



## Report to Sydney Central City Planning Panel

<b>SWCCP reference</b>	PPSSCC-41
<b>DA No.</b>	DA/636/2019
<b>Date of receipt</b>	01-Nov-2019
<b>Proposal</b>	Demolition of existing outdoor swimming pool and associated structures, construction of a new indoor swimming pool, alterations to existing gymnasium, tree removal and associated landscaping. The application will be determined by the Sydney Central City Planning Panel.
<b>Street address</b>	18 Masons Drive, North Parramatta
<b>Property Description</b>	Lot 1 DP 1191023, Lot 1 DP 727105, Lot 1 DP 710612, Lot 4 DP 710612, and Lot 10 DP 1163900
<b>Applicant</b>	The Council of Tara Anglican School for Girls
<b>Owner</b>	The Council of Tara Anglican School for Girls
<b>Submissions</b>	Nil
<b>Conciliation Conference Held</b>	Not Required
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"><li>• Environmental Planning and Assessment Act and Regulations</li><li>• State Environmental Planning Policy No. 55</li><li>• State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li><li>• State Environmental Planning Policy (Sydney Harbour Catchment) 2005</li><li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li><li>• Parramatta (former The Hills) Local Environmental Plan 2012</li><li>• The Hills Development Control Plan 2012</li><li>• City of Parramatta Council Section 94A Development Contributions Plan (Former Hills LGA Land)</li></ul>
<b>Recommendation</b>	Approval, subject to conditions
<b>Council Officer</b>	Darren Wan

<b>Summary of Section 4.15 matters</b>	
Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
<b>Legislative clauses requiring consent authority satisfaction</b>	
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
<b>Clause 4.6 Exceptions to development standards</b>	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Yes
<b>Special Infrastructure Contributions</b>	
Does the DA require Special Infrastructure Contributions conditions?	No
<b>Conditions</b>	
Have draft conditions been provided to the applicant for comment?	Yes

## 1. Executive Summary

This report considers a proposal for upgrade works at Tara Anglican School for Girls, comprising 'demolition of existing outdoor swimming pool and associated structures, construction of a new indoor swimming pool, alterations to existing gymnasium, tree removal and associated landscaping'.

The site constraints include being within Bushfire Prone land, and a referral to the Rural Fire Service was made accordingly. General Terms of Approval have been provided and are included in the conditions of consent.

The amenity impacts on adjoining and nearby properties are considered reasonable based on the size of the subject site and the distance from any residential development. No submissions were received during the advertising period.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is noted that the applicant has requested exemption from the payment of s7.12 Contribution Fees, given that the proposed pool facility would be open for community use. However, the Contribution Plan relevant to this proposal does not list this as a reason to exempt payment of Contribution Fees and are conditioned accordingly.

This report recommends that the Panel:

- Approve a 450mm (5%) variation to the building height control in Parramatta (former The Hills) Local Environment Plan 2012, pursuant to Clause 4.6 of that plan; and
- Approve the application, subject to the recommended conditions.

## 2. Key Issues

- Building Height – Minor exceedance of the 9m Building Height Development Standard by 5% for a height of 9.45m.

## 3. Site Context



Figure 1: Aerial of the subject site. For clarity, the five allotments have been colour coded.

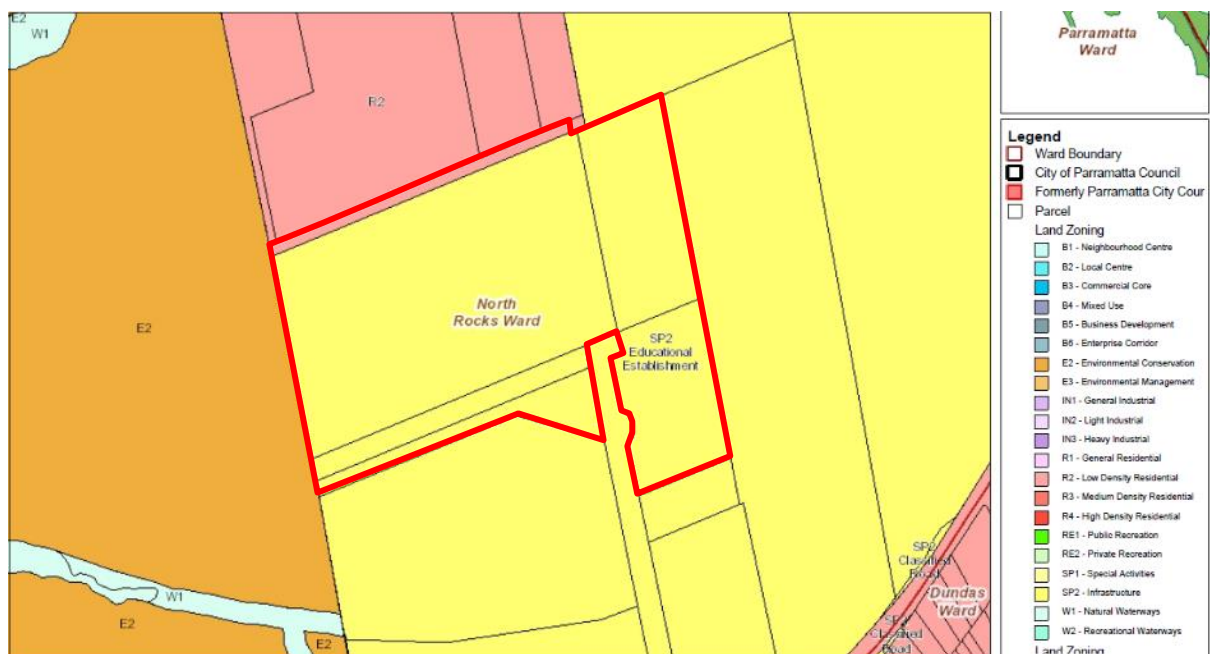


Figure 2: Zoning of the subject site and surrounds

## 4. Site Description and Location

The subject site comprises five (5) separate allotments known as 18 Masons Drive, North Parramatta. The current property descriptions are Lot 1 DP 1191023, Lot 1 DP 727105, Lot 1 DP 710612, Lot 4 DP 710612, and Lot 10 DP 1163900. All the works proposed in this application will be generally contained to Lot 1 DP 1191023.

The subject site has a total area of approximately 10.89 hectares, and contains the Tara Anglican School for Girls. The school campus contains various school buildings, playing fields, sports courts, on-site parking and landscaped areas.

The site is primarily zoned SP2 Educational Establishment zone with a portion of R2 Low Density Residential zone located to the north, pursuant to Parramatta (former The Hills) Local Environmental Plan 2012 under which Educational Establishments are permissible on the site. Located to the north of the site is land zoned R2 Low Density Residential, and to the west is land zoned E2 Environmental Conservation and W1 Natural Waterways.

The school is surrounded by a number of educational establishments, with the Kings College campus located to the north and east, and Charles Sturt University – Parramatta Campus located to the south. Lake Parramatta Reserve is to the west of the school.

## 5. The Proposal

- Demolition of existing swimming pool, shade structures, pool building and associated paths, retaining walls and steps;
- Removal of 26 trees;
- Construction of new single storey aquatic centre with basement, featuring the following:
  - Plant room/storage in basement;
  - Eight (8) lane water polo pool;
  - 10m x 15m training pool;
  - Tiered seating;
  - Offices;
  - Change rooms; and
  - First Aid room.
- Alterations and additions to the existing gymnasium building featuring the following:
  - New entry foyer and office at ground level;
  - New multi-purpose space at first floor level.
- Associated landscaping.

### Use

Staff Numbers – Up to a maximum of 15 new staff associated with the new facility.

Hours of Operation – Monday to Saturday: 6:00am to 10:00pm, Sunday: 10:00am to 5:00pm.

Types of Activities – The facility will be used primarily by the school, but will also be available for community use outside of school hours.

Safety and Security – The facility will be incorporated into the school's existing security system. There is also an existing on-site caretaker for the school, and a manager will be appointed who is dedicated to overseeing the pool.





## 6. Public notification

The application was advertised and notified from 27 November 2019 and 18 December 2019 in accordance with Council's Notification Procedures. No submissions have been received during or after the notification period.

## 7. Referrals

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

Does Section 1.7 (Significant effect on threatened species) apply ?	No
Does Section 4.10 (Designated Development) apply ?	No
Does Section 4.46 (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 <b>Attachment A</b> .
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## 10. Parramatta (former The Hills) Local Environmental Plan 2012

The following table is a summary assessment against the Parramatta (former The Hills) Local Environmental Plan 2012 (P(FTH)LEP 2012). A detailed evaluation is provided at **Attachment A**.

