by DEAP at pre-lodgement stage, and again as a formal development application at its meeting of 28 July 2016. Once amended plans were submitted, these plans were considered at a DEAP meeting of 9 November 2017. In summary DEAP noted the following matters at the meeting 9 November 2017:

The Panel notes that the scheme has significantly improved in many areas discussed at the last meeting and in the DEAP Report, and makes the following further comments:

- 1. The Alignment Plan requires further resolution with Council in relation to the levels and retention of the existing street trees. The Panel recommends that the existing Melaleuca street trees and other recently planted street trees be retained, subject to adequate sightlines and the recommendations of a qualified arborist report regarding the health, prognosis and pruning of the subject street trees. Should it not be legitimately possible to retain the existing street trees, they should be replaced with appropriate semi-mature street trees, according to Council's landscape and street tree plans for Oxford Street.*
- 2. The south elevation of the Tower A is still presenting as a large unarticulated elevation, and it requires further design development to ameliorate its dominant and quite harsh visual appearance from the public domain (refer previous Report comments). The applicant advised that further work is being undertaken on improving the façade design by including the use of colour, and/or precast texture pattern treatments in terms of design. The Panel notes that this is a DA submission, and that these matters should be resolved prior to submission in order to avoid unnecessary further change and delay.*
- 3. The Panel notes and supports the podium reduction height to two storeys, however, the blank north and south side elevations of the podium and their interface with the public domain need to be reviewed, particularly given the visual exposure of the large soffit above the basement access ramp. In order to provide screening and softening of this area, landscaping in planters was discussed at the meeting and should be incorporated in the proposal.*
- 4. As the Landscape Architect is also the design consultant for the adjoining site to the south, the Panel recommends that the Landscape Architect ensures that there is a considered interface of landscape and fencing (if required) between the two developments.*
- 5. The Panel supports the concept of a generous and luxuriant landscape of trees and shrubs in the open atrium between the buildings. To achieve this, the Panel recommends lowering the entire slab in the atrium by a minimum of 1200 mm, to ensure a contiguous soil depth of minimum 1500mm to sustain the growth of the proposed canopy trees. A fully automatic irrigation system should be provided.*
- 6. The Panel noted the informal layout of the trees and garden bed forms in the courtyard atrium and suggested the following:*
 - a) To strengthen the design intent, the straight edges on both the northern and western sides of the atrium could be 'softened' by continuing the organic shapes of the planter beds.*

b) The informality of the shrub planting in the ground plane could be contrasted by a more ordered geometry in the layout of the trees, so as to create the effect of a permeable 'bosque' when viewing through the trunks.

c) Greater consideration should be given to the design of a range of meeting and seating areas for residents and visitors, integrated with the design of the central water feature.

d) The timber screens could be detailed to include integrated seating and should be sourced from sustainable materials

e) Whilst the atrium is intended to be fully accessible to the public, there should be a clear definition between private and public areas on the ground floor, in particular in relation to after-hours access.

7. The Panel recommends the reduction of the decked areas at the rear of the ground floor units in Tower B so as to create a wider area of screen planting on the eastern boundary. Investigate dropping the slab in this area to provide more 'deep soil' for the planting of more substantial screening trees.

8. The Communal Open Space located on the roof should provide ease of access for all residents, shade, a barbeque, seating, a universal WC and suitable landscaping. Elements extending above parapet height should be setback from the building edges so that they are not visible from the surrounding public domain.

9. In relation to detailed design and layout of private balconies, the Panel recommends that:

a) HVAC equipment should preferably be grouped within designated screened plant areas either on typical floors or on roof-tops.

b) Wall mounted equipment (eg. instantaneous gas HW heaters) and associated pipework is concealed into wall cabinets and ducts

c) If service equipment is located on private balconies, additional area above ADG minimums should be provided.

d) Rainwater downpipes are thoughtfully designed and integrated into the building fabric.

e) The above items should be positioned so that they are not visible from common areas or the public domain adjacent to the development.

f) Balustrade design must address visual screening of large items typically stored on balconies, for example BBQ's, clothes drying devices and bicycles.

10. Active ESD provisions such as rainwater re-cycling, solar power and solar hot water were not discussed at the meeting, however it is assumed that at a minimum these measures will be included in the development.

11. The Panel recommends that annotated 1:20 scale cross-sections and details of all proposed façade types and materials are included with the DA submission and form part of the consent documentation.

The plans were subsequently amended by the applicant to address DEAP's advice including as follows:

- Retention of the three street trees (Broad-leaved Paperbarks).
- Provide 1.2m of deep soil for the hidden forest.
- Provision of 1:20 detail sections.
- Submission of alignment plans to Council.

- Reduction of decking to the deep soil zone and additional plantings included.
- Clarification around the access to the publicly accessible open space on the ground floor level.

A condition is proposed to require the applicant to address the outstanding minor detailed design matters as advised by DEAP to the satisfaction of the City of Parramatta Council prior to the release of a Construction Certificate.

These issues include:

- Refined finishes to the south elevation of Tower A;
- Refined finishes to the northern and southern elevations of the podium;
- Design measures to soften and screen the soffit above the basement access ramp;
- Amended landscape design and/or certification from the designing landscape specialist that there is a considered interface between the subject site and the development to the south;
- Refinement of the northern and southern side of the atrium to provide a softened organic form;
- Revision of tree placement to create a permeable 'bosque;' when viewed through trunks;
- Requirement to amend timber screens to include integrated seating;
- Requirement for provision of time operated gates and CCTV details;
- Requirement that the roof terrace be adequately appointed with shade, a barbeque, seating, a universal WC and landscaping.

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 2000, 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	Acceptable, noting its general consistency with the LEP and DCP controls. Site planning, building volume/ mass presentation and detailing are satisfactory noting the conclusions of the DEAP. Public domain outcomes are satisfactory.
Density	The proposed density is consistent with the precinct specific controls

Principle	Comment
	in the LEP developed by the Department of Planning and Environment. Those controls were developed with regard to the context of the site in terms of availability of infrastructure, public transport, community facilities and environmental quality.
Sustainability	Energy and water efficiency targets under SEPP (Basix) 2004 are achieved. The design is consistent with best practice design criteria for cross ventilation and solar access under the ADG.
Landscape	The landscape treatment is generally satisfactory.
Amenity	Amenity for the apartments is satisfactory when tested against best practice design criteria identified in the ADG which supports the SEPP. The scheme includes a range of communal facilities for the benefit of all residents.
Safety	Appropriate outcomes achieved through the design generally and otherwise by conditions of consent as proposed.
Housing diversity and social interaction	The application provides for a mix of unit sizes 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 of high quality.

Apartment Design Guide

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

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

Table 5: Response to ADG

Element	Comment	Complies
Communal and public open space	<ul style="list-style-type: none"> 995m² of communal open space provided for the residential component of the site (25% of site). A minimum of 50% of direct sunlight is provided to the communal open space. 	Yes
Deep soil zone	<ul style="list-style-type: none"> 320m² (8%) provided. 7m minimum dimension achieved. 	Yes
Visual privacy	<ul style="list-style-type: none"> The arrangement of units in the two towers will achieve a satisfactory level of privacy between apartments, areas of private open space and adjoining developments. Privacy screening proposed to restrict overlooking where required. 	Yes
Bicycle and car parking	<ul style="list-style-type: none"> Hornsby DCP 2013 parking rates apply, which have been satisfied. These rates are lower than those required under the ADG. 	Yes

Solar access and daylight	<ul style="list-style-type: none"> 80% of apartments receive a minimum of 2 hours direct sunlight. Less than 15% of apartments receive no direct sunlight. 	Yes
Natural ventilation	<ul style="list-style-type: none"> First 9 storeys has 62% of units are cross ventilated. 	Yes
Ceiling heights	<ul style="list-style-type: none"> Minimum of 2.7m for habitable rooms is achieved. 	Yes
Apartment size and layout	<ul style="list-style-type: none"> Minimum unit sizes are achieved. Apartment layouts are efficient. 	Yes
Private open space and balconies	<ul style="list-style-type: none"> Apartment balconies meet minimum area and depth. Ground floor apartments meet minimum area and depth. 	Yes
Common circulation and spaces	<ul style="list-style-type: none"> Maximum number of apartment serviced by circulation core on single level is 8. 	Yes
Storage	<ul style="list-style-type: none"> Required supply of storage for each unit is achieved. 	Yes

2.3 State Environmental Planning Policy (Infrastructure) 2007

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

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure located along the Oxford Street frontage (ie, underground electricity lines). As such, a referral was sent to Ausgrid. The energy provider provided comment on 11 January 2018, raising no objections to the proposal subject to conditions of consent ensuring Ausgrid assets are appropriately protected and that supply of electricity to the building is appropriately designed.

The application is subject to Clause 104 of the SEPP as the development proposes parking for 200 or more motor vehicles. The application was referred to the Roads and Maritime Services twice, with first response received on 19 July 2016 and second response received on 20 December 2017. RMS advised that it had no objection to the proposal.

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

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

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

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

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

2.5 Hornsby Local Environmental Plan 2013

Zoning and permissibility

The site is zoned B2 Local Centre under the provisions of the LEP (Figure 4). The development is a “shop top housing” which proposes residential accommodation as well as commercial and retail premises. As such, the proposal is permissible with consent in that zone.

It is additionally noted that the bulk of the rear tower is a “Residential Flat Building” given that residential units are provided on the ground floor.

This section of the proposal, while normally prohibited under the B2 Local Centre zone, is permissible by virtue of Clause 5.3 of the LEP which permits an adjoining zone to extend 20m into a site adjacent to that zoning.

The section of the site containing the “Residential Flat Building” is located within 20m of the zone boundary, the adjoining zone being R4 High Density Residential.



Figure 4: Extract from the LEP zoning map. The light blue (including the site) is B2 Local Centre zone and the dark red is the R4 High Density Residential zone.

Zone objectives

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

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

- To maximise public transport patronage and encourage walking and cycling.

The proposal is consistent with those objectives.

Remaining provisions

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

Table 6: HLEP 2013 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Demolition is proposed to all existing buildings. Relevant conditions have been imposed to ensure that the demolition works is undertaken in accordance with the relevant standards.	Yes
Clause 4.3 Building height	The mapped control is 48m. The proposed tower heights are: <ul style="list-style-type: none"> • Tower A – 62.2m (Non-compliance is 14.2m) • Tower B – 51.12m (Non-compliance is 3.12m) 	No, refer to Clause 4.6
Clause 4.4 Floor space ratio	The FSR complies with the control for the site is 4.5:1.	Yes
Clause 4.6 Exceptions to standard	The application relies upon this clause to allow the exceedance of the height standard as noted above. See assessment following at the end of this table.	Yes, refer below
Clause 5.3 Development near zone boundaries	The application contains six apartments located on the ground and upper ground levels which do not meet the definition of "shop-top housing". Clause 5.3(3) applies to development within 20m of the zone boundaries. The adjoining zone is R4 High Density Residential which permits residential flat buildings. The subject units are located within 20m of the zone boundary as required by Clause 5.3.	Yes
Clause 5.9 Preservation of trees or vegetation (prior to repeal of clause)	One tree (Bangalow Palm) is proposed for removal from the site which has been recommended for approval by Council's Landscape and Tree Management Officer.	Yes
Clause 5.10 Heritage	The site contains a listed heritage item "House" (Item 394)) which is proposed for demolition. See detailed assessment following at the end of this table. The site is located within the vicinity of two heritage items: "Our Lady Help of Christians Church" (Item 393) and "House" (Item 804). The proposal is consistent with the street height of the "House" located within the approved redevelopment at 30-42 Oxford Street. The proposal will have some visual impact on the heritage significance of the "Our Lady Help of Christians Church", located directly opposite the site, however it is considered that this impact can be mitigated through a well-	No, refer below Yes

Clause	Comment	Complies
	designed podium element.	
	The Archaeological Impact Statement (AIS) has estimated that part of the site contains potential archaeological remains associated with the Early Colonial Convict Barren Hills Sawing Establishment (c. 1821-1831). The AIS has recommended that archaeological testing under Section 140 of the <i>Heritage Act 1977</i> be undertaken for the western half of the site following demolition of existing structures. Conditions have been recommended in relation to management of potential archaeological relics.	Yes
Clause 6.1 Acid sulphate soils	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 earthworks 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. There is potential for the disturbance of relics which can be addressed by relevant conditions. 	Yes
Clause 6.3 Flood Planning	The site is not identified on the flood planning map.	N/A
Clause 6.8 Design excellence	The proposal is considered to exhibit design excellence and is considered satisfactory by Council's DEAP subject to minor changes.	Yes

2.5.1 Clause 4.6 Assessment (Height)

Overview

The standard	Clause 4.3 of LEP – Height of buildings – 48m
Objectives of the standard	As per Clause 4.3(1) of the LEP: (a) <i>to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality</i>
Extent of the variation	<p>The maximum defined heights and the % variations are:</p> <p>Tower A – 62.2m (Non-compliance is 14.2m or 29.6% breach) Tower B – 51.12m (Non-compliance is 3.12m or 6.5% breach)</p> <p>Refer to Figure 5.</p>

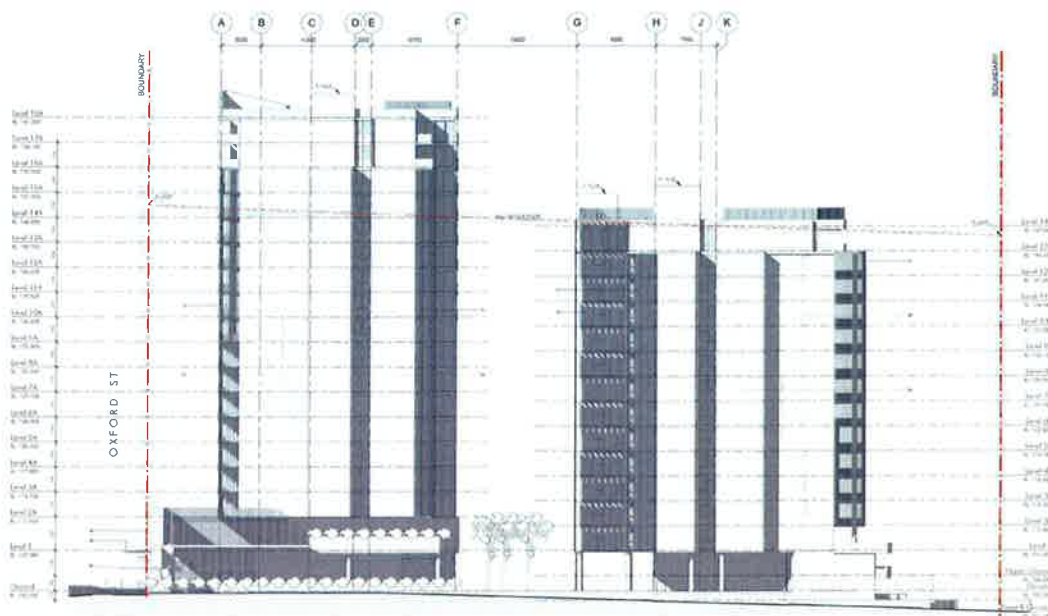


Figure 5: Extract of south elevation drawing – red dashed line represents LEP height limit (Source: Nettleton Tribe, 2017)

Evaluation

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

The objectives of this clause are:

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

Clause 4.6(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 that strict compliance with the standard under Clause 4.3(2) is unnecessary in light of the objective of the standard which is considered to encourage a flexible approach to compliance with design principles where the design of the development responds to the site and its form.

To that end, and in summary, the proponent contends:

- a) The proposal demonstrates it is consistent with the desired future character of the B2 zone, is compatible with the streetscape along Oxford Street and the scale of the

desired future surrounding development and creates a slimmer and more interesting urban form by having two towers of different heights. The taller and slimmer Tower A contains the site's podium and tower element that addresses the Oxford Street frontage while the lower Tower B has a minor non-compliance attributed mainly to a lift over-run.

- b) The proposal provides a better design response to the desired character and controls under the DCP and the setback distances applying under the ADG having regard to privacy, solar access, amenity and communal open space.
- c) The design of the building results in a better urban design outcome particularly as the building allows for disabled access throughout without resulting in unacceptable streetscape presentations and does not propose to unacceptably alter the existing site topography while creating a separate residential address to each building and a publicly accessible private open space off Oxford Street.
- d) The proposed development will not create any unreasonable overshadowing, result in loss of privacy, create an adverse visual impact upon the streetscape and to the locality or the environment given the areas of non-compliance is in a portion of the site which does not dominate the streetscape.

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

The applicant contentions that this consideration is met as summarised below:

- The minor impacts of the exceedance as discussed above of the development standard are considered to be negligible.
- The development is consistent with the State and regional objectives as the development promotes a use in an urban area which supports existing urban housing and increasing jobs and better utilising land already zoned B2 Local Centre which permits this form of development under the LEP.

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

The applicant's written request is provided at **Attachment C**. It has adequately addressed the matters required to be demonstrated by subclause (3).

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 standard as prescribed by Clause 4.3(1) and noted above; and
- The zone objectives, as provided at Section 2.5 above.
- The relevant State and regional objectives.

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

Such concurrence is assumed in accordance with Planning Circular PS 08-003 issued by the Department of Planning on 9 May 2008. This circular states:

“.....Under Clause 64 of the Environmental Planning and Assessment Regulation 2000 council is notified that it may assume the Director General's concurrence for exceptions to development standards subject to paragraphs (2) and (3) in respect of all applications made under:

(a) Clause 4.6.....

It is noted that paragraphs (2) relates to Rural zones and (3) outlines that the concurrence may be revoked by the Director- General.

As (2) and (3) do not apply, and the application relates to a variation under Clause 4.6 of the LEP, concurrence may be assumed.

Conclusion

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

- The circumstances of the site (with a potential isolated site to the north) mean that there is much value in reducing the building floor plate as far as is practical, so that some separation can be delivered. In this instance, the height does not deliver additional floor area and remains below the maximum FSR, and although the variation is significant, it is considered well justified by the circumstances of the site.
- No adverse built form or amenity impacts have been identified that can be attributed to the elements of the towers that breach the height development standard;
- 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 NSW Land and Environment Court.

2.5.2 Clause 5.10 Assessment (Heritage)

The Heritage Item

Heritage Item No. 394 “House” listed under Schedule 5 of the LEP is located on Lot 1 DP206646 at 48 Oxford Street, Epping. The “House” is a detached single storey brick late Victorian era former dwelling set back 14m from the street frontage, which is now used as a medical centre (Figure 5). A florist shop is located in a separate building within the front garden of “House” and to the rear is a multi-storey concrete carpark.

The application proposes the demolition of this heritage item.



Figure 5: View looking east to the heritage item at 48 Oxford Street (Source: Advisian, 2016)

Heritage Advisor Comments

Upon review of the proposal and related documentation which included the submitted Statement of Heritage Impact (SoHI) prepared by NBRS + Partners (2016), Council's Heritage Advisor did not support the demolition of the heritage item for the following reasons:

"The house demonstrates the history of development of the Epping area.

The house has had a number of unsympathetic modifications, most notably the enclosure of part of the original front verandah with a sunroom structure. However key original features remain or are readily discernible, including: the building form; the scale; the siting; the front garden terraces; and, architectural details. There is the opportunity to reinstate lost features and to bring the house up to a contemporary living (or commercial) standard.

The demolition of the house would inevitably adversely affect the item itself, the streetscape, and setting of the heritage items in the vicinity. The loss of the house would reduce the understanding of the heritage items being part of a settlement pattern of large houses set in large gardens, especially as relatively few of these houses remain.

The demolition proposal is not supported by any structural assessment and appears to be based on desire to maximise development. The submitted heritage report opines that: "The proposed demolition of the subject heritage item would contravene these (LEP) objectives in clause 5.10, but in the current zoning context, the redevelopment of the subject site responds to the zoning clause 2.2 of Hornsby LEP 2013, which describes a high-rise future character for the precinct."

In my opinion, the Council must not disregard heritage provisions of the LEP in order to maximise the development outcome, simply because then most (if not all) heritage items could be demolished to make way for maximal achievement which zoning could permit. If approved, this approach would contradict Council's intentions clearly demonstrated when the item was listed, and it would set a most undesirable precedent for the demolition of other heritage items in the City of Parramatta."

The above comments are acknowledged. However, a separate merit-based planning assessment is provided below with regard to heritage impacts on the item.

