

<b>JRPP No:</b>	<b>Item 1 (2009SYW004)</b>
<b>DA No:</b>	<b>485/2009</b>
<b>PROPOSED DEVELOPMENT</b>	<b>11 Pearce Street and 94A Spurway Street, ERMINGTON, NSW 2115, Lot E in DP 405353 and Unnamed reserve (Pk 531)</b>
<b>APPLICANT:</b>	<b>Parramatta City Council</b>
<b>REPORT BY:</b>	<b>Kerry Gordon – Kerry Gordon Planning Services Pty Ltd</b>

## **EXECUTIVE SUMMARY**

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### **Application details**

Date of receipt:	30 July 2009
Owner:	Parramatta City Council
Submissions received:	Fourteen submissions related to initial application and ten in relation to amended application
Issues:	Minimisation of waste, tree loss, noise from road, impact on infrastructure, garbage collection, noise from construction, traffic, lack of parking, should stay as a park, loss of property value, substation, should be accessed from Spurway Street, privacy, overdevelopment
Recommendation:	<b>Approval</b> subject to conditions of consent

### **Legislative requirements**

Zoning:	Residential 2(b)
Permissible under:	Parramatta Local Environmental Plan 2001
Relevant legislation/policies:	Parramatta DCP 2005
PLEP Variations:	Height
Integrated development:	No

### **The site**

Special character area:	No
Easements/rights of way:	No
Heritage item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Urban bushland:	No
Contaminated land:	No
Surrounding development:	Residential

## History:

It is unknown how or when the land was transferred to Council, but it appears on a deposited plan dated 18 July 1957 and identified as Public Garden and Recreation Space. The classification of the land is Operational. The land was rezoned to Residential 2B, the current zoning, in the LEP2001 after considerable community consultation.

## THE SITE

### Site

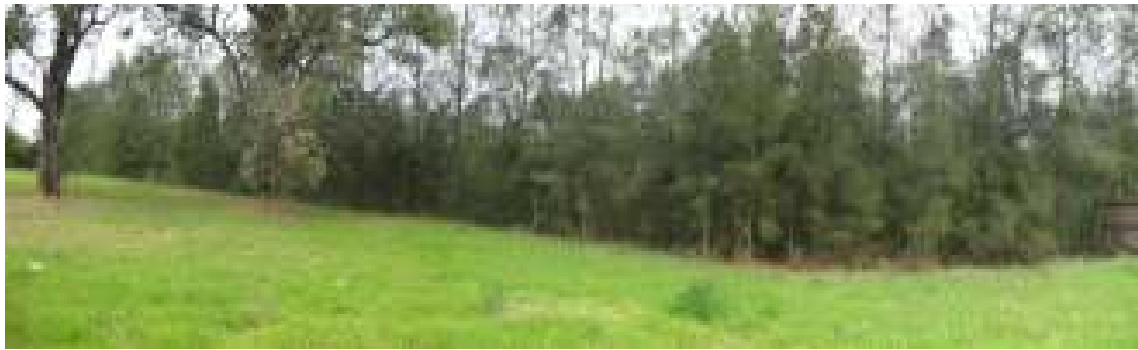
The site is located on the northern side of Pearce Street and has a frontage to Silverwater Road. The land is an irregular shape and comprises of two allotments. The first allotment (known as 11 Pearce St) has a 15.85m frontage to Pearce Street and forms an access handle to the rear portion of the site (known as 94A Spurway Street and referred to throughout this report as the 'main body' of the site). No. 11 Pearce Street is elevated above the level of Pearce Street, rising approximately 5m from the front to the rear of the site and having a cross-fall from east to west of approximately 800mm. There is a small steep bank at the front of the site adjoining the road reserve. No. 11 Pearce Street has a rear boundary of 16.005m, a western boundary of 53.09m, an eastern boundary of 50.87m and an area of 822m<sup>2</sup>. No. 11 Pearce Street is currently occupied by a single storey fibro cottage with a tiled roof, located towards the front of the site at an angle to the street, and a shed towards the rear of the site. Three trees are located in the rear yard of this property and three small exotic trees are located within the front yard. The site has no vehicular access, and has a set of stairs providing pedestrian access.



No. 11 Pearce Street showing existing dwelling and steep bank at the street frontage

The main body of the site has a 79.245m frontage to Silverwater Road and is effectively a landlocked allotment given the difference in level between the site and Silverwater Road of approximately 2m, with a 1.75m high concrete retaining wall and a series of open concrete table drains located between the boundary of the site and the Silverwater Road carriageway. The northern boundary of the site has a dimension of 48m, the western boundary has a dimension of 82.43m, the southern boundary a dimension of 68m and the allotment has an area of 4,603m<sup>2</sup>. The site falls from east to west by approximately 3m and is vacant. The site contains a number of trees located mainly along the boundaries of the site, with a row of immature Casuarina trees along the Silverwater Road boundary.

The combined site has an area of 5,425m<sup>2</sup>.



Site looking towards Silverwater Road showing the Casuarina trees along the boundary

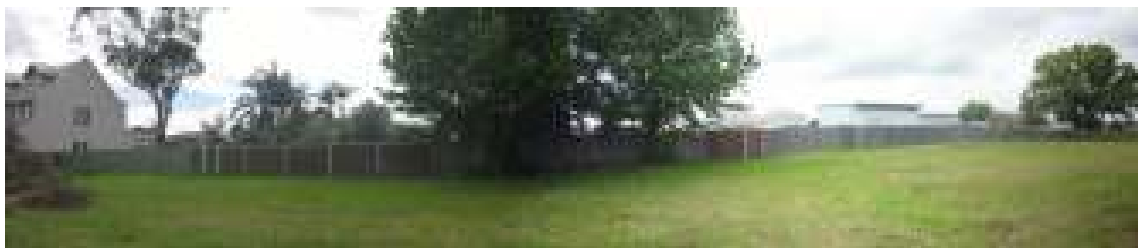
### Surrounds

Adjoining the site to the north is a two storey plus attic townhouse development contained in a series of buildings and known as 1 Checkley Court. A building containing townhouses runs parallel to the northern boundary of the site and is setback approximately 6m from that boundary. A second building runs perpendicular to the boundary and is setback 1.5m from the boundary.



Site looking northward towards the two storey townhouses

To the east of the site are the backyards of a series of dwellings which front Spurway Street. The dwellings are generally well setback from the common boundary.



Site looking eastward towards the rear of properties fronting Spurway Street

To the south of the main body of the site are the rear yards of housing fronting Pearce Street. These houses are generally well setback from the common boundary with the main body of the site.



Site looking southward towards the rear of properties fronting Pearce Street

Adjoining No. 11 Pearce Street to the west is No. 13 Pearce Street, containing a single storey brick dwelling with tiled roof. The dwelling is setback approximately 13m from Pearce Street and is a small dwelling having a depth of only 8m. This property has large shed in the rear yard, setback approximately 11m from the boundary with the main body of the site. The dwelling at No. 13 Pearce Street contains no windows adjacent to its common boundary with No. 11 Pearce Street.



Dwelling at No. 13 Pearce Street

Adjoining No. 11 Pearce Street to the east is No. 9 Pearce Street, containing an elevated single storey brick dwelling with tiled roof. The dwelling is setback approximately 12m from Pearce Street and there is a shed adjacent to the rear of the dwelling, running along the common property boundary with No. 11 Pearce Street. The property also contains a swimming pool located towards the eastern boundary of the site and setback approximately 14.5m from its common boundary with the main body of the site. The dwelling at No. 9 Pearce Street contains three windows adjacent to its common boundary with No. 11 Pearce Street, which the owners have identifies as being bedroom windows in their submission. The dwelling has an elevated entrance patio, over a garage, at the front of the site and the driveway to the garage runs along the common boundary with No. 11 Pearce Street.



Dwelling at No. 9 Pearce Street

## THE PROPOSAL

DA/485/2009, as amended, is a development application seeking to construct a multi unit housing development comprising six buildings containing 26 dwellings, over basement parking, as described following.

### Basement

The basement level is to be constructed at RL 40.3 and is to contain all parking for the development (50 parking spaces, including 3 accessible spaces), plant rooms, a carwash bay and a bin storage area. The floor of the basement is to be constructed generally 4-5m below the existing ground level of the main body of the site and is to be accessed via a 5.5m wide driveway from Pearce Street (via 11 Pearce St).

The driveway is to be excavated, commencing at RL 39.0 at the edge of the road reserve and travelling past proposed Unit 1 and Nos 9 and 13 Pearce Street at RL 39.2 (approximately 1.3m - 2.4m below natural ground level), thence rising to RL40.3 adjacent to the rear yards of Nos. 9 and 13 Pearce Street (approximately 1.8m – 3.7m below natural ground level).

The driveway splits to provide access to a ramp to the rear of proposed Unit 1, with the 3m wide ramp providing for emergency vehicle access to the main body of the site. The ramp is to be constructed generally below or at grade, with the exception of the rear 1-2m, where it rises above natural ground level by approximately 400mm at the boundary with No. 9 Pearce St.

It is also proposed to provide a pedestrian access path to the main body of the site along the boundary with No. 9 Pearce St. The path is to be constructed generally at grade. A new 1.8m high boundary fence to be constructed of lapped and capped timber is to be provided adjacent to the path and along the boundary with No. 13 Pearce Street. A 1.1m high open metal palisade balustrade is to be provided between the path and the driveway/ramp excavation. A 1.8m high lapped and capped timber fence is to be provided between the driveway excavation and the rear yard of proposed Unit 1. A 300mm wide landscape strip is proposed between the pedestrian path and the boundary with No.9 Pearce Street. Generally the fencing to the private courtyards of the dwellings (other than for Unit 1) is to be timber lapped and capped to a height of 1.8m at the rear and 1.5m at the sides. Timber picket fencing to a height of 1.2m is to be provided to the front (entry) courtyards of all dwellings. The rear fencing of the units facing Silverwater Road will be 1.2m high and the side fencing will taper down from 1.5m to 1.2m at the rear.

The proposed building to front Pearce Street is a two storey freestanding dwelling (Unit 1), with living spaces in an open plan style and a WC at ground level and two bedrooms and two bathrooms at the first floor level. Narrow balconies are proposed off the bedrooms to the front and rear elevations. The ground level of this building is to be constructed to RL 41.8, being 1 m above natural ground level at the front and 200mm below at the rear and has a ridge height of RL49.842. Given the elevated nature of the front of the dwelling, an elevated patio is provided off the living room facing Pearce Street. The dwelling has a setback from the western boundary of 900mm and from the eastern boundary of 9m.

The eastern portion of the main body of the site is to be occupied by three buildings running perpendicular with the eastern boundary. Each building is one storey plus attic in construction, with the building nearest the southern boundary to contain 5 dwellings and the other two buildings to contain 4 dwellings each. The westernmost dwelling in each of these buildings is proposed to be an adaptable dwelling.

All of the non-adaptable dwellings within these buildings have a north facing open plan living area and a south facing bedroom at ground level, together with a WC and laundry, and a centrally located second bedroom and bathroom within the attic space. The accessible dwellings have a north facing open plan living space and a south facing bedroom, together with a bathroom and laundry cupboard, at ground level and a second bedroom and bathroom within the attic space. The three buildings present a gable end to the western and eastern facades of the building.

The southernmost building is setback 5m – 7.2m from the southern boundary, with the 4m-5.2m immediately adjoining that boundary being a common landscaped area and 2m being a small rear yard. The main private open space areas are north facing off the living rooms and have minimum dimensions of 8.6m x 5.3m, with access to the dwellings via this space off a common pathway between this building and the centre building of the three buildings. This building has a 4m setback from the eastern boundary, which is a common landscaped area.

The central building has a similar private open space provision, but the north facing courtyards are 8.2m deep. This building is setback 4m from the eastern boundary, 14.9m from the southernmost building and 14.6m from the northernmost building. Access to the dwellings is via the small southern courtyard off the path shared with the southernmost building.

The northernmost building again has a similar private open space provision, but the north facing courtyards have a variable depth of 9m – 10.6m, stretching to the northern boundary of the site. This building is also setback 4m from the eastern boundary. Access to the dwellings is via the small southern courtyard off a shared path.

The remaining two buildings are two storey plus attic in construction and face Silverwater Road, stretching along the western boundary of the site. The northernmost building has setback of 4m-4.7m from the northern boundary and a minimum of 8.3m from the western façade of the adjoining single storey plus attic buildings. The building contains six dwelling and is articulated in the centre of the façade by a 4.7m deep step. The building has a variable setback from Silverwater Road of between 4.1m and 8.7m.

The southernmost building also contains six dwellings, though the southernmost dwelling is single storey plus attic in construction. This building is setback a minimum of 16.6m from the western façade of the adjoining single storey plus attic buildings. This building also contains a similar step in the façade and similar setbacks from Silverwater Road, with a setback from the southern boundary of 4m-4.3m. There is a separation of 2.7m between the two buildings.

All of the two storey plus attic dwellings within these buildings have an east/west facing open plan living area at ground level, together with a WC. Two bedrooms, two bathrooms and a laundry are at the first floor level and a centrally located third bedroom and bathroom are located within the attic space. Small east and west facing balconies are provided off the first floor balconies. The single storey plus attic dwelling has an open plan east facing living area at the ground level and a west facing bedroom, together with a laundry and has a centrally located second bedroom and bathroom located within the attic space. The two buildings present a gable end to the northern and southern facades of the building.

Located centrally on the site between the buildings is a common landscaped area with pond, vegetable gardens and feature pergola. This area also contains the lift from the basement, providing an accessible path of travel from the basement to the ground floor of approximately half the dwellings, including all of the adaptable dwellings.

## **ASSESSMENT PROCESS**

A preliminary review of the information submitted with the application revealed a number of deficiencies and a letter, dated 6 August 2009, was sent to the applicant requesting the following additional information.

- Amended plans to ensure the proposal complied with the definition of attic under LEP 2001;
- Seeking a review of the plans in relation to the DCP 2005 control limiting the height of townhouses to 2 storey for the first 20m of a site from the street frontage and 1 storey plus attic after that;
- An acoustic report addressing the acoustic impact of Silverwater Road;
- Seeking modification of the plans to ensure compliance with the building envelope controls contained within DCP 2005 in relation to attic spaces;
- A traffic study addressing traffic and parking;
- Details of ramps to be provided to allow ground floors of dwellings to be visitable in accordance with AS 1428.1;
- An arts plan;
- Details of the proposed ventilation of the basement car park;
- An arborist report on the impact of the development on trees on the subject and adjoining sites;
- Details of drainage of the basement car park;
- A concept on-site detention plan and design summary sheet;
- A long section of the basement driveway showing compliance with AS 2890.1;
- A request for a master plan waiver to address clause 30 of LEP 2001;
- Reconsideration of the streetscape presentation of the development to Pearce Street having regard to the extent of hard paving and the setback of the proposed building;
- Details of garbage servicing from the site;
- A geotechnical report addressing the proposed soil conditions, proposed excavation and potential impact on the ground water table and retaining works in Silverwater Road reserve; and
- Revised architectural plans providing annotation of the allocation of the proposed parking spaces and the use of rooms throughout the development.