Table 1: LEP compliance

Control	Comment
Zones	SP2 – Infrastructure (Educational Establishment)
Definition	<i>Recreational Facility (Indoor)</i> ancillary to the primary use of the site as an <i>Educational Establishment</i> .
Permitted or prohibited development	The proposed use is defined as a 'Recreational Facility (Indoor)' that is ancillary to the primary use of the site as an 'Educational Establishment' and is permitted with consent within the SP2 – Infrastructure zone.
Principal development standards	Non-compliance - Building height.  The development standard is 9m and the proposed aquatic centre will have a height of 9.45m.  A request under Clause 4.6 has been provided. The variation is supported.  No Floor Space Ratio development standard applies to the subject site.
Miscellaneous provisions	All relevant provisions satisfied
Additional local provisions	All relevant provisions satisfied

## 11. The Hills Development Control Plan 2012

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

Table 2: DCP compliance

<i>Control</i>	<i>Comment</i>
Part C Section 1 – Parking	Consistent
Part C Section 3 – Landscaping	Consistent
Part C Section 4 – Heritage	Consistent

## 12. Response to SWCPP briefing minutes

The Panel was briefed on 12 March 2020. The following matters were raised and addressed below:

### 1. Generally compliant apart from building height. Clause 4.6 submitted.

The Clause 4.6 Variation Statement was assessed and deemed satisfactory. Details are provided under **Attachment A** below.

### 2. Advice on parking adequacy, particularly for major events.

The application was accompanied with a Traffic Management Plan. The school is serviced by a number of different car parks. It is anticipated that the majority of the visitors to the new swimming facility would be accommodated by the 'Visitor Car Park' (119 spaces) and the 'Southern Staff Car Park' (40 spaces). On the rare occasion for major events such as swimming carnivals or visiting schools, there is an additional 'Overflow Car Park' (150) located on the south-east corner of the school (See **Figure 5** below).



**Figure 5:** Outline of the different parking areas existing on the subject site.

The Traffic Management Plan concludes that the amount of existing parking on site was capable of accommodating the everyday school use of the site during peak and off-peak

periods, as well any influx of vehicles during special events or community use of the pool facility.

The traffic and parking situation was reviewed by Council's Traffic & Transport Manager prior to the application being lodged, who determined that it was satisfactory with no referral required.

### **3. Panel notes removal of several high retention value trees. Information required on pot size of replacement trees.**

The proposal seeks to remove 27 trees to facilitate the development, with 6 trees identified for retention/protection. The trees vary in condition/vigour from average (fair) to normal and for significance from high to low.

To replace the trees to be removed, the proposal will include the planting of 73 new trees plus shrubs, grasses and ground covers. The new trees will include the following species:

- Smooth-barked apple;
- Coastal Banksia;
- Tuckeroo;
- Blue Italian Cypress;
- Blueberry Ash;
- Crepe Myrtle;
- Small-leaf Lilly Pilly; and
- Chinese Elm.

The majority of the trees will have a 100L pot size, with the exception of the Small-leaf Lilly Pilly, which will have a 75L pot size.

The replacement trees were reviewed by Council's Landscape Officer who raised no objections, subject to conditions of consent.

### **4. Details of any external community uses of facility.**

The proposed pool facility will be open for community use outside of school hours. The facility will be run by up to a maximum of 15 new staff, and will have a dedicated manager working in conjunction with the existing caretaker for the school.

The operational details of the facility have been provided by the applicant in the Statement of Environmental Effects, however it has been conditioned that these details also be provided in a separate Plan of Management, to be prepared prior to the issue of the Construction Certificate. This will ensure that there is a separate document that can be referred to if required.

## **13. Conclusion**

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.



## 14. Recommendation

- A. That the Sydney Central City Planning Panel approve the variations to the building height control in Clause 4.3 of Parramatta (former The Hills) LEP 2012, being satisfied that the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant consent to Development Application DA/636/2019 subject to the conditions in **Attachment B**.



## **ATTACHMENT A – PLANNING ASSESSMENT**

**SWCCP reference** PPSSCC-41  
**DA No.** DA/636/2019

### **1. ENVIRONMENTAL PLANNING INSTRUMENTS**

Compliance with the relevant instruments is addressed below:

#### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

- ☒ A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- ☒ Historic aerial photographs were used to investigate the history of uses on the site;
- ☒ A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- ☒ A search of public authority databases did not include the property as contaminated;
- ☒ The Statement of Environmental Effects states that the property is not contaminated.

The applicant has provided a Phase 1 Contamination Report, which indicates that no further investigation is required and that the site can be made suitable for the proposed development based on implementation of an unexpected finds protocol.

Therefore, in accordance with Clause 7 of the State Environmental Planning Policy No 55—Remediation of Land, the land is suitable to be used for the purposes of an educational establishment.

#### **STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017**

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

The proposal seeks to remove 27 trees to facilitate the development, with 6 trees identified for retention/protection. The proposal also proposes the replacement of these trees by planting 73 new trees. Council's Tree and Landscape Officer has reviewed the application and raise no objections to the removal of the vegetation from the subject site subject to conditions.

**STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**

<b>Control</b>	<b>Compliance</b>
<p><b>34 Development for the Purpose of Student Accommodation</b>  In this part, development for the purpose of a school does not include development for the purpose of residential accommodation for students that is associated with a school, regardless of whether, or the extent to which, the school is involved in, or exercises control over, the activities and life of the students living in the accommodation.</p>	<p><b>N/A</b> – the proposal does not seek approval for any student accommodation.</p>
<p><b>35 School – Development permitted with consent</b>  (1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.</p>	<p><b>Yes</b> – The proposal seeks alterations and additions to an existing school, and the subject site is located within the SP2 Educational Establishment zone, which is a prescribed zone under Clause 33 of the SEPP.</p>
<p><b>35 School – Development permitted with consent</b>  (5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.</p>	<p><b>Yes</b> – The proposed pool facilities will be available for use by the community when it is not in use by the school.</p>
<p><b>35 School – Development permitted with consent</b>  (6) Before determining a development application for development of a kind referred to in subclause (1), (3) and (5), the consent authority must take into consideration –  a) The design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and  b) Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.</p>	<p><b>Yes</b> – The proposal has been assessed against the design principles prescribed under Schedule 4 of the SEPP, and have been detailed below:</p>

**Principle 1 – Context, Built Form and Landscape**

Although not a heritage item itself, the school is adjoined heritage items to the west, north and east, as well as a Heritage Conservation Area to the south. In that regard, the design of the building is considered to complement the heritage significance of the surrounding area, whilst also providing a modern aesthetic.

The design of the building is also well integrated with the rest of the school facilities including an activation of the tennis courts by providing additional stepped seating and terraces.

**Principle 2 – Sustainable, Efficient and Durable**

The sustainability and durability of the proposed facility has been ingrained in the chosen materials. Low maintenance options have been chosen to ensure durability within the corrosive and humid environment of the aquatic centre.

Other design elements include the orientation of the building to maximise the use of the shade structures and natural ventilation.

**Principle 3 – Accessible and Inclusive**

The proposed pool facility will be single storey and accessible. The development includes the provision of new concrete footpaths that connect the facility with both the junior and senior schools, as well as the visitor carpark.

An Access Report has been provided by the applicant which details the compliance of the development with the relevant requirements of the BCA.

**Principle 4 – Health and Safety**

The new facility has been designed to optimise supervision and will be managed with a pool specific manager. However, the overall facility will be incorporated into the existing security system of the school.

**Principle 5 – Amenity**

The proposal not only seeks to construct a new pool facility, but will also improve upon the surrounding areas around the new building. The proposal will upgrade landscaping, improve connections within the school, and provide new areas for seating and gathering that are shaded and protected from the elements.

**Principle 6 – Whole of Life, Flexible and Adaptive**

The proposed pool facility will be multi-use, as it provides 2 separate pools to cater to a wide range of skill levels. The pools have also been designed to allow for multiple water sports, including water polo, swimming, flippa ball etc.

**Principle 7 – Aesthetics**

It is considered that the building has been well designed and is aesthetically pleasing. Due to the size of the subject site, the building will not be seen from any public domain, but irrespective, the building is compatible with the rich history of the school and surrounding heritage items.

