

Response to Council Recommended Conditions

Table 1 contains the recommended conditions provided by council on 27 April 2023 and a response to each. It is noted that the recommended conditions have been abbreviated however a full record of the condition is provided under *Appendix G*.

Table 1 Summary of key issues raised in council submission 27.04.23 and clarified on 02.05.23

Council recommended condition	Response
Prior to the issue of a Construction Certificate	
Stormwater Disposal (Previously EB01) Reason: To ensure satisfactory stormwater disposal.	<p>The Stormwater Management Plan CC210393C-C2-A Rev D dated 8 March 2023 demonstrates all roof water and surface water will be connected to the existing stormwater infrastructure in Bourke Street.</p> <p>Identified Requirement No. 6 addresses this recommended condition.</p>
Retaining walls (Previously EB01) Reason: To minimise impact on adjoining properties.	<p>Retaining walls are incorporated into the walls of built structures, pathway edging and fencing. Where retaining walls are incorporated into fencing, the details are shown in the Section Plans A08B and are limited to the perimeter of the courtyard areas of Units 1 to 8 which are well separated from all site boundaries and will have no impacts to neighbouring properties.</p> <p>Identified Requirement No. 14 ensures all retaining walls are designed by a suitably qualified engineer.</p>
Sydney Water Quick check. (Previously EB03) Reason: To ensure the requirements of Sydney Water have been complied with.	<p>This requirement is addressed with IR 29.</p>
Dial Before you Dig Service (Previously EB04) Reason: To ensure Council's assets are not damaged	<p>This requirement is addressed with the Advisory Notes to the Identified Requirements.</p>
Design to withstand flooding (Previously EB10) Reason: To ensure the structure can withstand flooding impacts.	<p>Further clarification was sought from council regarding the need to design buildings to withstand flooding in the 1 in 100 year flood event, given the flood report demonstrates that the site is not impacted by the 1 in 100 year levels.</p> <p>Subsequently, council confirmed on 02.05.23 that designing the buildings to withstand the Probable Maximum Flood (PMF) event was considered acceptable. This will result in the minimum floor levels of all buildings on the site having a minimum RL of 53 AHD. This impacts the two northern buildings only, which will need to be raised by 5mm to an RL of 53.</p> <p>Identified Requirement No. 86 addresses this requirement.</p>

Council recommended condition	Response
<p>Flood warning system for medium density (Previously EB11)</p> <p>Reason: To ensure the flood warning system is installed.</p>	<p>The Flood Investigation report by ACOR Consulting Ptd Ltd dated 17.03.2023 makes the following statements about flood risk:</p> <p><i>“Although it has been determined from our site specific assessment that the proposed development is not located within a Flood Risk Precinct and PMF floodwaters within the drainage easement do not pose any risk to occupants of the site, we recommend additional protection be provided to the units located adjacent to the drainage easement to RL 53.0 m AHD. This approach is typical for sensitive use development located adjacent to a drainage easement and provides additional protection from possible nuisance flows”</i></p> <p>All floor levels will be designed to ensure they are above the PMF level, as recommended by the flood engineer. The report demonstrates that only the easement corridor along the eastern boundary is impacted during the PMF however the remainder of the site is not impacted by either the PMF or 1 in 100 year events.</p> <p>The report identifies that vehicle and pedestrian access is not impacted by the 1 in 100 year or PMF event. On balance, it is considered that installing a flood warning system is not necessary given the internal floor levels will be above the PMF, and pedestrian and vehicle access routes will remain unaffected during storm events.</p> <p>This recommended condition has not been included in the Activity Determination.</p>
<p>On Site Detention (Previously EB12)</p> <p>Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.</p>	<p>This recommended condition is addressed in Identified Requirement No. 83.</p> <p>It is noted that the original condition recommended by council referenced a superseded version of the proposed Stormwater Management Plan. This was clarified and corrected in email correspondence with council on 02.05.23.</p>
<p>Water treatment for stormwater (Previously EB13)</p> <p>Reason: To ensure appropriate water quality treatment measures are in place.</p>	<p>This requirement has been included as Identified Requirement No. 84.</p>
<p>Underground electricity supply for townhouses & above (Previously EB14)</p> <p>Reason: To enable future upgrading of electricity services</p>	<p>The Electrical Services Plan EL-DA-001 Rev 3 by Marline Building Services Engineers Pty Ltd dated 25.03.2023 indicates a private pole at the boundary with Rose Crescent connected to the current overhead power poles in the public footpath reserve. This will enable effective underground connection at some future time when electrical infrastructure in Rose Crescent is undergrounded (see <i>Appendix U</i>).</p> <p>Connection of electrical services to the site will be in accordance with the certification requirements of the energy provided and this is covered by Identified Requirement No. 39.</p>