The applicant responded to the letter on 26 August 2009 in the form of amended plans, a letter responding to the issues raised in Council's letter and a revised Statement of Environmental Effects. The additional information included mechanical engineering plans for the car park, a hydraulic engineering plan for the basement car park and on-site detention system and a stormwater management report.

A traffic and parking report prepared by Varga Traffic Planning was provided by the applicant with letter dated 11 September.

A preliminary geotechnical report was forwarded by the applicant by email on 24 September 2009.

A briefing meeting was held for the Sydney West Region Joint Regional Planning Panel on 24 September 2009 where the application was described to the Panel. Concerns with the completeness of the application and adequacy of the Statement of Environmental Effects were discussed, together with initial concerns with the merits of the application. In particular concerns with solar access, noise impacts from Silverwater Road, safety issues and the integrity of the development within the local area were discussed. The panel was advised that approximately 10 submissions had been received.

An onsite meeting with objectors and Councillors was held on 26 September 2009. In response to requests made at the onsite meeting, the applicant provided additional elevations, a photomontage and an amended site plan by email dated 1 October 2009.

At the completion of the notification period and after the onsite meeting with objectors was held, an initial assessment of the application was made. The initial assessment raised a number of concerns with the design of the proposal. The concerns were forwarded to the applicant by email dated 14 October 2009 and a meeting was held with the applicant on 2 November 2009 to discuss the concerns, as follows.

- Concern was raised that the streetscape presentation to Pearce Street was inappropriate, with the building being too high (should be two storey, not two storey with attic) and being setback too far from the street (should be approximately 11m setback to be consistent with streetscape). Concern was also raised with the extent of hard surfaces forward of the building line and additional soft landscaping at the frontage is required. Finally, concern was raised about the visual impact of the proposed excavated driveway and prominent visually entrance to the car park. It was suggested that a single driveway should be provided at grade with a narrower pedestrian path and more deep soil landscaping, with the proposed building 'screening' the entrance to the basement car park.
- A suggestion was made that the development could move closer to Silverwater Road to improve solar access penetration into the living rooms of the dwellings from the east, though a minimum 4m setback would be required to allow for suitable deep soil area and retention of the Casuarina trees was supported.
- Concern was raised with the access to the dwellings via steps as a ramp could be provided with level access.
- Concern was raised in relation to the solar access to the dwellings and private open space of the dwellings. Additional shadow information was requested showing the shadow resultant from adjoining development and internal fencing. Also suggested changes were made to increase solar access, including deleting the single dwelling near the northern boundary and providing a larger separation between the single storey plus attic dwelling rows. It was also suggested that the north facing courtyards of the dwellings should be increased in depth to allow better solar access penetration. It was also suggested that openings be provided in north facing walls to improve solar access.
- Concern was raised with the visual bulk and proposed setbacks of some components of the development in relation to the breach of the deep soil landscaped area control and the visual impact of the development upon the adjoining residential properties, as follows:
  - The setback from the eastern boundary should be increased to 4m to allow it to be included as deep soil landscape area and to allow the planting of some larger trees between the dwellings,
  - The setback from the northern boundary is unacceptably small and should be increased to a minimum of 4m to allow for increased deep soil area and landscaping in order to reduce the visual bulk of the development (particularly the two storey plus attic dwellings),
  - The setback from the southern boundary to the two storey plus attic dwellings was unacceptable having regard to the visual bulk of the development as viewed from the adjoining rear yards and it was suggested that the southern end dwelling be reduced in height to one storey plus attic to reduce its visual bulk. It was also recommended that the height of the proposed single storey plus attic dwellings be reduced such that they were no higher than 300mm above natural ground level to protect the privacy of the adjoining rear yards.
  - The height of the dwellings fronting Pearce Street is unacceptable having regard to their setback and the resultant visual bulk impact upon the rear yards of Nos 9 and 13 Pearce Street, particularly given the elevation of the dwellings.
- Concern was raised at the low provision of deep soil landscaping within the development and suggestions made as to how to make it compliant.
- Concerns were raised in relation to privacy impacts due to the elevation of some of the dwellings above ground level, due to the elevated pedestrian path and due to the elevated nature of the proposed dwellings fronting Pearce Street.
- Concern was raised that the accessible dwellings appeared cramped and required access through the bedroom to the rear yard, with a redesign and a separate hallway suggested.
- Concern was raised that the materials and colours lacked variety and it was suggested that some variety be introduced into the scheme.
- An acoustic report was requested to address road noise from Silverwater Road.
- A SEPP 1 objection was requested to address the height of the proposed dwellings.
- Amended plans were requested identifying shadows from all existing and proposed structures, identifying areas included in the floor space calculations and identifying the areas included in the deep soil and general landscape area calculations.



A streetscape elevation showing the relationship between the site and the two immediately adjoining dwellings was requested. An amended colours/materials specification was sought providing more variety throughout the development.

In response to the above concerns amended plans were submitted on 16 November 2009. The amended plans were renotified and are the subject of this assessment.

## **PUBLIC CONSULTATION**

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application for a period of 21 days between 19 August and 9 September 2009. In response, fourteen submissions were received, including a petition from 15 properties.

As a result of the level of concern expressed in the submissions, an onsite meeting was held with the persons who made submissions, the applicant, the assessment officer and several Councillors. Twenty six residents from the neighbourhood attended the onsite meeting

After the completion of the initial assessment of the application, a meeting was held with the applicant, where it was requested that several concerns be addressed by way of amended plans. Upon receipt of the amended plans, the application was renotified for a period of 21 days between 2 December and 23 December 2009. In response, ten submissions were received, including three proforma letters.

Given the extensive community interest in this application and the number of opportunities for the community to provide comments, it is appropriate that all submissions be addressed following, and as such comments received in relation to the original application, at the onsite meeting and in relation to the amended plans are summarised and addressed following. It is noted that if the comments remain the same in subsequent submissions, they are addressed only under the original plan submissions to avoid repetition.

### **Original Plans**

#### **Objectors**

1. Mrs Doreen Leonard 10 Pearce Street, ERMINGTON 2115
2. Ms Michele Layman 7 Pearce Street, ERMINGTON 2115
3. George & Androulla Nicolaou 5 Pearce Street, ERMINGTON 2115
4. N & C Scrivener 8 Pearce Street, ERMINGTON 2115
5. Mr Ron Faturios 13 Pearce Street, ERMINGTON 2115
6. Mr Anthony G Hamilton 14 Pearce Street, ERMINGTON 2115
7. Margaret Waghorne 16 Pearce Street, ERMINGTON 2115
8. Objector who requested name and details not be provided publicly
9. Mr & Mrs A Cutroni 96 Spurway Street, ERMINGTON 2115
10. Mrs Marija Jelcic and Milorad Jelcic 2 Pearce Street, ERMINGTON 2115
11. Mr Alan Menin 6 Pearce Street, Ermington
12. Mr Robin and Mrs Treena Appleby 9 Pearce Street, ERMINGTON 2115
13. Mr S & Mrs R S Vimalarajah 4 Pearce Street, ERMINGTON 2115
14. Petition from 15 properties in Ermington (3, 4 & 7 Batten Crescent, 1, 2 & 6 Mollison Crescent, 2, 3, 4, 6, 8, 11 & 22 Ulm Street and 2 & 10 Pearce Street)

#### **Issues**

##### **1. The demolition involves the production of waste and it should be recycled**

Comment: The recycling of the demolition waste will be required by the waste management plan.

##### **2. The existing traffic volume in Pearce Street is significant given it services streets on the western side of Silverwater Road and on-street parking limits visibility and space for passing traffic. Pearce Street is too narrow for the traffic to be generated by the proposal**

Comment: The assessment carried out by Council's Traffic Engineer indicated that Pearce Street and the surrounding road network have the capacity to cater for the increased traffic due to the proposed development (see comments under the Referrals section of the report).

##### **3. The introduction of so many new residents will destroy the close knit community.**

Comment: The impact of the increased density upon the community is unknown, however it is considered unlikely that it would “destroy the close knit community”.

**4. Visitors and some residents already park on the street, leaving only enough space for one traffic lane between cars, resulting in damage to residents cars on some occasions due to passing traffic, which will increase with the development.**

Comment: The proposal provides 15 spaces in excess of the car parking requirements of DCP 2005 and as such it is not considered likely that a significant increase in demand for on street parking will occur as a result of the development.

**5. Inadequate parking provision, should provide at least 2 spaces per dwelling plus visitor parking.**

Comment: Council's DCP requires provision of onsite parking at the rates of 1 space per 2 bedroom dwelling, 1.2 spaces per 3 bedroom dwelling and 0.25 of a space per dwelling for visitor parking for multi unit housing. Fifteen x 2 bedroom and eleven x 3 bedroom dwellings are proposed, a total of 26, requiring 28.2 residential spaces and 6.5 visitor spaces, a total of 34.7 spaces. The proposal provides for 50 parking spaces, 15 in excess of the required amount. Given the additional parking proposed, it is considered that more than adequate parking is to be provided. In this regard it is noted that the over half of the proposed dwellings are only two bedroom townhouses and dwellings of such a size do not normally all generate a demand for 2 parking spaces each. Such small townhouses cannot be directly compared to the demand for parking created by dwelling houses as is suggested by the submissions.

**6. The site still contains too many dwellings for the suburb of Ermington and for the confined space of the site and should be reduced to 10-20 dwellings.**

Comment: The controls applying to the site do not limit the number of dwellings, but rather limit the density by way of a floor space ratio and landscaped area requirements. The proposal complies with those controls. The site has an area of 5,435m<sup>2</sup> and as such proposes one dwelling per 209m<sup>2</sup> of site. Such a density, whilst higher than the surrounding single dwelling houses, is less than for the adjoining site to the north and as such is not uncharacteristic of townhouse development in the vicinity of the site. For these reasons the number of dwellings proposed is not considered to be an overdevelopment of the site.

**7. Noise during construction and safety issues created by the use of the street by large trucks and by on-street parking of construction workers.**

Comment: Some degree of construction noise is inevitable, however this can be managed by conditions addressing the hours of construction. Safety issues related to construction traffic and the impact upon other road users can be addressed in a traffic management plan, which recommended as a condition of consent.

**8. There is insufficient infrastructure to cope with a development of this size, in particular water, drainage, telecommunications, lighting, garbage collection and emergency access.**

Comment: There is no indication that the infrastructure in the area cannot cope with the proposed development, it being noted that the developer will have to pay for the augmentation of that infrastructure if it is necessary. Emergency access is available via a ramp to the rear of the site and garbage collection will occur using private contractors, with information being provided by the contractor that the site can be accessed for garbage collection.

**9. The development is too close to neighbour's backyards and too high (3 storey) creating loss of privacy (No. 5 Pearce St)**

Comment: The two storey plus attic townhouse closest to Nos. 13 & 15 Pearce Street was considered to be too visually intrusive upon the rear yard of those properties, notwithstanding it had a blank wall facing the properties and did not result in any privacy impacts. The amended plans have addressed this concern appropriately by reducing the height of the end townhouse to one storey with an attic. This townhouse is setback a minimum of 4m from the rear yard of Nos. 13 & 15 Pearce Street and the area between is to be landscaped. The combination of landscaping and reduced height of the end townhouse results in an appropriate height transition between the development and the rear yard of those properties. The two storey plus attic townhouses are located a minimum of 50m from the rear yard of No. 5 Pearce Street, with the single storey plus attic dwellings in between. Further, the two storey plus attic townhouses closest have a ridge height of RL 53.385, with the single storey plus attic townhouses in between having ridge heights up to RL 52.867 (given the slope of the site).

Given the height of the building between the two storey plus attic townhouses and the rear yard, and as the attic contains no windows that would allow overlooking, there is no potential for privacy impacts from these dwellings into the yard of No. 5 Pearce Street.

**10. Further developments have been approved in Spurway Street and the density of the area should not be changed without a consultative process involving the community**

Comment: The development being approved and proposed in the area is currently permissible under the provisions of LEP 2001 and has been for at least the last 8 years. The current proposal has been notified twice and an onsite meeting has been held with the community. It is considered that the processing of the application has included an appropriate amount of community consultation.

**11. Access should be changed to Spurway Street, which is a larger street which could cope with the additional traffic.**

Comment: The application proposes access off Pearce Street and the site does not afford any opportunity to provide access from Spurway Street. The assessment of the application requires consideration of the suitability of the proposed access arrangements and cannot include a consideration of whether access from another street would be more appropriate. The assessment carried out by the traffic engineer has indicated that the traffic generated by the proposal can be catered for on Pearce Street and as such the application provides for a satisfactory form of access.

**12. The proposal should be redesigned to allow entry and exit of different streets to improve safety.**

Comment: See above comment.

**13. The pedestrian access point is unclear.**

Comment: Pedestrian access to the main body of the site is via a pedestrian path along the eastern boundary of the property which is to be provided at the existing ground level. Pedestrian access to Unit 1 is via two sets of stairs from the street frontage of the site. From within the basement, pedestrians can use either stairs or the lift to access the central common area of the development and can then use the proposed paths to access the dwellings. The pedestrian paths and stairs are clearly shown on the plans, with the exception of a pedestrian path to Unit 1. A condition of consent should require the provision of a pedestrian pathway from the central common area to Unit 1 to allow access from the basement car park for that unit to the unit.

**14. How will possible walkways from the site to Spurway Street be implemented? They should be provided to allow improved pedestrian access.**

Comment: There is currently no possibility that walkways can be provided through the site to Spurway Street. Whilst such walkways could potentially be provided some time in the future if the adjoining Spurway Street properties were redeveloped, such walkways through residential properties are not considered appropriate, introducing unacceptable risks to the safety of the residents.

**15. Garbage needs to be collected onsite as there is insufficient space on the nature strip for their collection and should include green waste bins. Household waste collection needs to be given consideration**

Comment: Details have been provided that the garbage will be collected from within the site by a private contractor. The collection will include recyclable materials.

**16. Potential damage to the dwellings at Nos. 5, 7, 9, 13 and 15 Spurway Street.**

Comment: Given the extent of excavation proposed in proximity to the dwellings at Nos. 9 and 13 Pearce Street a condition is recommended requiring a dilapidation report to be prepared by the developer. The excavation is not in close proximity to Nos. 5, 7 and 15 Spurway Street and a dilapidation report for those properties is not warranted.

**17. Bollards should be provided on the nature strip of Nos. 10 and 12 Pearce Street for out of control cars exiting the site.**

Comment: Council's Traffic Engineer has considered whether bollards are needed for the nature strip in front of Nos. 10 and 12 Pearce Street and found it unnecessary as the speed of traffic leaving the site would be low and as such there is insufficient risk to warrant bollards. The speed of the traffic leaving the site would also be slowed by the proposed narrowing of the driveway adjacent to Unit 1 to provide for improved landscaping of the proposal.