<p><b>35 School – Development permitted with consent</b></p> <p>(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.</p>	<p><b>Noted</b> – The provisions of The Hills DCP 2012 has not been applied to this development. This has been discussed in the table further on in this report.</p>
<p><b>57 Traffic Generating Development</b></p> <p>(1) This clause applies to development for the purpose of an educational establishment –</p> <p>a) That will result in the educational establishment being able to accommodate 50 or more additional student, and</p> <p>b) That involves –</p> <p>i) An enlargement or extension of existing premises, or</p> <p>ii) New premises</p> <p>On a site that has direct vehicular or pedestrian access to any road.</p>	<p><b>N/A</b> – The proposal seeks the replacement of an existing swimming pool and alterations and additions to the existing gymnasium.</p> <p>Although the proposed upgrades of the existing facilities may allow for a greater number of students to be accommodated during use due to increased physical capacity, it is not considered that the works will have an impact on the overall function and student enrolment capacity through standard operation.</p>

### Parramatta (former The Hills) Local Environmental Plan 2012

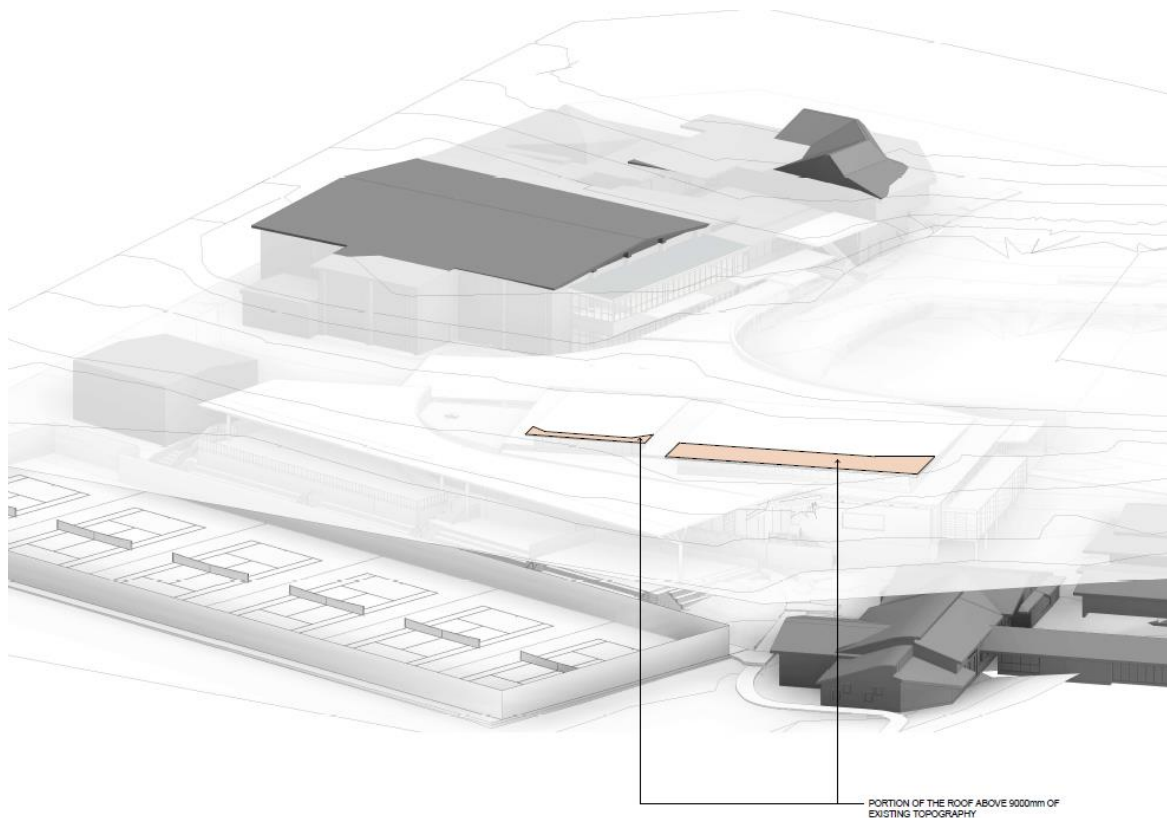
Development standard	Compliance
<p><b>Height of Buildings</b>  <b>Allowable = 9m</b>  <b>Proposed = 9.45m</b></p>	No, Variation Sought – Please refer to the Section 4.6 discussion below.
<p><b>Floor Space Ratio</b></p>	N/A – no FSR control is applicable to the subject site.
<p><b>Development on land intended to be acquired for public purposes</b></p>	The proposal is not identified on the map.
<p><b>Architectural roof features</b></p>	An architectural roof feature is not proposed.
<p><b>Development below mean high water mark</b></p>	The proposal is not for the development of land that is covered by tidal waters.
<p><b>Heritage Conservation</b></p>	<p>Yes – The site itself is not a Heritage Item, nor is it within a Heritage Conservation Area.</p> <p>However, the site is adjoined to the west by the 'Lake Parramatta Reserve', which is an item of Local Heritage under PLEP2011, and to the north and east by the 'Gowan Brae Group' which is an item of Local Heritage under P(FTH)LEP2012.</p>



	The application was referred to Council's Heritage Advisor who raised no objections, subject to imposition of condition of consent.
<b>Acid sulphate soils</b>	Yes – An Acid Sulphate Soils Management plan is not required to be prepared.
<b>Earthworks</b>	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
<b>Flood planning</b>	The site is not identified by Council as being flood prone.
<b>Exceptions to development standards</b>	Yes – The proposal seeks to vary Clause 4.3 in regard to Building Height. Please see discussion below.

#### **Clause 4.6 Exceptions to Development Standards**

The proposal seeks to exceed the 9m Building Height development standard by 450mm (5% variation). The non-compliance is only limited to the western portion of the roof as a result of the natural topography of the site.



**Figure 6:** 3D Plane study of the subject site, showing extent of non-compliance. The grey areas indicate that the height of an existing building in the school is already non-compliant.

The applicant has submitted a written request seeking variation to the maximum building height prescribed by Clause 4.3, as required by Clause 4.6 of the P(FTH)LEP2012. Clause 4.6(2) provides that in certain circumstances, consent ...*may be granted for development even though the development would contravene a development standards imposed by this or any other environmental planning instrument.*

The objectives of Clause 4.6 are as follows:

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

Clause 4.6(3) prescribes

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

The departure from the maximum building height development standard is supported by a written request from the applicant under Clause 4.6 of the P(FTH)LEP2012 as follows:

- The proposal is consistent with the objectives of the development standard as provided in Clause 4.3 of P(FTH)LEP2012.
- The predominant building height is 9m, with the areas of very minor non-compliance being a result of the natural topography of the site;
- The height variation will not cause adverse impacts to the built environment given the isolated nature of the site; and
- The proposed height variation is not out of character for the area, as there are existing and approved buildings within the Tara school grounds already in exceedance of the building height control.

In consideration of the variation to Clause 4.3 of the P(FTH)LEP2012, the following is noted:

- The non-compliance is limited to the areas of the building where the natural topography of the site drops;
- The building height variation does not result in overshadowing or otherwise adverse impacts to surrounding neighbours or usable spaces within the school;
- The non-compliance is only minor, with a percentage variation of only 5%; and
- It is acknowledged that existing and approved buildings within the school are already in exceedance of the building height control.

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

1. *Wehbe v Pittwater Council [2007] NSW LEC 827*

*Wehbe* requires that the applicant must argue, and the consent authority must be satisfied, that compliance with the development standard is unreasonable or unnecessary with the following test:

Compliance with the development standard is reasonable or unnecessary because

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- (b) the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
- (c) the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
- (d) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or
- (e) "the zoning or particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would be unreasonable or necessary"

The objectives of Clause 4.3 of the P(FTH)LEP2012 are:

- a) *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*
- b) *To minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.*

In consideration of objective (a), there are also existing buildings within the school grounds that already exceed the building height control to an even greater degree, and therefore this proposal is considered compatible.

In consideration of objective (b), the location of the proposed pool facility is considered isolated enough where there will be no impacts to any adjoining properties or open space areas in regard to overshadowing, loss of privacy, or visual impacts.

Therefore, Council considers that the development satisfies the objective of Clause 4.3 of the P(FTH)LEP2012.

2. *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245 and Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*

*Al Maha* provides that the consent authority (or Commission in that instance) "*had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified*" [21].