Heritage Significance

The Statement of Significance for the item as entered on the NSW State Heritage Inventory briefly (assumed to be derived from the Hornsby Shire Heritage Study by Perumal Murphy Wu Pty Ltd in 1993) states:

"Federation period cottage in good condition and little altered. Good quality face brick especially chimneys. Original iron lace valence and iron posts also of interest."

A Heritage Assessment by NBRS+Partners dated September 2014 and referred to in the SoHI found that the significance of the heritage item on the site to be as follows:

"The former house provides an isolated, representation of suburban development near the main northern railway line in the late Nineteenth Century. As a conserved and adapted house, the front section of the building retains its late Victorian (Filigree) form and is representative of the style. The reconstructed fabric contributes to the aesthetic value of the building, but has less significance than the original Victorian fabric. Reconstructed fabric includes all of the veranda, the roof tiles, the cornices in the four major rooms, the capitals on the piers in the hallway and all the door and window furniture. The former house is a common type in its plan, materials and construction detailing, so it does not appear to contain any built element that could be the subject of research, nor would the larger subject site."

The Peer Review of the SoHI by Weir Phillips Heritage (2017) noted a number of changes to external and internal fabric of the "House".

Assessment of Heritage Impacts

The applicant submitted a SoHI followed by a Peer Review of the SoHI in conjunction with the submission of the amended DA. The submitted material as well as a review of planning controls, the NSW Heritage Office's 'Statement of Heritage Impact' guidelines and external observation of the site assisted in the assessment below.

It is noted that Weir Phillips Heritage concurred with the conclusions made in the NBRS + Partners SoHI, in that the proposed demolition of the heritage item is an acceptable outcome. The conclusions contained in their Peer Review were based on two aspects of the site in its present state: its setting with the wider context and its extant fabric.

"Setting"

The NBRS + Partners Report identifies No. 48 Oxford Street Epping is remnant example of late Victorian suburban development in the proximity to Epping Railway Station. The report recognises the Epping Town Centre has evolved since the construction of the former dwelling and that the town centre is continuing to evolve into a higher density development area.

Weir Phillips Heritage agrees that the retention of a low rise dwelling in a high rise commercial context is not a good heritage outcome and would further diminish any understanding of the original suburban setting. Retaining the former dwelling in this context would appear awkward and out of scale.

Weir Phillips Heritage also agrees that the existing setback of 14m from Oxford Street, further isolates the former dwelling from the surrounding streetscape which are mostly set to the boundary line. The setback makes integrating the item into the urban design context problematic as the consistency of the streetscape will be interrupted by a gap, with the only view corridors towards the former dwelling will be from directly in front of it."

Planning Comment: In considering the proposed demolition of the listed heritage item, there must be sufficient planning and design justification provided by the applicant for this to be supported as demolition of a heritage item is contrary to the objectives of Clause 5.10(1)(a) and (b) of the LEP as follows:

- (a) *"to conserve the environmental heritage of Hornsby,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,"*

To that end, it is considered that the scheme must exhibit design excellence over and above that required of a typical development, and must respond appropriately to its context and setting, and so address the principles of justifiable inconsistency in the EP&A Act.

The applicant has submitted that following analysis of options for potential retention within the site, that retention of the "House" is not appropriate for the following reasons as set out in the Urban Design Report (GMU 2016):

- *"The former house has a 14m setback to Oxford Street; this setback distance is inconsistent with the prevailing and desired setback distance (i.e. 0m) along Oxford Street in the town centre;*
- *The former house's large setback does not contribute to the creation of a continuous active street frontage along Oxford Street and interrupts the traditional main street character already established by existing buildings in the context;*
- *Retention of the former house will lead to an undesirable overall design outcome for the subject site and its immediate context; this has been explored and tested with the assessment team in the early stages of the project."*

It is considered that the design of the proposal in its amended form appropriately responds to its context and setting having regard to the strategic and statutory planning framework that has been implemented for the Epping Town Centre, a designated Priority Precinct by the NSW Government. The proposal is considered to exhibit design

excellence through its building form, scale, selected materials and finishes and landscaping plans and has been considered satisfactory by Council's DEAP subject to minor changes. Further, it is considered that the application is consistent with applying Object 5(a)(ii) of the EP&A Act:

"(ii) the promotion and co-ordination of the orderly and economic use and development of land".

Therefore, while it is important to acknowledge the item's contribution to the history and heritage significance of Epping, its retention would in effect prevent redevelopment of this site in accordance with the Epping Town Centre planning framework.

To address the impact of demolition that has an adverse impact by virtue of the loss of its entire physical evidence, conditions are recommended in relation to the provision of an Archival Photographic Record and preparation of a Heritage Interpretation Plan. The conditions are to ensure that the significant history/nature of the site is adequately communicated to occupants, visitors and/or passers-by.

"Extant Fabric"

The NBRS + Partners Report outlined a number of alterations and additions undertaken to the former dwelling as a conserved and adapted house, which has been largely reconstructed with replica materials. The images and analysis of the setting contained in Section 3.0 show signs of internal and external modification which date from the mid twentieth century to the present day.

Weir Phillips Heritage agrees that the external modifications which form the basis of the site's listing on as a heritage item on the Hornsby LEP 2013, have altered the site to an extent where the original character of the late Victorian era former dwelling almost lost. Although the site continues to contain some aesthetically pleasing elements, both internally and externally the majority of these elements are reproductions and do not present type of historic or research potential. The former dwelling has had its level of integrity severely reduced. The changes to the street presentation, in particular the front and side veranda, and reproduction roof tiling diminishes significance.

Given the demonstrably diminished significance of the property as a result of extensive modifications over time, Weir Phillips Heritage can support that the site as a whole is no longer of any meaningful heritage significance."

Planning Comment: The modifications that have occurred to the "House" are noted including the removal of original fabric and the introduction of replica materials which has had the effect of reducing its overall integrity.

In relation to heritage significance, the applicant's heritage consultant's conclusion that the item is "*no longer of any meaningful heritage significance*" is questioned. It is considered that the heritage significance of the former house, particularly as "*an isolated, representation of suburban development near the main northern railway line in the late Nineteenth Century*" (NBRS+Partners, 2014), albeit diminished by modifications to its original setting (that comprised a house within a much larger lot) and its building form and fabric, needs to be acknowledged and not denied in this case.

The identification and assessment of places of "heritage significance" within a LGA is an ongoing process. The process is one constituting, reflecting and acknowledging the processes of change. It provides an important input to the assessment to realise "a desired future character" of a locality as it evolves to meet changes in land uses and consequential developmental demands. These are a reflection of community needs and changes in patterns of lifestyle. With acknowledgement of these matters and other relevant town planning matters drawn from the studies, the heritage item can still be read by the community in terms of its remaining context and setting, residential building form and original fabric. This is evident from review of the public submissions received.

Therefore, having regard to: (a) its heritage significance, (b) the proposed conditions of consent requiring an Archival Recording and Heritage Interpretation Plan; and (c) the overarching environmental planning provisions of Sections 5 and 79C of the EP&A Act and Clause 2 of the LEP, which provide the statutory planning framework for considering the application, the demolition of the "House" can be supported on a planning merits basis and that consent be granted pursuant to Clause 5.10(2)(a).

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 7: DCP 2013 compliance table

Part 1 – General		Complies
1C.1.1 Biodiversity	The site is not subject to Clause 6.4 of the LEP and does not adjoin bushland.	N/A
1C.1.2 Stormwater Management	A Soil and Water Management Plan has been submitted with the application. Council's Development Engineer has advised that the concept stormwater management system incorporating an on-site detention (OSD) tank is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage. A Water Sensitive Urban Design (WSUD) Strategy has been submitted with the application.	Yes
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	See Clause 6.2 of the LEP. The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.	Yes
1C.2.1 Transport and	The development provides for 168 residential spaces, 18 visitor spaces and 37 commercial/retail spaces and 13 motor cycle	Yes

Parking	spaces. 207 bicycle spaces are provided (203 for residential/visitors and 4 for commercial).	
1C.2.2 Accessible Design	22 (12%) apartments are adaptable and 18 disabled residential parking spaces are provided.	Yes
1C.2.3 Waste Management	Separate garbage waste storage rooms for the residential and commercial/retail uses are provided in Basement Level 1. A Waste Management Plan 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
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 Oxford Street and the street level retail will promote natural surveillance.	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.	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	<p>The development on the site will potentially result in the isolation of 48A Oxford Street Epping (the site adjoining to the north). The application has submitted a chronology of events and correspondence associated with the potential purchase of 48A Oxford Street to enable amalgamation of the two sites including a second valuation report to supplement the materials that was submitted with the original DA. The original material included a concept sketch that showed that the adjoining property could not be developed in accordance with maximum planning controls.</p> <p>At the time of the preparation of this assessment report, the applicant contends that the owners of 48A Oxford Street have not provided to the applicant the basis of their counter offer. The applicant states that the counter offer is not feasible for the applicant to accept, noting that the offer to purchase still stands. Given that the parties cannot agree a sale price at this time, which is agreeable to both parties, the applicant has requested the controls in the DCP be not strictly applied in these circumstances. It is noted that the applicant has submitted amended plans that seeks to minimise impacts on the potential isolated site to the north, by reducing the building floor plate and use of separation, whilst still seeking the northern aspect to ensure a level of "developability" of the adjoining site as far as reasonably possible and meritorious from an environmental planning perspective that sees a realisation of optimal development of the respective sites as envisages under the statutory and strategic planning</p>	No, satisfactory on merit.

provisions.

1C.3.1 Bushfire	The site is not identified as being bushfire prone.	N/A
1C.3.2 Flooding	The site is not identified as being flood prone.	N/A
1C.3.4 Contamination	The site is not identified in Council's records as being contaminated. See SEPP 55 for further assessment.	Yes

Part 4.6 – Business (Epping Town Centre)	Complies
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4.6.1 Desired Future Character	The proposal is consistent with the desired future character of the Epping Town Centre Core – East Precinct.	Yes
4.6.2 Design Quality – SEPP 65	See SEPP 65 and ADG assessment	Yes
4.6.3 Site Requirements	The site has a minimum lot width greater than the control of 30m (40.235m).	Yes
4.6.4 Scale	<u>FSR</u> Maximum – 4.5:1 Proposal – 4.35:1	Yes
	<u>Floorplates</u> Control – Residential floorplates above the podium should have a maximum GFA of 700m ² and Commercial floorplates is a maximum of 1,200m ² Proposal – Residential (Max. 504m ²) and Commercial (Max. 991m ²).	Yes
	<u>Height</u> See Clause 4.3 LEP discussion in relation to building height. Maximum storeys – 15 storeys (mixed use building) Proposal – 15 and 18 storeys	No – satisfactory on merit
	<u>Podium</u> The podium has a maximum height of 2 storeys.	Yes
	<u>Transition in Building Height</u> Tower B located in the eastern half of the site is 11.08m lower than Tower A which provides some transition to adjoining residential area.	Yes
4.6.5 Setbacks	<u>Street Setbacks</u> Controls: Street setbacks – 0m for ground and 2-3 storey (podium) and 12m (tower) above. Side and rear setbacks – 0m (podium) and 6m for tower. Proposal: Street setbacks – 0m for ground and 2-3 storey (podium) and 9m (tower) above. Side and rear setbacks – 0m (podium) and 6m for tower.	Partial – non- compliance 12m control satisfactory on merit

	Awnings are provided along the Oxford Street frontage.	Yes
4.6.6 Design Details	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 and this control.	Yes
	<u>Active Frontages</u> The retail ground floor uses of the development will increase the level of activation along this part of Oxford Street.	Yes
	<u>Facades, Wind Effects and Reflectivity</u> The application was reviewed by DEAP and upon implementation of its recommendation it is considered that the façade of the proposal is consistent with the streetscape. Wind and Reflectivity Reports have been submitted with the application and confirm the proposal complies.	Yes
4.6.7 Open Spaces	See SEPP 65 and ADG assessment.	Yes
4.6.8 Landscaping	See SEPP 65 and ADG for assessment.	Yes
4.6.9 Privacy and Security	The design of the proposal provides reasonable privacy to proposed and adjacent residential properties and high levels of security for the residential and retail/commercial uses of the site.	Yes
4.6.10 Sunlight and Ventilation	See SEPP 65 and ADG assessment.	Yes
4.6.11 Housing Choice	21 x studio apartments (11.8%) 71 x 1 bedroom apartments (39.9%) 65 x 2 bedroom apartments (36.5%) 21 x 3 bedroom apartments (11.8%) 22 adaptable apartments provided	Yes
4.6.12 Vehicle Access and Parking	Vehicle access and parking were reviewed by Council's Traffic Engineer whom raised no objections to the proposal subject to conditions of consent.	Yes
4.6.13 Public Domain and Traffic Management Works	Council's Urban Designer (Public Domain) has reviewed the proposal and raised no objections with regards to the public domain works. The proposal generally responds to the Key Development Principles for the Pembroke Street, Epping precinct diagram.	Yes Yes
Part 9 – Heritage		Complies
9.2 Heritage Items	Refer to discussion in Section 2.5.2 regarding proposed demolition of a heritage item as the DCP states that "Council does not generally support demolition of heritage items".	No
9.4 Development in the Vicinity of heritage items	See Clause 5.10 LEP Assessment.	Yes
9.5 Aboriginal Heritage	There are no known Aboriginal sites.	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 8: Relevant EPA Regulations

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

6. Likely impacts

6.1 Context and setting

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

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

Response

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

- Site works and alterations to the ground profile are limited to that required to facilitate the efficient operation of the development;
- 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; and
- The proposal will retain existing mature street trees on Oxford Street.

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

Response

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

- It provides for a mix of land uses contemplated by the planning controls;
- Site planning locates the towers in a suitable location to avoid negative amenity outcomes of adjacent sites or public domain;
- The scale and form and presentation of the development is consistent with planning controls, and the design and site planning is acceptable as independently assessed by Council's DEAP;
- The built form does not result in any adverse impacts for adjacent sites;
- The public domain treatment is satisfactory; and
- 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 4 levels of basement is considered to be acceptable.

Tree removal

The existing mature Broad-leaved Paperbark trees located on Oxford Street will be retained. One tree (Bangalow Palm) will be removed from within the site.

Utility services

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

6.3 Natural and technological hazards

The potential contamination of the site has been assessed against the provisions of SEPP 55 in Section 2.1.

6.4 Site design

Setbacks

See DCP table for the assessment for setbacks.

Height, bulk and scale

The height of the two towers that exceed the LEP height control is satisfactory on merit as discussed in Section 2.5.1. The bulk and scale of the proposal is consistent with the outcomes contemplated by the precinct planning controls, and is satisfactory on merit noting the conclusions of the DEAP.

External materials

The schedule of external materials and finishes is satisfactory.

Accessibility

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

Landscaping

Council's Tree Management and Landscape Officer and DEAP are generally satisfied with the landscape treatment, and conditions have been recommended for any approval.

6.5 Amenity considerations

Internal amenity

A satisfactory outcome is achieved relative to ADG best practice, noting:

- Less than 15% of apartments are single aspect, south facing apartments;
- 62% of apartments between levels 1 and 9 benefit from cross ventilation;
- 80% of apartments receive more than 2 hours direct solar access between 9am and 3pm at midwinter;
- Ceiling heights to habitable rooms are 2.7m
- A minimum width of 2m is achieved for the purposes of meeting requirements for usable balcony sizes; and
- Adequate storage is provided for each unit.

Common open space

The total communal open space is 2,100m². Of this total, 995m² of communal open space is provided on the ground level and Levels 2A and 14A for the residential component of the site, that area meets the ADG criteria for size (minimum of 25% of the site area) and solar access (50% receiving 2 hours solar access at midwinter.)

Noise

The application is supported by an Acoustic Report which has assessed the potential external noise intrusion impacts from road traffic and the Arden Anglican School onto the

future occupants and internal noise levels. The report recommends glazing to windows and doors and ventilation requirements. 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 Oxford Street frontage;
- Service areas are integrated into the building design and do not visually dominate the streetscape or pedestrian areas adjoining the site;
- The building provides for a direct visual connection to the street ensuring a high degree of passive surveillance which will encourage a sense of safety within the public spaces around the site;
- The architectural treatment will achieve a suitable streetscape presentation; and
- An appropriate landscape treatment is provided.

Public domain works

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

6.7 Relationship to adjacent sites

Overlooking

The proposal ensures adequate separation to the adjoining sites to minimise overlooking impacts especially to existing residential areas.

Overshadowing

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

Operational noise

The Acoustic Report supporting the application recommends acoustic treatments to control noise emissions to satisfactory levels.

6.8 Heritage

Refer to discussion on Clause 5.10 of the LEP and Section 2.5.2 above regarding the proposed demolition of a heritage item.

6.9 Access, transport and traffic

Parking supply

The number of parking provided satisfies the 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.

6.10 Water management

Stormwater collection and disposal

Council's Engineer is satisfied with the approach to stormwater management, including arrangements for the proposed OSD tank and WSUD strategy.

Water quality during construction

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

6.11 Waste management

Construction phase

This matter will be addressed within a Construction Management Plan.

Operation phase

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.

6.12 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.

6.13 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it is anticipated to assist in minimising the incidence of crime and contribute to perceptions of increased public safety. Evaluation of the application with consideration of the principles which underpin CPTED (surveillance; access control; territorial reinforcement and space management) indicates the design has given due regard has been given to those considerations.

6.14 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:

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

8. Public interest

The notification period was 29 June and 20 July 2016 and between 22 November and 6 December 2017. 50 submissions were received in total. The key issues raised in the submissions are discussed in the following table.

It is noted that the attached appendix provides a response to all issues raised in detail.

Table 9: Submissions

Issue	Comment
Demolition of a heritage item	The applicant has submitted documentation that has analysed options for potential retention within the site and provided a heritage impact assessment. It is important to acknowledge: (1) the item's contribution to the history and heritage significance of Epping; and (2) the impact its retention would have in effect preventing redevelopment of this site in accordance with the desired future outcomes espoused in the Epping Town Centre planning framework. Subject to implementation of the recommended conditions, the demolition of the item can be

Issue	Comment
	supported on a planning merits basis. Refer to discussion in Section 2.5.2.
Isolation of 48A Oxford Street	The applicant has submitted documentation in accordance with the DCP requirements. However, it is understood that no offer of sale has been accepted at the time of the preparation of this assessment report between the applicant and the owners of 48A Oxford Street. It is noted that the applicant has submitted amended plans that seek to minimise impacts on the potential isolated site to the north, by reducing the building floor plate and use of separation, while still seeking the northern aspect to ensure a level of "developability" of the adjoining site as far as reasonably possible and meritorious from an environmental planning perspective that sees a realisation of optimal development of the respective sites as envisages under the statutory and strategic planning provisions.
Building Height	The building height of both Tower A and Tower B, exceed the provisions of the LEP. Clause 4.6 of the LEP allows for exceptions to development standards to be considered by the determining authority if the applicant provides a written request. The proposed height of Building A and Building B are considered appropriate within the context of the area. Refer to discussion in Section 2.5.1.
Setbacks	The Ground Floor of Tower A will have a 0m setback from Oxford Street that will be comprised of commercial premises. The structure of Tower A, including level 3 onwards will have a setback of 9m from Oxford Street which is less than the 12m requirement in the DCP. The provision of the 9m setback is considered satisfactory on merit and has regard to the variable 9.5m to 12m setbacks for the approved development adjoining to the south. Side and rear setbacks comply with the DCP.
Overshadowing	Shadow diagrams have been submitted which indicates that the proposal will not adversely impact on the available solar access to adjoining properties and when taking into account the shadows cast by the adjacent approved DA at 30-42 Oxford Street.
Removal of street trees	The existing mature Broad-leaved Paperbark trees located on Oxford Street will be retained as shown in the amended plans.
Landscaping and deep soil zone	Amended landscape plans were submitted which shows the inclusion of landscaping on the ground level as a publicly accessible private open space area with deep soil zone for the "Hidden Forest. The proposal complies with the ADG minimum deep soil zone requirements.
Traffic congestion	The amended Traffic and Parking Assessment Report concluded that that projected increase in traffic activity as a consequence of the proposal is consistent with the zoning objectives of the area, and will not have any unacceptable traffic implications in terms of road network capacity. Council's Traffic Engineer advised that the proposal is satisfactory from a traffic and transport perspective.
Relocation of existing signalised pedestrian crossing	The driveway access has been relocated from the northern boundary to be adjacent to the approved driveway of 32-40 Oxford Street at the southern boundary, so as the existing signalised pedestrian crossing is not impacted.
Crossing alignment with through site link	As indicated above, the existing pedestrian crossing will not be changed as shown in the amended plans.