**18. Speed humps and a stop sign should be provided within the site to slow down traffic exiting. A give way to pedestrian sign should be installed at the exit of the site.**

Comment: The provision of speed humps to slow the traffic leaving the site is not appropriate as it would introduce an unacceptable level of noise upon the adjoining residents. A more appropriate way to slow traffic would be to narrow the driveway, and this is proposed by way of a condition.

**19. Are dwellings for sale or housing commission or will they be rented?**

Comment: The applicant indicated on the site inspection that the units would be for sale and that at this time there was no intention for them to be Department of Housing units. It is noted that the end user of the site is not a relevant consideration in the assessment of the application.

**20. A water tanker should be on standby for all known reasons.**

Comment: The site has a suitable level of access to the rear by way of a ramp and as such a standby water tanker is not necessary for emergency situations.

**21. The height of the buildings may result in faulty TV reception and Council should consider replacement costs to residents affected.**

Comment: Whilst there is some potential for the buildings on the site to result in some changes to TV reception, this is not a matter which can be dealt with under the Act and is no different to a neighbour putting up a first floor addition, which may also potentially affect reception.

**22. Concern with tree loss, why didn't the design incorporate retention of the mature trees on the site? Trees lost should be replaced.**

Comment: The plans make provision for retention of the Casuarina trees adjacent to Silverwater Road, but not other trees. Council's Landscape Officer is satisfied with the impact of the development and a condition of the recommended consent will require adequate provision of trees on the site.

**23. Concern about noise from pedestrian access which runs past our bedroom windows (No. 9 Peace St).**

Comment: In the original plans the pedestrian access was elevated above existing ground level and had the real potential to result in unacceptable noise impacts. The current proposal has the pedestrian access at ground level or below except for the last 1-2m where it is 400mm above ground level, which combined with a 1.8m high lapped and capped fence would provide adequate aural and visual privacy to the bedroom windows at Nos. 9 Pearce Street.

**24. The required substation should be provided onsite to avoid visual impact upon the streetscape.**

Comment: Should a substation be required for the development it would be provided for onsite and a condition of consent to this effect is recommended.

**25. The gas reticulation and telecommunication plan for the development should be provided to allow assessment of the environmental effects.**

Comment: The developer will be required to liaise with the gas and telecommunication providers, who will identify the necessary works to service the site. This is appropriately done at the construction certificate stage.

**26. A study of the existing sewerage system needs to be undertaken to ascertain whether it can cater for the additional load from the proposed development.**

Comment: The developer will be required to liaise with the appropriate provider to identify the necessary works to ensure the site has appropriate provision for removal of sewage. This is appropriately done at the construction certificate stage.

**27. A complete study of the stormwater system needs to be undertaken to ascertain whether it can cater for the additional load, particularly given the poor maintenance of the open drains in Silverwater Road.**

Comment: Council's Development Engineer has assessed the concept stormwater plan as being appropriate for the site, subject to conditions which have been included in the recommendation.

**28. A traffic study is required to ascertain the impact of the development upon the road system.**

Comment: The traffic impact of the development has been assessed by Council's Traffic Engineer, having regard to a traffic study prepared on behalf of the applicant, including a consideration of the level of service at the relevant intersections and the accident history. It has been determined that the traffic generated by the development can be catered for within the existing road system without significant loss of service or increase in the potential for accidents (see comments under the Referrals section of the report).

**29. The development should be given a name and an appropriate street address given it will be accessed off Pearce Street but is known as 94A Spurway Street.**

Comment: The developer will be required to liaise with Council to obtain a street number at the construction certificate stage.

**30. s96 modifications should be rejected**

Comment: The application has not been granted consent as yet and there are no s96 applications lodged. Should a s96 application be lodged it would need to be assessed on its merits.

**31. Ample space should be provided for children to play**

Comment: The site makes provision of communal space, though the space is not specifically designed for child play. Further, each unit has an acceptable level of private open space in which children can play.

**32. Housing on main roads exposes residents to noise and pollution**

Comment: An acoustic report has been prepared which indicates the level of amenity within the dwellings will be not be acceptable due to the traffic noise from Silverwater Road, however conditions of consent have been recommended by Council's Health Officer to address this impact (see comments under the Referrals section of the report). The level of pollution experienced on the site will not be greatly different from that experienced by other residents in the area and is not sufficient to warrant refusal of the application.

**33. Pearce Street was previously a cul-de-sac and should be returned to one**

Comment: Whilst the street was previously a cul-de-sac, it is no longer one and whether it returns to one or not is not a relevant consideration in relation to this application.

**34. When cars are parked on both sides of the streets it prevents access to the street by garbage trucks and emergency vehicles.**

Comment: This is an existing situation and whether parking should be allowed on both sides of the street is not a matter for consideration in this application. Adequate parking is provided for onsite, well in excess of Council's requirements.

**35. The land was a park when residents purchased their houses and it still is and should remain so as it is needed for children to play in.**

Comment: Whilst the land may have appeared to be a park in the past, it was a land-locked piece of land and as such was not available, nor was it appropriately landscaped, for use by the general public. Whilst some adjoining residents may have used the site from time to time, it is zoned residential and is appropriately classified for the sale by Council for redevelopment.

**36. The proposal will lead to a loss of property value.**

Comment: Whilst the change in the nature of development in the vicinity of the area may have an impact upon the value of other properties in the area, such changes in value (either increases or decreases) cannot be compensated for under the current planning legislation and are not matters that would warrant refusal of the application.

**37. The design of the proposal and the tunnel are inconsistent with the streetscape of Pearce Street.**

Comment: The original proposal involved providing access to the underground car park via a driveway under proposed dwellings. The use of such access was considered inappropriate in the streetscape, and is contrary to the requirements of DCP 2005, and as such the applicant was asked to redesign the entrance to provide a driveway as close to the existing ground level as possible to the side of the front unit.

The amended plans reflect this design approach and the visibility of the entrance of the car park from the street is significantly reduced, being partially hidden behind the front unit. The proposed ramps are to be further screened from view from Pearce Street by the proposed narrowing of the driveway to provide for additional planting. The new design, with the recommended condition, results in an acceptable streetscape, which provides for more deep soil landscaping and the curve in the driveway and landscaping, assist in minimising its visual impact.

**38. The proposed hours of construction are not specified.**

Comment: Any consent issued would have a standard condition identifying the hours of construction.

**39. Concerned about the intrusive impact of car headlights (10 Pearce Street) from vehicles using the driveway**

Comment: Whilst vehicles exiting the site at night would have headlights on and this may result in some additional glare impact upon the windows of dwellings opposite the site, this is the case with any driveway and as the development is permissible in the zone, such impact cannot warrant refusal of an otherwise acceptable development.

**Onsite Meeting**

**Issues**

**1. Many vehicles speed along Pearce Street causing accidents which would increase with proposed development.**

Comment: This concern was addressed by Council's Traffic Engineer, who found that there is a relatively low incident of accidents in Pearce Street and that its narrow nature assists in naturally slowing down cars travelling along the street and that the development will not change this (see comments in full in the referrals section of this report).

**2. Long delays are already experienced at the intersection of Silverwater Road and Spurway Drive/Kingsford Street and this will get worse with the proposal.**

Comment: This concern was addressed by Council's Traffic Engineer, who found that the delay at the above intersections is currently assessed as acceptable and that the development will not change this (see comments in full in the referrals section of this report).

**3. Development as it faces Pearce Street is not consistent with the bulk and scale of adjoining properties**

Comment: The scale of the units facing Pearce Street in the original plans did not appropriately respond to the character of Pearce Street. The amended plans have reduced the number of units at the front of the site to one and have reduced its height and moved it forward on the site to roughly align with the adjoining dwellings. As a result the amended design is considered to appropriately address the character of Pearce Street.

**4. There are a lack of footpaths in the area and the extra pedestrians will generate a greater need for a footpath**

Comment: A condition of any consent will require the frontage of the site in Pearce Street to be provided with a footpath. It is not reasonable to expect the developer of the site to provide a footpath for more than this distance. It is noted that at the onsite meeting Councillors that were present indicated they would follow up the matter separately.

**5. Concern was raised that the level of street lighting in Pearce Street was inadequate.**

Comment: The provision of street lighting is not a matter for the applicant to address, nor is it appropriate to condition additional street lighting. It is noted that at the onsite meeting Councillors that were present indicated they would follow up the matter separately.

**Amended Plans**

**Objectors**

1. Mrs Doreen Leonard 10 Pearce Street, ERMINGTON 2115
2. Ms Michele Layman 7 Pearce Street, ERMINGTON 2115

3. George & Andruolla Nicolaou 5 Pearce Street, ERMINGTON 2115
4. N & C Scrivener 8 Pearce Street, ERMINGTON 2115
5. Robin & Treena Appleby 9 Pearce Street, ERMINGTON 2115
6. Mr S & Mrs R S Vimalarajah 4 Pearce Street, ERMINGTON 2115
7. Mr Ron Faturios 13 Pearce Street, ERMINGTON 2115
8. Mr Anthony G Hamilton 14 Pearce Street, ERMINGTON 2115
9. Margaret Waghorne 16 Pearce Street, ERMINGTON 2115
10. Melissa Tate & Damien Zivkovich 13/1 Checkley Court, ERMINGTON 2115

## Issues

### **1. Removal of one town house will not make any difference to the traffic using the ramp, which is opposite my house (No. 10 Pearce St), resulting in excessive noise**

Comment: The access driveway for the development is acceptable in its form and as it is located opposite the house of the objector will not result in any significant increase in noise experienced at that property, with the noise source being located on the opposite side of the street. As such the property in question would be more affected by traffic noise from cars using Pearce Street.

### **2. Changes to the site and access have been an improvement over the original application**

Comment: Noted

### **3. No traffic management plan for construction was provided as was promised at the onsite meeting**

Comment: At the meeting it was indicated that a construction traffic management plan would be required for the development given its size and potential for traffic and pedestrian disruption, however such a plan would be conditioned to be provided prior to the release of the Construction Certificate and would not normally be the subject of notification to neighbours. A condition to this effect is recommended.

### **4. Construction noise is of concern as bedroom windows are located along the boundary of No. 11 Pearce Street. Is it possible that double glazing will be fitted to our windows (No. 9 Pearce St) ?**

Comment: Whilst the immediately adjoining properties would be likely to suffer impacts from construction noise, such noise would be limited in its duration by a condition limiting hours of construction. It is noted that the hours of construction condition was prepared having regard to normal sleeping hours.

### **5. Concern with amount of dust during construction**

Comment: Dust impacts during construction can be suitably ameliorated by the use of dust suppression techniques such as wetting down exposed soil areas in windy conditions and a recommended condition of consent will require the use of dust suppression techniques.

### **6. Noise of construction will impact more on residents who stay at home such as residents and mothers with children.**

Comment: It is agreed that construction noise will affect such residents more than those who leave their dwellings during the day, however such a concern cannot justify refusing an otherwise acceptable development.

### **7. Noise impacts from use of driveway (after completion of development) upon dwelling (No. 13 Pearce St). It needs to be addressed by a wall or treatment to the adjoining dwelling.**

Comment: The driveway is located on the opposite side of the property from No. 13 Pearce Street and for part of the length of the driveway Unit 1 would shield traffic noise. Beyond Unit 1 the driveway is excavated and this change in level combined with the lapped and capped timber fences proposed along both boundaries of the No. 11 Pearce Street property, will ensure noise from the use of the driveway is reduced.

### **8. The removal of the single townhouse next to our property (13/1 Checkley Court) is positive**

Comment: Noted

### **10. The outlook from our garden will be onto the sloped roof of the townhouses and it is visually unsatisfactory**

Comment: The outlook from the above property will be towards communal landscaped areas and rear yards, thence onto the roofs of the single storey + attic townhouses and the side wall of the two storey + attic townhouses. Given the distances separating the buildings from the site, the outlook is considered acceptable.

**11. No amended landscape plan was submitted. The boundary (with 13/1 Checkley Court) should be planted with small to medium trees to screen the townhouses**

Comment: Amended landscape plans have not been submitted, however a condition of consent is recommended requiring the preparation of suitable amended plans and specifying that landscaping along the boundaries adjoining residential properties should be provided with a mix of shrubs and small trees to maturity heights of 5-8m.

## REFERRALS

### Development Engineering

The application was referred to Council's Development Engineer and the following comments were provided.

#### **Stormwater Disposal**

*Stormwater disposal has been proposed to connect to an existing kerb inlet pit at the corner of Pearce Street. A new Kerb inlet pit will be constructed in-front of the existing house no.11 Pearce Street followed by a new 450 mm diameter 'class 4' pipe up to the existing pit.*

*It is noted that a 375 mm diameter pipe line is available after the existing kerb inlet pit at the corner of the Pearce Street.*

*Applicant shall submit the calculations showing that the existing Kerb inlet pits on Pearce Street and the existing 375 mm diameter pipe line are sufficient to take the increase of the incoming flow due to the new development. Failure to do so, upgrading of the existing Kerb Inlet Pits and the pipe line are required.*

*A new stormwater plan has been submitted showing the overland flow path within the Spurway street diverting to the Existing Pit located at the frontage of No.15 Pearce Street.*

*The applicant has not been addressed the other issues.*

*However, the applicant shall consider all the issues related to overland flow and the stormwater drainage during the detailed design.*

#### **Overland Flow**

*Overland flow from the properties along the Eastern boundary currently flows through the site. A swale has been proposed to catch the overland flow from these properties. It has been proposed to connect this overland flow to the existing swale along the western boundary (along the Silver Water Road boundary) of the site through two pipe lines which connects to two pits at the each end of the existing swale. The existing swale does not continue up to the Pearce Street. Down stream properties (specially House No. 15, Pearce Street ) will be burdened by this extra volume of overland flow as the lowest point of the site being the end of the existing swale at the South western corner of the site.*

*The applicant shall make arrangements to divert this extra volume of overland flow to the Pearce Street gutter without burdening the property No.13 & 15 Pearce Street.*

*The sizes of the proposed swale and the pipe diameters along with the calculations shall be submitted.*

*The above issues have not been addressed yet.*

*The applicant shall seek Council's catchment management engineers' advices regarding the diversion of the overland flow.*



## **OSD**

An under ground On-site stormwater Detention tank has been proposed under the driveway. An excavation of approximate height of 4m will be involved for the construction of OSD basin. Drainage will be connected to the proposed new Kerb inlet pit.

A Gross Pollutant Trap will be placed before the OSD basin to capture pollutants including coarse and fine sediments.

The proposed basement will be drained through a dual pump system. Pump out system will be connected to the GPT. Primary OSD system arrangement is fine.

## **Basement car parking/access/driveway gradients/vehicle manoeuvring**

Please refer to the Traffic engineers report.

## **Earthworks (cut and fill)**

An excavation of approximate heights of 4 to 4.5 m will be involved. A cut of approximate height of 4m will be involved for the basement construction. Please refer to the Geotechnical report.