*Baron* elaborates on *Al Maha* in that "*the consent authority's consideration of the applicant's written request, required under cl 4.6(3), is to evaluate whether the request has demonstrated the achievement of the outcomes that are the matters in cl 4.6(3)(a) and (b). Only if the request does demonstrate the achievement of these outcomes will the request have "adequately addressed the matters required to be demonstrated" by cl.*

4.6(3), being the requirement in cl. 4.6(4)(a)(i) about which the consent authority must be satisfied. The request cannot “adequately” address the matters required to be demonstrated by cl 4.6(3) if it does not in fact demonstrate the matter” [78].

In this instance, Council is satisfied that applicant's Clause 4.6 Statement adequately addresses the matters in Clause 4.6(3) of the P(FTH)LEP2012. It has provided a suitable argument as to why the standard is unreasonable and unnecessary in this case, and demonstrates sufficient environmental planning grounds to justify contravening the Height of Building development standard.

## 2. DEVELOPMENT CONTROL PLANS

In accordance with Clause 35(9) of SEPP(Educational Establishments and Child Care Facilities) 2017, the provisions of the DCP specifically relating to schools are not applicable.

However for assessment purposes, the general controls relating to parking, landscaping and heritage have been assessed below.

The Hills Development Control Plan 2012			
Control	Proposal	Comment	Complies
Part C Section 1 – Parking  1 space per employee; 1 space per 8 year 12 students; 1 space per 30 students enrolled for visitors and/or parent parking	No additional parking spaces provided.	The application was accompanied with a Transport Impact Statement that stated the existing on-site car spaces of 415 vehicles is sufficient to accommodate the upgrades.  Although the proposed upgrades of the existing facilities may allow for a greater number of students to be accommodated during use due to increased physical capacity, it is not considered that the works will have an impact on the overall function and student enrolment capacity through standard operation.  The traffic and parking situation was reviewed by Council's Traffic & Transport Manager prior to the application being lodged, who determined that it was satisfactory with no referral required.	Yes

Part C Section 3 – Landscaping	Site is located within close proximity to Parramatta Lake Reserve, and proposes replacement plantings of up to 73 trees.	The application was referred to Council's Open Space & Natural Area Planner, as well as Council's Landscape Officer, who raised no objection to the proximity of the development to the Reserve, nor the species or location of the replanted trees.	<b>Yes</b>
Part C Section 4 – Heritage	Site is within vicinity of a number of heritage items of local and state significance.	The application was referred to Council's Heritage Advisor, who raised no objections to the proposal.	<b>Yes</b>

### 3. REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions.
Landscape	Supported subject to conditions.
Open Space	Supported subject to conditions.
Waste	Supported subject to conditions.
Acoustic	Supported subject to conditions.
Contamination	Supported subject to conditions.
Building Surveyor	Supported subject to conditions.
External Referrals	Comments
RFS	Supported subject to conditions.

### 4. PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained with The Hills DCP 2012. In response, no unique submissions were received.

#### Conciliation Conference

On 11 December 2017, Council resolved that:

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

#### Conciliation Conference – Not Required

As the application received no unique submissions during the formal notification period, a Conciliation Conference was not required to be held.



## 5. DEVELOPMENT CONTRIBUTIONS

The development would require the payment of contributions in accordance with City of Parramatta Council Section 94A Development Contributions Plan (Former Hills LGA).

The calculation is based on percentage of the total cost of development. As the proposal has a total development cost of \$18,410,476, the total fee payable is 1% of the cost of development which is \$184,104.76. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

It is noted that the applicant has requested that the development be exempt from payment of Contribution Fees, citing the following reasons:

- The aims of the Parramatta Section 94A Development Contributions Plan (Amendment No. 5) (the Plan) are to seek contributions from development to meet the increased demands for public amenities and services resulting from development. In this instance, the proposed development is likely to reduce the demands for public amenities/public swimming pools as the proposed aquatic centre will be available to the public for swimming lessons and other aquatic activities when it is not in use by the School. Accordingly, the proposal will provide significant public benefit.
- The School has a not-for-profit status and a contribution of this nature reduces the School's ability to provide for this and other facilities which will result in significant educational and recreational benefits to the community;
- There are many examples of s7.12 (s94A) contributions plans which provide exemptions where the applicant is a charity, including Hornsby's Section 7.12 Development Contribution Plan which states:  
*"Council will provide an exemption to development contributions required by this Plan as follows:  
...In respect of development applications (or modifications thereto) where the Applicant is a charity demonstrated by submission of any of the following prior to determination of the application:  
• A Certificate of Registration with the Australian Charities and **Not-for-Profit** Commission."*
- S4.17(1) of the EP&A Act states that a "condition of development consent **may** be imposed" by a consent authority if that condition is "authorised to be imposed under section ... 7.12". That is, the consent authority has the power to impose or to not impose the proposed contribution.
- S7.13(2) of the EP&A Act provides that, in the case of a consent authority other than a council, a condition may be imposed under s7.12 "even though it is not authorised (or of a kind allowed) by, or is not determined in accordance with, a contributions plan". Pursuant to the EP&A Act, a Sydney district planning panel is a consent authority other than a "council".
- Accordingly, should the SCCPP wish to impose a condition requiring a monetary contribution, it has the power to impose a condition requiring a contribution that is not determined in accordance with the relevant contributions plan, so long as it has "regard to" that contributions plan. In that event, we would recommend a contribution significantly less than currently stated, based on the rationale provided above.

In response to the above, Section 3.6 of the Contributions Plan provides special exemptions for developments, including the following:

- *Where the proposed cost of carrying out development is \$100,000 or less;*
- *For the purpose of disabled access;*
- *For the sole purpose of providing affordable housing;*
- *For the purpose of reducing a building's use of potable water (where supplied from water mains) or energy;*
- *For the sole purpose of the adaptive reuse of an item of environmental heritage;*
- *That has been the subject of a condition under section 94 under a previous development consent relating to the subdivision of the land on which the development is to be carried out.*

The applicant's request for exemption was presented to Council's Land Use Planning team who advised that the proposed development does not meet the above requirements for exemption, and therefore a Contribution Fee is still required to be paid.

## **6. BONDS**

In accordance with Council's Schedule of Fees and Charges for this financial year, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate

## **7. EP&A REGULATION 2000**

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Attachment B below.

## **ATTACHMENT B – DRAFT CONDITIONS OF CONSENT**

## DRAFT CONDITIONS OF CONSENT

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

**Development Consent No.:** DA/636/2019  
**Property Address:** 18 Masons Drive North, Parramatta  
**Property Description:** Lot 1 DP 1191023, Lot 1 DP 727105, Lot 1 DP 710612, Lot 4 DP 710612, and Lot 10 DP 1163900

### General Matters

#### **PA0001 # Approved plans and supporting documentation**

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:

#### Architectural Drawings (Project No. 16087)

Drawing No.	Issue	Plan Title	Dated
NBRS-0001	26	Campus Plan	18.10.2019
NBRS-0004	25	Site Plan	15.10.2019
NBRS-1001	20	Demolition Plan	19.07.2019
NBRS-1002	26	Basement Floor Plan	18.10.2019
NBRS-1003	26	Ground Floor Plan	18.10.2019
NBRS-1004	26	Gym Ground Floor Plan	18.10.2019
NBRS-1005	26	Gym First Floor Plan	18.10.2019
NBRS-1006	26	Roof Plan	18.10.2019
NBRS-3001	28	Elevations – Sheet 1	31.10.2019
NBRS-3002	28	Elevations – Sheet 2	31.10.2019
NBRS-3003	28	Elevations – Sheet 3	31.10.2019
NBRS-4001	28	Sections	31.10.2019

#### Stormwater Drawings (Project No. SY190341)

Drawing No.	Issue	Plan Title	Dated
C1.01	C	Cover Sheet Drawings List & Legend	22.10.2019
C1.02	B	General Notes	18.10.2019
C1.05	B	Typical Pit Details	18.10.2019
C1.06	C	On Site Detention Tank Details Sheet	18.10.2019

Drawing No.	Issue	Plan Title	Dated
		1	
C1.07	B	On Site Detention Tank Details Sheet 2	08.07.2019
C1.08	B	On Site Detention Tank Details Sheet 3	18.10.2019
C1.09	B	Soil and Water Management Details	18.10.2019
C2.01	D	Cut and Fill Plan	22.10.2019
C2.02	C	Finished Surface Sections Sheet 1	18.10.2019
C2.03	C	Finished Surface Sections Sheet 2	18.10.2019
C3.01	C	Stormwater Management Plan	18.10.2019
C3.15	C	Stormwater Catchment Plan	18.10.2019
C4.01	B	Basement Drive Plan and Details	18.10.2019
C5.01	B	Soil and Water Management Plan	18.10.2019

#### Landscape Drawings (Project No. 16087)

Drawing No.	Issue	Plan Title	Dated
LDA100	D	Landscape Plan	24.10.2019
LDA200	D	Landscape Planting Palette	24.10.2019
LDA300	D	Landscape Plan	24.10.2019
LDA400	D	Landscape Details	24.10.2019

#### Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	20794A	1	DFP Planning	24.10.2019
Waste Management Plan	-	-	MRA Consulting Group	09.07.2019
Finishes Schedule	NBRS-5000	27	NBRS Architecture	22.10.2019
Transport Impact Statement	N172780	A	GTA Consultants	18.10.2019
Geotechnical Report	32475Brpt	-	JK Geotechnics	12.07.2019
Contamination Report	32475PRrpt	-	JK Environments	26.07.2019
Bushfire Report	191236	-	Building Code & Bushfire Hazard Solutions Pty Ltd	21.10.2019
Arboricultural Assessment	-	-	MacKay Tree Management	21.10.2019
BCA Report	9288	-	AED Group	Oct 2019



Access Report	9288	-	AED Group	Oct 2019
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**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.