Issue	Comment
Impacts to heritage items in the vicinity	The site is located within the vicinity of two heritage items: "Our Lady Help of Christians Church" (Item 393) and "House" (Item 804). The proposal is consistent with the street height of the "House" located within the approved redevelopment at 30-42 Oxford Street. The proposal will have some visual impact on the heritage significance of the "Our Lady Help of Christians Church", located directly opposite the site, however it is considered that this impact can be mitigated through a well-designed podium element.
Disturbance to archaeological remains	<p>The submitted AIS has estimated that part of the site contains potential archaeological remains associated with the Early Colonial Convict Barren Hills Sawing Establishment (c. 1821-1831). The AIS has recommended that archaeological testing under Section 140 of the <i>Heritage Act 1977</i> be undertaken for the western half of the site following demolition of existing structures. Conditions have been recommended in relation to management of potential archaeological relics.</p> <p>It is noted that there is no evidence at this stage that there are actual archaeological relics on the site, notwithstanding the assessment that there is potential for such relics to be found on the site based on the documentary research in the provided report.</p> <p>As such, the referral provisions of the Hornsby LEP with regards archaeological sites do not apply in this case.</p>

Amended plans were submitted in response to the two rounds of DEAP comments as well as in response to commentary from Council's internal specialists such as Development, Traffic Engineers and Urban Designers.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans. The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.



DRAFT DEFERRED COMMENCEMENT CONDITIONS

Upon the signature of the applicable delegate the deferred commencement conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/485/2016

Property Address: Lot A DP 390454, Lot B DP 390454, Lot 2
DP 206646, Lot 1 DP 206646

Deferred Commencement

1. Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application can be granted a Deferred Commencement Consent subject to the completion of the following:

- a) Submission to Council of suitable documentary evidence issued by the Department of Lands confirming that Lot 1 DP 206646 is a beneficiary of an easement to drain water burdening the downstream property known as 8 Essex Street, Epping which has been registered with the NSW Land and Property Information Service.

The above requirement(s) must be satisfied within 24 months of this determination or the consent will lapse.

Advisory Note: Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.

- b) Given the proposed development is connecting into the existing easement, the applicants engineer shall provide detailed calculations and certify to Councils satisfaction that the easement drainage system will have sufficient capacity and is in functioning order to capture and drain the 20 year Average Recurrence Interval storm event for the subject site and all other sites benefiting from the easement.

Reason: To ensure the drainage easement can cater for the flows generated from the development site.

2. The applicant must amend and resubmit a fully coordinated set of Public Domain Alignment Drawings in accordance with Public Domain Guidelines, City of Parramatta, July 2017 addressing the issues outlined below for approval by Council's Development and Traffic Services Unit Manager for stamping:

- a) The levels at boundary and kerb line shown on the cross sections do not match the same levels shown on the longitudinal section. The applicant will need to identify which is correct and make any necessary adjustments (for example, refer cross section 1).
- b) More detail needs to be provided to show satisfactory transition between proposed footpath levels and existing footpath levels on Oxford Street, particularly to the north.
- c) Section 6 - adjust to achieve a continuous grade of 2.5% (approx.).
- d) Section 7 - adjust to achieve a continuous grade of 2.4% (approx.).
- e) Section 9 - adjust to achieve a continuous grade of 2.0% (approx.).

Reason: To ensure the levels of the footpath are functional.

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

General Matters

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

Drawing No.	Prepared By	Dated
Site Plan / Site Analysis, Drawing No. 4232_DA-03	Nettleton Tribe	14.11.17
Basement Level 4, Drawing No. 4232_DA-04	Nettleton Tribe	14.11.17
Basement Level 3, Drawing No. 4232_DA-05	Nettleton Tribe	14.11.17
Basement Level 2, Drawing No. 4232_DA-06	Nettleton Tribe	14.11.17
Basement Level 1, Drawing No. 4232_DA-07	Nettleton Tribe	14.11.17
Ground Plan, Drawing No. 4232_DA-08	Nettleton Tribe	14.11.17
Upper Ground Plan, Drawing No. 4232_DA-09	Nettleton Tribe	14.11.17
Level 1 Plan, Drawing No. 4232_DA-10	Nettleton Tribe	14.11.17
Level 2-8 Plan, Drawing No. 4232_DA-11	Nettleton Tribe	14.11.17
Level 9-10 Plan, Drawing No. 4232_DA-12	Nettleton Tribe	14.11.17
Level 11-12 Plan, Drawing No. 4232_DA-13	Nettleton Tribe	14.11.17
Level 13 Plan, Drawing No. 4232_DA-14	Nettleton Tribe	14.11.17
Level 14 Plan, Drawing No. 4232_DA-15	Nettleton Tribe	14.11.17
Level 15 Plan, Drawing No. 4232_DA-16	Nettleton Tribe	14.11.17

Level 16-17 Plan, Drawing No. 4232_DA-17	Nettleton Tribe	14.11.17
Roof Plan, Drawing No. 4232_DA-18	Nettleton Tribe	14.11.17
East & West Elevations-Tower A, Drawing No. 4232_DA-21	Nettleton Tribe	14.11.17
East & West Elevations-Tower B, Drawing No. 4232_DA-22	Nettleton Tribe	14.11.17
North Elevation, Drawing No. 4232_DA-23	Nettleton Tribe	14.11.17
South Elevation, Drawing No. 4232_DA-24	Nettleton Tribe	14.11.17
Section A, Drawing No. 4232_DA-31	Nettleton Tribe	14.11.17
Section B & C, Drawing No. 4232_DA-32	Nettleton Tribe	14.11.17
Typical Detail Sections, Drawing No. 4232_DA-33	Nettleton Tribe	14.11.17
Stormwater Drainage Services Site Plan, Drawing No. SWDA 2.1	Partridge Hydraulic Services	9.11.2017
Stormwater Drainage Services Basement 1 & 2 Layout, Drawing No. SWDA 4.1	Partridge Hydraulic Services	9.11.2017
Stormwater Drainage Services Basement 3 & 4 Layout, Drawing No. SWDA 5.1	Partridge Hydraulic Services	9.11.2017
Stormwater Drainage Services Details Sheet 1 No SWDA 6.1	Partridge Hydraulic Services	9.11.2017
Stormwater Drainage Services Details Sheet 2 SWDA 6.2	Partridge Hydraulic Services	9.11.2017
Stormwater Drainage Services Soil and Water Management Plan SWDA 8.1	Partridge Hydraulic Services	9.11.2017
Ground Floor Landscape Plan, Drawing No. 02	Taylor Brammer	20.12.2017
Level 14 Landscape Plan, Drawing No. 03	Taylor Brammer	20.12.2017
Level 1 Landscape Plan, Drawing No. 04	Taylor Brammer	20.12.2017
Level 1 Landscape Plan, Drawing No. 05	Taylor Brammer	20.12.2017
Ground Floor Planting Plan, Drawing No. 06	Taylor Brammer	20.12.2017
Level 14 Planting Plan, Drawing No. 07	Taylor Brammer	20.12.2017
Level 1 and 2 Planting Plan, Drawing No. 08	Taylor Brammer	20.12.2017
Alignment Level, Drawing No.09 (Subject to adjustment in accordance with the plans approved at deferred	Taylor Brammer	20.12.2017

commencement stage)		
Public Domain Plan, Drawing No. 10	Taylor Brammer	20.12.2017
(Subject to adjustment in accordance with public domain plans approved by Council at Construction Certificate Stage)		

Document(s)	Prepared By	Dated
Amended Statement of Environmental Effects	Higgins Planning	November 2017
Waste Management Plan	Universal Foodservice Designs	15.06.2016
Acoustic Report	Acoustic Logic	03.06.2016
BASIX Certificate No. 733228M_02	Building Sustainability Assessments	22.11.2017

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

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

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

3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

5. Approval is granted for the demolition of all buildings and outbuildings on the property, subject to compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 5 days of commencement.

- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
- (m) Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

6. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

7. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

Reason: To ensure imported fill is of an acceptable standard.

8. 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.

9. 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.

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.)

10. Prior to the release of a Construction Certificate, the approved plans are to be amended to address outstanding minor changes requested by the Council's Design Excellence Advisory Panel (DEAP) arising from its meeting of 9 November 2017 to the satisfaction of Council's Manager Development and Traffic Services. These are specifically:
- (a) Provision of refined finishes to the southern elevation of Tower A to ameliorate its visual appearance from the public domain including the use of colour and/or precast texture pattern treatments;
 - (b) Provision of amended north and south side elevations to the podium and the soffit above the basement access ramp to provide screening and softening (e.g. by way of landscaping in planters or other similar measures)

- (c) Provision of an amended landscape design (with certification by the designing landscape specialist) that a considered interface is delivered between the subject site and the development to the south.
- (d) Provision of a softened edge to the planter beds on the northern and western sides of the atrium;
- (e) Provision of a revised landscape plan to provide an ordered geometry for the proposed tree planting locations to create a 'bosque' when viewing through the trunks;
- (f) Amendment of the proposed timber screens in the public domain to provide integrated seating;
- (g) Provision of CCTV and time operated gates prepared in accordance with CPTED principles; and
- (h) The roof terrace is to be amended to include shade, a barbeque, seating, a universal toilet, and appropriate landscaping. Any structural element is to be setback so as to be of limited visual impact from the public domain.

Following approval of the above amended details by Council, the Construction Certificate plans are to be consistent with the amended approved plans.

Reason: To ensure a suitable level of public and residential amenity.

11. The applicant is to engage a suitably qualified historical archaeologist who satisfies the Heritage Council of NSW's 'Excavation Directors' Assessment Criteria'. The archaeologist is to prepare for submission to the NSW Heritage Division, an Archaeological Assessment Report and an Archaeological Excavation Permit Application for Archaeological Testing under Section 140 of the *Heritage Act 1977* to be undertaken on the western half of the site in relation to the potential archaeological remains associated with the Early Colonial Convict Barren Hills Sawing Establishment.

Reason: To comply with the requirements of the *Heritage Act 1977*.

12. The applicant is to prepare a Heritage Interpretation Plan for the "House" at 48 Oxford Street that is to be submitted to Council's satisfaction prior to the issue of a Construction Certificate.

Reason: To ensure the significant history/nature of the site is adequately communicated to occupants, visitors and/or passers-by.

13. 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 and approved by Council's Development and Traffic Services Unit Manager.

The drawings shall address the following areas:

- all the frontages of the development site between the gutter and building line, including footpath, verge, drainage, forecourt and front setback;
- any laneways or publicly accessible pedestrian links or thoroughfares; dedicated land for public use as per VPA (*if applicable*); and
- any works in carriageway (*if applicable*).

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour levels 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 requirements will not be accepted.

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

- the latest Parramatta City Council Public Domain Guidelines;
- the approved Public Domain Alignment Drawings (*refer below*), and
- all the DA Conditions listed in this consent.

The Public Domain Construction Drawings shall reflect the following amendments to the DA drawings:

- Concrete vehicle driveway with no splay at the road edge to match existing driveway alignments in Oxford Street. The vehicle driveway crossover should otherwise be constructed to comply with Council standard engineering detail DS8 or 9 as applicable.
- Brick paving finish in herringbone pattern as shown in the DA plan. Sub-base structure is to comply with Council standard engineering detail DS40. The 'City standard' grey concrete paver is not to be used.
- Any new or relocated street trees in Oxford Street planted in accordance with the requirements of the Public Domain Guidelines showing structural pavement support around the proposed new trees. Details of the proposed structural design to be provided for Council approval.
- Infill pit lids (paving infill) re-levelled and re-aligned to suit the proposed paving pattern detail design.
- Car bollard locations coordinated with the exiting street light to be retained in a logical composition of street elements.
- Review of the proposed location of the existing (southern) street tree proposed to be relocated under the existing Melaleuca trees. Any re-location of existing street trees should properly consider new surrounds and space requirements for all trees. Re-use of the existing street trees is subject to review of each specimen at the time the tree is taken out of the ground for relocation. A site inspection by Council officers is to be arranged by the contractor prior to replanting of the trees.

Reason: To comply with Council requirements.

14. The podium planter area for the Hidden Forest must be accommodated in a minimum depth slab set down for the full area of the planter. This will allow minimum soil depth of 1000mm plus drainage and waterproofing layers, up to 1500mm soil depth in places as required to suit the soil volume requirements of the proposed large tree species. Soil volume calculations for each tree, in

accordance with Apartment Design Guide (ADG) requirements for trees in planter boxes, are to be shown and approved at Construction Certificate stage.

Reason: To update the DA design to comply with DEAP and ADG requirements.

15. Prior to the release of the Construction Certificate by the Principal Certifying Authority the approved plans are to demonstrate that adequate soil volume per tree (and all plants), in accordance with ADG soil volume requirements for podium landscapes, is to be achieved for Construction Certificate approval to the satisfaction of Council's Manager Development and Traffic Services.

The amended plans so approved are to form part of the Construction Certificate plans.

Reason: To update the DA design to comply with DEAP and ADG requirements.

16. 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.

17. 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.

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

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

19. A monetary contribution comprising \$1,988,311.70 is payable to City of Parramatta in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and the City of Parramatta Council Section 94A Development Contributions Plan (Former Hornsby LGA and Epping Town Centre). Payment must be by EFTPOS, bank cheque or credit card only.

Contribution Type	Amount
Plan Administration	\$3,777.80
Community Facilities	\$154,690.85
Drainage & Water Quality	\$34,198.95
Open Space & Recreation	\$1,352,449.65
Public Domain	\$288,106.35
Roads & Shared Paths	\$155,088.30
Total	\$1,988,311.70

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

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

The City of Parramatta Section 94A Development Contributions Plan (Former Hornsby LGA and Epping Town Centre) can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

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

20. 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.

21. 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.

22. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/485/2016;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Hoarding	\$5,000
Nature Strip and Roadway	\$25,000
Street Trees	\$4,000

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.

23. 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.

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

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

Reason: To protect the visual amenity of the area.

25. 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.

26. 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.

27. 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.

28. The development must incorporate 22 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriately designed.

29. All roof water and surface water is to be connected to an operable drainage system. The site drainage system shall comply in general with the approved drainage plans Dwg No. SWDA 3.1 Revision P3 dated 8/06/2016 & SWDA 2.1 & 5.1 Revision P2, dated 31/05/2016 prepared by Partridge Structural P/L engineering consultant.

The Principal Certifying Authority shall ensure that:

- The submission of suitable documentary evidence issued by the Department of Lands confirming the creation of an easement to drain water over a downstream property or properties benefiting the subject site has been registered with the NSW Land and Property Information Service and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

30. In the event that required retaining walls are not 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.

Note: This condition does not relate to retaining walls shown on the approved DA plans.

Reason: To minimise impact on adjoining properties.

31. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

32. 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.

33. 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 easement.

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.

34. 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 Hornsby Council's Specifications for on-site stormwater detention system.

Drainage Plan Dwg No. SWDA 3.1 Revision P3 dated 8/06/2016 & SWDA 2.1 & 5.1 Revision P2, dated 31/05/2016 prepared by Partridge Structural P/L engineering consultancy.

- (b) 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.
- (c) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (d) Provide an overflow pit (or pipe bypassing the orifice plate) to the on-site detention tank and this issue shall be shown on the drainage plan.
- (e) The drainage engineer shall supervise and be satisfied of the site stormwater discharge pipe connection into the existing pit of the existing drainage easement on site as shown on plan.
- (f) The capacity of the pipe in the existing drainage easement to carry the designated flow shall be subject to the certification of the design drainage engineer and to the satisfaction of the Principal Certifying Authority.

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

- 35. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

- 36. 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.

37. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

38. The final Landscape Plan must be consistent with plans prepared by TaylorBrammer Landscape Architects Issue A dated 24/10/2017, together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:
- (a) Updating of the proposed plant schedule and documentation to include plant quantities and species selection.
 - (b) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

39. 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.

40. 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.

41. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002 for heavy vehicle usage.

Reason: To comply with Australian Standards.

42. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

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

Reason: To comply with AS2890.3.

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

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

45. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

Reason: To comply with Australian Standards and ensure pedestrian safety.

46. Sight distances from the proposed vehicular crossings to vehicles on Oxford Street are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic.

Reason: To ensure vehicle and pedestrian safety.

47. All vehicles are to enter and leave the site in a forward direction and are to be wholly contained on site before being required to stop.

Reason: To ensure vehicle and pedestrian safety.

48. Stormwater 360 Storm Filter Cartridge or a similar system of water quality treatment devices approved by Council's Manager Development and Traffic Services must be installed to manage surface runoff water to the drainage easement draining to Essex Street to satisfy the water quality provisions of the

Hornsby Development Control Plan 2013. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority. In the event that an alternate system to Stormwater 360 is used, correspondence noting Council's acceptance of the alternative must be provided to the Principal Certifying Authority prior to the release of a Construction Certificate.

Reason: To ensure appropriate water quality treatment measures are in place.

49. Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that the piped drainage system has been designed to an Average Recurrence Interval of not less than 20 years.

Note: Where the City of Parramatta Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- ii. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

Reason: To ensure the roof drainage system is designed for the 5% AEP storm event

Prior to Work Commencing

50. 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.

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

Reason: To ensure appropriate pedestrian management during construction works.

52. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of Council's Service Manager Traffic and Transport. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

- (c) Traffic Control Plan(s) for the site:

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

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

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

53. Prior to demolition of the "House" at 48 Oxford Street, the applicant is to prepare an Archival Photographic Record in accordance with the NSW Heritage Office (2006) guidelines for the 'Photographic Recording of Heritage Items Using Film or Digital Capture'. The Archival Photographic Record is to be submitted to the satisfaction of the Council.

Reason: To ensure the significant history/nature of the site is adequately communicated to occupants, visitors and/or passers-by.

54. 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.

55. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural

condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

56. 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.

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

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

58. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

59. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

60. 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.

61. 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.

62. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98A(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.

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

Reason: To ensure adequate toilet facilities are provided.

64. 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.

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

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

66. 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.

67. 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.

68. Prior to works commencing the Applicant's nominated electrical consultant/contractor is to provide to the Principal Certifying Authority evidence of a preliminary enquiry to Ausgrid seeking advice for the connection of the proposed development to the adjacent electricity network infrastructure.

Ausgrid will consider whether or not:

- (a) The existing network can support the expected electrical load of the development;
- (b) A substation chamber may be required on-site, either a pad mount kiosk or chamber style and;
- (c) Site conditions or other issues that may impact on the method of supply.

The applicant is advised to seek further information at www.ausgrid.com.au about how to connect to Ausgrid's network.

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

Reason: To ensure adequate electricity design.

69. The applicant is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the applicant determine that any existing street lighting may impact the development, the applicant is to either review the development design, particularly the placement of windows, or discuss with Ausgrid the options for relocating the street lighting. The relocating of any street lighting will generally be at the applicant's cost. In many cases it is not possible to relocate street lighting due to its strategic positioning.

Reason: Ausgrid requirement.

70. There are existing underground electricity network assets in Oxford Street. Special care is also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in the ground levels from previous activities after the cables were installed. Hence it is recommended that the applicant locate and record

the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Reason: Ausgrid requirement.

During Work

71. 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;
- Delivery of street trees to site. Trees shall be installed within 24hrs of delivery;
- Special site inspection to review the condition of any existing street tree proposed for relocation in the public domain.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

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

Reason: To comply with Council requirements.

72. 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.

73. 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.

74. 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.

75. 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.

76. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

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

77. Trees to be removed are:

Tree No.	Species	Common Name	Location
1x	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	Front of site

Reason: To facilitate development.

78. 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.

79. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

Reason: To ensure satisfactory stormwater disposal.

80. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

81. 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.

82. 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.

83. 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.

84. 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.

85. 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.

86. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

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

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

88. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:
- (a) Work Health and Safety Act 2011
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
 - (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

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

Reason: To prevent pollution of the environment.

90. 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.

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

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

Reason: To protect the amenity of the area.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

92. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

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

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 Occupation Certificate.

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. 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 Occupation Certificate approval of the public domain works by Council Officers.

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

94. Works-As-Executed stormwater plans are to address the following:
- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
 - (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

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

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

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

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

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

96. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

97. 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.

98. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

99. 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.

100. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

101. 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. 733228M_02, will be complied with prior to occupation

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

102. 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.

103. 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.