Council recommended condition	Response
	This recommended condition has not been incorporated into the Activity Determination.
Shoring for adjoining Council property. (Previously EB15) Reason: To ensure the protection of existing public infrastructure and adjoining properties.	<p>No shoring of adjoining properties is required as there are no substantial earthworks proposed in close proximity to the site boundaries or the existing easement.</p> <p>Identified Requirement No. 14 requires all retaining walls or other methods necessary to prevent the movement of excavated or filled ground, including associated stormwater drainage measures must be designed by an appropriately qualified person.</p> <p>This recommended condition has not been incorporated into the Activity Determination.</p>
Construction of a heavy duty vehicular crossing Reason: To ensure appropriate vehicular access is provided	<p>This condition has been incorporated into Identified Requirement No. 10.</p>
Disabled parking (Previously EB19) Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation	<p>Three accessible parking spaces have been provided and the Access Report prepared by Accessibility Solutions dated 15.03.2022 (see <i>Appendix H</i>) confirms compliance can be achieved with the relevant Australian Standard.</p> <p>Identified Requirement No. 73 requires the development to be designed and constructed to comply with Section 85 and Schedule 4 of the Housing SEPP which specifies the accessibility and useability requirements for the development, including the provision of accessible parking spaces.</p> <p>This recommended condition has not been incorporated into the Activity Determination.</p>
Impact on Existing Utility Installations (Previously EB21) Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council	<p>These requirements are addressed in Identified Requirements No. 24, 29 and 38 to 41.</p> <p>This recommended condition has not been incorporated into the Activity Determination.</p>
Support for Council Roads, footpaths, drainage reserves (Previously EB23) Reason: To protect Council's infrastructure	<p>No shoring or supporting devices and mechanisms are required adjoining Council property as confirmed by the Excavation and Fill Plan A15A in the Architectural Plan set in <i>Appendix A</i>.</p> <p>A hoarding is to be erected to separate the Council property from the construction site. Requirements regarding the safe ongoing management of the adjoining footpath and road assets and utilities are included in Identified Requirements No. 32 and 33.</p> <p>Identified Requirement No. 59 requires all excavations and backfilling to be undertaken in accordance with appropriate professional standards.</p>