## **Retaining Walls**

Retaining walls will be constructed for the purposes of ramp construction etc. Details have not been submitted.

## **CONCLUSION**

The proposal can achieve requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.

Comment: The requested conditions have been included within the recommendation as conditions of consent.

## **Traffic Engineering**

The application was referred to Council's Traffic Engineer and the following comments were provided.

1. *The proposed development site is on the northern side of Pearce Street between Silverwater Road and Spurway Street.*
2. *According to the application form (D01268254) the section-5 (description) of the proposal states that "the new development consists of twenty six (26) multi unit town houses created as one and two storeys in height, with a common basement carpark and a communal space at the centre of the development, the entrance is a covered mail box area with seating bench, an entry driveway to basement parking and an up ramp for emergency/occasional vehicles.", however section-7 (number of dwelling units/gross floor area) indicates that there are 14 two bedroom units and 13 three bedroom units(total 27 units) proposed for the development. Accordingly there is a contradiction in the number of units proposed at the development site.*
3. *The amended plans and the Traffic Report submitted to Council indicate that there would be a total of 27 units at the proposed site. Accordingly for the assessment of this DA it is accepted that 27 units are proposed at the development site with 14 two bedroom units and 13 three bedroom units.*
4. *Parking requirements according to Council's DCP 2005:*
  - *1.0 spaces per 2-bedroom unit (for 14 units) = 14 parking spaces*
  - *1.5 spaces per 3-bedroom unit (for 13 units) = 19.5 say 20 parking spaces*
  - *0.25 space per dwelling for visitor parking (for 27 units) = 6.75 spaces say 7 spaces*
  - *1 bicycle space per 3 dwellings (for 27 units) = 9 bicycle spaces*
  - Total parking requirements = 41 spaces + 9 bicycle spaces*

5. *Based on the DA Plan 2001 (Revision E) it is noted that the proposal includes provision of 45 parking spaces which includes 33 residential parking spaces, 3 disabled parking spaces and 9 visitor parking spaces. In addition, the proposal provides 1 dedicated carwash bay adjacent to parking space-24. The proposal provides for 4 spaces more than the number of parking spaces required according to Council's DCP and is considered satisfactory.*
6. *Note that the Basix certificate provided with the SEE indicates that 48 residential car spaces have been provided for the development. This is in contradiction to the number of parking spaces shown on the DA plans.*
7. *The DA plans do not indicate dimensions of the parking spaces and the aisle widths however based on the dimensions measured from the plans the following is noted:*
  - *Disabled Parking spaces: 4.0m x 5.35m*
  - *Visitor Parking spaces: 2.6m x 5.35m*
  - *Residential spaces: 2.6 x 5.35m*
  - *Carwash Bay: 4.7m x 5.35m*
  - *Aisle Width: 5.9m*
8. *As per Australian Standards AS 2890.1:2004 The dimension for 90° Angle Parking spaces for user Class 1A is 2.4m x 5.4m. Accordingly it is required that the dimensions of the general parking spaces (residential and visitor) be amended to provide minimum 5.4m long parking spaces and the aisle width to be minimum 5.8m.*
9. *The location of Columns adjacent to parking spaces (particularly spaces adjacent to Res 17 and 18, 21 and 22, 23 and 24) shall comply with the requirements as shown in the Figure 5.1 and 5.2 of AS 2890.1-2004 (Column location and spacing and Design Envelope around parked vehicle).*
10. *To ensure compliance with AS 2890.1:2004 it is suggested that the applicant consider to either:*
  - *Reconfigure the dimensions of the Strata Management Office within the basement carpark so that the parking space adjacent to it (visitor-9) is widened to 2.7m (2.4m car space dimension required as per AS2890.1:2004 for class-1A and 300mm additional clearance for space adjacent to the wall); or*
  - *Reduce width of visitor space-8 to 2.6m and widen visitor space-9 to 2.7m to comply with the clearance requirement of AS 2890.1-2004.*
11. *The DA plans do not indicate the width of the driveway (at the kerb) servicing the basement carpark and the access ramp for emergency vehicles. However based on sheet 2001 (Revision E) it is understood that a combined entry and exit driveway will be provided for the basement ramp and the access ramp to the ground floor. Provision of a combined driveway (at the kerb) providing access to the basement carpark and the occasional vehicle ramp is supported on traffic grounds.*
12. *The SEE states that "Occasional vehicles are able to access ground level via an up ramp, also from Pearce Street. The ground level area has been carefully designed to facilitate a three point turn for vehicles exiting the site".*
13. *Based on dimensions measured from the DA plans it is noted that the access ramp (for occasional vehicles providing two way access) is 3.0m wide, will provide access for occasional vehicles and also provide disabled access from street level. Accordingly in order to ensure the safety of pedestrians and disabled users it is required that use of this ramp be restricted for emergency, necessary maintenance and service vehicles only and not be permitted for general use. Two signs must be erected within the property on either side of this ramp facing the traffic in Pearce Street stating "No Entry for Vehicles, Emergency, Service and Maintenance Vehicles Excepted"*
14. *DA Plan 2001 (Revision E)- Basement Plan indicates that the property wall extends on either side of the access ramp to the boundary line and that there are planter boxes located at the boundary between the two access ramps servicing the proposed development site. These walls along with planter boxes would restrict the available sight distances of motorists exiting the proposed development site.*

15. AS2890.1:2004 Figure 3.3 shows the minimum sight lines for pedestrian safety. To comply with this requirement it is required that:

- 2.5m x 2.0m clear sight triangles (as shown in Figure 3.3 of AS2890.1:2004) must be provided on both side of the access driveway for occasional vehicles and on the eastern side of the access driveway to the basement carpark.
- Alternatively the heights of fence/wall/planter boxes at the boundary (2.5m into the boundary and 2.0m along the boundary line) should be a maximum of 0.60m higher than the ramp level at the boundary to ensure pedestrian safety.

### **Recommendation**

Should this DA be approved, no objection is raised to the proposal on traffic and parking grounds subject to the following traffic related conditions in addition.

Following receipt of the above comments amended plans were received and new comments were sought from the Traffic Engineer. The following comments were provided in relation to the amended plans:

*I refer to the above proposal and wish to advise the following comments for your consideration:*

<b>Description</b>	<b>Council's DCP 2005/SREP 28/RTA TGD/ AS 2890.1 – 2004 Requirements</b>	<b>Proposal</b>	<b>Comments</b>
Parking Provision	40 parking spaces plus 9 bicycle spaces	44 parking spaces	Considered satisfactory
Access Arrangement	3.0m – 5.5m wide combined entry & exit driveway	5.5m wide access ramp to basement level parking & 3.0m wide access ramp for occasional vehicles	Refer to notes

1. The proposed development is covered within the Parramatta LEP 2001. The proposed development seeks approval to develop the land for multi-unit residential use and construct 26 town houses with communal space and basement car parking. The proposed development site is on the northern side of Pearce Street between Silverwater Road and Spurway Street.
2. Amended plans have been submitted for the construction of multi-unit townhouses over basement carparking accessed from Pearce Street. The amendments include the removal of one townhouse (26 in total), changes to boundary setbacks, revised building platforms, changes to the external facade and changes to finished floor/ ground levels. The driveway to the basement carpark has been relocated to the eastern most-end of the property boundary off Pearce Street and merged with an emergency access ramp to the ground floor of the proposal.
3. Parking requirements according to Council's DCP 2005:
  - 1.0 spaces per 2-bedroom unit (for 13 units) = 13 parking spaces
  - 1.5 spaces per 3-bedroom unit (for 13 units) = 19.5 parking spaces (say 20)
  - 0.25 space per dwelling for visitor parking (for 26 units) = 6.5 parking spaces (say 7)
  - 1 bicycle space per 3 dwellings (for 26 units) = 8.66 bicycle spaces (say 9)
 Total parking requirements = 40 spaces + 9 bicycle spaces
4. Based on the DA Plan 2001 (Revision E) it is noted that the proposal includes provision of 44 parking spaces including 3 disabled parking spaces. In addition, the proposal provides 1 dedicated carwash bay adjacent to parking space #26. The proposal provides for 4 spaces more than the number of parking spaces required according to Council's DCP and is considered satisfactory.
5. The DA plans do not indicate dimensions of the parking spaces and the aisle widths however based on the dimensions measured from the plans the following is noted:
  - Disabled Parking spaces: 4.0m x 5.4 m
  - Residential & Visitor spaces: 2.6 x 5.4m
  - Carwash Bay: 4.7m x 5.4m
  - Aisle Width: 6.1m

6. The location of Columns adjacent to parking spaces shall comply with the requirements as shown in the Figure 5.1 and 5.2 of AS 2890.1-2004 (Column location and spacing and Design Envelope around parked vehicle).
7. Access arrangements into & out of the site is provided via a combined entry & exit driveway (5.5m wide) and an emergency access ramp to the ground floor is also provided. The width and location of the access driveway and ramp are considered acceptable on traffic grounds.
8. The SEE states that "Occasional vehicles are able to access ground level via an up ramp, also from Pearce Street. The ground level area has been carefully designed to facilitate a three point turn for vehicles exiting the site".
9. It is noted that the access ramp (for occasional vehicles providing two way access) is 3.0m wide and will provide access for occasional vehicles including providing disabled access from street level. Accordingly in order to ensure the safety of pedestrians and disabled users it is required that the use of this ramp be restricted for emergency, necessary maintenance and service vehicles only and not to be permitted for general use. Two signs must be erected within the property on either side of this ramp facing the traffic in Pearce Street stating "No Entry for Vehicles, Emergency, Service and Maintenance Vehicles Excepted".
10. As requested, comments on the concerns raised by objectors are offered below:
  - Concern was also raised that bollards may be required opposite the driveway to the proposal in Pearce Street, to prevent vehicles damaging property opposite should vehicles exit the driveway at high speed.

Comment

Installation of bollards opposite the driveway to the proposed development site off Pearce Street is not required. The site is no different to any other residential development within the LGA with driveways located opposite each other. It is not expected that drivers exiting the premises will drive at excessive speed.

- Residents expressed concern about the amount of additional traffic that this development would generate. It was advised that the street already carries a high volume of traffic as it is one of the main ways you can cross Silverwater Road and is also used by vehicles rat running and avoiding main roads during the morning and afternoon peak hours.

Comment

The traffic expected to be generated by the proposed development equates to 52 to 65 vehicle trips per dwelling (for 13 x 2-bedroom units) & 65 to 85 vehicle trips per dwelling (for 13 x 3-bedroom units), based on RTA Guide to Traffic Generating Developments. Therefore the proposed development is expected to generate a total traffic volume between 234 and 300 vehicles per day which is considered acceptable within the traffic volume definition of a local road.

- Many vehicles already speed along Pearce Street and the additional traffic and vehicles parked in the street is likely to result in additional accidents, especially having regards to the orientation of the road and sun glare that reduces visibility at times.

Comment

Pearce Street is a local residential street (6.5m wide between kerbs) with a speed limit of 50km/hr. Due to the narrow width of the road and with cars parked on the street, drivers are not expected to drive at speed in excess of the speed limit.

- To reduce the impact on Pearce Street residents advised that Spurway Street should be used as a vehicular access point to the site. It was indicated that this was consistent with the site analysis plan submitted with the application.

Comment

Traffic into & out of the site is expected to use either Pearce Street or Spurway Street. While traffic along Spurway Street is considered to experience delays, it is expected that traffic exiting the site would normally be using Ulm Street then on to Kingsford Street to Silverwater Road. The proposed access into & out of the development site off Pearce is considered adequate. The Traffic & Parking Assessment Report submitted with the original DA did not address the impact of the proposed access into & out of the development site.

- Residents also advised that they often experience long delays during peak hours at the intersection of Silverwater Road and Spurway Drive/Kingsford Street.

Comment

The intersection of Silverwater Road and Spurway Street/Kingsford Street is a signalised intersection and traffic signals are controlled and managed by the RTA. This intersection is considered to be operating at an acceptable level of service, capacity and delays. Note that the allocation of appropriate green times to competing traffic movements at the intersection would require considerations of safety, adequate capacity, efficient traffic operation (minimum delay, queue length and stops) as well as equity in levels of service provided for different movements (major road vs minor road and vehicles vs pedestrians) and priority to public transport vehicles.

- The consultant planner advisor advised that she would specifically ask Council's traffic engineer to review the impact of this development on the intersection as well as details of vehicles speeds, and accident history along Pearce Street.

Comment

Traffic on Pearce St/Woodward St is controlled by Give Way signs on each approach to Spurway Street. A check of the RTA recorded accidents during the 5 year period from July 2003 to June 2008 indicated that there have 2 accidents (1-injury & 1 tow-away) at the intersection of Spurway Street & Pearce Street and both accidents were off carriageway on Spurway Street which may be attributed to speed vehicles on Spurway Street. The number of accidents at the intersection does not warrant any intersection treatment at this stage. Council's Traffic & Transport Services do not have recent traffic volume data for Pearce Street to confirm the 85<sup>th</sup> percentile speed of vehicles using Pearce Street. The Traffic & Parking Assessment Report submitted with the original DA did not address the traffic volume along Pearce Street and Spurway Street.

## 11. CONCLUSION

Based on the analysis and information submitted with the amended DA plan, the proposed development is not considered to have a significant impact on Pearce Street and its surrounding road network. The access configuration, traffic generation in addition to existing traffic in Pearce Street and parking provision is considered acceptable and can be supported on traffic & parking grounds.

Note: Date and time of site inspection –Thursday, 3 December 2009 @ 11.45 am

### **Recommendation**

Should this DA be approved, no objection is raised to the proposal on traffic and parking grounds subject to the following traffic related conditions in addition:

Comment: The requested conditions are included within the recommendation as conditions of consent.

### **Landscape Tree Management**

The application was referred to Council's Landscape Tree Management Officer and the following comments were provided.

*The proposed landscaping is considered satisfactory and no objection is raised for the removal of trees within the site, however I feel the proposed driveway excavation and stormwater excavation within the north eastern corner of the access handle has the potential to impact a Pinus radiata located within the rear of 9 Pearce St, Ermington. The survey describes this trees as 500mm DBH and 10m high. No objection would be raised for the removal of this tree should owners consent be acquired and a separate tree permit application be submitted.*

Comment: Following discussions between Council's Landscape Tree Manager and the applicant the above issue was resolved and the following comments provided.

### **Impact on Site Trees**

*No objection is raised for the removal of trees from the site as proposed. The only significant trees within the site are a group of Angophora floribunda located within the centre of the site; however these trees are structurally unsound and will be impacted by the proposed excavation.*

### **Impact on adjoining trees**

*The revised plans propose excavation which will impact upon a Pinus radiata located within the rear yard of 9 Pearce St, Ermington. This issue has since been resolved as the tree has been approved for removal under TA/71/2009. It will be conditioned that the tree be removed prior to issue of the construction certificate.*

### **Landscape**

*The Master Landscape Plan prepared by eden design, drawing number 4/6 revision C 29/7/2009 is considered suitable in regards to design concept, however it is recommended that the species selection reflect a greater use of low water use, indigenous/endemic plant species in preference to exotic species, reflecting the vegetation communities of the locality.*

*It is noted that a revised landscape plan has not been submitted which reflects the current architectural plans. It is requested that an amended landscape plan be prepared prior to issue of the construction certificate. This request shall form part of the consent conditions.*

Comment: The requested conditions are included within the recommendation as conditions of consent.