104. 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 6

Reason: To comply with the requirements of SEPP 65.

105. 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 Parramatta DCP 2011 have been met.

106. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

107. 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.

108. The subdivision certificate will not be issued until a final Occupation Certificate has been submitted to Council.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

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

Reason: To comply with the Conveyancing Act 1919.

110. 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 City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:
(a) Acoustic Report, dated 03.06.2016, prepared by Acoustic Logic.

Reason: To demonstrate compliance with submitted reports.

111. A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontage on Oxford Street. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications.

Reason: To update the DA design to comply with DEAP requirements.

112. A fully automated irrigation system is to be provided for all communal open spaces.

Reason: To update the DA design to comply with DEAP requirements.

113. A universal WC and barbecue facility are to be provided on the Roof Terrace.

Reason: To update the DA design to comply with DEAP requirements.

The Use of the Site

114. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

115. 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.

116. 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.

117. 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.

118. The air conditioner/s must not:

(1) 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):

(a) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(b) before 7.00am and after 10.00pm on any other day.

(2) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), 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 prevent loss of amenity to the area.

Appendix containing detailed assessment and response to other submission issues

<p>VISUAL IMPACT OF PODIUM</p> <ul style="list-style-type: none"> Visually overwhelming, especially with regard to proposed nil side setback and 12m high blank wall podium; 	<p>It is acknowledged that compared to the existing form of the site the proposed building will be dominant, however this is anticipated within the Epping Town Centre controls.</p> <p>It is noted that, to address the blank walls of the podium element, conditions have been proposed requiring details to be provided to the satisfaction of Council prior to the release of a Construction Certificate showing architectural treatment to appropriately reduce the impact of the blank walls.</p>
<ul style="list-style-type: none"> Proposed construction impacts. 	<p>Conditions are included in the recommendation limiting the hours of work, requiring dilapidation reporting, and setting appropriate arrangements for complaint handling.</p> <p>It is considered that these measures are able to appropriately manage construction impacts.</p>
<p>LOSS OF AMENITY</p> <ul style="list-style-type: none"> Impacts upon occupants of existing apartments at 48A Oxford Street; Overlooking across common boundary Loss of noise amenity; 	<p>Although the proposal will have some impact on the amenity of 48A Oxford Street, it is considered that the level of impact is reasonable given the type of development proposed. Appropriate separation is proposed, and the design of the scheme is considered to adequately minimise the impacts of the proposal.</p> <p>The development has been designed to minimise overlooking opportunities with careful window and balcony placement, and screening and screen planting where appropriate.</p> <p>It is not considered that the residential uses will result in significant additional noise for the adjoining property given the placement</p>

<ul style="list-style-type: none"> • Lap pool too close to boundary, concerns with increased noise and loss of acoustic amenity. 	<p>of the driveway. The non-residential uses will need to be assessed as to their appropriateness for the site at the time applications are submitted however, these areas will be appropriately acoustically treated to minimise impacts.</p> <p>The lap pool location is set 12m from the boundary, and is on the 14th floor of the building. It is not considered that this location will result in undue acoustic impacts for any neighbouring property.</p>
<p>PROCEDURE AND INFORMATION PROVIDED</p> <ul style="list-style-type: none"> • Figure 8 showing the height of buildings as a curve is misleading; • Omits detailing 48A Oxford Street from illustrations; • Amalgamation of the two lots would have results in more consistency with the heights of buildings. • No acknowledgement in writing of previous submission; • Inconsistency between Parramatta and Hornsby Council decision-making; delays in making decisions. 	<p>The submitted documentation has been reviewed and it is considered to be satisfactorily accurate and sufficiently complete to allow for an assessment to be carried out.</p> <p>It is noted that the variation to the height of the buildings is considered to result in a better design outcome as it results in a less bulky, slenderer tower. The variation in height between the towers will serve to prevent delivery of an overly homogeneous skyline. As such, the height is not necessarily related to the issues around site amalgamation.</p> <p>The City of Parramatta's records indicate that the previous submission was replied to with an acknowledgement, however cannot confirm as to whether this was appropriately delivered by Australia Post.</p> <p>It is acknowledged that the City of Parramatta and Hornsby Shire, as different public authorities, will have differences in the interpretation of planning objectives. Such difference was an inevitable consequence of the boundary adjustment between Hornsby Shire and the new City of Parramatta.</p>

	<p>This notwithstanding, it is noted that the scheme, as originally lodged including demolition of the Heritage Item, had received in principle support as part of a pre-lodgement review by Hornsby Shire.</p>
<p>URBAN DESIGN -</p> <ul style="list-style-type: none"> • Lack of urban design framework, and vision for the Epping Town Centre; • Buildings approved have contributed to a loss of amenity for present and future Epping residents. 	<p>The Epping Town Centre controls under the Hornsby Development Control Plan provide a clear urban design objective and controls for the Epping Town Centre. The proposal is consistent with the vision so expressed.</p> <p>It is acknowledged that the change in density and land use facilitated by the up-zoning of Epping Town Centre has resulted in significant local change. This notwithstanding, it is considered that the amenity delivered by the new form of development provides satisfactory amenity within the context of the town centre up zoning.</p>
<p>STREETSCAPE -</p> <p>Community needs opens spaces or plazas.</p>	<p>The common area of the subject building will generally be open to the public during business hours, noting that a commercial tenancy is located at its rear. This space is a public space, although it is acknowledged that it is unlikely to be significantly used by people not making use of the shops, office, or apartments on the site given the location of the site is not on a strategic through link.</p>
<p>NOT IN THE PUBLIC INTEREST –</p> <p>Over development.</p>	<p>The height and volume of the proposal is predominantly defined by the Hornsby LEP and DCP 2013. The proposal, while moderately in excess of the height, in fact is of less volume than permitted under the controls.</p> <p>It is considered that issues of overdevelopment more generally are a strategic consideration that cannot be more closely addressed at the Development Application process which can only relate to</p>

	individual sites.
COMMERCIAL SPACE – <ul style="list-style-type: none"> • Shortage of commercial space. 	<p>Although the proposal will result in some loss of on-site office space, the proposal will deliver a viable 1012m² office space to address this need.</p> <p>The proposal will increase the provision of retail tenancies on the site from the single existing tenancy to 3 tenancies.</p>
OPEN SPACE – <ul style="list-style-type: none"> • More trees within the streetscape to provide amenity and reduce effects of urban heat bank; 	<p>The existing mature street trees will be retained. There is not sufficient frontage to the site for further street trees to be provided.</p>
EEPING TOWN CENTRE – <ul style="list-style-type: none"> • Disregard for Epping Town Centre Public Guidelines with regard to streetscape, consideration of heritage items, street trees and rear laneway parallel to Oxford Park; • Guidelines ignored by the City of Parramatta by not closing Chambers Court to accommodate a new Town Square; • Buildings approved in the Epping Town Centre have not contributed to a cohesive community within Epping, with impacts on social and community amenity; 	<p>The public domain adjacent to the site will be re-done in accordance with the Town Centre Guidelines and Council's Public Domain teams requirements.</p> <p>It is noted that the laneway identified in the DCP does not extend as far north as the subject property.</p> <p>The existing street trees will be retained.</p> <p>This matter is not directly related to the assessment of the current application.</p> <p>It is considered that the proposal provides an adequate mix of open space, retail, office and residential usage within the prescribed town centre environment to provide for adequate community amenity.</p>
DESIGN AND STREETScape - <ul style="list-style-type: none"> • Building to provide more accessible community space at the front of the building and improve street amenity; • Presence of cocktail bars in the 'Hidden Forest' not in keeping with 	<p>The form desired under the Development Control Plan outlines a building form that provides an activated street frontage. This objective is not consistent with the provision</p>

<p>the character of Epping, and limited trading hours means the space cannot be used after hours;</p> <ul style="list-style-type: none"> • Timber façade facing West will require on-going maintenance, potential fire hazard; 	<p>of open space at the front of this site, which, in the event, is not a strategically appropriate site for such a provision.</p> <p>The façade elements will be required to comply with the Building Code of Australia, and materials used will need to be selected or treated meet those requirements.</p>
<p>WASH SPACES -</p> <ul style="list-style-type: none"> • Removal of bicycle spaces for car wash bays due to concerns over safety of residents washing cars along Oxford Street. 	<p>It is considered unlikely, given the parking availability and traffic volume along Oxford Street, that this will be used for car washing.</p>
<p>BICYCLE WAYS -</p> <ul style="list-style-type: none"> • Facilitation of a clear bicycle lane requires widening of the road and encroachment on the footpath; clear footpaths to be maintained. <p>REAR LANEWAY -</p> <p>Future developments to include the rear laneway linking Oxford Street with Pembroke Street on p.93 of the <i>Epping Town Centre Public Domain Guidelines</i> to reduce traffic congestion</p>	<p>There is no overarching strategic requirement for provision of a cycleway in this location, and it would not be appropriate to so require dedication of land on an ad-hoc basis that would not contribute to a viable route. It is noted that no such provision has been made by developments to the south.</p> <p>The Development Control Plan relating to the site and the Public Domain guidelines to identify the provision of a through-site link on the adjoining property to the south, but it does not impact the subject property.</p>
<p>STREET FRONTAGE -</p> <ul style="list-style-type: none"> • Continuous glass panelling proposed for the supermarket on Oxford Street is a poor design outcome; • Street awning is discontinuous and 	<p>The commentary relates to an earlier design for the site for which the street address has been wholly reconsidered. The proposal no longer provides continuous glass panels.</p>

<p>does not provide protection from the elements;</p> <ul style="list-style-type: none"> • Driveway proposed along primary school crossing conflict with the heavy pedestrian use of the footpath. 	<p>The proposed awnings are as continuous as possible within the context of the retention of the existing mature street trees.</p> <p>The relocation of the crossing is no longer proposed, nor is the supermarket, and as such the conflict no longer exists as described.</p>
<p>PUBLIC SAFETY One main road (Norfolk Road) out of North Epping in area of high risk fire hazard and existing infrastructure cannot accommodate increasing population and traffic.</p>	<p>The assessment of this individual application cannot address larger scale strategic matters regarding the local traffic network.</p> <p>Individually, the development will not of itself result in undue impacts upon the local traffic network.</p>
<p>ENVIRONMENTAL IMPACTS</p> <ul style="list-style-type: none"> • Reliance on electrical energy from remote fossil fuels and thermos-nuclear power due to high-rise development and living; <p>Failure to use PV solar panels with proposed development.</p>	<p>The proposal complies with the BASIX requirements with which it is required to meet.</p> <p>This includes meeting certain energy commitments.</p>
<p>NOTIFICATION PERIOD</p> <ul style="list-style-type: none"> • 14-day notification period as the minimum statutory requirement not long enough to submit comprehensive submission; 	<p>The proposal was notified in accordance with the Hornsby Development Control Plan. It is noted that a substantial public response was received in this time.</p>
<p>APARTMENTS</p> <ul style="list-style-type: none"> • No new apartments needed. • Proposed apartments will not ease housing affordability 	<p>The need for high density zoning is a strategic planning matter and cannot be considered as part of the assessment of this individual application.</p>



**CITY OF
PARRAMATTA**

Addendum Assessment Report to Sydney Central City Planning Panel

SCCPP reference	2016SYW0114
DA No.	DA/485/2016
Date of receipt	17 June 2016
Proposal	Demolition of all existing structures on site, (including the heritage listed residence), tree removal and construction of a mixed use development in the form of 2 towers (15 and 18 Storeys tall, respectively) over a podium and basement car parking.
Street address	44-48 Oxford Street, Epping
Property Description	Lot 1 DP 206646, Lot 2 DP 206646, Lot A DP 390454, Lot B DP 390454
Applicant	Pirsata Pty Ltd
Owner	Pirsata Pty Ltd
Submissions	50
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulation 2000.• State Environmental Planning Policy No. 55 – Remediation of Land• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (State and Regional Development) 2011• State Environmental Planning Policy (Infrastructure) 2007• Hornsby Local Environmental Plan 2013 (HLEP)
Recommendation	Deferred Commencement
Council Officer	Liam Frayne

1. Introduction

DA/486/2016 (the application) was reported by the City of Parramatta Council (the Council) to the Sydney City Central Planning Panel (the Panel) on 7 February 2018.

The Panel determined to defer a decision on the application for the reasons as stated in the Record of Deferral:

"The Panel unanimously decided to defer consideration of the application until legal advice had been received regarding:

- *Necessity of the use of Planning Proposal when it is proposed to demolish a heritage item.*
- *Whether the activities concerning Isolation of the site meet the requirements of the Court's Planning Principle.*
- *Response from Design Excellence and City Architect Office in relation to height variation, the zone boundary interface and feasibility of development on the isolated site in terms of whether that represents the orderly and economic use of the sites.*
- *Clarification whether in the circumstances here the concurrence of the Secretary of the Department of Planning can be assumed for the extent of the variation to the standard, i.e. greater than 10%.*

The Panel encourages a further report to:

- *Address the justification for determination of this application prior to the outcomes of the traffic study of Epping being available which will take into account cumulative impact.*
- *Provide a summary of the issues raised and outcomes of Council's community conciliation meeting held on 24 January 2018.*

As this reporting may take some little time the Panel encourage adjoining owners and the applicant to consider some form of mediation to resolve the isolation question."

This Addendum Assessment Report has been prepared by Advisian Pty Ltd on behalf of the Council to report on the above items as requested by the Panel as well as the following additional items:

- Correct a minor error in description in Section 4.4.1 of the previous Assessment Report with respect to the adjoining sites.
- Updating the earlier references to Section numbering and their respective provisions to reflect the recent amendments to the numbering of sections as well as to their provisions of the EP&A Act referred to in the previous Assessment Report following the amendments to the EP&A Act that came into force on 1 March 2018.
- Assessment of the amended Clause 4.6 Request and the Interpretation Strategy as submitted by the Applicant.

2. Legal Issues Raised by SCCPP

2.1 Necessity of the use of Planning Proposal when it is proposed to demolish a heritage item

As requested by the Panel, legal advice was obtained from the Council's Lawyer on 23 February 2018 which in summary advised that:

"(a) a consent authority may grant consent to the demolition of a local heritage item subject to proper assessment under clause 5.10 of the HLEP, without the necessity of it being removed from schedule 5 of the HLEP ('delisted');

(b) a planning proposal is required to remove a local heritage item from schedule 5 of the HLEP ('delisting');"

Legal advice on this matter was also sought from the Applicant. The advice from Pikes & Verekers Lawyers, dated 8 March 2018 concluded that *"There is no requirement to lodge a planning proposal in relation to the demolition of the heritage item."*

Planning Comment: The respective legal advices concur and confirm that the Panel, as consent authority for this application, may, in accordance with Clause 5.10(4) of the HLEP, determine the application and grant consent to the demolition of the heritage item subject to considering the effect of the demolition of the heritage item.

2.2 Whether the activities concerning Isolation of the site meet the requirements of the Court's Planning Principle

The Applicant was requested by the Council to submit legal advice in relation to the isolation of the adjoining site at 48A Oxford Street, Epping (the Isolated Site) and the NSW Land and Environment Court where **Tour C** set out the planning principle in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 (Karavellas).

The relevant planning principle is stated at paragraphs [17]-[19] of Karavellas:

"17 The general questions to be answered when dealing with amalgamation of sites or when a site is to be isolated through redevelopment are:

- Firstly, is amalgamation of the sites feasible?*
- Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

*18 The principles to be applied in determining the answer to the first question are set out by Brown C in **Melissa Grech v Auburn Council** [2004] NSWLEC 40. The Commissioner said:*

Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.

Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated

property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.

Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.

19 In the decision **Cornerstone Property Group Pty Ltd v Warringah Council** [2004] NSWLEC 189, I extended the principles of *Brown C* to deal with the second question and stated that:

The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.”

Legal advice was provided by Pikes & Verekers Lawyers, dated 9 March 2018 which advised the following:

- (i) *“Firstly, we are of the view that the Isolated Site is not in fact isolated as it is capable of being amalgamated with the site to the north at 50 Oxford Street which is likewise zoned B2.*
- (ii) *In any event, amalgamation of the Subject Site and the Isolated Site is not feasible.*
- (iii) *Reasonable offers have been made to the Isolated Site.*
- (iv) *Those offers were informed by an independent valuation report.*
- (v) *The actions of the owners of the Isolated Site indicated a reluctance to sell the Isolated Site for a reasonable price.*
- (vi) *Orderly and economic use and development of the separate sites can be achieved.*
- (vii) *The Subject Site can be plainly developed in accordance with the submitted plans which are recommended for approval subject to conditions.*
- (viii) *The Isolated Site could be developed as shown in attachment to the Statement of Environmental Effects dated June 2016.*

- (ix) *It is acknowledged that the development of the Isolated Site separately would not meet the full development potential of the Isolated Site. That being said, a transition to the Arden Anglican School to the north appears to be an appropriate planning outcome in the circumstances. Further, the Site may be amalgamated with and used by the Arden Anglican School in the future.*
- (x) *It would not be orderly and economic development to prevent the development of the Subject Site where amalgamation is not feasible and separate development of the sites is possible.*
- (xi) *In summary, we are of the view that the applicant has satisfied the relevant planning principles in Karavellas."*

Planning Comment: Further examination of the environmental planning principles leads to a sound conclusion that the nub of the matter is captured in (vi)-(viii) and that the three points made in (ix) reflect an outcome that is a call made by the owners of 48A Oxford Street Epping. Finally, for the reasons set out in (x), it is considered that the requirements of the planning principle in Karavellas in relation to 48A Oxford Street, Epping have been satisfied.

2.3 Response from Design Excellence and City Architect Office in relation to height variation, the zone boundary interface and feasibility of development on the isolated site in terms of whether that represents the orderly and economic use of the sites

The Council's Design Excellence Advisory Panel (DEAP) was requested to provide advice in relation to the Panel's three specific issues:

- "(1) Whether the height variation was acceptable to DEAP;*
- (2) Whether the zone boundary treatment (to the east or rear of the site to the adjacent R4 zone) was appropriately dealt with in the design; and*
- (3) Whether the adjoining isolated site could be developed in a manner that represents the orderly and economic use of both sites."*

In relation to issue 1, the following information regarding precedents within Epping Town Centre for building height variations was supplied by Council to DEAP:

"Precedent exists for height variation on the former Hornsby Shire side of Epping. Examples include:

DA/585/2017 (Parramatta reference) 30-42 Oxford Street Epping –

Max – 48m

Approved – 52.8m – 10% variation – predominantly 1 storey above the control.

DA/468/2016 – 12 – 22 Langston Place Epping

Max – 72m

Approved – Tower 1 - 92.85m (28.9% over, Tower 2 - 77.3m (5.7% over), Tower 3 62.4m (13.3% below maximum height)

Langston Place is at the southern end of this side of the Epping Town Centre.

It is noted that a report from Council for 37-41 Oxford Street also supported (and was subsequently approved by Panel) a concept proposal. This concept will have a maximum height of 95.67m, a 23.67m breach above the 72m maximum height (variation of 32.9%).

It is noted that Oxford Street is the height boundary between 48m affecting the subject site and the 72m on the opposite site as per the below map. The light purple is 48, dark purple is 72m.

On this site, the rear tower is only slightly above the height limit (3.12m over a 48m height limit or 6.5%), whereas the front tower is where the bulk of the variation is (14.2m over 48m limit (29.5%). At least in terms of an east-west height plane, the variation to the front tower could be said to provide a transition up to the 72m limit if other impacts were considered satisfactory."



As DEAP's advice was sought and obtained, in this instance, no comment from the Council's City Architect Office will follow.

The DEAP made the following comments in relation to each issue:

"(1) The Panel has been provided with the statutory height maps for this area as well as the Applicant's shadow diagrams. It is noted that the height limit on the western side of Oxford Street, opposite the subject site has a substantially greater height limit than sites on the eastern side. Further, sites to the south in Langston Place have been approved and/or proposed for substantially taller development than that proposed on the subject site.

The proposed height variation is the result of the developer taking advantage of the allowable site FSR, which results in almost 4 floors above the existing height limit for the front residential tower but only a small height exceedance in the case of the rear tower which generally sits within the height line except for the lift tower. Given, the likely taller nearby development in the future, the additional floors proposed in the

variation would not adversely impact the townscape and could be seen as somewhat of a height transition between the sites to the east and west.

The Panel notes that the additional height would not result in adverse heritage impacts or cause additional adverse overshadowing impacts.