Council recommended condition	Response
	<p>Any damage to council assets is to be repaired at the expense of the contracted builder as required by Identified Requirement No. 71.</p> <p>Identified Requirement No. 30 requires the contractor to notify council a minimum of 5 working days prior to the commencement of work, including demolition.</p> <p>This recommended condition has not been incorporated into the Activity Determination.</p>
<p>Construction adjacent to a drainage easement (Previously EB24)</p> <p>Reason: To ensure Council's assets are not damaged</p>	<p>This condition is included in Identified Requirement No. 88.</p>
<p>Foundations adjacent to existing drainage pipes (Previously EB26)</p> <p>Reason: To ensure structural stability of the stormwater pipe.</p>	<p>This condition has been consolidated into Identified Requirement No. 88.</p>
<p>Driveway Grades (Previously EB27)</p> <p>Reason: To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.</p>	<p>The Traffic Impact Assessment by Apex Engineers dated June 2022 (see Appendix S) identifies the required driveway grades for compliance, and section A08B of the Architectural Plan set (Appendix A) demonstrate compliance.</p> <p>These standards have been included in Identified Requirement No. 89.</p>
<p>Non-standard conditions – Prior the issue of a Construction Certificate</p> <p>Reason: To ensure the development can withstand flood impacts.</p>	<p>The Flood Investigation Report by ACOR Consulting Pty Ltd recommends minimum floor levels for apartments adjoining the easement to be RL53.</p> <p>The Architectural Plans in Appendix A indicate finished ground floor levels of apartments adjacent to the easement are RL52.95. The finished floor levels of the two other buildings on the site are currently RL 52.95 (northern building) and RL 53.75 (southern building).</p> <p>Identified Requirement No. 87 requires the finished floor level of all buildings to meet the PMF level identified in the Flood Investigation Report.</p> <p>It is noted that the condition recommended by council also required the certifying authority to ensure that the flood mitigation controls implemented to not increase flooding on adjoining properties or increased flooding afflux. The Flood Investigation Report concluded that the proposal complied with the relevant flood related requirements of Parramatta DCP 2011 and is consistent with the principles in the NSW Floodplain Development Manual. As such, this component of the recommended condition has not been incorporated.</p>

Council recommended condition	Response
Prior to work Commencing	
Construction and Traffic Management Plan (Previously EC01) Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.	The requirement for a Construction Management Plan has been addressed in Identified Requirement No. 85.
Road Opening Permits - DA's involving drainage work (Previously EC02) Reason: To protect Council's assets throughout the development process.	Pursuant to S.69 of the Local Government Act 1993, S.68 does not require the Crown to obtain the approval of a Council to do anything that is incidental to the erection or demolition of a building. This recommended condition has not been incorporated into the Activity Determination.
Dilapidation survey & report for private properties (Previously EC03) Reason: Management of records.	The excavated areas are shown in the Architectural Plan A15A (see <i>Appendix A</i>). The zone of influence of excavation (being twice the depth of the excavation) does not extend into adjoining property or assets. Therefore a dilapidation survey is not required and this condition is unnecessary. Notwithstanding, the requirement for repair and compensation for any damage to adjoining property and assets is addressed in Identified Requirement No. 68. This recommended condition has not been incorporated into the Activity Determination.
Erosion and Sediment Control measures (Previously EC06) Reason: To ensure soil and water management controls are in place before site works commence.	The Erosion and Sediment Control Plan prepared by ACOR Consulting Pty Ltd (See <i>Appendix C</i>) is compliant with The Blue Book and Identified Requirement No. 13 requires all measures to be in place prior to the commencement of demolition/construction works. This recommended condition has not been incorporated into the Activity Determination.
Site Maintenance (Previously EC07) Reason: To ensure public safety and maintenance of the amenity of the surrounding environment	This requirement has been addressed in Identified Requirements No. 48 to 56 and 60 to 66. This recommended condition has not been incorporated into the Activity Determination.
Shoring and adequacy of adjoining property (Previously EC08) 264. Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.	Excavation details are shown in the Architectural Plan A15A and demonstrate there will be no excavation below the level of the footings of buildings on neighbouring properties. This requirement does not apply to the proposed development. This recommended condition has not been incorporated into the Activity Determination.
Special Permits (Previously EC09) Reason: Proper management of public land.	Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a