**PA0002 Building work in compliance with BCA**

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.

**PA0003 Construction Certificate**

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.

**PA0004 No encroachment on Council and/or Adjoining proper**

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.

**PA0011 #Demolition of Buildings**

5. Approval is granted for the demolition works on the subject site in accordance with the stamped demolition plan, 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.

#### **PANSC      Non-standard - General Matters**

6. The entire property shall be managed in perpetuity as an inner protection area (IPA). The IPA shall comprise:
- Minimal fine fuel at ground level;
  - Grass mowed on a frequent basis;
  - Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
  - Trees and shrubs located far enough from buildings so that they will not ignite the building;
  - Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
  - Minimal plant species that keep dead material or drop large quantities of ground fuel;
  - Tree canopy cover not more than 15%;
  - Tree canopies not located within 2 metres of the building;
  - Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
  - Lower limbs of trees removed up to a height of 2 metres above the ground.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

7. The proposed aquatic centre (except for the eastern elevation/s) shall comply with section 3 and section 6 (BAL19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard(1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006'.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

8. The eastern elevation/s of the proposed aquatic centre comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

9. New construction on the gymnasium building shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

10. Any new Class 10b structures (including terraces and awnings) within 100m of the western property boundary shall be non-combustible in accordance with section 4.3.6 f) of 'Planning for Bush Fire Protection 2006'.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

11. The service road between the Masons Drive and the proposed aquatic centre shall comply with following requirements under section 4.1.3(1) and 4.2.7 of 'Planning for Bush Fire Protection 2006':

- Internal roads are two-wheel drive, sealed, all-weather roads, capable of carrying fully-loaded fire fighting vehicles (15 tonnes);
- Road pavement width shall comply with the single lane width requirements under Table 4.1 of 'Planning for Bush Fire Protection 2006';
- The proposed turning bay shall be designed and constructed to comply with AS 2890.2 for medium rigid vehicles;
- The minimum distance between inner and outer curves is six metres;
- Maximum grades do not exceed 15 degrees and an average grade of not more than 10 degrees, or other gradient specified by road design standards, whichever is the less gradient;
- Crossfall of the pavement is not exceeding 3 degrees;

- A minimum vertical clearance to a height of 4 metres above the road at all times;
- A suitable mechanism (e.g. signposted as No Parking and enforcing tow-away areas) shall be provided to ensure parking (or any other obstacles) do not obstruct the turning bay and minimum paved widths; and
- Any fire hydrants (new or existing) servicing the proposed aquatic centre shall not be located within the minimum road pavement width or parking areas.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

12. The provision of water, electricity and gas shall comply with section 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

13. Any new landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

**Reason:** To comply with RFS requirements.

**PANSC Non-standard - General Matters**

14. The Bush Fire Emergency Management and Evacuation Plan shall be updated and prepared consistently with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

**Reason:** To comply with RFS requirements.

**DANSC Geotechnical Report Related Condition**

15. All Discussions, Comments and Recommendations made in the Item 4 of the Geotechnical Investigation Report, dated 12 July 2019, Ref: 32475 Brpt, prepared by JK Geotechnics shall be taken into consideration during the Building Foundation Design stages, Site Excavation stages and Construction Stages. Final Construction Drawings prepared for approval with the Construction Certificate Application shall incorporate all the necessary details.

**Reason:** To ensure the final construction drawings are prepared in accordance with the recommendations made in the Geotechnical Investigation Report and also to ensure the methods recommended for excavation & construction process are followed as per the recommendations.

**LA0001 #Tree Retention**

16. The following trees are required to be retained (refer to Arboricultural Impact Assessment Report prepared by MacKay Tree Management dated 21 October 2019). Tree No's 1 - 3, 22, 26 and 32.

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

**OA0001 Public Reserve Protection (Stockpiling)**



17. No materials, vehicles, refuse skips and the like are to be placed or stored in the adjoining or adjacent public reserve.

**Reason:** To ensure public safety and protect the amenity of public land.

**OA0005 No trees are to be removed on public property**

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

**Reason:** To ensure adequate protection of existing environmental assets and to maintain public amenity.

**OA0008 Public Reserve Access & Works**

19. No works or vehicular access are permitted within the adjoining Council reserve during works without the prior written consent of Council.

**Reason:** To ensure public safety and protect the amenity of public land.

**ECA0001 Hazardous/intractable waste disposed legislation**

20. 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 Environment Protection Authority (EPA) Waste Classification Guidelines.

**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.

**ECA0002 Site Investigation & Site Audit Statement**

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

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

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

**ECA0004 Imported fill**

22. 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.

**ECA0006     Require to notify about new contamination evidence**

23. 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.

**ECA0009     Contaminated waste to licensed EPA landfill**

24. 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.)

**PBNSC     Non-standard - Prior to the issue of a CC**

25. An updated acoustic investigation is to be prepared and provided to Council prior to the issue of the Construction Certificate with approval given prior to any works commencing.

The acoustic report shall be based on the requirements of NSW EPA New South Wales Industrial Noise Policy 2000 as well as relevant Australian Standards. (Particular Regard shall be had to the intrusive and amenity criteria within the EPA Industrial Noise Policy)

The investigation shall include:

- a) The identification of sensitive noise receivers potentially impacted by the proposal;
- b) Details of the existing acoustic environment at the receiver locations;
- c) The identification of operational noise producing facets of the development and the proposed mitigation techniques to be implemented to ensure that the proposed use does not impact on the amenity of the area;
- d) A statement indicating that the development is capable of complying with the criteria together with details of acoustic control measures that will be incorporated into the development.

**Reason:** To comply with the acoustic requirements.

**PBNSC      Non-standard - Prior to the issue of a CC**

26. A Plan of Management is to be prepared and provided to the satisfaction of the PCA, detailing the integration of the operation of the Aquatic Centre and the School Use.

**Reason:** To ensure integration of the two uses.

**PB0002      Long Service Levy payment for Constr. over \$25,000**

27. 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.

**PB0020      #Parra Develop Contrib. Plan – Outside City Centre**

28. A monetary contribution comprising \$184,105 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *City of Parramatta Council Section 94A Development Contributions Plan (Former Hills LGA Land)*. Payment must be by EFTPOS, bank cheque or credit card only.

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.

*City of Parramatta Council Section 94A Development Contributions Plan (Former Hills LGA Land)* 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.

**PB0029      Environmental Enforcement Service Charge - All DAs**

29. 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.

**PB0030      Infrastructure & Restoration Adm. fee for all DAs**

30. 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.

**PB0038      #Security Bonds (For minor development)**

31. 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/636/2019;
- (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
Nature Strip and Roadway:	\$25,750

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council ([council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) prior to any work or demolition commencing and 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.

#### **DB0001 Stormwater Disposal**

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

**Reason:** To ensure satisfactory stormwater disposal.

#### **DB0002 Retaining walls**

33. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

**Reason:** To minimise impact on adjoining properties.

#### **DB0003 Sydney Water Quick check**

34. 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.

#### **DB0004 Dial Before you Dig Service**

35. 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.

#### **DB0012 On Site Detention**

36. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

(a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code:

- I. Cover Sheet Drawing List & Legend, Drawing No. C1.01, Issue C, dated 22.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
- II. General Notes, Drawing No. C1.02, Issue B, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
- III. Typical Pit Details, Drawing No. C1.05, Issue B, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
- IV. On Site Detention Tank Details, Sheet 1, Drawing No. C1.06, Issue C, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.