Taking into consideration the potential impacts on the existing streetscape, district views, the conservation area to the east and overshadowing, the Panel considers that the height variation would not result in significant adverse environmental impacts and is acceptable in this particular case.

Whilst the height variation is considered acceptable, the DEAP is mindful that this is a substantial variation to the height limit which should not be permitted to set a precedence for other developments in the precinct. To this end, Council should consider testing/ reviewing all other potential developments in the town centre in relation to the allowable FSR and assess whether any adjustment of the height limits is warranted.

(2) The landscape plan shows a series of grassed terraces with larger canopy trees on mounds, forming a continuous screen against the east boundary. As this area is a deep soil zone, it should be possible for larger canopy trees to be planted and thrive, subject to proper care and maintenance. The stepped terraces are given over to each adjacent apartment as private open space.

The Panel is of the opinion that the landscaping has been appropriately dealt with in principle, with the proviso that:

- i) the trees selected are of sufficient scale, height and numbers to create an effective, contiguous screen to the east;*
- ii) the screen planting is extended to include the north and south boundaries within this zone; and*
- iii) semi-automatic irrigation is provided to the planting beds.*

(3) The Panel notes that it has been well demonstrated that the owners have tried to negotiate with the adjacent neighbour, but to no avail. It is also noted that the site adjoins a site to the north that is owned by a school which has recently been approved for low-scale development. It is possible that this latter site would remain low-scale, at least for the foreseeable future, thereby retaining the amenity of this property. In any case, the 'isolated' would still have the potential to be amalgamated with the adjacent site to the north in the future. Additionally, sites to the east will most likely remain low scale given their R4 zoning.

In the circumstances, the Panel considers that the subject development would not unduly impact the 'orderly and economic use of both sites'."

Additional comments were made by DEAP in relation to the podium height as follows.

As a further comment, the Panel notes that the podium height of the proposed development is still effectively 3 storeys, notwithstanding that the street elevation has been designed to give it the appearance of being 2 storeys. The Panel had previously recommended that the height be reduced from 3 storeys to 2 storeys in

order that it relate better to the podium height and retained heritage item in the approved development immediately to the south. It is considered that this reduction is still warranted as it would also help it retain a more appropriate (and equitable) height relationship with the 2-storey building on the 'isolated' site to the north. It would also lessen the impact of the blank side walls of the podium.

It is noted that the above comments in relation to the podium height have been forwarded to the Applicant who provided the following response in that regard:

- *During consultation with council's urban design team, it was requested the team provide a 3 storey podium to increase the amount of commercial space available. Through the design process, the architects argued that the correct height for the streetscape should only be 2 storeys to broadly align with the adjacent heritage building located on 30-42 Oxford Street.*
- *Council's urban design team requested a minimum internal height be provided to the commercial spaces. That being a minimum of 4m from the floor to the underside of the floor above for the ground floor and a minimum of 3.6m ceiling height for level 1. The DA drawings provide this height with tolerance for structural slab thickness + insulation required.*
- *The height of both the ground floor retail and first floor commercial level enhances not only the function of the space, but also provides a more flexible working environment to a wider range of commercial users within the Epping Town Centre.*

Planning Comment: The comments made by DEAP are noted. Item (1) – in relation to variation in height, in this regard, the DEAP's comments in paragraphs 1-4 are important findings from an urban design/impact perspective. The observation in paragraph 4 of (1) seems to fly somewhat in the face of a planning merit system that each case is dealt with on its merits within a holistic and context and setting frame. This matter reflects this approach. Items (2) and (3) – these comments are supported.

With respect to the podium height, given the need to provide office space within the Town Centre, and the need for this space to be located at the front of the development for reasons of site functionality, the additional height is considered justified to accommodate the provision of useable office space on the site.

2.4 Clarification whether in the circumstances here the concurrence of the Secretary of the Department of Planning can be assumed for the extent of the variation to the standard, i.e. greater than 10%

Legal advice was obtained from the Council's Lawyer on 23 February 2018 which advised that:

"17. Yes, concurrence of the Secretary can be assumed on the basis of the recent planning Circular no. 17-006 dated 15 December 2017 (Circular), and its attachment.

18. The Circular was issued to advise councils when they may assume the Secretary's concurrence to vary development standards, and clarify requirements around reporting and record keeping where that concurrence has been assumed.

19. The Circular provides that only a full council can assume the Secretary's concurrence where the variation to a numerical standard is greater than 10%, or the variation is to a non-numerical standard. A determination of such applications cannot be made by individual council officers unless the Secretary has agreed. In all other circumstances, individual council officers may assume the Secretary's concurrence.

20. Under clause 64 of the Environmental Planning and Assessment Regulation 2000, provides that written notice of the concurrence must be given to a Council. The Secretary has provided that notice by attaching it to the Circular. The notice provides that Council may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP and clause 6 of SEPP 1. The specific restrictions as set out in paragraph 19 above, are set out in the notification."

It is noted that Circular No. 17-006 as referred to above has been replaced by the new Circular 18-003, dated 21 February 2018. Circular 18-003 indicates that (including pending applications):

"Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened."

Planning Comment: In accordance with the instructions set out in Circular 18-003, the Panel may assume the concurrence of the Secretary in respect of Clause 4.6(4)(b) of HLEP. In assuming the concurrence of the Secretary, the Panel is to be satisfied as to the following matters in sub-clauses (3) to (5):

"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."*

Section 2.5.1 of the previous Assessment Report concluded that the Clause 4.6 Request satisfied the above requirements with regard to sub-clauses (3) and (4) and was therefore supported. Further, the advice of DEAP was sought on proposed height variation as discussed in Section 2.3 above.

3. Further Reporting Raised by SCCPP

3.1 Address the justification for determination of this application prior to the outcomes of the traffic study of Epping being available which will take into account cumulative impact

The Panel has sought justification for the determination of this application noting that a revised Traffic Study is currently under preparation by the Council that considers the cumulative impact of development of the Epping Town Centre.

Planning Comment: Although the preparation of a comprehensive Traffic Study of Epping by the Council is underway, this has not yet been adopted by Council. Further, it has not formed part of any formal planning policy development at this early stage. Neither has it been used in the preparation and assessment of this Application. It is expected it will be some significant time before the comprehensive Traffic Study is in a position to be said to have informed adopted planning policy.

The zoning, heights, and floor spaces in the Epping Town Centre (as they currently stand) were developed as part of the Epping Structure Plan which informed the Department of Planning and Infrastructure's Epping Town Centre Urban Activation Precinct Finalisation Report of November 2013, which ultimately recommended the changes to the planning controls in Epping Town Centre be supported.

As part of the development of these policy documents, a Traffic report was prepared in 2011 by Halcrow which informed the structure plan, the finalisation report, and ultimately the adopted changes to the planning controls for the Epping Town Centre by Hornsby Shire Council and approved by the NSW Department of Planning and Infrastructure.

In that context, as the latest completed and adopted traffic study informed the current planning controls, there is little reasonable justification for determination of this application

being held off until such a time as a new Traffic Study is able to inform a new set of planning policies in the indefinite future.

3.2 Provide a summary of the issues raised and outcomes of Council's community conciliation meeting held on 24 January 2018

A memo was prepared by Council, dated 2 February 2018 that provided a report on the Conciliation Meeting held on 24 January 2018. This memo was submitted to the Panel prior to the meeting on 7 February 2018 and provides a summary of the key issues raised and the outcomes of that meeting.

Planning Comment: The attached memo is understood to be a summary of the issues raised and outcomes at the Conciliation Meeting.

3.3 The Panel encourage adjoining owners and the applicant to consider some form of mediation to resolve the isolation question

The previous Assessment Report discussed the negotiations that occurred up to that point in time between the Applicant and the owners of 48A Oxford Street. It is considered that subject to any further negotiations that may have occurred between the parties that as discussed in Section 2.2 above, the requirements of the planning principle in Karavellas in relation to 48A Oxford Street, Epping have been satisfied.

4. Other Items

4.1 Correct a minor error in description in Section 4.4.1 of the previous Assessment Report with respect to the adjoining sites

Section 4.4.1, paragraph 1 of the previous Assessment Report is amended as follows:

The site is at the northern extremity of the Epping main street retail area along Oxford Street, situated between ~~Arden Anglican School~~ 48A Oxford Street and the site of the demolished former Epping Uniting Church and almost opposite the Catholic Church.

Planning Comment: The above amendments be accepted by the Panel.

4.2 Updating the earlier references to Section numbering and their respective provisions to reflect the recent amendments to the numbering of sections as well as to their provisions of the EP&A Act referred to in the previous Assessment Report following the amendments to the EP&A Act that came into force on 1 March 2018

At the time of the previous Assessment Report, the then proposed amendments to the EP&A Act were not yet in force. The amendments came into force on 1 March 2018. Table 1 provides a summary of the sections of the EP&A Act referred to in the previous Assessment Report that has been changed.

Table 1: EP&A Act Amendments

Original Provision	New Provision
Section 5 - Objects	Section 1.3 - Objects of Act
Section 5A - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994	Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994
Section 77A - Designated development	Section 4.10 - Designated development
Section 79C - Evaluation	Section 4.15 - Evaluation
Section 80(3) - "Deferred commencement" consent	Section 4.16(3) - "Deferred commencement" consent
Section 91 - What is "integrated development"?	Section 4.46 - What is "integrated development"?
Section 93F - Planning agreements	Section 7.4 - Planning agreements
Section 94EF – Special infrastructure contributions	Section 7.24 - Special infrastructure contributions

Planning Comment: The above information be accepted by the Panel.

4.3 Assessment of the amended Clause 4.6 Request and Interpretation Strategy as submitted by the Applicant

Amended Clause 4.6 Request

The Applicant has submitted an amended Clause 4.6 Request to vary Clause 4.3 of the HLEP, prepared by Higgins Planning Pty Ltd, dated 9 March 2018 that:

- Clarifies the quotation of the assessment provided previously in the Clause 4.6 Request prepared and submitted with the original SEE by SJB on pages 9 and 10.
- Clarifies the reference proposed amended FSR on page 10 being *"The amended design has a FSR 4.35:1, which remains compliant with the maximum permitted of 4.5:1 under the FSR Mapping for the site"*.
- Includes additional assessment on pages 10 and 11 in relation to visual impacts.
- Deletes the last paragraph on page 13.

Planning Comment: The amended Clause 4.6 Request be accepted by the Panel.

Interpretation Strategy

The Applicant has submitted an Interpretation Strategy, prepared by Weir Philips Heritage, dated March 2018. The submission of the Interpretation Strategy at this stage of the process as indicated by the Applicant is intended to demonstrate the Applicant's commitment to implementing draft condition 12 which requires:

"The applicant is to prepare a Heritage Interpretation Plan for the "House" at 48 Oxford Street that is to be submitted to Council's satisfaction prior to the issue of a Construction Certificate."

Planning Comment: The receipt of the Interpretation Strategy is noted by the Panel. The Interpretation Strategy will be subject of a formal review and assessment process by Council.

Conclusion

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

RECOMMENDATION

- A. That pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* the Sydney Central City Planning Panel grant a Deferred Commencement to Development Application DA/485/2016 subject to the conditions in the Final 79C Report document and the following additional condition:

119. The ground floor courtyard area is to be open for public access between 7.00a.m and 10.00p.m seven days, and secured outside that time to ensure security of this space.

Reason: To ensure the space is available for public access.

- B. That all the objectors be advised of the Sydney Central City Planning Panel's decision.



Addendum Assessment Report #2 to Sydney Central City Planning Panel

SCCPP reference	2016SYW0114
DA No.	DA/485/2016
Date of receipt	17 June 2016
Proposal	Demolition of all existing structures on site, (including the heritage listed residence), tree removal and construction of a mixed use development in the form of 2 towers (15 and 18 Storeys tall, respectively) over a podium and basement car parking.
Street address	44-48 Oxford Street, Epping
Property Description	Lot 1 DP 206646, Lot 2 DP 206646, Lot A DP 390454, Lot B DP 390454
Applicant	Pirasta Pty Ltd
Owner	Pirasta Pty Ltd
Submissions	50
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulation 2000.• State Environmental Planning Policy No. 55 – Remediation of Land• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (State and Regional Development) 2011• State Environmental Planning Policy (Infrastructure) 2007• Hornsby Local Environmental Plan 2013 (HLEP)
Recommendation	Deferred Commencement
Council Officer	Liam Frayne

1. Introduction

Given the complexity of the history of this matter, during both consideration by the City of Parramatta, and by the Sydney Central City Planning Panel, the below detailed background is provided to assist in an understanding of the history of the assessment and consideration of this matter to date:

Background of Consideration of application

City of Parramatta Consideration

The subject Development Application was lodged with the City of Parramatta on 17 June 2016. At the time of lodgement, the application proposed:

Demolition, tree removal, site preparation/excavation works, and construction of a mixed use development containing 200 dwellings with 3 storey podium and 2 towers of 15 & 17 storeys over 4 levels of basement parking containing 234 parking spaces.

Prior to lodgement, the applicant had obtained pre-lodgement advice from Hornsby Shire Council with respect to the proposal, which advised that the then proposed scheme was generally acceptable

However, the creation of the City of Parramatta Council resulted in the eastern side of the Epping Town Centre transferring from Hornsby Shire into the reconstituted City of Parramatta. It is for this reason that the application was lodged with the City of Parramatta Council.

The preliminary review of the original proposal by the City of Parramatta, including by the Design Excellence Advisory Panel and a briefing with the Joint Regional Planning Panel (now Sydney Central City Planning Panel) identified the following concerns with respect to the proposal:

- Site Isolation of 48A Oxford Street;
- That the overall scheme lacked sufficient merit with respect to the attainment of the planning objectives relating to the site to permit any justification of the demolition of the heritage item ;
- That the height variation proposed did not deliver any requisite design benefit (by way of a slimmer tower with reduced amenity impacts) and therefore was difficult to be justified on planning grounds;
- That the building had poor design quality with respect to the residential amenity of a substantial number of the proposed units – the site planning further resulting in a high number lacking appropriate solar access, outlook or well-designed pedestrian access;
- The compatibility of the proposed commercial use with the residential uses on the site;
- Issues related to the proposal to relocate the signalised pedestrian crossing in front of the site;

- Concern about the loss of the mature street trees on Oxford Street;
- Issues with respect to the car park design including the design and number of motorcycle and bicycle spaces, the conflict between the loading bay and parking and the inability of the car park to accommodate Heavy Rigid Vehicles to the loading bay; and
- Issues with respect to the waste management design.

Following liaison with Council's City Architect's Office, and Council more generally, the applicant submitted amended plans to the City of Parramatta on 30 October 2017 for consideration by the Design Excellence Advisory Panel and other Council technical staff.

Further amended plans addressing various concerns raised by Council were submitted on 3 subsequent occasions.

The Design Excellence Advisory Panel report on the amended plans requested minor amendments but concluded that:

"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."

Council's subsequent assessment found that the amended proposal had sufficient merit, on balance to support a favourable recommendation.

In terms of public consultation, the application was advertised on two occasions, and subsequently, and in accordance with the resolution of Council, a Conciliation Meeting was held by Council to facilitate dialogue between the applicant and interested submitters. The original assessment report submitted to panel comprehensively reports on these processes.

With respect to the issues raised with respect to the original design, these concerns of the City of Parramatta have been either addressed or subsequently informed as part of the Sydney Central City Planning Panel process as follows:

Issue	Response in modified scheme
Site Isolation of 48A Oxford Street	<p>The City of Parramatta was satisfied that the applicant had sufficiently demonstrated that attempts had been made to acquire 48A Oxford Street based on the substantial documentary evidence submitted to that effect.</p> <p>It is noted that subsequent legal advice provided at the request of the panel by the applicants legal advisor notes that although, the site may be currently practically isolated, it is not isolated in accordance with the planning principle as that the adjoining school site benefits from the same zoning, height and floor space to 48A (and indeed the subject site).</p> <p>The advice also concluded that the adjoining site further was capable of being</p>

	further developed in its own right notwithstanding its narrow frontage.
That the overall scheme lacked sufficient merit with respect to the attainment of the planning objectives relating to the site to permit any justification of the demolition of the heritage item	<p>The City of Parramatta's assessment considered, on balance that the revised proposal exhibited sufficient design merit and consistency with the form desired within the Epping Town Centre on balance to permit the development to be supported.</p> <p>At the Panel's request, independent heritage advice has been provided by Urbis for the Panel's benefit.</p>
That the height variation proposed did not deliver any requisite design benefit (by way of a slimmer tower with reduced amenity impacts) and therefore was difficult to be justified on planning grounds	<p>The development was revised to provide a slimmer tower and floor plate per level, compared to the original scheme, resulting in a narrower shadow cast, and providing improve amenity per floor plate.</p> <p>The slimmer towers will also sit less heavily on the street, notwithstanding their greater height, compared with a compliant building.</p>
That the building had poor design quality with respect to the residential amenity of a substantial number of the proposed units – the site planning further resulting in a high number lacking appropriate solar access, outlook or well-designed pedestrian access	<p>The revision of the proposal to provide two wholly separate towers has significantly improved the amenity of the provided apartments and the site in general. This design has permitted the bulk of apartments being dual aspect, ensuring good solar amenity and outlook for future residents,</p> <p>The provision of a well landscaped central courtyard in the revised plans (reviewed by Council's Urban Design team to ensure the provision of adequate soil depths to ensure the viability of landscaping), as a feature of site access is a substantial design improvement. Equally, the substantially improved ground floor layout also provide a high quality entry sequence for the site. It is noted that both have been made possible by the provision of a slimmer tower form.</p>
The compatibility of the proposed commercial use with the residential uses on the site	The revised arrangement of commercial uses on the site is significantly more compatible with the residential uses above compared with the previous arrangement, in terms of the retail and the office space.
Issues related to the proposal to relocate the signalised pedestrian crossing in front of the site	The revised proposal relocated the driveway of the development thereby removing the

	need for the relocation of the pedestrian crossing.
Concern about the loss of the mature street trees on Oxford Street	The revised proposal makes provision to enable the retention of the existing street trees on Oxford St.
Issues with respect to the car park design including the design and number of motorcycle and bicycle spaces, the conflict between the loading bay and parking and the inability of the car park to accommodate Heavy Rigid Vehicles to the loading bay	The redesign of the proposal has resolved the vehicular conflicts. The basement design is now satisfactory.
Issues with respect to the waste management design.	The waste management design has been redesigned and is now considered adequate.

Sydney Central City Planning Panel Decisions

DA/486/2016 (the application) was reported by the City of Parramatta Council (the Council) to the Sydney City Central Planning Panel (the Panel) on 7 February 2018.

The Panel determined to defer a decision on the application for the reasons as stated in the Record of Deferral:

"The Panel unanimously decided to defer consideration of the application until legal advice had been received regarding:

- *Necessity of the use of Planning Proposal when it is proposed to demolish a heritage item.*
- *Whether the activities concerning Isolation of the site meet the requirements of the Court's Planning Principle.*
- *Response from Design Excellence and City Architect Office in relation to height variation, the zone boundary interface and feasibility of development on the isolated site in terms of whether that represents the orderly and economic use of the sites.*
- *Clarification whether in the circumstances here the concurrence of the Secretary of the Department of Planning can be assumed for the extent of the variation to the standard, i.e. greater than 10%.*

The Panel encourages a further report to:

- *Address the justification for determination of this application prior to the outcomes of the traffic study of Epping being available which will take into account cumulative impact.*
- *Provide a summary of the issues raised and outcomes of Council's community conciliation meeting held on 24 January 2018.*

As this reporting may take some little time the Panel encourage adjoining owners and the applicant to consider some form of mediation to resolve the isolation question."