### **Waste Management**

The application was referred to Council's Sustainability Officer and additional information was sought in relation to documentation from prospective contractors identifying that there is sufficient access, a suitable grade for truck access and sufficient height clearance to empty the bins onsite.

In response the applicant provided a letter dated 18 February 2010 from J J Richards & Sons indicating that based on the dimensions specified on the plans, there is sufficient height clearance and width to operate vehicles for the collection of 240L mobile garbage and recycle bins.

Following receipt of this information Council's Sustainability Officer indicated that there were no objections to the application subject to conditions, which have been included in the recommendation.

### **Public Art**

The application was referred to Council's City Culture, Tourism & Recreation section for comment on the proposed Arts Plan and the following comments were received:

*The draft plan is comprehensive. It is important that the applicant pursue where possible all of the integrated design elements. I agree with the recommendation from the artist planner that "It is most important that this artwork is not treated merely as an add on component. It must be integrated and be treated as a special point of interest both for the residents and visitors to the site"*

*The orchard thematic is probably the strongest concept to go with, and to include this into the landscape planting would reinforce it. The artist must be given ample scope to work these opportunities into the landscape plan with the architects during the design and development phase. A good example of this is the heritage courtyard at the Parramatta Justice Precinct in Marsden Street in Parramatta. It picks up similar references with the replanting of an orchard and associated interpretation via the use of appropriately scaled interpretative panels etc.*

*The opportunity to work some of the concepts into the paving and ground plane might also work in conjunction with the pergola, water feature and seated bench area.*

*Approval is subject to the next stages being undertaken:*

1. *Employment of an artist/s to work up the concepts based on the areas and thematics indentified in the arts plan.*
2. *Once an agreed concept/s have been approved that Artist/s and design team - undertake detailed design and documentation of the artworks This additional documentation is to be submitted to Council prior to the release of the Construction Certificate.*
3. *Artworks fabricated during construction - with all artworks completed and installed prior to the release of the occupation certificate.*

Comment: The above steps are included within the recommendation as conditions of consent.

## **Health**

The application was referred to Council's Health Officer for comment due to the proximity of the site to Silverwater Road and the potential for road noise to detrimentally impact upon the amenity of the development. Initial comments from Council's Health Officer requested an acoustic report from the applicant. An acoustic report was provided and the following comments were received from Council's Health Officer in relation to that report.

*The acoustic report provided by Acoustic Logic Consultancy – 94a Spurway Ermington – Traffic Noise Impact Assessment Indicates this premises will not comply with the requirements for units 2-13 levels one and two – bedrooms on the western therefore fails to comply with engineering controls at source will be required to ensure acoustic amenity of the area.*

*A further acoustic report will be required to ensure that engineering controls and modifications undertaken in situ will provide adequate ventilation on site is not acceptable to expect the residents to keep windows closed on the premises therefore modifications will be required to ensure the noise levels comply with 5 dB(a).*

Comment: The requested conditions are included within the recommendation as conditions of consent.

## **STATUTORY REQUIREMENTS [S.79C(1)(a)]**

### **State and Deemed State Environmental Planning Policies**

#### **STATE ENVIRONMENTAL PLANNING POLICY NO. 1**

The proposed development comprises of two and three storey buildings. In this regard storey is defined as:

**storey** means the space within a building between one floor level and the floor level next above or, if there is no floor level next above, the ceiling or roof above, but does not include:

- (a) space used for car parking, laundries or storerooms, if the ceiling space does not protrude more than 1.2 metres as measured vertically above the natural ground level immediately below, or
- (b) attic space that is part of the dwelling unit immediately below and is incapable of being used as a separate dwelling unit.

Further, attic room is defined as:

**attic room** means a room within the main roof space of a one or two storey building, no greater than 25 square metres in area, having a roof slope of not more than 35 degrees pitched from the ceiling level of the uppermost floor and may include dormer windows that:

- (a) are not higher than the height of the main roof of the building, and
- (b) are not more than 1.5 metres in width, and
- (c) do not incorporate or access a balcony.

Therefore the one storey plus attic dwellings are two storey buildings as the attic space is not within the main roof space as the proposed roof has gable ends and as such the space is partially contained within walls at each end, and comply with the control.

The two storey building fronting Pearce Street has no attic and is a two storey building, complying with the control.

The two storey plus attic buildings adjacent to Silverwater Road are technically three storey buildings as the proposed roof has gable ends and as such the space is partially contained within walls at each end, and as such breach the control.

Whilst the breach of the height control is a technical one and not a breach of the intent of the control, a SEPP 1 objection is required to support the breach. The applicant has lodged a SEPP 1 objection which is summarised following:

- Clause 39 is a development standard;
- The main purpose of the control is to ensure the appearance, bulk and scale of the development is acceptable;
- There are no additional adverse impacts resulting from the use of the attics with gable ends, with no loss of views or overshadowing;
- The overall built height, front wall height and roof pitch is compliant and the setbacks from side boundaries exceed the minimum DCP requirement;
- The built form does not impose on adjoining properties;
- As the objectives of the control are met strict compliance with the control is not warranted;
- The design allows for the orderly and economic use of the property and strict compliance is unreasonable and unnecessary in this case;
- The proposal is a modern development that fits well with its surrounds and the bulk and character of the development is consistent with the LEP; and
- Strict compliance with the control would lead to an under utilization of the roof volume for habitable use.

Comment: Any assessment of the appropriateness of variation of the height control must start with the intent of the control and as clause 39 contains no objectives, it is necessary to look at the objectives of the zone when attempting to ascertain the objectives of the control. Of the zone objectives the following are relevant to the height of development:

- (a) to enhance the amenity and characteristics of the established residential area, and*
- (b) to encourage redevelopment of low density housing forms, including dual occupancies and built unit housing, where such redevelopment does not compromise the amenity of the surrounding residential areas or the natural and cultural heritage of the area, and*
- (c) to ensure that building form, including that of alterations and additions is in character with the surrounding built environment, and*

The design of the development appropriately protects the amenity of the area, with suitable setbacks from adjoining development and reduced heights adjoining neighbouring rear yards. The character of the neighbourhood is maintained by the design of the dwelling fronting Pearce Street, which is of similar height and scale to the 2 storey dwellings in the street, and providing for a suitable level of soft landscaping at the street frontage. The non-compliant dwellings are located adjacent to the Silverwater Road frontage of the site and adjoining a two storey plus attic development and as such the design is compatible with the characteristics of the area. The provision of end gable roof form, rather than a hipped form which would comply with the control, results in no unacceptable external impacts in relation to the amenity of neighbours or the visual bulk of the development as viewed from those properties. As such the proposal is consistent with objective (a).

The development is an appropriate form of low density development, being in the form of villas and townhouses, which are already represented in the area, notably on the adjoining site to the north. No heritage or cultural heritage items are affected by the proposal and the amenity of surrounding properties is appropriately maintained. As has been discussed above, the variation to the height control in relation to the use of gable ends rather than a hipped roof form does not compromise the amenity of the surrounding residential properties. As such the proposal is consistent with objective (b).

The built form is appropriate to the context, with the dwelling fronting Pearce Street having similar height and scale to the 2 storey dwellings in that street, with single storey (plus attic) villas adjoining, and appropriately setback from, neighbour's rear yards and with two storey (plus attic) townhouses adjoining Silverwater Road and to the north of the site, where the property adjoins two storey townhouses. As such the proposal is consistent with objective (c).



Therefore, notwithstanding the technical breach of the height control, the proposal is consistent with the assumed objectives of the control. A compliant development could be provided on the site, but would result in a reduction of living space for each of the end dwellings for the two storey plus attic buildings, affecting 8 dwellings. The loss of the attic space for these dwellings would result in a less appropriate development of the site and would not result in any discernible improvement in the amenity of adjoining properties. It is therefore considered that the proposed non-compliant development would be superior to a compliant development in these circumstances. As there is no material benefit in compliance with the control and there is significant additional amenity impact resultant from the breach, it is considered that the design proposed is satisfactory, resulting in significant additional amenity to the proposed dwellings. It is therefore considered that the design proposed is satisfactory and that the objection under SEPP 1 is well-founded.

#### **STATE ENVIRONMENTAL PLANNING POLICY NO. 55**

The provisions of SEPP 55 require Council to consider, when assessing a development application, the potential for a site to be contaminated. The subject site has no history to suggest it may be contaminated and as such it is considered that no further investigations in this regard are required.

# PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001

Development standard	Compliance	Discussion
<b>CI 16 Permissible within zone?</b>	Yes	The site is zoned Residential 2(b) under LEP 2001 and within that zone multi unit housing is permissible with consent.
<b>Objectives</b>		
(a) to enhance the amenity and characteristics of the established residential area, and	Yes	The design of the development appropriately protects the amenity of the area, with suitable setbacks from adjoining development and reduced heights adjoining neighbouring rear yards. The character of the neighbourhood is maintained by the design of the dwelling fronting Pearce Street, which is of similar height and scale to the 2 storey dwellings in the street, and providing for a suitable level of soft landscaping at the street frontage, subject to conditions.
(b) to encourage redevelopment of low density housing forms, including dual occupancies and built unit housing, where such redevelopment does not compromise the amenity of the surrounding residential areas or the natural and cultural heritage of the area, and	Yes	The development is an appropriate form of low density development, being in the form of villas and townhouses, which are already represented in the area, notably on the adjoining site to the north. No heritage or cultural heritage items are affected by the proposal and the amenity of surrounding properties is appropriately maintained.
(c) to ensure that building form, including that of alterations and additions is in character with the surrounding built environment, and	Yes	The built form is appropriate to the context, with the unit fronting Pearce Street having similar height and scale to the 2 storey dwellings in that street, with single storey (plus attic) villas adjoining, and appropriately setback from, neighbour's rear yards and with two storey (plus attic) townhouses adjoining Silverwater Road and to the north of the site, where the property adjoins two storey townhouses.
(d) to provide opportunities for people to carryout a reasonable range of activities from their homes where such activities will not adversely affect the amenity of the neighbourhood, and	N/A	No non-residential uses are proposed.
(e) to allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods, and	N/A	No community facilities are proposed.
(f) to ensure the road network has the capacity to cater for increased development.	Yes	An assessment of the additional traffic likely to be generated by the development has been carried out by Council's Traffic Engineer, who found that the surrounding road network and intersections have adequate capacity to cater for the additional traffic to be generated (see referrals section of the report).



		<ul style="list-style-type: none"> <li>▪ Permeability;</li> <li>▪ Access;</li> <li>▪ Building services;</li> <li>▪ Heritage conservation;</li> <li>▪ Urban design;</li> <li>▪ Architectural character;</li> <li>▪ Sustainable development; and</li> <li>▪ Suitability of the site for residential development.</li> </ul> <p>The study is considered sufficient to warrant waiving the requirement for the preparation of a master plan for the site.</p>
<b>CI 31 Foreshore Development</b> Is the site on the foreshore?	N/A	The site is not located on the foreshore.
<b>CI 32 Foreshore Building Line</b> Does a foreshore building line apply?	N/A	No foreshore building line applies to the site.
<b>CI 33 Tree Preservation</b> Consent is required to remove trees	Yes	The application seeks consent to remove trees
<b>CI 34 Will the proposal have any impact on Acid Sulphate Soils?</b>	Yes	The subject site is located within classification 5 and is not within 500m of class 1, 2, 3 or 4 land. As such it is unlikely that the site will contain any AASS or PASS.
<b>CI 39 Height Limits in Residential Zones</b> Maximum height for a building is two storeys above ground level for multi unit housing.	No	<p>The proposed development comprises of two and three storey buildings.</p> <p>As such, whilst the breach of the height control is a technical one and not a breach of the intent of the control, a SEPP 1 objection is required to support the breach and it has been addressed previously in this report in the State Environmental Planning Policy section.</p>
<b>CI 40 Floor Space Ratios for Development</b> Maximum floor space ratio for multi unit housing is 0.6:1.	Yes	The site has an area of 5425m <sup>2</sup> and as such a maximum floor space of 3,255m <sup>2</sup> if permitted. The proposed development has a floor space of 2,617.7m <sup>2</sup> , well under the maximum allowed, which is a FSR of 0.48:1, complying with the control.

#### **PARRAMATTA DEVELOPMENT CONTROL PLAN – 2005**

<b>Development Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Part 3 – Preliminary Building Envelope</b>		
<b>Clause 3.1 Preliminary Building Envelope Table – Residential Development</b>		
<u>Frontage</u> – Minimum 24m	15.85m Pearce Street 79.245m Silverwater Road As the development proposes only one dwelling and the access to the Pearce Street frontage, a variation of this control is appropriate.	No
<u>Height</u> – Maximum 2 storeys and 11m within a plane at 45° from the ceiling level of the uppermost storey	Dwg fronting Pearce St – 2 storey – 8.6m, complies with envelope	Yes
	2 storey + attic dwgs – 3 storey - 9.4m-9.7m, complies with envelope.	No