- V. On Site Detention Tank Details, Sheet 2, Drawing No. C1.07, Issue A, dated 08.07.19, prepared by ACOR Consultants Pty Ltd, Engineers.
  - VI. On Site Detention Tank Details, Sheet 3, Drawing No. C1.08, Issue B, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
  - VII. Soil and Water Management Details, Drawing No. C1.09, Issue B, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
  - VIII. Stormwater Management Plan, Drawing No. C3.01, Issue C, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
  - IX. Stormwater Catchment Plan, Drawing No. C3.15, Issue C, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
  - X. Basement Drive Plan and Details, Drawing No. C4.01, Issue B, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
  - XI. Soil and Water management Plan, Drawing No. C5.01, Issue B, dated 18.10.19, prepared by ACOR Consultants Pty Ltd, Engineers.
- (b) A Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (when using 3rd edition of UPRCT's handbook).
  - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and most importantly to ensure adequate cross ventilation within the tank. In this regard, the sealed solid access covers proposed for the OSD storage tank shall be replaced with open grates. Details shall be included in the final drawings prepared for submission with the Construction Certificate application.
  - (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

**DBNSC      WSUD Related Condition. Water Quality Management**

- 37. The stormwater management systems are designed in accordance with the water sensitive urban design principles and shall comply with the Parramatta City Council's Development Control Plan. The quality of the stormwater flow from the developed site shall be improved to achieve following pollutant retention target prior to discharge into the council's drainage/ creek system. The designer shall ensure and certify that the stormwater management system will achieve these following objectives.

<b>Gross Pollutants:</b>	90% reduction in the post development mean annual load of total gross pollutant load (greater than 5mm)
<b>Total Suspended Solids:</b>	85% reduction in the post development mean annual load of Total Suspended Solids (TSS)
<b>Total Phosphorus:</b>	60% reduction in the post development mean annual load of Total Phosphorus (TP)
<b>Total Nitrogen:</b>	45% reduction in the post development mean annual load of Total Nitrogen (TN)
<b>Hydrocarbons, motor oils, oil and grease:</b>	No visible oils for flows up to 50% of the one-year ARI peak flow specific for service stations, depots, vehicle body repair workshops, vehicle repair stations, vehicle sales or hire premises, car parks associated with retail premises, places of public worship, tourist and visitor accommodation, registered clubs and pubs

**Reason:** To ensure water quality management.

### **Prior to Work Commencing**

#### **BC0001 Toilet facilities on site**

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

**Reason:** To ensure adequate toilet facilities are provided.

#### **PC0001 #Appointment of PCA**

39. 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.

#### **PC0002 Enclosure of the site**

40. 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.

**PC0003 Site Sign**

41. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
  - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
  - (c) The name, address and telephone number of the Principal Certifying Authority;
  - (d) The development consent approved construction hours;
  - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
  - (f) This condition does not apply where works are being carried out inside an existing building.

**Reason:** Statutory requirement.

**PC0005 Public liability insurance**

42. 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.

**DC0006 Erosion and Sediment Control measures**

43. 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.

**LC0002      #Tree protection as per arborist report**

44. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by MacKay Tree Management dated 21 October 2019 and the conditions of consent.

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

**LC0004      Protective fencing**

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

**Reason:** To protect the environmental amenity of the area.

**During Work**

**PD0001      Copy of development consent**

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

**Reason:** To ensure compliance with this consent.

**PD0003      Dust Control**

47. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

**PD0004      Materials on footpath**

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

**Reason:** To ensure pedestrian access.

**PD0006 Hours of work and noise**

49. 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 following hours:

- Monday to Friday inclusive: 7.00am and 5.00pm; and
- Saturday: 8.00am to 5.00pm.
- No work is to be carried out on Sunday or Public Holidays.

Demolition works are restricted to:

- Monday to Friday: 7.00am to 5.00pm; and
- No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

**Note:** Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

**Reason:** To protect the amenity of the area.

**PD0007 Complaints register**

50. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;

- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complaint; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

#### **PD0008 Noise**

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

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

**Reason:** To protect the amenity of the area.

#### **PD0010 Survey Report**

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

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

#### **PD0011 Swimming Pool Filter Noise**

53. Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority.

**Reason:** To minimize the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintain the residential amenity of the adjoining and adjacent properties.

#### **PD0012 Swimming Pools - Surface Waters**

54. Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

**Reason:** To protect the amenity of the adjoining neighbours.

#### **PD0014 Swimming Pool - Fences**

55. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2012), prior to the filling of the pool with water.

The fence shall be installed to the satisfaction of the Principal Certifying Authority.

**Reason:** To comply with the Legislative requirements.

**PD0015 Swimming Pool Water to Sewer**

56. The swimming pool water including the overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed by Sydney Water.

**Reason:** To comply with the Legislative requirements.

**PD0016 Pool Safety Requirements**

57. The owner of the pool shall display a notice showing:

- (a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.
- (b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,

**Note:** This notice shall be kept in a legible condition and at the pool side.

**Reason:** To ensure an adequate level of safety for young pool users and compliance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

**PD0017 Registration of Swimming Pool/Spa**

58. Prior to the issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

**Reason:** To comply with NSW legislative requirements relating to Swimming pools and Spas.

**DD0005 Erosion & sediment control measures**

59. 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.

**DD0006 Damage to public infrastructure**

60. 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.

**DD0011 Nomination of Engineering Works Supervisor**

61. 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.

**LD0004 Material storage and trees**

62. 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.

**LD0008 No attachments to trees**

63. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

**Reason:** To ensure the protection of the tree(s).

**LD0009 Planting Requirements**

64. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate landscaping.

**LD0011 Tree Removal**

65. The following trees are approved to be removed to facilitate development (refer to Arboricultural Impact Assessment Report prepared by MacKay Tree Management dated 21 October 2019). Tree No's 4 - 21, 23 - 25 and 27 - 31.

**Reason:** To facilitate the development

**LD0012 Trees with adequate root volume**

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

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

**LD0013 Removal of trees by an arborist**

67. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**Reason:** To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.

**TD0001 Road Occupancy Permit**

68. 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.

**TD0002 Oversize vehicles using local roads**

69. 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.

**ECD0001 Importation of clean fill**

70. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

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

**ECD0004 Waste data maintained**

71. 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.

**Prior to the issue of an Occupation Certificate**

**PE0001 Occupation Certificate**

72. 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 comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

**PE0012 Provisions for Swimming pools**

73. The following conditions shall be complied with:

- (a) For safety, access to the swimming pool must be restricted by fencing or other measures as described by the Swimming Pools Act 1992, the Swimming Pool Regulation 2008, and Australian Standard AS1926 Parts 1 and 2 - 2007. The fencing or other measures must be completed prior to any water being placed in the pool.
- (b) Any mechanical equipment associated with the swimming pool and spa shall be located in a position so that noise levels associated with spa/pool pumping units shall not exceed background noise levels by 5 dBA at the property boundary of the nearest affected receiver.
- (c) To maintain the visual amenity of the area, devices or structures used for heating swimming pool water must be placed where it is not visible from a public place.
- (d) To ensure the proper disposal of polluted waters and to avoid runoff nuisance for downstream properties, all drainage including any overland waters associated with the pool and spa must be pipe-drained to the nearest sewer system in accordance with the requirements of Council. No drainage, including overflow from the pool or spa shall enter Council's stormwater system.
- (e) For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
- (f) Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.
- (g) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the words *"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"*, *"POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"*, and *"KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES"*,
- (h) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

**Reason:** To ensure compliance with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and the National Construction Code together with maintaining amenity.

#### **PE0024      The Release of Bond(s)**

74. 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.

#### **BE0001 Record of inspections carried out**

75. 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 statutory requirements.

#### **DE0003 Work-as-Executed Plan**

76. Works-As-Executed stormwater plans are to address the following:

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.
- (b) 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.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final

inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.

- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer
- (h) The Work-As-Executed plans have been prepared by a registered surveyor certifying that all retaining walls including foundations are wholly within the site boundary.
- (i) The Work-As-Executed plans have been prepared by a registered surveyor certifying the proposed swales have been constructed as per the approved plans.
- (j) The Work-As-Executed plans have been prepared by a registered surveyor certifying the boundary fences have been raised to allow overland flow to drain unobstructed though to the swale

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.

#### **DE0005      OSD Positive Covenant/Restriction**

77. 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.

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate,

trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

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

#### **DE0006 Section 73 Certificate**

78. 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](http://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.

#### **LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)**

79. 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.