Council recommended condition	Response
	<p>Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road.</p> <p>This recommended condition has not been incorporated into the Activity Determination.</p> <p>Notwithstanding the above, Identified Requirement No. 30 requires the building contractor to notify council of the intention to commence work, including demolition, within 5 working days of commencing work. Identified Requirements No. 33 and 55 also require that no building or demolition materials are stored on the footpath or roadway and that the roadway is not obstructed by construction vehicles at any time.</p>
Driveway Crossing Application (previously EB10) Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.	This requirement has been addressed in Identified Requirement No. 10. This recommended condition has not been incorporated into the Activity Determination.
During Work	
Stormwater must be connected to the kerb & gutter(Previously ED02) Reason: To ensure satisfactory storm water disposal	This requirement is covered by Identified Requirements No. 6, 42 and 83. This recommended condition has not been incorporated into the Activity Determination.
Driveway trench at boundary (Previously ED04) Reason: Stormwater control	This recommended condition has been included as Identified Requirement No. 91. For clarity, the wording has been edited to include reference to Bourke Street as the main vehicle crossover is from this frontage.
Erosion & sediment control measures (Previously ED05) Reason: To ensure no adverse impacts on neighbouring properties.	Identified Requirement No. 13 requires the implementation of appropriate erosion and sediment control measures prior to the commencement of work. This recommended condition has not been incorporated into the Activity Determination.
Damage to public infrastructure (Previously ED06) Reason: To protect public safety.	This requirement has been addressed in Identified Requirements No. 67, 68 and 71. This recommended condition has not been incorporated into the Activity Determination.
Car parking & driveways (Previously ED10) Reason: To ensure appropriate car parking	This requirement is covered by Identified Requirement No. 12. This recommended condition has not been incorporated into the Activity Determination.
Prior to the issue of an Occupation Certificate/Subdivision Certificate/Use Commencing	
Work-as-Executed Plan(Previously EE03) Reason: To ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.	Identified Requirement No. 72 requires Works-As-Executed drawings to be submitted to the Crown Certifier prior to occupation.

Council recommended condition	Response
OSD Positive Covenant/Restriction (Previously EE05) Reason: To ensure maintenance of on-site detention facilities.	<p>Identified Requirement No. 72 requires the creation of a positive covenant and restriction-as-to-user over the on-site detention system for regular maintenance.</p> <p>This recommended condition has not been incorporated into the Activity Determination.</p>
Section 73 Certificate (Previously EE06) Reason: To ensure the requirements of Sydney Water have been complied with.	<p>This is addressed in Identified Requirement No. 38.</p>
Street Numbering (Previously EE07) Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.	<p>This condition is addressed in Identified Requirement No. 92.</p>
Request for a Subdivision Certificate (Previously EE09) Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).	<p>Subdivision is not proposed, therefore this requirement is not applicable.</p>
Effective evacuation report (Previously EE10) Reason: To make property owners/residents aware of the procedure in the case of flood	<p>The Flood Investigation report by ACOR Consulting Ptd Ltd dated 17.03.2023 makes the following statements about flood evacuation:</p> <p><i>“Reliable pedestrian and vehicular access and egress is available to and from the site during all storm events up to and including the PMF event.”</i></p> <p>The Flood Investigation Report notes that evacuation routes will be available for pedestrians and vehicles. Pedestrian and vehicle routes do not cross the easement. The site is only impacted by the Probably Maximum Flood (PMF) which is mainly limited to the easement corridor along the east boundary.</p> <p>Notwithstanding the above, this requirement has been included in Identified Requirement No. 93 to ensure appropriate risk mitigation measures are in place.</p>
Lot consolidation (Previously EE14) Reason: To comply with the Conveyancing Act 1919	<p>This is addressed in Identified Requirement No. 5. This recommended condition has not been incorporated into the Activity Determination.</p>
Driveway Crossover (Previously EE15) Reason: Pedestrian and Vehicle safety	<p>This is addressed in Identified Requirement No. 10. This recommended condition has not been incorporated into the Activity Determination.</p>
Reinstatement of laybacks etc (Previously EE18) Reason: To provide satisfactory drainage	<p>This is addressed in Identified Requirement No. 11. This recommended condition has not been incorporated into the Activity Determination.</p>