<p>Maximum of 1 storey with attic and 8m within a plane at 45° from the ceiling level of the uppermost storey for townhouses situated to the rear of townhouses at the street frontage (ie a second row) and for rows of townhouses that predominantly face the side boundary rather than the street and are not within the first 20m of the building length. The 1 storey control does not apply to a row of townhouses that has frontage to a road, lane, public reserve or land zoned Residential 2(c) or 2(d), where the 2 storey height may be permitted.</p>	<p>This breach has been assessed in the SEPP 1 objection section of the report as satisfactory.</p> <p>1 storey + attic dwgs – 2 storey – 6.5m-7.1m, complies with envelope</p> <p>Whilst the proposal breaches the control for 1 storey plus attic (due to the gable ends resulting in the building not satisfying the definition of attic), there are no significant impacts upon adjoining properties due to the provision of gable ends to the roofs of the buildings instead of hipped ends and as such the variation is supported.</p>	No
<p><u>Street Setback</u> – Consistent with the prevailing setback along the street within the range of 7-10m, with 5-7m on secondary streets. Basement car parks are not to extend beyond the building envelope into the front setback.</p>	<p>The proposed setback is 11m from Pearce Street, where the average setback is approximately 12m</p> <p>The proposed setback from Silverwater Road is 4.2m – 9m, where the average adjoining setback is approximately 2.5m.</p>	Yes. Complies with prevailing setback
<p><u>Rear Setback</u> – Minimum 15% of the length of the site.</p>	<p>The site has no clear rear as the site is effectively a battleaxe lot. If the street address of Spurway Street is considered the front, then the Silverwater Road frontage is the rear. If the Silverwater Road frontage is the front as it is the longest street frontage, then the eastern boundary is the rear and if Pearce Street is the front, then the northern boundary is the back. Different setback requirements would be calculated dependant upon which rear boundary is considered, with a 8.6m setback required from the Silverwater Road frontage, or a 8.6m setback required from the eastern boundary, or a 19.5m setback from the northern boundary.</p>	No
	<p>In such a case it is considered more appropriate to provide a reasonable setback from all sides based on the height of the adjoining development and the development on the subject site. It is considered that this has occurred and that the location of the deep soil landscaped strips adjacent to the boundaries will assist in ensuring an appropriate outlook from adjoining properties is maintained.</p>	No
<p><u>Side Setback</u> – Minimum 3m except where dwellings primarily address side boundaries, where the side setbacks must be a minimum 4.5m.</p>	<p>Again, it is not clear which boundary is a side boundary, given the nature of the site. The design has dwellings facing side boundaries to the northern and southern boundary only and the proposed setbacks from these boundaries (where dwellings address the boundary) are 9m – 10.7m and 6m, respectively. Setbacks from other side boundaries are 4m – 4.6m.</p> <p>Therefore, depending on which boundaries are considered to be the sides, there may be some minor variations of the control in some limited</p>	No

	locations. Given the variations are located adjacent to 4m-4.5m wide communal landscaped strips, the variations will not result in any detrimental impacts and as such are supported in this case.	
<b>Part 4 – General Principles for Development</b>		
<b>4.1.1 Views and Vistas</b> Does the development preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 3 - <u>Vegetation Communities</u> ?	The development does not impact upon any significant views.	Yes
Does the building design location and landscaping encourage view sharing between properties?	The development does not impact upon any significant views.	N/A
<b>4.1.3 Culture and Public Art</b> Has an Arts and Cultural Plan been submitted as part of the application identifying art to be incorporated into the development?	An Arts and Cultural Plan has been submitted which has been assessed as satisfactory, see comments from Council's City Culture, Tourism & Recreation section	Yes
<b>4.1.4 Water Management</b>  Flooding or Grey Area - Is the site flood affected or within a Grey Area? Stormwater Disposal - Is stormwater able to be directed to Council's stormwater network? Generally the street? BASIX - Meets BASIX certificate requirements with regard to rainwater tanks, native vegetation etc.	No  An appropriate concept stormwater plan has been provided and a BASIX certificate has been provided.	Yes  Yes
<b>4.1.5 Soil Management</b> Are there adequate erosion control measures?	An adequate sediment and erosion plan has been provided.	Yes
<b>4.1.7 – Development on Sloping Land</b> Does the design of the development respond to the slope of the site? (Generally speaking FFL should not exceed 500mm above existing NGL)	The design of the development has generally responded appropriately to the slope of the site. The FFL vary between 500mm above and 350mm below ground level for the single storey + attic units.  The two storey unit has a FFL varying between 1000mm above and 200mm below ground level.  This variation is considered acceptable given the characteristic dwelling in the streetscape has an elevated front due to the slope of the land.  The two storey + attic units have a FFL varying between below ground level and up to 300mm above ground level.	Yes  No  Yes
<b>4.1.7 – Land Contamination</b> Is the site contaminated?	The site is not contaminated nor has any previous history that may have caused contamination.	N/A
<b>4.1.9 – Biodiversity</b> If land abuts Zone 7, has a 6 metre setback for all structures been provided?	The site does not abut zone 7.	N/A

<p><b>4.1.10 Landscaping</b></p> <p>Are natural features on the site, such as existing trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities retained and incorporated into the design of development?</p> <p>Are trees planted at the front and rear of the site to encourage tree canopy to soften the built environment, to encourage the continuity of the landscape pattern and to minimise overlooking opportunities between properties?</p> <p>Deep Soil Zone - Does the proposal provide for a 30% deep soil zone? (a minimum of 50% is to be located at the rear of the site with a minimum of 15% to be within the front setback). A minimum of 10% is to be a communal landscaped area, to be provided between the dwellings in developments with more than one group of attached dwellings.</p> <p><b>Note:</b> The minimum dimensions for a deep soil zone are 4m x 4m.</p> <p>Landscaped Area - Is a minimum of 40% of the site is to be landscaped?</p> <p>This is inclusive of the deep soil zone and must be a pervious surface, at ground level and have a minimum soil depth of 1m and minimum dimension of 2m.</p>	<p>There are no significant natural features on the site. A row of immature Casuarina trees exist along the boundary with Silverwater Road, which are to be retained. A condition to this effect is recommended.</p> <p>Amended landscape plans have not been provided. A condition of consent is recommended requiring an amended landscape plan to be provided which provides for appropriately located tree canopy planting.</p> <p>The site has an area 5,435m<sup>2</sup>, requiring the provision of 1,627.5m<sup>2</sup> of deep soil zone, with 813.75m<sup>2</sup> at the rear and 244.13m<sup>2</sup> within the front setback, and with a communal landscaped area of 162.8m<sup>2</sup>.</p> <p>The amended proposal provides a deep soil area of 1,658m<sup>2</sup>, complying with the control.</p> <p>The proposal provides a deep soil area forward of the building line (in both Pearce Street and Spurway Street) of 529m<sup>2</sup>, complying with the control.</p> <p>Compliance with the deep soil requirement at the rear of the site is problematic on battleaxe type lots as it is often preferable to spread the deep soil areas around all boundaries given there are other properties to all sides (except Silverwater Road). The proposal provides a deep soil area between the dwellings and the adjacent residential properties of 912m<sup>2</sup>, complying with the control.</p> <p>The proposal provides for no communal deep soil area between the dwellings in the development and as such breaches the control. Despite there being no deep soil communal area, there is a significant amount of communal space between the dwellings and it is considered that this space, which is located above the basement car parking, and which provides an acceptable depth of soil for planting of landscaping.</p> <p>The site has an area 5,435m<sup>2</sup>, requiring the provision of 2,174m<sup>2</sup> of landscaped area. The proposal provides for a landscaped area of 3,311m<sup>2</sup>, complying with the control,</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>
<p><b>4.2.1 Streetscape</b></p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p>	<p>The components of the development that will be visible in the streetscape are the front unit at Pearce Street and the row of 2 storey + attic units fronting Silverwater Road.</p>	<p>Yes</p>

<p>Vehicle access points should be minimised and should not break the continuity of the streetscape, with landscaping to be used to minimise the visual intrusion of vehicular access points.</p> <p>The maximum length of building frontage along the street is 20m and the minimum separation between buildings is 3m, with the separation area to be fenced and landscaped for privacy when it is to be used as part of the private area of a dwelling.</p>	<p>The design of the front unit has been appropriately amended to remove the attic and reposition it closer to the street such that its height and location are consistent with the character of the street.</p> <p>The units fronting Silverwater Road have also been amended, by moving closer to the road and being provided in only two buildings. Whilst the buildings are now longer than the façade length requirements of DCP 2005, the facades contain a significant step (1/2 the depth of the units) which, together with their angling to the street significantly breaks the bulk of the development as viewed from Silverwater Road. The heights of the proposed dwellings are consistent with that of the adjoining townhouse complex at 1 Checkley Court. Further, the provision of the tall units with minimal separation at this frontage has the benefit of providing an acoustic "shield" to the units and common area behind.</p> <p>A single access point is provided from Pearce Street, which splits into an access to the underground parking area and to provide emergency access to the units at the rear of the site. The splitting of access occurs behind the front unit, which partially screens the driveway and access to the car park from Pearce Street. Additional landscaping is recommended to provide a visual separation between the driveway entering the basement and the emergency access driveway to the rear of the site. It is noted that the driveway is 5.5m wide for its full length and it is considered that the width can be narrowed adjacent to the front unit to allow for the provision of additional landscaping (in the form of ground covers and canopy trees) to allow for additional screening to the driveways and car park entry. This can be achieved without compromising the entrance as it would allow for a single lane ingress/egress for a small length (10m), with passing space either side. It would have the added benefit of slowing traffic using the driveway. A condition to this effect is recommended.</p> <p>The proposed unit fronting Pearce Street complies, having a building length of approximately 6m. The proposed buildings fronting Silverwater Road do not comply, with building lengths of 33m each and a separation of 2.7m. The variations, whilst numerically large, are considered appropriate as the buildings will act as an acoustic shield for the units behind.</p>	<p>Yes, subject to conditions</p> <p>No</p>
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	Further, the large stepping in the front facades of the buildings (4.5m in depth) and the angling of the buildings to Silverwater Road will ensure they are not overly bulky in the streetscape.	
<b>4.2.2 – Fences</b> Is the front fence a maximum height of 1.2metres? Are front fences a common element in the locality? <i>Note: Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a maximum height of 1.8 metres.</i> Is sheet metal fencing proposed to be used forward of the building line or on boundaries that have an interface with the public domain?	No front fence is proposed.	N/A
<b>4.2.3 Building Form and Massing</b> Is the height, bulk and scale of the proposed building consistent with the building patterns in the street?  Does the building height and mass result in unreasonable loss of amenity for adjacent properties?  Does the development have large expanses of blank walls?  Is the floor area of the attic more than 25m <sup>2</sup> ? Note: the floor area of attics is included in the floor space ratio calculation.	The height, bulk and scale of the unit fronting Pearce Street is consistent with 2 storey dwellings in that street. The height, bulk and scale of the 2 storey + attic townhouses is consistent with that of the adjoining townhouses at 1 Checkley Court, as viewed from Silverwater Road.  The height adjacent to the rear yards of adjoining detached dwellings is single storey + attic and as such is appropriate in scale and has an appropriate minimum 4m setback, which is to be landscaped. The only 2 storey + attic dwelling adjacent to a neighbouring property adjoins a two storey townhouse and the separation between the dwellings is 10m, which given the largely blank wall (two small windows) will ensure an appropriate level of privacy and outlook is retained.  The walls facing these properties are largely blank, however where the walls are single storey, the roof is the element that will be most visible to the neighbours. The two storey + attic dwelling has some articulation, with a small window at each level, providing articulation without loss of privacy.  The only unit of concern in relation to this is the front unit, which is two storey in design and has blank walls to the eastern and western facades. Given the potential for noise impacts from the driveway, it is recommended that the eastern façade be articulated by use of fixed windows to the stairway. The western façade can be appropriately articulated by operable windows at both levels to the living space and bathroom. A condition to this effect is recommended.  The area of each individual attic is under 25m <sup>2</sup> . The area of the attics are included in the floor space ratio calculation.	Yes  Yes  Yes, subject to conditions  Yes

<p><b>4.2.4 Building Façade and Articulation</b></p> <p>Is the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p>	<p>The building facades are modulated in both plan and elevation, with the use of stepping in the longer facades, the use of entrance verandahs and the use of windows and balconies to provide articulation to the facades and dormers and skylights to articulate the roof forms. The exception to this is the eastern and western facades of the front unit to Pearce Street. A condition of consent (see previous comments) is recommended to address this.</p>	<p>Yes, subject to conditions</p>																
<p>Do eaves project more than 800mm beyond the building envelope?</p> <p>Are recognisable entries provided for all dwellings?</p> <p>Are a mix of building materials and colours provided to reduce the appearance of bulk and integrate the buildings into the local area?</p>	<p>The buildings are not proposed to have eaves.</p> <p>The dwellings entries are easily recognisable off the common paths/areas. The colours/materials selection provided by the applicant area appropriate, providing for 4 different colour schemes to be used throughout the development's 6 buildings.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>																
<p><b>4.2.5 Roof Design</b></p> <p>Do the roofs exceed a pitch of 32°?</p> <p>Is the roof form contained within a building envelope determined by projecting a plane at 45° from the ceiling of the uppermost storey to a maximum height of 11m for two storey and 8m for one storey buildings?</p> <p>Are the dormers no greater than 1.5m in width and do they incorporate a balcony?</p> <p>Are attics cross ventilated?</p> <p>Do attic windows overlook adjoining properties?</p>	<p>The roof pitches are all 22° or 32°.</p> <p>The roof form is contained within the specified building planes.</p> <p>The proposed dormers are 2m wide on the single storey units and 2.5m wide on the two storey units and do not incorporate a balcony. Whilst the dormers are wider than 1.5m, it is considered that the width adds significantly to the amenity of the attic rooms and is supported in this instance.</p> <p>The attics all have a skylight and dormer on opposite sides, however it is not clear whether the skylights are operable. A condition requiring them to be operable is recommended.</p> <p>The attic windows are oriented to face either within the site or to Silverwater Road, with the exception of one row of single storey + attic units. The dormer windows to these units have a sill height of 1.5m above the floor level and as such do not overlook the adjoining properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes, subject to a condition</p> <p>Yes</p>																
<p><b>4.3 Environmental Amenity</b></p> <p><b>4.3.1 Private and Communal Open Space</b></p> <p>Is a minimum of 40m<sup>2</sup> of private open space provided at ground level for each dwelling, with a minimum dimension of 4m?</p>	<p>The following private open space areas are provided for each unit:</p> <table><tr><td>Unit 1 106m<sup>2</sup></td><td>Unit 14 62 m<sup>2</sup></td></tr><tr><td>Unit 2 56 m<sup>2</sup></td><td>Unit 15 64 m<sup>2</sup></td></tr><tr><td>Unit 3 55 m<sup>2</sup></td><td>Unit 16 66 m<sup>2</sup></td></tr><tr><td>Unit 4 48 m<sup>2</sup></td><td>Unit 17 68 m<sup>2</sup></td></tr><tr><td>Unit 5 62 m<sup>2</sup></td><td>Unit 18 57 m<sup>2</sup></td></tr><tr><td>Unit 6 55 m<sup>2</sup></td><td>Unit 19 57 m<sup>2</sup></td></tr><tr><td>Unit 7 48 m<sup>2</sup></td><td>Unit 20 57 m<sup>2</sup></td></tr><tr><td>Unit 8 64 m<sup>2</sup></td><td>Unit 21 57 m<sup>2</sup></td></tr></table>	Unit 1 106m <sup>2</sup>	Unit 14 62 m <sup>2</sup>	Unit 2 56 m <sup>2</sup>	Unit 15 64 m <sup>2</sup>	Unit 3 55 m <sup>2</sup>	Unit 16 66 m <sup>2</sup>	Unit 4 48 m <sup>2</sup>	Unit 17 68 m <sup>2</sup>	Unit 5 62 m <sup>2</sup>	Unit 18 57 m <sup>2</sup>	Unit 6 55 m <sup>2</sup>	Unit 19 57 m <sup>2</sup>	Unit 7 48 m <sup>2</sup>	Unit 20 57 m <sup>2</sup>	Unit 8 64 m <sup>2</sup>	Unit 21 57 m <sup>2</sup>	<p>Yes</p>
Unit 1 106m <sup>2</sup>	Unit 14 62 m <sup>2</sup>																	
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areas and bedrooms?	Conditions of consent recommended by Council's Health Officer will address this concern.	
<b>4.3.4 Solar Access and Cross Ventilation</b> <b>Solar Access</b> <p>Does each dwelling and adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p>	<p>The shadow diagrams submitted with the amended plans show that the proposed development results in the following shadow impact upon adjoining properties in midwinter:</p> <p>9am Limited additional shadowing of the rear yard of No. 15 Pearce St (retaining solar access to well in excess of 50% of the yard). Additional shadowing will also occur to the dwelling and front yard of No. 13 Pearce St, however as the dwelling contains no windows in the eastern façade the impact upon the dwelling is minimal.</p> <p>Noon Minor additional shadowing of the rear yards of Nos. 13 and 15 Pearce St (retaining solar access to well in excess of 50% of the yard). Minor additional shadowing of the front yard of 13 Pearce Street.</p> <p>3pm Additional shadowing of the rear yards of adjoining properties in Spurway Street and Nos. 5-9, 13 and 15 Pearce Street. None of the shadowing, other than in relation to No. 5 Pearce Street would affect more than 50% of the rear yard. Additional shadowing of part of the front yard of No. 9 Pearce Street.</p> <p>As such the proposal will not unacceptably shadow adjoining properties, with solar access retained for in excess of 3 hours to dwellings and over 50% of rear yards for all properties in midwinter.</p> <p>For the proposed development it is estimated that solar access is achieved to at least 50% of the required private open space (ie 20m<sup>2</sup>) of the single storey + attic units, the unit fronting Pearce Street and half of the two storey + attic units for 3 hours. Six units would receive solar access for 3 hours or more to a lesser, but still usable area of the private open space, and as such the solar access of the private open space of the development as a whole is considered acceptable.</p>	Yes
Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?	The living areas of the single storey + attic units and the front unit facing Pearce Street all face north and receive suitable solar access. The living spaces of the two storey + attic units run the full length of the ground floor and face east and west,	No
		No

<b>Cross Ventilation</b> Is the minimum floor to ceiling height 2.7m?  Is the maximum building depth 14m and minimum dwelling width 5m? Is natural cross ventilation provided for each dwelling? Are attic cross ventilated?	allowing good solar access to the space throughout the day.  All units have floor to ceiling heights of 2.7m or more for the majority of each floor (excluding attics). Maximum building depth 12m and minimum dwelling width in excess of 5m. Cross ventilation is provided for all dwellings. Yes, subject to skylights being operable.	Yes  Yes Yes Yes, subject to conditions
<b>4.3.5 Waste Management</b> Is the waste management plan satisfactory?	A satisfactory waste management plan has been submitted	Yes
<b>4.4.1 Access for People with Disabilities</b> Does the siting, design and construction of premises available to the public ensure an appropriate level of accessibility?	There is no requirement for access by persons with disabilities as the development is residential, however the lift within the car park provides for accessibility to the majority of dwellings, including the three adaptable units, and three accessible parking spaces are proposed.	Yes
<b>4.4.2 Safety and Security</b> Does the design incorporate opportunities for natural surveillance and incorporate elements that for crime prevention?	The design provides for casual surveillance of Pearce Street by the front unit and of the common open space area by the units parallel to Silverwater Road. Casual surveillance is available from the bedrooms of the single storey + attic units of the pathways accessing the units. A condition of consent will ensure that the landscaping along these pathways does not provide opportunities for concealment.	Yes
<b>4.5.1 Parking and Vehicular Access</b> Is parking provided in a basement? Is 1 spaces provided for each 1-2 bedroom unit and 1.2 spaces per 3 bedroom unit, plus 0.25 space per unit for visitor parking? Note: a car wash bay may also be a visitor space.	Parking is provided within the basement. The development includes 11 x 3 bedroom and 15 x 2 bedroom units, requiring 28.2 residential spaces and 6.5 visitor spaces, a total of 34.7, or 35 parking spaces. The proposal provides for 50 parking spaces, 15 in excess of the requirement. Given concerns about lack of on street parking by surrounding residents, the additional parking provision is supported. A separate car wash bay is provided.	Yes Yes
<b>Part 5 -Special Character Areas</b>		
Is the site within a Special Character Area? Is the proposal consistent with the controls in Section 5 of the DCP?	No N/A	
<b>Appendix 4 – Neighbourhood Character Areas</b> Is the proposal within a Neighbourhood Character Area?	The site is within the Ermington fibro/weatherboard, brick dwelling neighbourhood character area.	Yes

<p>Is the proposal consistent with the controls in Appendix 4 of the DCP?</p> <p>Building design to have regard to setbacks and landscape character with regard to low front fence and side setbacks wider on one site (3m). Pitched roof with minimum articulation and small eaves (450mm). Entry porches to be provided with recessed front door. Windows and doors to be regular rectilinear openings to almost square. Materials to include red/brown brick, pale/pastel coloured painted or rendered masonry, fibro or weatherboard cladding, with terracotta roof tiles or red/brown colour.</p>	<p>The design is generally consistent with the controls within Appendix 4, providing for appropriate side setbacks for the unit fronting Pearce Street, having no front fence and appropriate landscaping to the front yard, subject to previously discussed conditions.</p> <p>The dwelling fronting Pearce Street provides an entry porch area which is elevated, consistent with the streetscape. Windows are regular rectilinear shape.</p> <p>The materials proposed will appropriately complement the colours and materials found in the area.</p>	<p>Yes</p>
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## DRAFT LOCAL ENVIRONMENTAL PLAN 2010

The subject site is proposed to be zoned R2 Residential under Draft LEP 2010. The proposed use is defined as multi-dwelling housing and will not be permissible land use on the site if the proposed zoning proceeds. The proposal is generally consistent with the relevant objectives of the zone.

Under the provisions of s.79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, any draft environmental planning instrument (ie LEP) that is or has been placed on public exhibition is a relevant matter for consideration. Section 79C(e) of the Environmental Planning & Assessment Act 1979 also allows for matters in the public interest to be relevant matters for consideration in a development assessment.

The site is included under Draft Parramatta Local Environmental Plan (PLEP) 2010. The PLEP 2010 was placed on public exhibition 1 March 2010 and is a draft EPI for the purposes of this section of the Act. The provisions of the PLEP 2010 are therefore relevant considerations. Any such assessment must consider the degree of weight placed upon such provisions and whether the implementation of the draft LEP is certain and imminent. It must also consider the effect of any savings provisions contained within the instrument.

On 23 March 2009, the PLEP 2010 was adopted by Parramatta City Council to be forwarded to the Minister for Planning to allow exhibition to occur. The Minister for Planning issued a s65(1) certificate in October 2009 in respect of the draft LEP to enable commencement of public exhibition. The PLEP is however not considered to be certain or imminent in its current form at this time as public exhibition, review of public submissions and consideration by Parramatta City Council is yet to conclude. Accordingly, at this stage no determinative weighting can be afforded the provisions of the Draft LEP and Draft DCP in respect of this application.

## COMMENTS ON THE LIKELY IMPACT OF THE DEVELOPMENT [S.79C(1)(B)]

### Likely impacts

All of the likely impacts of the proposed development have been discussed throughout this report and are considered to be acceptable.

## SUITABILITY OF THE SITE FOR THE DEVELOPMENT [S.79C(1)(C)]

### Suitability of the site

The site is zoned for residential use and the proposed development appropriately addresses the constraints and opportunities of the site, protecting the amenity of adjoining properties to an appropriate degree and providing for a good level of amenity for future users.

## Parramatta Section 94A Development Contributions Plan

The provisions of *Parramatta Section 94A Development Contributions Plan*, made pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* are applicable to the development and would require a cash contribution comprising 1% of the total cost of the development.

### PUBLIC INTEREST [S.79C(1)(D) & (E)]

It is in the public interest that well designed and affordable housing options are provide to house the population growth in the area and the proposed development is an acceptable form of development for the subject site.

### Public Consultation

Fourteen submissions were received in response to the initial notification of the application and ten were received to the second notification.

### S.79C ASSESSMENT

The development is;

- Consistent with the objectives of the zone,
- Suitable for the site,
- Consistent with the public interest, and
- Generally consistent with the requirements of LEP 2001 and DCP 2005. Where variations are sought to the requirements of LEP 2001 and DCP 2005, they are supported in this instance.

### CONCLUSION

The development is in the general public interest and the design, is appropriate to the site.

The design of the development will ensure an acceptable level of amenity is retained by surrounding properties and is provided within the site.

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved.

### RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979;

- (a) **That** the Sydney West Region Joint Regional Planning Panel support the SEPP 1 objection to the height control and approve development application 485/09 for the erection of a multi unit housing development at 11 Pearce Street and 94A Spurway Street, Ermington, for a period of three years from the date on the Notice of Determination subject to the conditions of consent in Attachment 1 of this report.
- (b) **Further** that, objectors who made submissions be advised of the decision.

# ATTACHMENT 1 PROPOSED CONDITIONS OF CONSENT

## General Matters:

### Plans and Documents

- The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp.

Drawing N°	Dated
Drawing Nos. 2001-2005, 3001-3004, 4001-4002, all Rev. F, prepared by McPhee Architects	16.11.09
Job No 1319, Drawing No. H-01, Rev. B, prepared by Erbas & Associates	18/8/09
Job No 1319, Drawing No. H-02, Rev. C, prepared by Erbas & Associates	21/8/09
Job No 1319, Drawing No. H-03, Rev. B, prepared by Erbas & Associates	18/8/09
Job No 1319, Drawing No. H-04, Rev. C, prepared by Erbas & Associates	18/8/09
Job No. 1319, Drawing No. ES-00, Issue A, prepared by Erbas & Associates	13/7/09
Job No. 1319, Drawing No. SK01-SK02, Issue A	17/8/09
Sheets 4/6 – 6/6 prepared by Eden Design	29/7/09

Document(s)	Dated
Statement of Environmental Effects Rev. C, prepared by McPhee Architects	29/7/09
Revised Statement of Environmental Effects Rev. E, prepared by McPhee Architects	16/11/09
Waste Management Control Plan	July 2009
Colours and Materials Selection prepared by McPhee Architects	16/11/09
Additional Information prepared by McPhee Architects	3/3/10
Traffic and Parking Assessment Report prepared by Varga Traffic Planning	7/9/09
Letter prepared by McPhee Architects	26/8/09

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

- PA10 Demolition work carried out in accordance with Australian Standards**

Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.

**Reason:** To ensure appropriate demolition practices occur.

- PA12 Footings and walls near boundaries**

All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

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

### Building work in compliance with BCA

- All building work must be carried out in accordance with the provisions of the Building Code of Australia.



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

### Construction Certificate

5. Prior to construction of the approved development, it is necessary to obtain a Construction Certificate for each stage. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent relevant to each stage.

**Reason:** To ensure compliance with the Legislative Requirements.

### BE02 Record of inspections carried out

6. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;
- (c) the type of inspection;
- (e) the date on which it was carried out;
- (f) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (g) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

### EA04 Retaining walls

7. 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 600 mm in height or within 900 mm of any property boundary.

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

### LA01 Tree Retention

8. Trees to be retained are:

Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
<i>Casuarina glauca</i>	Casuarina	Western boundary	Stand of trees 100-300	3

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

### LA02 Tree Removal

9. Trees to be removed are:

Name	Common Name	Location	Condition/ Height	Reason
3 x <i>Angophora floribunda</i>	Rough Barked Apple	Centre of site	Poor condition, 15m	Trees are structurally unsound; trees will be impacted by excavation. Trees to be removed and replaced
2x <i>Erythrina skysii</i>	Coral Tree	Southern boundary adjoining Pearce Street properties	Good condition, 8m	Exempt PCC TPO, Located within the building platform. Trees to be removed and replaced
2x	Liquidambar	Eastern	Good	Not worthy of retention

<i>Liquidambar styraciflua</i>		boundary	condition, 1 0m	within proposed development.
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**Reason:** To protect significant trees which contribute to the landscape character of the area.

**Prior to the Issue of a Construction Certificate:**

**Architectural Plans**

10. The submission of amended architectural plans to the Principal Certifying Authority, prior to the release of the Construction Certificate, addressing the following requirements:

- (a) Provision of windows in the eastern and western façade of Unit 1, with eastern façade window/s provided to the stairwell and being a fixed window and with operable windows provided at ground and first floor level to the living space and bathroom.
- (b) Noting that all skylights to the attic level are operable.
- (c) Windows in the western gable wall end facades of the single storey plus attic dwellings are to have frosted glazing.

**Reason:** To ensure appropriate articulation of walls and appropriate privacy.

**LB05 Landscaping Plan**

11. The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- (a) The revised plan which is consistent with the current architectural plans. The revised plan shall include greater detail of planting numbers and locations.
- (b) A revised plant schedule which incorporates a greater use of indigenous/endemic plant species in preference to exotic species, reflecting the vegetation communities of the locality. The revised plant schedule shall include plant numbers, the size of the containers at planting, mature height / canopy spread.
- (c) Fencing shall be detailed on the plans in accordance with the additional information provided by McPhee Architects, dated 3 March 2010, with the heights to be measured from existing ground level.
- (d) Finished levels for the open space areas shall be detailed on the plans in accordance with the additional information provided by McPhee Architects, dated 3 March 2010.
- (e) A pedestrian path is to be provided from the central common area to Unit 1 to allow access from the basement parking area.
- (f) The common landscaped areas adjacent to the boundaries of the site are to be planted at existing ground level and are to comprise of shrubs and trees to reach a maturity height of 5m-8m.
- (g) The planting adjacent to the pedestrian access paths to the dwellings shall not be of species suitable to allow places of concealment.
- (h) The area of landscaping forward of Unit 1 is to be provided with a minimum of one canopy tree. The common landscaped strip adjacent to the eastern boundary is to incorporate a minimum of 4 canopy trees, located at the corners and at the end of the pedestrian paths. All canopy trees are to be planted a minimum of 3m from any boundary.
- (g) The driveway adjacent to Unit 1 is to be narrowed to a maximum width of 4m to allow a landscaped strip adjacent to the pedestrian path of approximately 10m x 2m. The landscaped strip is to be provided at a similar level to the proposed driveway and shall be planted with shrubs and/or small trees (5m-8m) that are of suitable growth pattern such that they will not impact the use of the driveway or pathway.

**Reason:** To ensure that appropriate landscaping is implemented.

**Substation**

12. Any substation required to service the development is to be provided onsite and is to be screened from view from Pearce Street.

**Reason:** To ensure no detrimental impact occurs to the streetscape.

**BB01 Home Warranty Insurance for residential building works where cost of residential development is \$12,000 and over.**

13. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**Reason:** To comply with the Home Building Act 1989.

**BB02 Long Service Levy payment where construction costs exceed \$25,000**

14. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that 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.

**PB05 Noise from plant in residential zone**

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

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

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

**PB12 Integral Energy requirements for dual occupancies and above**

16. Documentary evidence confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the developments is to be provided to the Principal certifying authority, prior to the issuing of any Construction certificates.

**Reason:** To ensure adequate electricity supply to the development.

**PB17 Obscure glazing for all bathroom & WC windows**

17. The bathroom and toilet windows for each dwelling in the development shall have frosted or opaque glass. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure privacy to these rooms is adequately maintained.

**PB22 Garbage disposal by commercial contractor for mixed use, RFBs etc**

18. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and

provide details of how waste products including paper, aluminium cans, bottles etc, will be recycled. Waste collection from the site shall occur in accordance with the details contained within this report.

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

**PB23                      Recyclable Waste**

19. Separate waste bins are to be provided on site for recyclable waste.

**Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

**PB25                      Outdoor lighting**

20. All outdoor lighting shall comply with, where relevant, AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

**PB27                      Disabled access for residential developments**

21. Access for people with disabilities to and from and between the car park, adaptable units and common open space areas are to be provided. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 'Access for People with Disabilities', provisions of the Disability Discrimination Act, and the relevant provisions of AS 1428.1 (2001) and AS 1428.4.

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

**EB07                      Basement carpark and subsurface drainage**

22. In order to make satisfactory arrangements for the operation of the stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:

- (a) A holding tank capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
- (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of the permissible site discharge (PSD) rate or the rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure satisfactory storm water disposal.

**EB09                      Collection & discharge of dirty water from car wash bay**

23. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of Sydney Water Corporation Ltd confirming that satisfactory arrangements have been made with the Corporation regarding

the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate

**EB13 On Site Detention**

24. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:
- The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.  
Note: The reference Stormwater Concept plan Basement Floor plan drawing No. H-01 issue 'B' prepared by Erbas & associates Pty. Ltd.  
Stormwater Concept Plan Ground Floor Plan drawing No. H-02 Issue 'C' prepared by Erbas & Associates Pty. Ltd  
Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).
  - The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
  - The design achieves
    - The design achieves a Site Storage Requirement of **330** m<sup>3</sup>/ha and a Permissible Site Discharge of **130** L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook)
    - When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage) of SRD<sub>L</sub> of **40** L/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of **284** m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRD<sub>U</sub> of **150** L/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of **438** m<sup>3</sup>/ha .Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted **and are acceptable**.

**Note:** The applicant shall obtain the Council's catchment management unit approval for the proposed new infra- structure works and for the diversion of the external flows entering the proposed development site.

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

**EB16 Nomination of Engineering Works Supervisor**

25. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer ( at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".
- The engineer shall provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
- all relevant statutory requirements,
  - all relevant conditions of development consent
  - construction requirements detailed in the above Specification, and
  - the requirements of all legislation relating to environmental protection,
  - On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
  - Certify that the Works as Executed plans are true and correct record of what has been built

**EB19 Underground electricity supply for townhouses and above**

26. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Integral Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

**EB20A Shortened version Traffic Management Plan**

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

Construction Management Plan for the Site indicating:

- Dedicated construction site entrances and exits.
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification).

**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.

**EB21 Shoring for adjoining Council property**

28. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

**EB23 Construction of a heavy duty vehicular crossing**

29. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

**EB24 Driveway Crossing Application**

30. Prior to the issue of a Construction Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee of \$166.30

Note: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Reason:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

**EB28 Notification of excavation**

31. If an excavation associated with the erection or demolition of a building extend below the level of the base of the footings of a building on an adjoining allotment of land; the person causing the excavation to be made; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

**Reason:** To control excavation procedures.

**PB05 Noise from plant in residential zone**

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

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

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

**PB07 Noise & vibration from road & rail for residential only**

33. To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS3671-1989 (*Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction*), AS 2107-2000 (*Recommended design sound levels and Reverberation times in Building interiors*), the NSW Environment Protection Authority's *Environmental Criteria for Road Traffic Noise* and the Environmental Noise Control Manual (Sleep Disturbance)

A report from an appropriately qualified person that these acoustic and vibration design requirements will be met shall be provided to the satisfaction of the PCA prior to the issue of a Construction Certificate.

**Reason:** To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities

**PB20 S94A Contribution – Outside the City Centre**

34. A cash contribution comprising a percentage **being 1%** of the total cost of the development is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate and is to be in accordance with the following:

1. A cost report indicating the itemised cost of the development shall be completed and submitted to Council's Chief Executive Officer prior to the issue of a construction certificate:
2. Where the total development cost is less than \$750,000: "**Parramatta City Council Cost Summary Report**"; or,
3. Where the total development cost is \$750,000 or more: "**Parramatta City Council Registered Quantity Surveyor's Detailed Cost Report**".

A copy of the required format for the cost reports may be obtained from Parramatta City Council's Offices or Council's web site, [http://www.parracity.nsw.gov.au/development/policies\\_and\\_regulations/section\\_94\\_plans](http://www.parracity.nsw.gov.au/development/policies_and_regulations/section_94_plans)

- (b) Should the cost summary report be submitted in advance of payment, the Levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
- (c) Evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than the applicable threshold.

**Advisory Note**

- X. The cost of development is to be determined in accordance with Section 25J of the Environmental Planning and Assessment Regulation 2000.
- XI. The applicable thresholds are listed in Section 25K of the Environmental Planning and Assessment Regulation 2000 and in Part 3.7 of the Parramatta Section 94A Development Contributions Plan.

**PB34 Environmental Enforcement Service Charge (to be applied to all development consents)**

- 35. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

**PB35 Infrastructure and Restoration Administration fee (to be applied to all development consents)**

- 36. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

**EB01 Section 73 Compliance Certificate**

- 37. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** Statutory requirement.

- 37A. Prior to the issue of the construction certificate the *Pinus radiata* located within the rear yard of 9 Pearce St, Ermington and approved for removal by TA/71/2010 is to be removed.

**Reason:** To ensure that the excavation/works associated with this development don't effect the structural integrity of the tree.

**Prior to Work Commencing:**

**EC04 Line marking**

- 38. A minimum of 49 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. Four of the spaces are to be accessible spaces in accordance with AS 1428. The plans shall also nominate the allocation of parking spaces to dwellings, with at least one space allocated to each dwelling and at least 7 visitor spaces (including 1 accessible space) to be retained as common property in any strata subdivision of the development. One accessible



space is to be allocated to each adaptable unit. Certification or details of compliance are to be submitted with the Construction Certificate plans.

**Reason:** To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles.

**EC06 Dilapidation survey and report**

39. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures at Nos. 9 and 13 Pearce Street.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

**EC09 Erosion and Sediment Control measures**

40. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

**EC10 Damage to public infrastructure**

41. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.

**Reason:** To protect Council's assets throughout the development process.

**EC11 Site Maintenance**

42. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- the site is to be maintained clear of weeds

- all grassed areas are to be mown on a monthly basis

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

**EC13 Sydney Water approval**

43. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

**EC14 Dial Before you Dig Service**

44. 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 received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having 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 prevent any damage to underground utility services.

**Enclosure of the Site**

45. The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

**Reason:** To ensure public safety.

**PC01 Asbestos Hazard Management Strategy**

46. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

**PC02 Asbestos sign must be placed on site**

47. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

**Reason:** To comply with the requirements of the NSW WorkCover Authority

**PC05 Notification of demolition works**

48. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

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

**PC11 Contractor must hold the appropriate NSW WorkCover Licence**

49. Demolition works involving the removal, repair, disturbance and disposal of a total surface area (not floor area) of 200 square metres or more of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

**Reason:** To comply with the requirements of the NSW WorkCover Authority

### **Site Sign**

50. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:-
- (a) Stating that unauthorised entry to the work site is prohibited;
    - (i) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
    - (ii) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
  - (b) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.
  - (c) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

### **Appointment of Principal Certifying Authority**

51. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate 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 is appointed (if Council is nominated as the PCA please use the attached form) and
  - (b) Notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two (2) days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

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

### **Toilet facilities on-site**

52. Prior to work commencing, toilet facilities are to be provided, at the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 person employed at the site.

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

### **Certificate (Erosion & Sedimentation Control)**

53. The submission to Council of a certificate from the Principal Certifying Authority or an Accredited Certifier, that all erosion and sedimentation control devices have been satisfactorily installed.

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

#### **EC02 Support for Council Roads, footpaths, drainage reserves**

54. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council.

Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

**EC03 Road Opening Permits (For all DA's involving building works)**

55. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

**Reason:** To protect Council's assets throughout the development process.

**EC05 Drainage to public infrastructure**

56. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

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

**Reinforced concrete pipe work**

57. Details of the proposed 450 mm diameter reinforced concrete pipe-work within **Pearce Street** shall be submitted for Council's City Works Unit approval prior to commencement of any work.

**Reason:** To ensure Council requirements are met.

**LC04 Protective fencing**

58. The row of existing Casuarina trees located along the western boundary shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.

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

**During Construction or Works:**

**PD17 Survey Report**

59. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

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

**Waste Management Plan**

60. Waste disposal shall be conducted in accordance with the approved waste management plan.

**Reason:** To ensure appropriate waste disposal.

**No Materials on footpath**

61. No materials, machinery, signs or vehicles used in or resulting from the construction or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

**Reason:** To ensure pedestrian access.

**Copy of Development Consent**

62. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors are to be furnished with a copy of the notice of determination and accompanying documentation.

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

**ED06 Erosion controls for vehicular entry & exit points**

63. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

**ED08 Special Permits**

64. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

(a) On-street mobile plant:

Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(b) Storage of building materials and building waste containers (skips) on Council's property.

(c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(d) Kerbside restrictions, construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

**Reason:** Proper management of public land.

**ED07 Damage to public infrastructure**

65. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

**Reason:** To protect public safety.

**PD03 Construction Noise**

66. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

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

**PD04 Dust Control**

67. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

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

**PD07 Plant and equipment kept within site**

68. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site

and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

**Reason:** To ensure public safety and amenity on public land.

**PD09 Work hours (including demolition) for dual occupancies, townhouses, RFB commercial industrial developments etc.**

69. Work including demolition, excavation and construction activities associated with the development, including the delivery of material to and from the site shall only be carried out 6 days a week, Monday to Friday between the hours of 7.00am to 6.00pm and Saturday 8.00am to 6.00pm.

Notwithstanding the above, the following additional restrictions apply to work hours:

- a. No work is permitted to be carried out on Sundays or Public Holidays. Further in respect of public holidays, no work is permitted to be carried out on Saturdays adjacent to Public Holidays.

**Reason:** To protect the amenity of the area and provide an appropriate level of amenity to site workers.

**PD13 Copy of receipts to Council from DECC**

70. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

**PD14 Materials disposed at an EPA licensed waste facility**

71. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

**PD15 Waste data file**

72. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

**PD16 Importation of clean fill**

73. 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.

**ED02 Proposed inlet pit**

74. The proposed kerb inlet pit shall be constructed in accordance with Council Standard Plan No. DS21.

**Reason:** To ensure appropriate drainage.

**ED06 Erosion controls for vehicular entry & exit points**

75. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

**ED17 Vehicle egress signs**

76. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety.

**ED18 Support for neighbouring buildings**

77. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

**Reason:** To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

78. A combined entry & exit driveway (5.5m wide with 300mm clearance both sides between kerbs) off Pearce Street to be provided and constructed according to AS 2890.1- 2004 and Council's specification. The driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing plan (DS8) and is to be increased to 7.1m. Driveway and ramp gradients shall comply with Clause 2.5.3 and Clause 3.3 of AS2890.1-2004.
79. At least 9 Bicycle parking spaces to be provided on-site according to Council's DCP 2005 and to be shown clearly on the plans.
80. Column locations to be in accordance with AS 2890.1-2004.
81. Traffic facilities, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1.
82. Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
83. The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m (for cars and light vans including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004.
84. Sight distance to pedestrians exiting the property shall be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.

**LA04 Removal of trees by an arborist**

85. All Tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007.

**Reason:** To ensure works are carried out in accordance with Tree work draft Code of practice 2007.

**LA13                    Trees with adequate root volume**

86. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.

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

**LD04                    Material storage and trees**

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

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

**LD10                    Planting requirements**

88. All trees planted as part of the approved landscape plan are to have 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 the restoration of the environmental amenity of the area.

**LE02                    Grass verge to be reinstated**

89. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

Reason: To ensure restoration of environmental amenity.

**Prior to Issue of Occupation Certificate**

**PB19                    Consolidation of lots**

90. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the Occupation Certificate.

Reason: To ensure consolidation occurs.

**BE01                    Occupation Certificate**

91. Occupation or use, either in part of full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

**ED10                    Construction of a concrete footpath**

92. Construction of a 1.2 m wide by 70 mm thick concrete footpath across the **Pearce Street** property frontage within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

**EE03                    Work-as-Executed Plan**

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

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).



- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

**EE16 Section 73 Compliance**

94. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

**PE04 Schedule of street numbering**

95. Prior to the issue of an Occupation Certificate the developer shall provide Council with a schedule of individual unit/street numbers allocated to the units within each block of units, that are otherwise to be in accordance with the street numbering approval letter issued by Council.

**Reason:** To ensure developments are appropriately numbered.

**PE05 Street number when site is in a readily visible location**

96. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

**Reason:** To ensure a visible house number is provided.

**PE06 BASIX Compliance**

97. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. **255926M**, will be complied with prior to occupation.

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

**PE07 Telecommunications services**

98. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

**Reason:** To ensure provision of appropriately located telecommunication facilities

**PE08 Provision of Integral Energy services**

99. Submission of a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.

**Reason:** To ensure appropriate electricity services are provided.

**PE09 Provision of telephone services**

100. The submission of a letter from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services.

**Reason:** To ensure appropriate telephone services are provided.

**PE12 Intercom**

101. Prior to the issue of any Occupation certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to final completion of the development.

**Reason:** To ensure convenient access is available for visitors to the building.

**PF12 Visitors sign**

102. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

**Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.

**EE06 Post-construction dilapidation report**

103. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

**EE08 Positive covenant for OSD**

104. A positive covenant and a restriction shall be created on the property title under the provision of the Conveyancing Act 1919, to ensure that the required on-site detention system will be adequately maintained. A copy of the typical covenant may be obtained from the Council's Development Services Unit. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation or use of on-site.

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

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

**LEO3 Certifying Auth. Arrange Qualified Landscape Arch.**

105. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

**Ongoing use of site**

106. The use of access ramp (3m wide) on the eastern side of the property boundary to be restricted for emergency, necessary maintenance and service vehicles only and not be permitted for general vehicle use. Two signs must be erected within the property on either side of this ramp facing the traffic in Pearce Street stating "No Entry for Vehicles, Emergency, Service and Maintenance Vehicles Excepted".

**EHF15 Noise from mechanical equipment**

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

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

108. The maximum size of vehicles permitted to access to the site for loading/unloading be restricted to Small Rigid Vehicles.

109. All vehicles associated with the development must enter and leave the site in a forward direction.

<b>Report prepared by:</b>	
<b>Name: Kerry Gordon</b>	

**Consultant Town Planner**

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**Signature:**

**Date: 4 March 2010**