### **The Use of the Site**

#### **PF0004 External Plant/Air-conditioning noise levels**

80. 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.

#### **PF0025 #Operating hours**

81. The days and hours of operation of the aquatic centre are restricted to:

Day	Time
Monday	6:00am to 10:00pm
Tuesday	6:00am to 10:00pm
Wednesday	6:00am to 10:00pm
Thursday	6:00am to 10:00pm
Friday	6:00am to 10:00pm
Saturday	6:00am to 10:00pm
Sunday	10:00am to 5:00pm
Public Holidays	Closed

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

**PF0049 Graffiti Management**

82. 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.

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**Date:** 1 July 2020  
**Responsible Officer:** Darren Wan



**CITY OF  
PARRAMATTA**

## **ATTACHMENT C – CLAUSE 4.6 VARIATION STATEMENT**



planning consultants

23 October 2019  
Our Ref: 20794A.4SW\_CL 4.6 Variation Height

City of Parramatta Council  
126 Church Street  
PARAMATTA NSW 2150

Attention: Chief Executive Officer

Dear Sir

**RE: WRITTEN REQUEST FOR EXCEPTION TO A DEVELOPMENT STANDARD  
BUILDING HEIGHT DEVELOPMENT STANDARD  
PROPOSED AQUATIC CENTRE AND SPORT PRECINCT DEVELOPMENT  
TARA ANGLICAN SCHOOL FOR GIRLS  
18 MASONS DRIVE, NORTH PARRAMATTA**

## **1.0 Introduction**

DFP has been commissioned by Tara Anglican School for Girls (the School) to prepare a request pursuant to clause 4.6 of *The Hills Local Environmental Plan 2012* (HLEP 2012) in respect of the proposed aquatic centre development and alterations to the existing gymnasium at the School, located at 18 Masons North Parramatta. It is noted that the subject site is now located in the City of Parramatta LGA, however as the site was formally located in The Hills Shire Council LGA, the provisions of The Hills Local Environmental Plan 2012 still apply.

This written request relates to a variation to the building height development standard that applies to the site.

## **2.0 The Hills Local Environmental Plan 2012**

### **2.1 Subclause 4.6(1) – Flexibility and Better Outcomes**

Subclause 4.6(1) of the LEP states the objectives of the clause as follows:

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

Our response to these provisions is contained within this submission.

### **2.2 Subclause 4.6(2) – Consent may be granted**

Subclause 4.6(2) provides that:

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The height of building development standard is not expressly excluded from the operation of clause 4.6 and accordingly, consent may be granted.

### **2.3 Subclause 4.6(3) – Written Request**

Subclause 4.6(3) relates to the making of a written request to justify an exception to a development standard and states:

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

The proposed aquatic centre development does not comply with the 9 metre building height development standard pursuant to clause 4.3 of HLEP 2012 however, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as justified in this written request.

### **2.4 Subclause 4.6(4) – Written Request**

Subclause 4.6(4) provides that 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 Director-General has been obtained.”*

Furthermore, subclause 4.6(5) provides that in deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.”*

The remainder of this written request for exception to the development standard addresses the matters required under subclauses 4.6(4) and 4.6(5) of the LEP.

### **3.0 The Nature of the Variation**

Clause 4.3 of HLEP 2012 sets out the building height limit as follows:

*“the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map”*

The Height of Buildings Map identifies the site as having a maximum building height of 9 metres.

HLEP 2012 defines building height (or height of buildings) as follows:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposed aquatic centre results in a building which exceeds the maximum building height control of 9 metres as shown on the cross section prepared by NBR Architecture (**Figure 1**), with the highest point at 9.45 metres, maximum variation of 0.45 metres or 5%.

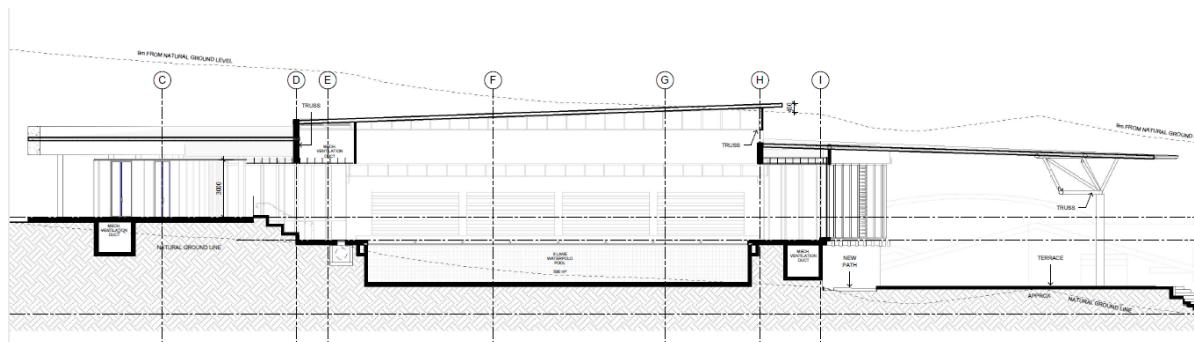


Figure 1 Extract of Cross Section (prepared by NBR Architecture)

A height plane diagram has also been prepared by NBR Architecture which illustrates the portion of the building which exceeds the 9 metre height limit.

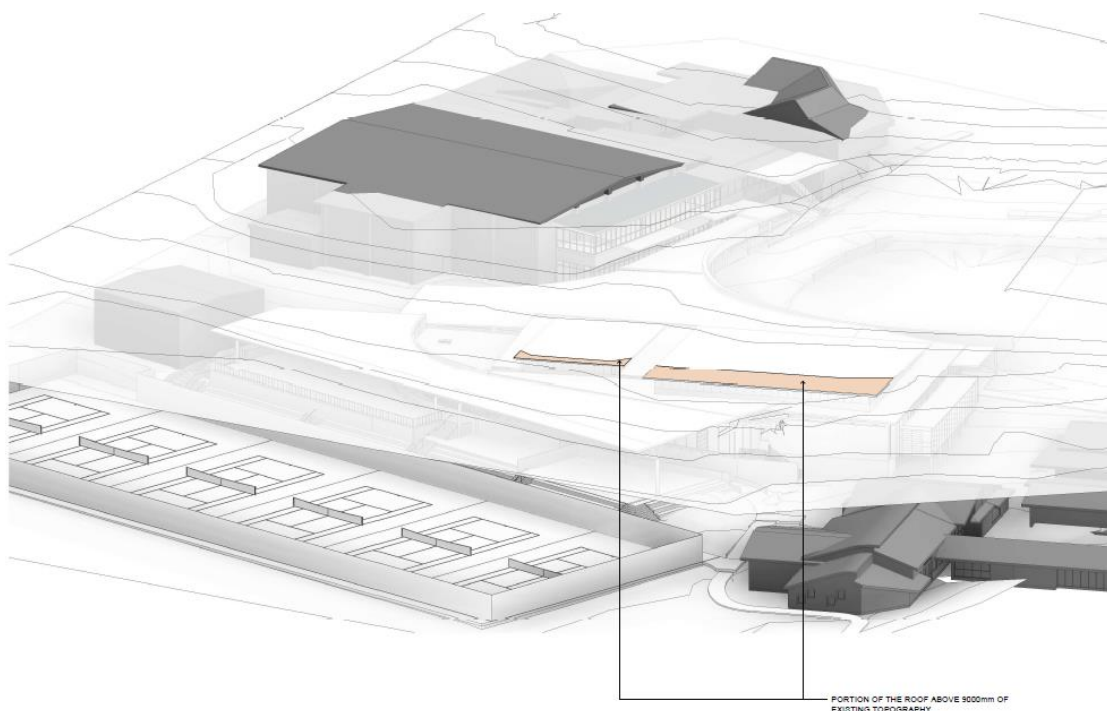


Figure 2 Height Plane Diagram (prepared by NBR Architecture)



#### 4.0 Relevant Case Law

The proposed variation to the development standard has been considered in light of the evolving methodology and “tests” established by the NSW Land & Environment Court (the Court) including the following cases:

- Winten Developments Pty Ltd v North Sydney Council [2001]
- Wehbe v Pittwater Council [2007]
- Four2Five Pty Ltd v Ashfield Council [2015]
- Randwick City Council v Micaul Holdings Pty Ltd [2016]
- Moskovich v Waverley Council [2016]
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118

The Land and Environment Court of NSW, through the Judgment in Winten Developments Pty Ltd v North Sydney Council [2001], established a ‘5-part test’ for considering whether strict compliance with a development standard is unreasonable or unnecessary in a particular case. This 5-part test was later supplemented by the Judgment in Wehbe v Pittwater Council [2007] where Chief Justice Preston expressed the view that there are 5 different ways in which an objection to a development standard may be assessed as being well founded and that approval of the objection is to be consistent with the aims of the policy (being State Environmental Planning Policy No. 1 Development Standards (SEPP1)).