The responses to the above matters are reported on in detail in the previous addendum report. A summary is provided below:

Deferral reason	Response
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Legal advice requested as to the necessity of the use of Planning Proposal when it is proposed to demolish a heritage item.	The City of Parramatta's General Counsel and the applicant's solicitor each provided separate advice that a planning proposal was not necessary when demolition of a heritage item is proposed.
Legal advice as to whether the activities concerning Isolation of the site meet the requirements of the Court's Planning Principle.	<p>The applicant provided legal advice that clarified that the site at 48A Oxford Street was not isolated in the manner described by the Court Principle, as the school site to the north had benefit of the same zone, height, and floor space ratio as 48A Oxford Street.</p> <p>The advice also indicated, in accordance with <i>Karavellas v Sutherland Shire Council</i> [2004] NSWLEC 251, that as offers based on valuations had not been accepted, and as the site remained developable in its own right, albeit for a smaller scale development, that the isolated site test had been, in the view of the advising solicitor, satisfied.</p>
Response from Design Excellence and City Architect Office in relation to height variation, the zone boundary interface and feasibility of development on the isolated site in terms of whether that represents the orderly and economic use of the sites.	Detailed responses from the City Architects Office and the Design Excellence Advisory Panel were supplied outlining that the proposal was an appropriate response given the isolation of the site to the north
Clarification whether in the circumstances here the concurrence of the Secretary of the Department of Planning can be assumed for the extent of the variation to the standard, i.e. greater than 10%.	The City of Parramatta's General Counsel provided advice that concurrence could be assumed by Sydney District Planning Panels as per the relevant circular from the Department of Planning.
Address the justification for determination of this application prior to the outcomes of the traffic study of Epping being available which will take into account cumulative impact.	<p>The applicant submitted a further traffic report that noted that the impact of the proposed development in the context of the broader traffic network was not substantial in and of itself.</p> <p>It is noted that at that time, it was the understanding of the City of Parramatta's assessment staff that the Epping Traffic Study was a substantial period from being reported to Council.</p> <p>However, in the intervening period between the second deferral of a decision on the matter by Panel at the 4 April 2018 and now,</p>

	the report was reported to (but not resolved upon) by Council on 28 May 2018.
Provide a summary of the issues raised and outcomes of Council's community conciliation meeting held on 24 January 2018.	The City of Parramatta had supplied this document to the secretariat prior to the first consideration of the matter by the Panel, however the document was subsequently provided for the Panel's benefit at its meeting of 4 April 2018.
The Panel advised the applicant to seek to conciliate with the adjoining property owner to see if a resolution could be arrived at.	The applicant had made contact with the adjoining property owner, however no agreement was able to be arrived at during the intervening period.

On 4 April 2018, the matter was returned for consideration by the panel with an addendum report from the City of Parramatta outlining the above in detail.

The Panel, in making its decision, resolved to defer the matter for a second time, as per the below extract from the decision record:

REASONS FOR DEFERRAL

The panel agreed to defer the determination of the matter until the following information is provided:

1. The Council's heritage adviser to advise on the remaining opportunities for proper interpretation of residential heritage in Epping in the event that the heritage item was demolished, and taking into account the likely future context of the heritage item, given the development controls that now apply to the Epping Town Centre.
2. The Council to provide an updated traffic assessment based on the latest forecasts of the quantum and rate of development in the Epping Town Centre, given that the available 2011 reports may not reflect the current situation. This report should include commentary on the status and adequacy of related infrastructure upgrading work.
3. The Council to advise of a completion date for the current strategic traffic study of Epping Town Centre.
4. The Council planning staff to provide further advice on the justification for variation on height and setback controls in circumstances where the heritage item on the site is not retained.

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

2. Response to SCCPP Deferral Reasons of 4 April 2018

The deferral matters are addressed in order below:

1. The Council's heritage adviser to advise on the remaining opportunities for proper interpretation of residential heritage in Epping in the event that the heritage item was demolished, and taking into account the likely future context of the heritage item, given the development controls that now apply to the Epping Town Centre.

Background to the consideration of the heritage issue by City of Parramatta staff

By way of background, the assessment by City of Parramatta staff with respect to the heritage item is summarised below, with more detail provided as to consideration of likely alternatives in the event that the heritage item were to be retained.

As outlined in the assessment report, there is an inherent conflict between the objectives of the Hornsby LEP with respect to the type of development sought in the Epping Town Centre and the heritage protection controls (by way of the listing of the item).

Based on the merits of the proposal put forward by the Council, it was considered, on balance, that the consistency of the proposal with the objectives for the Epping Town Centre in providing a building of good design quality with a mix of uses, on balance, justified approval of the application including demolition of the listed building.

It is noted for the Panel's benefit that historical attempts to combine the retention of the heritage item with newer (but substantially smaller) development on this site have significantly impacted upon the setting and readability of the heritage item.

Part of the assessment by Council staff involved considering the hypothetical options for retention of the heritage item, given the view of Council's Heritage Advisor that the house should be retained.

The assessment was necessarily hypothetical, and so is necessarily limited, but sought to examine implications of alternate design options for the site on both the quality of the proposal in the round, and on the level of significance of the heritage item able to be maintained within the given planning objectives for the site.

The conclusion of this exercise was as follows:

- While an alternative proposal on this site (or one amalgamating with the neighbouring site to the north) could retain the heritage item, the necessary redistribution of gross floor area would in all likelihood result in a single tower, predominantly at the rear of the site, significantly bulkier and taller than that currently proposed. This building would be likely to wholly overwhelm and diminish the setting of the listed building.
- With a bulkier, taller tower located at the rear of the site, most likely with larger floor plates (and correspondingly, elevation length), such a building would in all probability impose substantial additional solar access, privacy and amenity impacts on properties to the south and particularly the lower zoned land to the east in comparison to the proposal put forward.

It is noted that the size of development on this site has been fundamentally defined by the height and floor space provisions of the Hornsby LEP and DCP for the site, both of which are not reduced compared with surround sites despite the presence of the listed building.

- While amalgamation with the site to the north could present more options in terms of the positioning of this tower, the site would also benefit from a higher maximum gross floor area. This is because of the inclusion of the additional allotment in the calculation of the maximum permitted gross floor area, meaning that the benefits of the additional space gained by the amalgamation is off-set by more gross floor area to be accommodated, again meaning a taller, bulkier tower.
- The location of a new tower on the site would need to be predominantly defined by the considerations with respect to providing the best realisable setting for the heritage listed building within the context of the substantial change in height and floor space ratio.

This would most likely place the bulkier, taller tower with an orientation that would not provide optimal orientation for the dwellings provided therein, or and would impose a larger floor plate meaning more units with single aspect.

Of course, key in the consideration of the scheme would be just how tall a building could be permitted, as, with a single tower of 30 storeys or more a narrow floor plate, with consequent amenity benefits could be achieved as per the proposal could be realised.

It is, however, extremely unlikely that a building that exceeds the height control by two times would be acceptable even with the heritage item being retained as justification, given the inconsistency of such a proposal with the desired townscape as defined by the DCP.

- Retention of the heritage item would make extremely difficult provision of an active streetscape along Oxford Street, a key design requirement for development within the Epping Town Centre, as the setbacks required to provide the item with an appropriate setting would insert a significant break in streetscape continuity.

The conclusion of the City of Parramatta's planning staff was that unless a vast (and likely unacceptable) variation to building height was permitted for a single tower on the site, retention of the heritage item would result in a new building (in comparison to the current proposal) being:

- Bulkier, heavier, and of poorer design quality, both internally and with respect to the impacts imposed upon neighbouring sites; and
- A development not capable of providing an active street frontage or continuous street wall along Oxford Street; and
- A development that would in itself impact significantly on the townscape of Epping and on the setting of the Heritage listed building itself.

It is on that basis that Council staff sought to pursue an option to provide a development with a good level of design quality, in the absence of the heritage item.

It is acknowledged that this conclusion is based on certain assumptions, and also weighing the Epping Town Centre future desired character standards against the heritage conservation requirements of the LEP, however it is considered that the recommendation with respect to this application on this basis remains a reasonable conclusion based upon the context the site and the relevant planning framework.

Panel request for further independent heritage advice

Following on from the Panel resolution, it was clarified by the Secretariat of the Panel that the panel wished for the above advice to be provided via an independent town planner engaged by the City of Parramatta.

In this context, the City of Parramatta engaged Urbis to provide advice with respect to the matter at hand, and that advice is attached.

As this advice was provided as independent advice to assist Panel in its decision making, this assessment report provides no further commentary on the provided advice.

2. The Council to provide an updated traffic assessment based on the latest forecasts of the quantum and rate of development in the Epping Town Centre, given that the available 2011 reports may not reflect the current situation. This report should include commentary on the status and adequacy of related infrastructure upgrading work.

The Epping Traffic Study, put forward for consideration by the Council of the City of Parramatta on 28 May 2018, is now a public document. It is attached to the report for the Panel's benefit.

With respect to traffic in the Epping Town Centre, the findings of the latest traffic study are summarised as follows:

- For March 2017, up to four of the six key intersections on the four major traffic routes (Beecroft, Blaxland, Carlingford and Epping Roads) are operating at oversaturated traffic levels (waiting time average 5 minutes);
- During the morning peak, combined east bound and south bound traffic queues on Beecroft and Carlingford Roads can reach a combined total length of approximately 1.5km;
- The traffic queuing effect occurs at approximately 8:30a.m and 5:40p.m in line with Sydney regional traffic conditions;
- The increasing road traffic congestion occurring in the Town Centre area is adversely affecting both regional through traffic movements and local traffic accessibility to the major road network.
- In the future, peak traffic conditions (in modelled scenarios of +5000 and +10000 dwellings growth) will worsen even with the identified RMS and Council road improvements;
- In the road networks, five of the six assessed intersections will have traffic conditions operating at oversaturated levels during the morning and afternoon traffic peak.
- In 2036, over 3,300 vehicles cannot enter the network.
- The average intersection delays are predicted to improve by 2036 from the 2026 base scenario as a result of Council proposed road improvements which are anticipated to be implemented during this period. However, the most crucial intersection, Beecroft Road, will actually worsen in terms of average delay by 2036.
- The report finds that the afternoon performance of the network for the base 2036 is such that it is unlikely that there will be any spare capacity for additional vehicles.

The report notes some projects that may assist with providing some improvements to the current situation, but the Council's report concluded that Planning Proposals seeking further residential yield (i.e Gross Floor Area) beyond that currently permitted by the applicable Epping planning controls should at as a general principle not be supported at this time.

The report made no recommendation with respect to the management of Development Applications in this precinct.

The Epping Traffic issues notwithstanding, it is also relevant to note that the traffic issues in Epping are a result of cumulative impacts of a number of developments both within, but predominantly outside of the Epping Town Centre Precinct.

The planning framework, including heights and densities for the Epping Town Centre, were developed based upon the previous traffic study that informed the decision making by the Department of Planning, and indicated that the proposed density uplift was appropriate subject to certain works.

In relation to the broader problem, the trip generation rates for the subject development, while contributory to the cumulative impact, are insubstantial compared with the total level of local traffic generation.

The proposal includes a mix of uses that is consistent with what the traffic study would have anticipated for the town centre as the key traffic generating metric – gross floor area - is below the maximum permitted for the site.

Further, the application was lodged prior to a number of similar or greater scale already approved within the Epping Town Centre, and it is not possible to establish that this particular project will so worsen local traffic conditions as to justify a different consideration to those similar, and in many cases, larger, developments.

However, in the context of the traffic problems already apparent, the applicant has furnished a green travel plan which has been provided to the secretariat and includes recommendations to seek to reduce the traffic generation of the use proposed.

Additionally, the applicant has advised that they would be open to conditions with respect to the following matters, subject to the discretion of the Panel:

- Dedication of 5 car spaces to be provided for the purposes of car-pooling for occupants of the building. The car share scheme to be managed by the Stata Scheme;
- Car spaces ownership to be coupled with either unit owners or the strata scheme i.e. sale to third parties i.e. external to the building will be prohibited
- Agree to a restriction on title that denies building residents the benefit to any future on-street parking

Further measures are recommended in the Green Travel Plan for the benefit of the Panel. Condition 1. If the Panel considers the measures proposed adequate, the Green Travel Plan and the above can be incorporated as additional conditions in the recommendation.

3. The Council to advise of a completion date for the current strategic traffic study of Epping Town Centre.

As noted above, the Epping Town Centre strategic traffic study is now publically available and has been attached for the Panel's benefit.

4. The Council planning staff to provide further advice on the justification for variation on height and setback controls in circumstances where the heritage item on the site is not retained.

As the subject application does not propose retention of the heritage item, the City of Parramatta's original assessment report considered the variation to height and setback controls, with the recommendation with respect to these aspects of the proposal based upon testing and detailed analysis of the various site development outcomes and their impacts by Council assessment staff.

In the interest of brevity and simplicity in reporting, the finer detail of this consideration was not included in the report.

It is accepted that these finer details would have been of benefit in assisting the Panel to understand the assessment of these matters and this is now provided below:

Height

With respect to height, the two key controls defining height are under Clause 4.3 of Hornsby LEP 2013, and under Clause 4.6.4 Scale of the Hornsby Development Control Plan 2013.

Local Environmental Plan

The Local Environmental Plan outlines that a maximum building height of 48 metres for the subject site.

The proposal seeks consent for two towers with the following heights:

Front tower: 62.2m

Rear tower: 51.12m

Development Control Plan

The Development Control Plan outlines that where a maximum building height of 48m applies, a maximum 15 storeys may be provided.

The proposal includes a tower of 15 storeys and a tower of 18 storeys.

Analysis

The variation with respect to the two towers is different as is the magnitude of variation. As such, the two are analysed separately below:

Rear tower

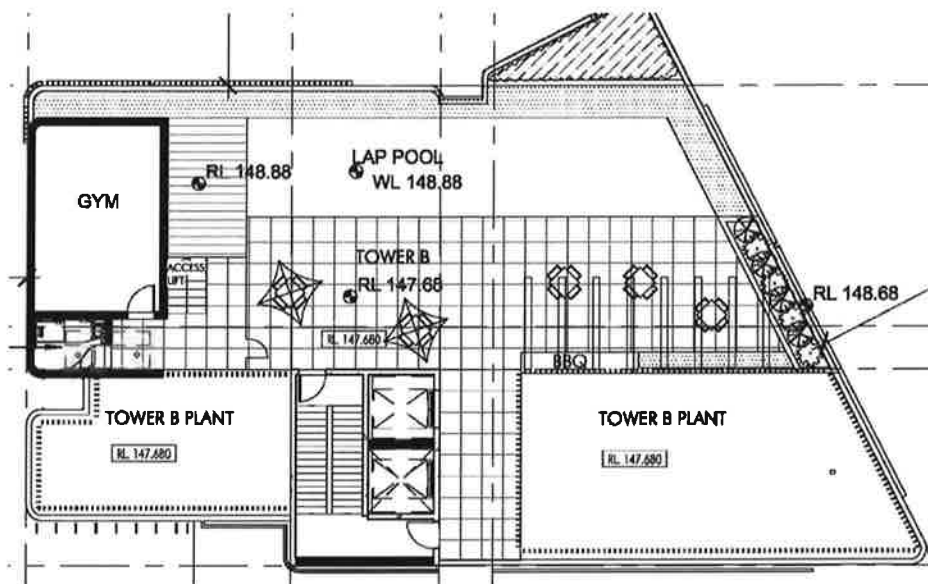
The rear tower exceeds the maximum height by 3.12m in total and complies with the storeys defined under the DCP.

The tower structure itself sits beneath the 48m height limit. The elements breaching the height limit include:

- The lift overrun (the highest part of the building);
- The roof top gym (the second highest part of the building);
- Roof-top fencing; and
- The roof top swimming pool.
- A portion of the roof of the top floor on one side of the building (a result of the slope of the site beneath).

The latter three of the above consisting of marginal variations.

The first image below shows, on floor plan, the size of these facilities with respect to the size of the overall building roof top. The second shows the extent of the breach of the rear tower.



Above: Roof top plan, rear tower. The bulk of the variation is for the gym and lifts. The variations for the pool and the fencing of the top level are extremely modest in extent.



Above: The maximum building height line of 48m is the red line above. Note that the dark shading in the background behind the roof element is the approved (and under construction) development to the south which is taller than the rear tower and not part of this building.

Lift overruns are required for tower developments and it is not uncommon that these elements breach the maximum building height due to the necessities of lift engineering.

It is noted that the maximum building height of 48m, when combined with the 15 storeys outlined under the DCP, does not account for lift over-runs.

Assuming:

- for the ground floor retail a floor to ceiling height of 4.1m; and
- for the 14 wholly residential storeys a slab to slab height of approximately 3.1m, (which includes the 2.7m floor to ceiling height for the unit, space for utilities, and space for the slab between floors);

the building would have a height of 47.5m (just 500mm beneath the maximum building height). This is not sufficient space to provide for a lift overrun.

Furthermore, the lift overrun is higher than required in this instance as the roof top (communal open space area) is directly accessible by the lift.

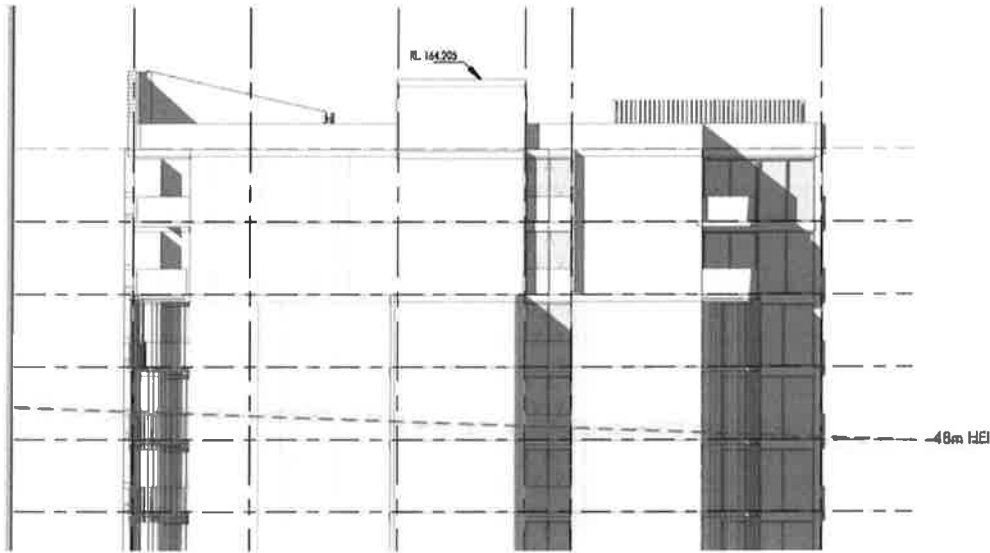
As the roof level provides modest but important communal amenities, and as lift access clearly improves the accessibility of these services to all building residents, it is considered that this variation is acceptable and in the public interest.

The pool, gym and associated fencing, which all breach the height limit in a more modest fashion all serve to provide recreation opportunities for residents in a precinct where such opportunities are limited and are considered to therefore provide important recreational opportunities for building residents.

It is noted that the incursions beyond the maximum building height for the rear tower have minimal solar, privacy or amenity impacts on any surrounding site.

Front Tower

When existing ground level is considered, the tallest building element proposed is the eastern side of the front tower where approximately 4 storeys sit above the 48m maximum building height requirement, above which are architectural roof features, and a lift overrun.



Above: the upper portion of the front tower.

The design of the proposal, including the height breach, was in part arrived at following consultation with the Design Excellence Advisory Panel and the City Architect's Office.

To understand the logic behind the recommendation to take the chosen approach was as per below:

- While for most low scale (i.e. 1-3 storey) developments, a height variation can significantly impact on the streetscape and the amenity of adjoining properties, for tower developments such as that sought by the Epping Town Centre controls, a variation to the maximum building height can (provided no net increase in gross floor area) result in a building with relatively reduced streetscape and amenity impacts within the development and for surrounding sites.
- The reason for this is that the taller building is able to redistribute its bulk over a greater area vertically, resulting in a net reduction in the size of the average floor plate provided per level.
- Read on elevations, this reduction reduces the wall length on all sides of the building.
- In terms of streetscape, the taller building is experienced as a less dominant, less heavy object with greater sculptural quality compared with a shorter but wider tower.
- In terms of solar access, the taller, narrower tower, due to the narrower wall widths, casts a longer, though narrower shadow that lingers for a shorter period on overshadowed locations.

In this case, the extra length of the shadow from the extra building height is unimportant as the shadow cast by the approved and under construction building to the south already extends for the bulk of the length of the shadow of the proposed building.

In contrast, given that, for buildings of the scale of those permitted under the Epping Town Centre Controls, the apartment design guide separations do little to minimise shadowing impacts.

The taller tower, by casting a narrower shadow, permits a level of solar access to the development to the south in excess to that provided by a building maintaining the present gross floor area but complying with the maximum height control.

- The taller, narrower building, by virtue of having reduced wall lengths, has less building edge interfaces with adjoining sites, reducing risks with respect to privacy and overlooking.
- By taking up a smaller proportion of the site, the taller, narrower building allows for the provision of increased separations than would occur with a shorter, wider building, and further frees up the ground floor for other options, in this case, the central communal open space area accommodating the hidden forest element.
- In terms of internal amenity, the smaller floor plates also result in improved residential amenity by facilitating the provision of more corner apartments with dual aspect (in this case, the levels in breach provide 16 corner apartments). These apartments would otherwise likely need to be single aspect to fit in a larger floor plate.
- The smaller resulting floor plates also improve residential amenity by limiting the number of dwellings per floor, an objective generally encouraged by the apartment design guide.

It is noted that the floors wholly or partly above the maximum height limit accommodate approximately 2071m² of gross floor area.

In terms of individual floor plates, small size of the floor plate of the front tower has an average floor plate of 517.75m², in contrast, the front tower of the approved development to the south has a floor plate of 813.23m², with a similar floor plate for the rear tower. The proposals tower consequently has a floor plate 36% smaller than the those towers to the south, and will read consequently as a significantly more slender building.

In terms of alternate options for accommodating the floor space beneath the height limit, if this were evenly added to the 13 residential floors below the maximum building height, an additional 159m² would be added to each floor plate producing a bulkier building.

Assuming this mass was added in a 'box' element to one end of the tower, the wall length would extend by 7m on two sides of the building resulting in a greater level of shadowing, reduced ground floor space not occupied by tower base, and an all round bulkier building. Alternatively, the whole tower could widen in all directions, still resulting in a building with a greater environmental impact on its surroundings.

As such, although the quantum of height variation is significant, the variation permits an outcome clearly superior to an alternative, compliant scheme, and is thus in the public interest.

It is important to note that taller towers bring greater construction cost, due to the need to construct extra slabs in space, and given the proposal is below the maximum floor space ratio control, there is no benefit accruing to a future development aside from an improved level of dwelling amenity resulting from the additional height sought.

In terms of this specific site, the likely challenges of developing the site at 48A Oxford Street, sandwiched between the subject site and the Arden School, has imposed particular discipline with respect to the setbacks provided to the northern side.

In the absence of a slimmer tower, such separations would not be able to be achieved, and the development potential of that site would be further affected as a result.

It is in the context above that the City of Parramatta, in accordance with the advice of our City Architects Office and Design Excellence Advisory Panel, support the proposed height variation as a clear improvement on this site to the complaint alternative defined by the planning controls under the Hornsby LEP and DCP.

Setbacks and Building Separation

As with all buildings subject to State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings (SEPP 65) and also subject to a Development Control Plan (DCP), in this instance 2 types of effective setbacks apply.

The first consist of the Building Separation requirements of the Apartment Design Guide called up by SEPP 65, the second are those under the Hornsby DCP 2013, and particularly those under Section 4.6 of that Policy which relates specifically to the Epping Town Centre.

These are considered separately below.

SEPP 65 and the Apartment Design Guide Building Separation

The objective of the Clause that outlines desired building separations under the Apartment Design Guide is Clause 3F-1 which states:

"Adequate building separations are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy."

It is important to note that under the Apartment Design Guide all separations below specifically relate to separations between **windows and balconies** with no separation required for blank walls (see design guidance of the same clause).

This means that although a building may not necessarily meet the separations distances below, careful handling of its window and balcony placement could prove to be consistent with the apartment design guides intent.

Requirement	Proposed	Compliance
To boundaries	<i>North</i>	Yes
Up to 12m (4 storeys)	9m front building	
Habitable – 6m	12m rear building	
Non-habitable – 3m	<i>South</i>	The only exception is the podium balconies of the front building. These are fully screened to the side

	<p>6m provided within site; 13m provided to adjoining building.</p> <p>Note: Podium balcony is on the boundary, northern and southern sides, but fully screened.</p> <p><i>East (req +3m as lower zone)</i></p> <p>12m</p>	<p>boundaries and no privacy impact thus results.</p>
<p>Up to 25m (5-8 storeys)</p> <p>Habitable – 9m</p> <p>Non-habitable – 4.5m</p>	<p><i>North</i></p> <p>9m front building</p> <p>12m rear building</p> <p><i>South</i></p> <p>6m front and rear (with 1 portion of each building 5.3m)</p> <p><i>East (req +3m as lower zone)</i></p> <p>12m</p>	<p>North – Yes</p> <p>South – No</p> <p>East - Yes</p>



Above: The diagram shows the setback to the rear tower, for levels 5-13, but this is typical for most levels of the tower. The splayed wall is the portion that encroaches on the numerical building separation line, however no windows or openings occur on this wall element which face the adjoining building.

Over 25m (9+ storeys)	<i>North</i>	
Habitable – 12m	9m front of front building	North – Yes
Non-habitable – 6m	12m rear of front building	
	12m rear building	
	<i>South</i>	South – No
	6m front and rear	
	(with 1 portion of each building 5.3m)	
	<i>East (req +3m as lower zone)</i>	
	12m	East – No

The two key areas in which the separation distance is not met above relate to the southern boundary above 4 storeys, and to the eastern boundary above 9 storeys. These are separately discussed below:

Southern boundary separation above 4 storeys

The separation distances to the south do not comply with the numeric requirement for distance between buildings.

However, a closer analysis of the southern treatment of the two towers proposed reveals that care has been exercised in the design to orient elements away from that southern elevation, with the balconies facing in that direction fully screened.

Any windows for south facing rooms have been designed to face east or west, via the use of angled walls.

In such a context, as no privacy impact results, the proposal is appropriate, and the need for the separation control has been overcome by cautious design.

Eastern boundary separation above 9 storeys

As the property to the east has a lower density and height, and zone, a 3m separation increase is required to meet the ADG requirement to the boundary.

In this context, 15m would be required to the boundary, while 12m is provided.

The ambition of separation distances to the boundary is that the base separation distance should be doubled to calculate the actual desired separation distance. Here, a 24m separation distance would achieve compliance with the ADG.

In fact, the siting on the buildings on the adjoining property, 25m distant at their nearest point, is compliant with the ADG. In this regard, although a technical non-compliance exists with respect to separation to the boundary, compliance is achieved with respect to separation to the buildings on the adjoining site.

In any event, it is noted that the comparative disparity between the height of buildings on the subject site and that of the eastern neighbour is such that a point-to-point measurement of distance from any of the windows or balconies above 9m to the windows of that unit block would substantially exceed the separation distance so stated.

Between towers	24m	Up to 12m – Yes
(within the site)		
<i>Up to 12m (4 storeys)</i>		5-8m – Yes
Habitable 12m		
Non-habitable 6m		25m + Yes

<p><i>Up to 25m (5-8 Storeys)</i></p> <p>Habitable – 18m</p> <p>Non-habitable – 9m</p> <p><i>Over 25m (9+ storeys)</i></p> <p>Habitable – 24m</p> <p>Non-habitable – 12m</p>		<p>It is noted here that although the bulk of the buildings are 15m apart, the placement of windows and balconies is such that none are placed within that range of another window or balcony. Hence, compliance is achieved.</p>
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Summary of separation compliance

A preliminary or cursory review of the plans of the proposed development may bring immediate attention to the fact that the separation distances under the Design Guide appear not to be met, particularly between the two towers and to the site to the south.

However, detailed analysis reveals that the cautious placement of openings and of balconies largely eliminates any privacy risk.

In that context, although the building separation requirement is not met, the intent of the control is achieved as the focus of the guide is with respect to achieving adequate separation between *windows and balconies* which the proposal clearly achieves.

Hornsby DCP 2013 Setback Requirements

The key setbacks identified under the Hornsby DCP are identified as being:

- Street Setback
- Rear and Side Setbacks

These are examined separately below:

Street Setback

Requirement	Proposed	Compliance
0m to Podium and Basement (podium to be 2-3 storeys)	0m to the street for podium	Yes
12m to tower element and upper floors	9m	No
Towers on Oxford Street may encroach on the 12 front setback to a minimum of 9m for up to 1/3 of the tower width	9m whole frontage	No
<p>A key element of front setbacks is to achieve consistency along a street alignment to ensure the appropriate positioning of buildings relative to surrounding developments, and the public domain more generally.</p> <p>The proposal is compliant with respect to the street-edge setback requirements for the podium, however, the tower element is setback predominantly 9m from the street, 3m forward of the</p>		

12m requirement of the DCP (although noting that the DCP permits 1/3 of the building width at the front building line to encroach to 9m).

A review of the documentation associated with the approval of the building at 30-42 Oxford Street Epping has identified that the tower element of that building is setback variously between 9m and 10.7m, with the portion of that development closest to this site having a setback of 9m.

It is noted that the element of that building closest to the subject development consists of a projecting wall, for the full 16 storeys of that development.

The encroachment of the proposal, in contrast, predominantly consists of balconies, with timber-look aluminium battens forming up the bulk of the balustrading for up 70% of its width above level 9, and 50% between the top of the podium and Level 9.

The key feature of this 'timber look' element is that the open – rather than structural - balustrades so created read from the street as an appurtenant element of the building, rather than as part of the mass of the tower behind.

Given the above, it is considered that the proposal will satisfy the design intent of the front setback control as:

- (a) The proposal is aligned with the front setback of the building approved and immediately to the south in terms of its tower setback; and
- (b) The proposal is so designed as to provide balcony elements that are light and open when read from the street and therefore provide a sense of open-ness compared with the heavy structure used on the balconies of the building to the south.

Side and rear setbacks

Requirement	Proposed	Compliance
0m side and rear for podiums	0m setbacks either side.	Yes
Above podium height, 6m from rear and side boundaries	6m South 9m North	Yes
To residential zoned land adjoining, 9m setback required (6m + 3m additional requirement near zone boundary)	12m to the rear	Yes

The proposal therefore complies with the side and rear setback requirements nominated for the Epping Town Centre under the Hornsby DCP 2013.

Analysis

In terms of setbacks, and by extension building separation requirements, under the Apartment Design Guide, the building predominantly complies with the relevant setbacks under the Development Control Plan, and further, satisfies the objectives for which building separation controls apply under the Apartment Design Guide.

It is noted that no windows or balconies facing a boundary or the other tower are positioned within the separation distance applicable under the Design Guide.

4. Conclusion

The additional matters for which information and clarity was sought by the Panel have been responded to. It is the view of the assessment team, it is considered that sufficient further information has been provided with respect to these issues to enable the Panel to move the matter towards determination.

RECOMMENDATION

- A. That pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* the Sydney Central City Planning Panel grant a Deferred Commencement to Development Application DA/485/2016 in accordance with the recommendations previously provided to Panel with the following amendments:
 - 1. Condition 1 be modified to include the applicant's green travel plan.

- B. That all the objectors be advised of the Sydney Central City Planning Panel's decision.



**CITY OF
PARRAMATTA**

SYDNEY CENTRAL CITY PLANNING PANEL Addendum Assessment Report 3

Panel Reference	2016SYW0114
DA Number	DA/485/2016
LGA	City of Parramatta Council
Proposed Development	Demolition of all existing structures on site, (including the heritage listed residence), tree removal and construction of a mixed use development in the form of 2 towers (15 and 18 Storeys tall, respectively) over a podium and basement car parking.
Street address	44-48 Oxford Street, Epping (Lot 1 DP 206646, Lot 2 DP 206646, Lot A DP 390454, Lot B DP 390454)
Applicant	Pirasta Pty Ltd
Owner	Pirasta Pty Ltd
Date of DA lodgement	17 June 2016
Number of Submissions	50
Recommendation	Deferred Commencement
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (at the time of lodgement), the development has a capital investment value of more than \$20 million.
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979 (EP&A Act) and Environmental Planning and Assessment Regulation 2000.• State Environmental Planning Policy No. 55 – Remediation of Land• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (State and Regional Development) 2011• State Environmental Planning Policy (Infrastructure) 2007• Hornsby Local Environmental Plan 2013 (HLEP)• Attachment 1 – Green Travel Plan• Attachment 2 – Peer Review of Green Travel Plan• Attachment 3 – Car Share Support Letter• Attachment 4 – Revised Clause 4.6 Variation Request (Height)• Attachment 5 – Applicant Letter Regarding Parking Rates• Attachment 6 – Park Rate Comparison
List all documents submitted with this report for the Panel's consideration	
Report prepared by	Liam Frayne
Report date	29 August 2018

1. Introduction

Given the complexity of the history of this matter, during both consideration by the City of Parramatta, and by the Sydney Central City Planning Panel, the below detailed background is provided to assist in an understanding of the history of the assessment and consideration of this matter to date:

Background of Consideration of Application

City of Parramatta Consideration

The subject Development Application was lodged with the City of Parramatta on 17 June 2016. At the time of lodgement, the application proposed:

Demolition, tree removal, site preparation/excavation works, and construction of a mixed use development containing 200 dwellings with 3 storey podium and 2 towers of 15 & 17 storeys over 4 levels of basement parking containing 234 parking spaces.

Prior to lodgement, the applicant had obtained pre-lodgement advice from Hornsby Shire Council with respect to the proposal, which advised that the then proposed scheme was generally acceptable.

However, the creation of the City of Parramatta Council on 12 May 2016 resulted in the eastern side of the Epping Town Centre transferring from Hornsby Shire into the reconstituted City of Parramatta. It is for this reason that the application was lodged with the City of Parramatta Council.

The preliminary review of the original proposal by the City of Parramatta, including by the Design Excellence Advisory Panel and a briefing with the Joint Regional Planning Panel (now Sydney Central City Planning Panel) identified the following concerns with respect to the proposal:

- Site Isolation of 48A Oxford Street;
- That the overall scheme lacked sufficient merit with respect to the attainment of the planning objectives relating to the site to permit any justification of the demolition of the heritage item ;
- That the height variation proposed did not deliver any requisite design benefit (by way of a slimmer tower with reduced amenity impacts) and therefore was difficult to be justified on planning grounds;
- That the building had poor design quality with respect to the residential amenity of a substantial number of the proposed units – the site planning further resulting in a high number lacking appropriate solar access, outlook or well-designed pedestrian access;
- The compatibility of the proposed commercial use with the residential uses on the site;
- Issues related to the proposal to relocate the signalised pedestrian crossing in front of the site;
- Concern about the loss of the mature street trees on Oxford Street;

- Issues with respect to the car park design including the design and number of motorcycle and bicycle spaces, the conflict between the loading bay and parking and the inability of the car park to accommodate Heavy Rigid Vehicles to the loading bay; and
- Issues with respect to the waste management design.

Following liaison with Council's City Architect's Office, and Council more generally, the applicant submitted amended plans to the City of Parramatta on 30 October 2017 for consideration by the Design Excellence Advisory Panel and other Council technical staff.

Further amended plans addressing various concerns raised by Council were submitted on 3 subsequent occasions.

The Design Excellence Advisory Panel report on the amended plans requested minor amendments but concluded that, *"this is a well-considered and presented scheme and that the architectural, urban design and landscape quality is of a high standard."*

Council's subsequent assessment found that the amended proposal had sufficient merit, on balance to support a favourable recommendation.

In terms of public consultation, the application was advertised on two occasions, and subsequently, and in accordance with the resolution of Council, a Conciliation Meeting was held by Council to facilitate dialogue between the applicant and interested submitters. The original assessment report submitted to panel comprehensively reports on these processes.

With respect to the issues raised with respect to the original design, these concerns of the City of Parramatta have been either addressed or subsequently informed as part of the Sydney Central City Planning Panel process as follows:

Issue	Response in modified scheme
Site Isolation of 48A Oxford Street	<p>The City of Parramatta is satisfied that the applicant had sufficiently demonstrated that attempts have been made to acquire 48A Oxford Street based on the substantial documentary evidence submitted to that effect.</p> <p>It is noted that subsequent legal advice provided at the request of the panel by the applicant's legal advisor notes that although the site may be currently practically isolated, it is not isolated in accordance with the planning principle as the adjoining school site benefits from the same zoning, height and floor space to 48A (and indeed the subject site).</p> <p>The advice also concluded that the adjoining site further was capable of being further developed in its own right notwithstanding its narrow frontage.</p>
That the overall scheme lacked sufficient merit with respect to the attainment of the planning objectives relating to the site to permit any justification of the demolition of the heritage Item	<p>Council officers consider, on balance, that the revised proposal exhibits sufficient design merit and consistency with the form desired within the Epping Town Centre to permit the development to be supported.</p> <p>At the Panel's request, independent heritage advice has been provided by Urbis for the Panel's benefit.</p>
That the height variation proposed did not deliver any requisite design benefit (by	The development was revised to provide a slimmer tower and floor plate per level, compared to the original

way of a slimmer tower with reduced amenity impacts) and therefore was difficult to be justified on planning grounds	scheme, resulting in a narrower shadow cast, and providing improved amenity. The slimmer towers will also sit less heavily on the street, notwithstanding their greater height, compared with a compliant building.
That the building had poor design quality with respect to the residential amenity of a substantial number of the proposed units – the site planning further resulting in a high number lacking appropriate solar access, outlook or well-designed pedestrian access	<p>The revision of the proposal to provide two wholly separate towers has significantly improved the amenity of the proposed apartments and the site in general. This design permits the bulk of apartments to dual aspect, ensuring good solar amenity and outlook for future residents.</p> <p>The provision of a well landscaped central courtyard in the revised plans (reviewed by Council's Urban Design team to ensure the provision of adequate soil depths to ensure the viability of landscaping) is a substantial design improvement. Equally, the substantially improved ground floor layout also provides a high quality entry sequence for the site. It is noted that both have been made possible by the provision of a slimmer tower form.</p>
The compatibility of the proposed commercial use with the residential uses on the site	The revised arrangement of commercial uses on the site is significantly more compatible with the residential uses above compared with the previous arrangement, in terms of the retail and the office space.
Issues related to the proposal to relocate the signalised pedestrian crossing in front of the site	The revised proposal locates the driveway of the development away from the pedestrian crossing.
Concern about the loss of the mature street trees on Oxford Street	The revised proposal makes provision to enable the retention of the existing street trees on Oxford Street.
Issues with respect to the car park design including the design and number of motorcycle and bicycle spaces, the conflict between the loading bay and parking and the inability of the car park to accommodate Heavy Rigid Vehicles to the loading bay	The redesign of the proposal has resolved the vehicular conflicts. The basement design is now satisfactory.
Issues with respect to the waste management design.	The waste management design has been redesigned and is now considered adequate.

Sydney Central City Planning Panel Decisions

DA/485/2016 (the application) was first reported by the City of Parramatta Council (the Council) to the Sydney City Central Planning Panel (the Panel) on 7 February 2018.

The Panel determined to defer a decision on the application for the reasons as stated in the Record of Deferral:

"The Panel unanimously decided to defer consideration of the application until legal advice had been received regarding:

- *Necessity of the use of Planning Proposal when it is proposed to demolish a heritage item.*
- *Whether the activities concerning Isolation of the site meet the requirements of the Court's Planning Principle.*

- *Response from Design Excellence and City Architect Office in relation to height variation, the zone boundary interface and feasibility of development on the isolated site in terms of whether that represents the orderly and economic use of the sites.*
- *Clarification whether in the circumstances here the concurrence of the Secretary of the Department of Planning can be assumed for the extent of the variation to the standard, i.e. greater than 10%.*

The Panel encourages a further report to:

- *Address the justification for determination of this application prior to the outcomes of the traffic study of Epping being available which will take into account cumulative impact.*
- *Provide a summary of the issues raised and outcomes of Council's community conciliation meeting held on 24 January 2018.*

As this reporting may take some little time the Panel encourage adjoining owners and the applicant to consider some form of mediation to resolve the isolation question."

In response to the above deferral reasons, after obtaining the necessary information to provide a response, the matter was reported back to the SCCPP Panel Meeting of 4 April 2018. Responses to the above matters were provided in detail in Addendum Assessment Report 1. A summary is provided below:

Deferral reason	Response
Legal advice requested as to the necessity of the use of Planning Proposal when it is proposed to demolish a heritage item.	The City of Parramatta's General Counsel and the applicant's solicitor each provided separate advice that a planning proposal was not necessary when demolition of a heritage item is proposed.
Legal advice as to whether the activities concerning Isolation of the site meet the requirements of the Court's Planning Principle.	<p>The applicant provided legal advice that clarified that the site at 48A Oxford Street was not isolated in the manner described by the Court Principle, as the school site to the north had benefit of the same zone, height, and floor space ratio as 48A Oxford Street.</p> <p>The advice also indicated, in accordance with <i>Karavellas v Sutherland Shire Council</i> [2004] NSWLEC 251, that as offers based on valuations had not been accepted, and as the site remained developable in its own right, albeit for a smaller scale development, that the isolated site test had been, in the view of the advising solicitor, satisfied.</p>
Response from Design Excellence and City Architect Office in relation to height variation, the zone boundary interface and feasibility of development on the isolated site in terms of whether that represents the orderly and economic use of the sites.	Detailed responses from the City Architects Office and the Design Excellence Advisory Panel were supplied outlining that the proposal was an appropriate response given the isolation of the site to the north
Clarification whether in the circumstances here the concurrence of the Secretary of the Department of Planning can be assumed for the extent of the variation to the standard, i.e. greater than 10%.	The City of Parramatta's General Counsel provided advice that concurrence could be assumed by Sydney District Planning Panels as per the relevant circular from the Department of Planning.
Address the justification for determination of this application prior to the outcomes of the traffic study of Epping being available	The applicant submitted a further traffic report that noted that the impact of the proposed development in the context of the broader traffic network was not substantial in and of itself.

which will take into account cumulative impact.	<p>It is noted that at that time, it was the understanding of the City of Parramatta's assessment staff that the Epping Traffic Study was a substantial period from being reported to Council.</p> <p>However, in the intervening period between the second deferral of a decision on the matter by Panel at the 4 April 2018 meeting and now, the report was reported to (but not resolved upon) by Council on 28 May 2018.</p>
Provide a summary of the issues raised and outcomes of Council's community conciliation meeting held on 24 January 2018.	The City of Parramatta had supplied this document to the secretariat prior to the first consideration of the matter by the Panel, however the document was subsequently provided for the Panel's benefit at the second hearing of the item at the 4 April 2018 meeting.
The Panel advised the applicant to seek to conciliate with the adjoining property owner to see if a resolution could be arrived at.	The applicant made contact with the adjoining property owner, however no agreement was able to be arrived at during the intervening period.

At the 4 April 2018 meeting, The Panel, in making its decision, resolved to defer the matter for a second time, as per the below extract from the decision record:

"The Panel agreed to defer the determination of the matter until the following information is provided:

- 1. The Council's heritage advisor to advise on the remaining opportunity for proper interpretation of residential heritage in Epping in the event that the heritage item was demolished, and taking into account the likely future context of the heritage item, given the development controls that now apply to the Epping Town Centre.*
- 2. The Council to provide an updated traffic assessment based on the latest forecasts of the quantum and rate of development in the Epping Town Centre, given that the available 2011 reports may not reflect the current situation. This report should include commentary on the status and adequacy of related infrastructure upgrading work.*
- 3. The Council to advise of a completion date for the current strategic traffic study of Epping Town Centre .*
- 4. The Council planning staff to provide further advice on the justification for variation on height and setback controls in circumstances where the heritage item on the site is not retained.*

When this information has been received, the panel will hold another public determination meeting.

The decision to defer the matter was unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution".

In response to the above deferral reasons, after obtaining the necessary information to provide a response, the matter was reported back to the SCCPP Panel Meeting of 4 July 2018. Responses to the above matters were provided in detail in Addendum Assessment Report 2. A summary is provided below:

Deferral reason	Response
That Council's heritage advisor advise on remaining opportunities for proper interpretation of residential heritage in Epping in the event that the heritage item	In response to further clarification from the Panel, an independent heritage specialist was commissioned to review the matter, as per the Panel's resolution. The conclusion of this review was:

<p>was demolished, and taking into account the likely future context of the heritage item, given development controls that now apply to the Epping Town Centre.</p>	<p><i>"In conclusion, although cognisant of Council's internal heritage report and the robust arguments put by LSJ Heritage, I do not recommend the retention of the subject former dwelling at 44-48 Oxford Street Epping. I support the arguments put forward by both NBRS and Weir Phillips in this regard."</i></p>
<p>The Council to provide an updated traffic assessment based on the latest forecasts of the quantum and rate of development in the Epping Town Centre, given the available 2011 reports may not reflect the current situation. This report should include commentary on the status and adequacy of related infrastructure upgrading work.</p>	<p>Addendum Report 2 provided an outline of the Epping Town Centre traffic study following its release.</p> <p>The key points from this report were:</p> <ul style="list-style-type: none"> • For March 2017, up to four of the six key intersections on the four major traffic routes (Beecroft, Blaxland, Carlingford and Epping Roads) are operating at oversaturated traffic levels (waiting time average 5 minutes); • During the morning peak, combined east bound and south bound traffic queues on Beecroft and Carlingford Roads can reach a combined total length of approximately 1.5km; • The traffic queuing effect occurs at approximately 8:30a.m and 5:40p.m in line with Sydney regional traffic conditions; • The increasing road traffic congestion occurring in the Town Centre area is adversely affecting both regional through traffic movements and local traffic accessibility to the major road network. • In the future, peak traffic conditions (in modelled scenarios of +5000 and +10000 dwellings growth) will worsen even with the identified RMS and Council road improvements; • In the road networks, five of the six assessed intersections will have traffic conditions operating at oversaturated levels during the morning and afternoon traffic peak. • In 2036, over 3,300 vehicles cannot enter the network. • The average intersection delays are predicted to improve by 2036 from the 2026 base scenario as a result of Council proposed road improvements which are anticipated to be implemented during this period. However, the most crucial intersection, Beecroft Road, will actually worsen in terms of average delay by 2036. • The report finds that the afternoon performance of the network for the base 2036 is such that it is unlikely that there will be any spare capacity for additional vehicles. <p>Addendum Report 2 noted that in the broader context, the subject development would be a relatively unsubstantial contributor in this regard.</p> <p>It was noted that a green travel plan had been provided.</p>
<p>The Council to advise of a completion date for the current strategic traffic study of Epping Town Centre,</p>	<p>The report was attached to Addendum Report 2 and has been considered by the Panel.</p>

<p>The Council planning staff provide a further advice on the justification for variation on height and setback controls in circumstances where the heritage item on the site is not retained.</p>	<p>Addendum Report 2 examined in detail the background behind the conclusions made within the original report with respect to heights and setbacks.</p> <p>Regarding height, the report concluded:</p> <p><i>"In terms of this specific site, the likely challenges of developing the site at 48A Oxford Street, sandwiched between the subject site and the Arden School, has imposed particular discipline with respect to the setbacks provided to the northern side.</i></p> <p><i>In the absence of a slimmer tower, such separations would not be able to be achieved, and the development potential of that site would be further affected as a result.</i></p> <p><i>It is in the context above that the City of Parramatta, in accordance with the advice of our City Architects Office and Design Excellence Advisory Panel, support the proposed height variation as a clear improvement on this site to the complaint alternative defined by the planning controls under the Hornsby LEP and DCP."</i></p> <p>Regarding setbacks and building separation, the report concluded:</p> <p><i>"In terms of setbacks, and by extension building separation requirements, under the Apartment Design Guide, the building predominantly complies with the relevant setbacks under the Development Control Plan, and further, satisfies the objectives for which building separation controls apply under the Apartment Design Guide.</i></p> <p><i>It is noted that no windows or balconies facing a boundary or the other tower are positioned within the separation distance applicable under the Design Guide."</i></p>
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At the 4 July 2018 meeting, The Panel, in making its decision, resolved to defer the matter for a third time, as per the below extract from the decision record:

"Panel Decision

- 1. Whilst the panel is now minded to approve the application it remains dissatisfied with the traffic impact in light of the recently release Epping Traffic Study.*
- 2. The Panel accepts the legal advice that the site at 48A Oxford Street is not isolated in terms of the Court's Planning Principle on isolated sites and therefore does not require the incorporation of that site with this application to ensure orderly development. The Panel also notes that attempts have been made by the developer to acquire 48A Oxford Street and that the owners of the site have not agreed to sell.*
- 3. Further, the Panel accepts the opinion of the independent heritage consultant, Mr Stephen Davies of Urbis Heritage, presently Chair of the Heritage Council of NSW, and agrees that the changes already made to the local heritage item on the site and the changes to its curtilage in the context of the planning controls for Epping Town*

Centre mean that its retention on the site will not bring about a satisfactory heritage outcome and the Panel will allow demolition subject to conditions for archival recording, some approved form of interpretation, and recycling of original elements.

4. *The Panel is now satisfied with the aspects of urban design of the building and finds it acceptable.*
5. *The role of this District Panel is to implement the planning provisions and determine application in accordance with the relevant provision and in this case a collaborative process has decided Epping shall perform a strategically important role of high density housing around the transport infrastructure and as a panel we must respect that.*
6. *The findings of the recent Epping Traffic Study support the submissions of the local residents and business people and suggest that clearly a conventional response will not be effective and stronger action is necessary from now to encourage a mode shift towards use of the Metro. The applicant has attempted to deal with the traffic congestion outlined in the Epping traffic study and has offered to accept as a condition of consent ideas for a Green Travel Plan. In the light of the revealed serious traffic constraints the Panel needs to be convinced that practical and enforceable measures can be applied to discourage use of private motor vehicles and to encourage the mode shift to public transport.*
7. *The Panel will defer determination of the application for the provision of a satisfactory finalised travel plan that is detailed enough to be enforceable as a condition of consent, which should be draft in consultation with Council and refer to contemporary leading practices – which may include increased car sharing and reduction of onsite car parking.*
8. *The Panel requires the submission of such a plan within 28 days upon receipt of Council's assessment of the amended application will make a final determination of the matter on the next occasion".*

2. Response to SCCPP Deferral Reasons of 4 July 2018

The City of Parramatta acknowledges the Panel request to have the matter heard within 28 days. However, due to the deferral notice not being received by the City of Parramatta until 13 July 2018, and the required Panel report submission deadlines, the matter was not able to be brought back to the Panel within the stated time period, while also providing the applicant an opportunity to respond to the concerns identified by the Panel.

As outlined by the extract from the notice of deferral above, the remaining matter of concern to the Panel relates to the appropriateness of the current proposal in terms of traffic generation, given the findings of the Epping Traffic Study reported on in the previous addendum report.

In response to this, the City of Parramatta communicated to the applicant the following:

- (a) That, in response to the concerns articulated in the Panel's Deferral Notice, a significant reduction of car parking was considered key to addressing this concern;
- (b) That, in response to the concerns articulated in the Panel's Deferral Notice, and noting that the proposal presently complies with the applicable DCP Parking Rate being a minimum rate, the applicant was advised to reduce on-site car parking in line with the RMS Guide to Traffic Generating Development CBD rate for the residential component.

The RMS Guide to Traffic Generating Development CBD rate was recommended by the City of Parramatta as an interim working measure given the previous decision of Panel indicated that application of the adopted car parking rate in the Hornsby DCP would not address the concern of the Panel around car parking, and as this was the only available extent measure with applicability in the circumstances (i.e. until such a time as new parking controls can be adopted).

- (c) That the green travel plan be significantly amended to provide commitments and more robust measures with respect to discouraging car use.

Car Parking

With respect to (a) and (b), the applicant has proposed to reduce parking provision to the minimum level outlined under the Hornsby DCP 2013 which result in a reduction in parking provision of 20 off-street car parking spaces, the effect of this being a reduction in traffic generation of 14 and 11 trips in the AM and PM peak respectively.

The previous City of Parramatta assessment report outlined, for benefit of the Panel, the summary of the Epping Traffic Study, but also noted that the proposal complied with the parking rates contained in the local planning controls (i.e. the Hornsby DCP 2013).

The Panel, noting the findings of the Epping Traffic Study concluded that the local traffic situation was sufficiently extraordinary as to warrant immediate corrective measures, above and beyond the requirements of the DCP. In the Panel's view, the key to this was seeking to reduce on-site parking, and therefore reduce the associated trip generation by private vehicle.

In that context, it was put by Panel to Council to consider what alternative 'structure' could be put in place around parking standards in the Epping Town Centre.

The Apartment Design Guide states that,

For development in the following locations:

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less

The car parking needs for a development must be provided off street

The RMS Guide to Traffic Generating Development (Section 5.4.3) outlines the following controls for high density residential development:

Definition.

A high density residential flat building refers to a building containing 20 or more dwellings. This does not include aged or disabled persons' housing. High density residential flat buildings are usually more than five levels, have basement level car parking and are located in close proximity to public transport services. The building may contain a component of commercial use.

Parking.

The recommended minimum number of off-street resident parking spaces is as follows:

Metropolitan Regional (CBD) Centres:

- 0.4 spaces per 1 bedroom unit.
- 0.7 spaces per 2 bedroom unit.
- 1.20 spaces per 3 bedroom unit.
- 1 space per 7 units (visitor parking).

Metropolitan Sub-Regional Centres:

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

Metropolitan Regional Centres (Central Business District) provide high levels of local employment as well as access to rail and bus services and therefore may have less parking requirements.

The recommended minimum number of off-street visitor parking spaces is one space for every 5 to 7 dwellings. Councils may wish to reduce this requirement for buildings located in close proximity to public transport, or where short term unit leasing is expected.

A comparison of the proposal shown on the plans (and previously presented to Panel), the proposal now put forward by the applicant, the Hornsby DCP 2013 Epping Town Centre rates, and the combination of the RMS Guide to Traffic Generating Development CBD rate (for residential) and the DCP rates for commercial is provided in the table below:

Rate Used	Parking Calculation (Rate in brackets)	Total Parking Spaces resulting
Proposal considered at previous panel meeting		223 car parking spaces
Proposal as now put forward by applicant		203 car parking spaces
Hornsby DCP 2013 Rate (Current adopted controls)	<u>Residential</u> Studio – (0.5/dw) = 10.5 1 bedroom (0.75/dw) = 53.25 2 bedrooms (1/dw) = 65 3 or more bedrooms (1.5/dw) = 31.5 Visitor – (1 per 10) = 17.8 Total Residential: 178.1 <u>Commercial</u> Office: Min 1/70m ² = 14.5 Max 1/50m ² = 20.3 Shops: Min 1/60m ² = 9.9 Max 1/30m ² = 19.7	203 min 218 max Plus 5 car share spaces.
RMS "CBD" Rate (put forward by Council as alternative in response to Panel request)	Residential 0.4 per 1 bedroom = 36.8 0.7 per 2 bedrooms = 45.5 1.2 per 3 bedroom = 25.2 +1 space per 7 units visitors = 25.4 Total = 133 car parking spaces Commercial/Office as per DCP rate as: 24.4 min – 40 max	157 min* 173 max Plus 5 car share spaces*. *This represents a generous interpretation (for the applicant) in that studios have been

		counted as a 1-bedroom and the 5 car share spaces are not included as part of the residential calculation.
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The City of Parramatta's Traffic Engineer supports the following approach:

The Panel is already aware of the traffic planning challenges the Epping Town Centre is facing both in terms of existing traffic and future traffic generation from high density developments approved, proposed, or anticipated under the planning controls applying to the Town Centre.

In this context, notwithstanding the quantum of the impact any individual proposal may have in isolation from the broader situation, any measure in any planning decision that has potential to improve the existing situation is considered to be one worth exploring from a traffic perspective, provided that, moving forward, these are consistently applied so as to produce an incremental cumulative result that minimises any worsening of the existing traffic situation.

In the context of the current Development Application, the car parking controls under the Hornsby DCP 2013 were designed based on certain traffic assumptions. The most recent Epping Traffic Study reveals that these assumptions have not matched the observed outcome on the ground, with the traffic situation considerably more serious than predicted at that time. Application of the current controls without modification, therefore, may ultimately be expected to incrementally contribute to a cumulative worsening of the existing situation, notwithstanding that these are currently the adopted policy position of Council.

There is a clear link between the number of parking spaces provided and the level of traffic generated by a development. The Epping Town Centre has excellent transport links, is very walkable, and has access to a strong range of local services. It is also an area with limited unrestricted on-street parking availability.

To this end, it is probable that reducing car parking provision for new developments within this precinct will not simply result in the parking being displaced onto local streets, but rather will result in a reduction in vehicle ownership and therefore reduced traffic generation for those developments. If consistently applied going forward, this will have an important incremental impact on assisting the management of the traffic challenges Epping is facing. This will be particularly so if appropriate Green Travel Plans are also put into effect with robust measures to encourage transport mode shift.

It is also acknowledged that the development will generate some parking demand, and therefore, to strike a balance between this and the traffic impact, it is considered that the RMS Guide to Traffic Generating Development "CBD" rate for residential units within the complex, instead of the DCP rate for the residential uses be used, as this would likely reduce the future traffic generation of the subject development. If applied across similar developments in Epping moving forward in a consistent fashion, this will have a significant incremental effect on limiting the worsening of the existing traffic situation for Epping from new developments.

It is noted that rates similar to the "CBD" rate have been adopted by Council for the draft Parramatta CBD Planning Proposal and all new design competitions, with good access to transport, with similar policy intent to encourage non-car transport use.

The proposal is for a high density development within 800m of Epping Station. The area is considered best defined as a *Metropolitan Regional Centre* as there are high levels of local employment. As outlined in the table above, the RMS rates are less than the local DCP rates

and can be applied in the event of inconsistency between the Policy and another EPI. The RMS CBD high density development rates (RMS rates) are,

- 0.4 spaces per 1 bedroom unit.
- 0.7 spaces per 2 bedroom unit.
- 1.20 spaces per 3 bedroom unit.
- 1 space per 7 units (visitor parking).

Applying the minimum RMS rates, the parking provision would be further reduced to a range of 157 - 173 off-street car parking spaces (a reduction from the applicant's current proposal of 30 - 46 car parking spaces depending on whether the maximum or minimum commercial rate were applied, and a reduction of 50 - 66 car parking spaces from the proposal as previously considered by Panel and shown in the plan set).

In the context of the findings of the Epping Traffic Study, it is considered that the minimum RMS rates for off-street car parking would further reduce the likely traffic generation of this development and responds to the previous concerns identified by Panel. Council officers have accordingly included a condition setting the maximum off-street parking in line with the minimum RMS rates for residential, and the maximum commercial rates under the Hornsby DCP 2013 (a total of 173 car parking spaces plus 5 car share spaces).

This condition will require the submission of amended plans to Council for approval prior to the release of the Construction Certificate demonstrating that parking has been reduced in line with the calculated rates.

The current plans do not reflect the applicants most recent proposal to reduce the parking to 203 parking spaces. If the Panel is of a mind to support the applicant's position, that the minimum DCP parking rates are sufficient to overcome the Panel's concerns, the draft conditions will require the appropriate revision.

As part of Council's response to the Epping Traffic Study, Council officers in the City Strategy unit have prepared a report which is to be presented to Council shortly recommending adoption of the RMS minimum rates as *maximums* in the Epping Town Centre section of the Hornsby DCP.

Green Travel Plan

With regards (c), the applicant has provided a revised green travel plan. Proposals in the green travel plan include:

- The provision of 5 car share spaces on the site for operation by a private operator (with 3 vehicles initially to be provided by the strata body in the absence of an alternative operator);
- Provide opal cards with \$100 credit to each initial adult residential occupier and full-time tenant staff member;
- Provide an access pack to all new residents and tenants including the transport access guide, the free opal cards, free car share membership, and information on sustainable travel facilities and initiatives;
- Provide high quality bicycle parking over and above the requirement in the form of 200 dedicated, secure bicycle parking spaces (180 required by DCP);
- Provide end-of-trip facilities including showers and lockers in conjunction with the basement bicycle storage area; and

- Provide public transport information displays, and a walking and cycling map including estimates of time taken to local destinations.

It is considered that the measured proposed in the green travel plan are acceptable.

Conditions have been incorporated into the recommendation requiring that the green travel plan be implemented and that a restriction be placed on title with respect to the provision of car share spaces. These conditions will enable, if necessary, the enforcement of the application of the commitments made in the green travel plan.

Further, Council recommends a condition restricting occupants from participation in any future Council run on-street resident parking permit scheme.

3. Submissions

Council officers have continued to receive submissions from the public and other interested parties objecting to various aspects of the development. All of the issues raised have been previously addressed by Council officers and considered by the Panel. As such further commentary on submissions is not provided at this time.

4. Conclusion

This report responds to the additional matters for which information and clarity was sought by the Panel. Subject to conditions restricting residential parking rates to those outlined in the RMS Guide to Traffic Generating Development and compliance with the Green Travel Plan, the proposal is considered to have an acceptable impact on the traffic network. As such approval is recommended subject to the deferred commencement conditions outlined in previous reports.

5. Recommendation

- A. That pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* the Sydney Central City Planning Panel grant a Deferred Commencement to Development Application DA/485/2016 in accordance with the recommendation at Appendix 1.
- B. That all the objectors be advised of the Sydney Central City Planning Panel's decision.