Whilst these Judgments related to variation requests under SEPP 1, the methodology and reasoning expressed in those Judgments continues to be the accepted basis upon which to assess variation requests pursuant to clause 4.6 and accordingly, we have applied this methodology to the assessment below.

#### 5.0 Assessment of the Variation and Grounds of the Objection

The proposed variation to the building height development standard has been considered in light of the above Court cases, the objectives of the development standard and the SP2 Infrastructure Educational Establishment zone, and potential environmental impacts.

##### 5.1 Step 1 – Is the planning control a development standard?

This question is the 1st ‘test’ in Winten. The height of building development standard in clause 4.3 of The Hills LEP 2012 is a development standard as, defined in Section 1.4 of the EP&A Act as follows:

*“**development standards** means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (a) ...*
- (b) ...*
- (c) the character, location, siting, bulk, scale, shape, size, **height**, density, design or external appearance of a building or work,*

*.....”*

The maximum height of buildings control of 9 metres in clause 4.3 of The Hills LEP 2012 is a development standard.

## **5.2 Step 2 – Pursuant to Clause 4.6(4)(a), is the consent authority satisfied that the written request adequately addresses the matters in Clause 4.6(3)?**

The matters in clause 4.6(3) are:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The roof elements of the aquatic building that exceed the building height development standard are located such that they will not cause adverse impacts on the built environment or the amenity of neighbouring properties given the isolated nature of the site. The proposed development is not readily visible from the public domain.

The non-compliance with the height of buildings development standard allows for the orderly use of the land, which has the capacity to accommodate a high-quality aquatic facility. Overall, the building has been designed to respond to the natural topography, minimising cut and fill.

The development responds to the constraints of the site, including the requirement for gradient levels for access requirements, and a linkage to the gymnasium to the north as well as providing appropriate floor-to-ceiling heights required in the specialised aquatic facility. This is considered to be a good planning outcome.

Strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as the proposal achieves and/or is not inconsistent with the relevant objectives of the development standard in that:

- The height of the proposed building maintains the desirable attributes of the building and is not out of character with the area, or the Tara Anglican School campus;
- Given the isolated nature of the development, the building height does not result in any overshadowing or loss of privacy of any adjoining properties;
- The building will not overshadow any public open spaces or public domain areas.

Furthermore, strict compliance with the building height development standard would reduce the natural solar access into the facility as the non-compliance relates to a pop-up windows which allow for improved natural lighting into the facility, thereby reducing the reliance on artificial lighting during the daytime. The roof pop-up not only provides a good environmental outcome but also provides for a contemporary architectural feature. Strict compliance with the development standard would prevent the achievement of these environmental and design outcomes.

Compliance with the 9m building height development standard is also considered unnecessary in this instance as the height variation does not give rise to adverse impacts to the built environment or surrounding properties and therefore there are sufficient environmental planning grounds to justify the variation.

## **5.3 Step 3 – Pursuant to Clause 4.6(4)(b), is the consent authority satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard and the objectives of the zone?**

### **The Objectives of Building Height Development Standard**

The objectives of the maximum height of buildings standard in Clause 4.3(1) are:

- (a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,*

(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

In terms of objective (a), the proposed aquatic centre is not highly visible from the public domain, and will have limited visibility from the northern end of Masons Drive. The proposal will not be visible from Pennant Hills Road. The aquatic centre is located at the lower end of the site, adjacent to Lake Parramatta Reserve. Due to the dense vegetation, the aquatic centre will not be visible from Lake Parramatta Reserve to the west. The bulk and scale of the new aquatic centre is in keeping with other buildings on the Tara Anglican School campus. Overall, the proposal has been designed to provide an effective built form which responds appropriately to unique needs of the facility without resulting in adverse impacts.

In terms of objective (b), the proposal will have limited visibility from the public domain. The new aquatic centre is located over 150 metres from Masons Drive. The development will not be visible from Pennant Hills Road to the south or Lake Parramatta Reserve to the west. As demonstrated in the shadow diagrams submitted with the development application (**Figure 3**), shadows resulting from the proposed development will be wholly contained within the bounds of the site, not extending beyond the tennis courts to the south. Therefore, the proposal will not result in unacceptable impact upon solar access.



Figure 3: Overshadowing diagrams for Winter Solstice at 9am, 12pm and 3pm

Given the orientation of the site and the location of the new aquatic centre, the closest residential neighbour is student accommodation at Charles Sturt University Parramatta Campus, which is over 120 metres south from the building, across the junior school building locality. There will be no visual privacy impacts given the location of the proposed development within the campus, and the existing buildings and vegetation that separates the nearest residential neighbours.

## Objectives of the Zone

The Land Use Table of The LEP 2012 states that the zone objectives of the SP2 Infrastructure zone as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provisions of infrastructure.

The objectives of the zone do not specifically address building height but relate to providing development that is compatible with the provisions of infrastructure (being an educational establishment). The ability of the proposed works to achieve these zone objectives is not affected by the proposed building height variation.

## Objectives of The Hills LEP 2012

Clause 1.2(2) of The Hills LEP 2012 sets out the following aims:

- (a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,*
- (d) to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) to preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism.*

It is considered that the proposal will uphold the aims of the LEP for the following reasons:

- (a) – The proposal will result in an orderly and sustainable development which meets to social and physical needs of the locally community by providing a high quality contemporary indoor aquatic facility, in association with an educational establishment.
- (b) – The proposal is a permissible form of development in the SP2 – Educational establishment zone, and is of a design and style that is not inconsistent with the existing and desired future character of the area, as well as the Tara school campus. The aquatic centre re-development provides a high-quality facility that will enhance the quality of life for students and staff, as well as local residents that will utilise the pool for swimming lessons and associated activities.
- (c) – The proposal provides a facility that meets the educational and physical needs of the locality.
- (d) – The proposed built environment associated with the existing educational establishment has been carefully designed to provide an appropriate built form which is compatible and does not detract from the natural heritage of the surrounding sites.
- (e) – Not applicable.
- (f) – The proposal has the opportunity to provide for future employment opportunities.

### 5.4 Step 4 – Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under clause 64 of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the Standard Instrument LEP or SEPP 1 subject to certain conditions.

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

The proposed development results in a building which exceeds the maximum building height control of 9 metres. The proposed aquatic centre has a maximum height of 9.45m - a maximum variation of 0.45m or 5%.

In any event, the DA will need to be determined by the Sydney Central City Planning Panel due to the capital investment value (greater than \$5 million) of the proposed development. The above restrictions do not apply to decisions made by the Planning Panel.

### 5.5 Step 5 – Clause 4.6(5) – Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice clause 4.6(5) of the LEP also requires the Secretary, in deciding whether to grant concurrence, to consider the following:

*“(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,”*

The proposed non-compliance does not of itself raise any matter of significance for State or regional environmental planning.

*“(b) the public benefit of maintaining the development standard, and”*

The proposed variation does not set a precedent given the educational use of the site, and the specific land use requirements of the school. In this instance there is not considered to be a public benefit in maintaining the development standard.

*“(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

It is considered that there are no other matters of relevance that need to be taken into consideration.

### 6.0 Conclusion and Recommendations

We have assessed the proposed building height variation against the relevant statutory provisions of clause 4.6 of The Hills LEP 2012 and prepared this written request which provides justification that compliance with the 9 metre building height development standard is unreasonable and unnecessary in the circumstances of the case.

Strict compliance with the height control would limit the ability to provide high quality indoor aquatic centre and result in an inferior development. The extent of the non-compliance which is eave of a roof pop-up, is negligible, and internal to the site. The roof pop-up windows allows for improved natural lighting into the facility, thereby reducing the reliance on artificial lighting during the daytime. The roof pop-up not only provides a good environmental outcome but also provides for a contemporary architectural feature. Given the location of the proposed development within the campus, the non-compliance in height does not result in any adverse overshadowing or privacy impacts.

Accordingly, the justification within this written request is considered to be well founded. Should you have any queries please do not hesitate to contact the undersigned.

Yours faithfully  
**DFP PLANNING PTY LTD**



**SANDA WATTS**  
**PRINCIPAL PLANNER**

swatts@dfpplanning.com.au

Reviewed:

