
SUMMARY

Application details

JRPP Ref No.	2010SYW008
DA No:	DA/24/2010
Assessment Officer:	Sara Smith
Property:	Lots 11 and 12, DP7863, Lot 6 DP 18662 and Lot DP 301993 736 Victoria Road ERMINGTON NSW 2115
Proposal:	Demolition of structures (excluding heritage item), tree removal and the construction of 47 multi unit dwellings comprising 40 x 3 bedroom townhouses and 7 x 2 bedroom villas. Vehicle access is from Fitzgerald Road.
Date of receipt:	15 January 2010
Applicant:	Mr Ian Colwell Miller
Owner:	Mr Garry Boyce and Mr Ian Miller
Submissions received:	Nine written submissions and three separate petitions with a total of 89 signatures on original plans. Six submissions were received on the amended plans from original objectors.
Property owned by a Council employee or Councillor:	Not known to be owned by a Council employee or Councillor
Issues:	Masterplan waiver, height of dwellings, issues raised in submissions
Recommendation:	Approval subject to Deferred Commencement

Legislative requirements

Current Zoning:	Residential 2B
Proposed Zoning via DPLEP2010:	R2 Low Density Residential
Permissible under:	Parramatta Local Environmental Plan 2001
Relevant legislation/policies:	Parramatta Development Control Plan 2005 BASIX SEPP, Section94A Plan, Notification DCP, DLEP 2010, SEPP 55, Infrastructure SEPP.
Variations:	Height of dwellings
Integrated development:	No
Crown development:	No

The site

Site Area:	15,720m ²
Easements/rights of way:	None
Heritage item:	Yes, a single storey double fronted later federation style brick house.
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Special Character Area:	No
Site History:	Yes

The site has been operating as a Nursery since 1915

PL/10/2008 held for a multi unit housing development in March 2008.

PL/63/2009 held for retention and adaptive reuse of heritage item, construction of 2 three storey apartment blocks was held 17 November 2009.

DA history

15/1/2010	Development Application DA/24/2010 lodged
27/1/2010 – 17/2/2010	Advertising of DA
24/2/2010	Letter sent to applicant requesting additional information including revised Statement of Environmental Effects, and drainage plans
4/3/2010	Further letter sent to applicant requesting SEPP 55 – Remediation of Land be addressed
23/3/2010	On site meeting held
12/4/2010, 23/4/2010 and 27/4/2010	Submission of additional information including the relocation of 2 dwellings on the site, building separation of dwellings within the centre of the site, reconfiguration of visitor car parking and submission of an Arts Plan.
5/5/2010 – 26/5/2010	Notification of amended plans
21/5/2010	email to applicant advising of catchment management issues required to be addressed
31/5/2010	email to applicant advising of engineering issues required to be addressed
16/7/2010, 19/7/2010 and 22/7/2010	submission of amended plans to address catchment management and engineering issues

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is known as Riverview Nursery and the street address is 736 Victoria Road Ermington (Lots 11, 12 DP 7863, Lot 6 DP 18662 and Lot 1 DP 301993).

The site is approximately 1.573ha in area and has a frontage to Victoria Road of approximately 58.33m and a frontage to Fitzgerald Road of 27.92m. The site slopes generally from west to east with gradients in the order of 10%.

A drainage channel bisects the property near the north-east of the site. Improvements on the site include a dwelling house, outbuildings and structures used in conjunction with the operation of the plant nursery.

The majority of the site has previously been cleared of trees. There are some exotic trees located across the site. A stand of Casuarina trees are located near the northern boundary of the site.

The site is listed as an Item of Local Heritage Significance.

THE PROPOSAL

Demolition of structures (excluding heritage item), tree removal and the construction of 47 multi unit dwellings comprising 40 x 3 bedroom townhouses and 7 x 2 bedroom villas. Vehicular access to the site is from Fitzgerald Road.

Details of the proposal are as follows:

- Removal of 48 trees.
- Demolition of the existing buildings and structures on site, excluding the heritage item which will remain intact as part of this application and either used for residential purposes or adaptive re-use for non residential purposes.
- Construction of 47 multi unit dwellings including 40 x 3 bedroom dwellings and 7 x 2 single storey villas located within 11 blocks.
- Provision of an internal loop road which provides vehicular access to all dwellings via Fitzgerald Road.
- Provision of 103 at grade car parking spaces including 91 resident spaces and 12 visitor car parking spaces.
- Provision of a communal landscaped area within the north eastern portion of the site.
- Pedestrian linkage throughout the site to both Fitzgerald Road and Victoria Road.

The application is to be determined by the Joint Regional Planning Panel as the development has a capital investment value over \$10 million.

PERMISSIBILITY

Parramatta Local Environmental Plan 2001

The proposed use is defined as “multi unit housing” under Parramatta Local Environmental Plan 2001.

The definition states:

“Multi unit housing means three or more dwellings on the same parcel of land where each dwelling has an individual entrance and direct private access to private open space at natural ground level for the exclusive use of the occupants of the dwelling, but (in the Table to clause 16) does not include any other form of dwellings elsewhere specifically defined in this plan.”

The proposal satisfies the definition of a “multi unit housing” and is permissible under the Residential 2B zoning applying to the land.

REFERRALS

RTA

The proposal has been referred to the Roads and Traffic Authority for review. The following comments were provided:

CONSTRUCTION OF 47 MULTI UNIT DWELLINGS – 736 VICTORIA ROAD, ERMINGTON

Dear Sir/Madam,

I refer to your letter of 22 January 2010 (DA/24/2010) with regard to the above-mentioned application which Council has indicated is on land located near a property owned by the RTA.

I wish to advise that the RTA has reviewed the application and raise no objection, as the proposed development is unlikely to have significant traffic impact on the classified state road network.

However it is understood that the development will include the removal of an existing driveway on Victoria Road which requires RTA concurrence in accordance with Section 138 (2) of the Roads Act, 1993.

I wish to advise that the RTA would grant its concurrence subject to the Council's approval of the development application and the following requirements being complied with:

1. Any redundant driveway on Victoria Road shall be removed and replaced with kerb & gutter to match the existing. The proposed kerb and gutter shall also be designed and constructed to RTA requirements.

Details of these requirements can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta Ph: 02 8649 2144.

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to commencement of any road works.

2. All works / regulatory signage associated with the proposed development are to be at no cost to the RTA.

In addition, the RTA provides the following advisory comments to Council for its consideration in the determination of the development application:

3. The proposed development should be designed such that road traffic noise from Victoria Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
4. Council should ensure that post-development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Should there be changes to the RTA's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

5. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, garage and parking spaces) should be in accordance with AS 2890.1 - 2004 and AS 2890.2 - 2002 for heavy vehicle usage (ie Garbage truck and furniture removalists).
6. All demolition and construction vehicles should be contained wholly within the site as a work zone permit will not be approved on Victoria Road.

Development Engineer

The proposal has been referred to Council's Development Engineer for review. The following comments were provided on the original plans:

DISCUSSION

The site currently is operating as a nursery. Part of the site slopes to the street and the other part slopes to the northern corner. A site inspection has shown the existing Council's stormwater pipe from upstream catchment on Dean Crescent reaches the site to drain freely on the surface through a rugged bush area in order to be picked up again by a pipe running through the carpark of the adjoining property.

The existing drainage on site does not exist, and the current driveway surfaces are not properly sealed.

Stormwater Disposal

I reiterate the engineering issues you were made aware of, by the memo from Catchment Management Engineers dated 21st May 2010. Therefore, the following issues have to be addressed prior to any further consideration:

- *The applicant shall address the engineering issues provided by Catchment Management Engineers dated 21st May 2010. (Trim reference DO1545117).*
- *The applicant is to provide adequate information of the proposed internal stormwater system of the pipes and pits, showing the related levels, pipe size and grades.*
- *Adequate detailed sections through the Control Discharge Pits of the proposed on-site detention system as per the Upper Parramatta River Catchment Trust on-site stormwater detention handbook.*
- *Footpath proposed crossing levels*

CONCLUSION

The proposal does not satisfy the requirements of Council's controls and cannot be supported.

The amended plans were referred to Council's Development Engineer for review. The following comments were provided on the amended plans:

DISCUSSION

Incorrect Data and Information Deficiency

Information is still required and the assessment is unable to be finalised due to incorrect and deficient data used in Drains model. A re-modelling is required to run for the proposed design noting the following:

1) Drains Model

- The submitted sub catchment plan (Plan No. 09143E8, Rev D) appears to be incorrect when compared to Council's Cadastral Map. The park/reserve has been quoted in the DRAINS model having an area of 0.90ha. Based on Council's cadastral map this area is approximately 0.23ha. This needs to be corrected as it will tend to underestimate the total flows calculated at pit 1//5E.*
- The On Site Detention System (OSD) No.3 in the DRAINS model appears not to be connected to pit 1/6E as indicated on the drawings.*
- No stage / storage / discharge calculations have been provided for this detention system.*
- No details of the outlet system from the bio swale / basin have been provided on the drawings. No design details and the treatment flow calculations have been provided for the bio swale basin.*
- The existing pit and pipe network representing the upstream catchment area has not been modelled correctly in DRAINS.*

2) Hydraulic Model (HEC-RAS):

A hydraulic model (HEC-RAS) shall be prepared and submitted for approval; identifying the water surface profile through this site for the 1 in 100yr ARI design storm events for the pre and post development scenarios.

- 3) *The electronic hydrological and hydraulic models need to be corrected and resubmitted together with the model results presented in a report to Council for further review.*

Stormwater Disposal

The stormwater system includes on-site detention tanks and bio-retention system.

- *There is no pit surface or invert levels shown on the submitted plans.*
- *There is no indication how the stormwater arrangement in Basin 2 Plan No. 09143E12 Rev A sheet 12/15 will work in regards to the proposed conversion pit then the distribution of the flow between the OSD and the bio-retention system and its impacts on the road reserve in Victoria Road.*
- *There is insufficient information on the stormwater network and bio-retention system in Basin 3 Plan No.09143E13 Rev A sheet 13/15.*

The outstanding issues are to be conditioned as deferred commencement condition, subject to the assessment and written approval and satisfaction of Council's Services Manager of Civil Infrastructure prior to the release of the operational consent.

Easements

The subject site is burdened with open stormwater drain easement on the north eastern corner of the site.

CONCLUSION

The proposal can satisfy the requirements of Council's controls and can be supported, subject to a deferred commencement condition to the written approval from Services Manager of Civil Infrastructure prior to the release of an operational consent and with additional special and standard conditions.

Planning Comment: It is acknowledged that the submitted information does not adequately address the issues previously raised by Council. It is noted that a number of these issues are required to be resolved prior to any determination of the application. In this regard approval is being recommended via a deferred commencement to ensure all issues are raised prior to the release of an operative consent. It is advised that the proposal is considered satisfactory in principle.

Catchment Management

The proposal has been referred to Council's Catchment Management officer for review. The following comments were provided on the original plans:

"The applicant has not provided detailed hydrologic and hydraulic calculations or copies of the electronic models and A1 size drawings. We are therefore unable to complete our assessment. This information and documentation will be required prior to our section finalising our comments.

The following points are a preliminary outline. A more detailed and extensive set of comments will be provided after receipt and review of all the required information is completed.

The applicant needs adequately address and to provide the following information:

- 1. A DRAINS model of the upstream catchment identifying the total design peak pipe and surface flows for 20yr and 100yr ARI peak design storms.*
- 2. A hydraulic model (HEC-RAS) identifying the water surface profile through this site for the 1 in 100yr ARI design storm events for the pre and post development scenarios. The hydraulic model will need to address the safe movement of overland flow from the total catchment without any adverse impact to this site, adjoining properties and to downstream properties. The post development scenario should include allowance for blockage of the Council upstream pipe system. A blockage factor of 50% will need to be provided. For example the post developed overland flow in the hydraulic model will need to be the calculated surface flow plus 50% of the pipe flow capacity.*
- 3. An electronic copy of the hydrological DRAINS model and an electronic copy of the hydraulic HEC-RAS model are to be submitted to Council for review.*
- 4. The applicant should check overland flow velocities and flow depths along all pedestrian access ways, road ways and proposed car parks and driveway areas to ensure that flow depths do not exceed the Council maximum allowable 0.2m depth and maximum velocity depth product is not greater than 0.4.*
- 5. The overland flow path will need to be sufficiently wide enough to safely convey overlands flows from the upstream catchment in accordance with item no.2 & 3 above. A formal easement is to be created to protect this overland flow path. This easement needs to be free of any obstructions such as trees, shrubs, fences etc. Any proposed V shaped grass swale will need to be designed to convey the 1 in 100yr ARI design storm without inundating the proposed on site detention system. The swale should be located within the proposed easement.*
- 6. Filling of land or any redirection of the natural overland flow path will not be permitted.*
- 7. Conditions on development should be placed to ensure that all overland flow paths are to be kept free of obstructions at all times. No raised garden beds, kerbs, edge retaining walls, fencing, BBQ structures or materials that could*

impede the conveyance of overland flows are to be placed or stored within these overland flow paths.

- 8. The proposed pipe system to replace the existing open earth channel shall be designed to cater for the 1 in 20yr ARI design storm. The applicant is to provide a detailed longitudinal pipe section showing pipe size, pipe class & type, grade, cover, flow and results at the Hydraulic Grade Line (HGL) analysis and pit types for this pipe system.*
- 9. An easement is to be created over the proposed stormwater pipe system. The width of this easement is to be not less than the external diameter of the proposed pipe plus 500mm each side.*
- 10. Sufficient details and levels need to be provided to demonstrate that the proposed onsite detention basin (basin no.2) is outside the 100yr overland flow path.*
- 11. All structures are to have flood compatible building components below the 100yr ARI flood level plus 500mm freeboard.*
- 12. All services, utility pits, hot water systems, rainwater tanks and structures will need to be located outside the overland flow path.*
- 13. Water Sensitive Urban Design principles and minimum stormwater quality requirements need to be implemented through out the proposed development in accordance with the required outlined in Parramatta Development Control Plan.*
- 14. All habitable floor levels are to be equal to or greater than the 100yr ARI flood level plus 500mm free board.*
- 15. All habitable floor levels (outside the flood area) adjacent to any on site detention system are to be a minimum of 300mm above the 100yr ARI water surface level.*
- 16. The survey showing Council's existing stormwater drainage system needs to be extended to include details of Council drainage system within properties no. 8 or 9 Dean Crescent and properties within Marsden Road.*
- 17. Any proposal to replace the existing natural drainage channel with a piped system will need to include any transitional works to ensure that the proposed pipe system is directly connected to Council's existing pipe system without the use of sections of open channel and headwalls. Grated inlet pits are to be constructed at point of connections with Council's existing pipe system. These grated inlet pits are to be constructed as per Council's standard letter box pit design plan no. DS27. Sufficient inlet capacity along any proposed pipe system needs to be provided to reduce surface flows.*
- 18. Existing overland flows from 4 -12 Fitzgerald Road run through the western side of 736 Victoria Road. It will be necessary to provide an unobstructed*

overland flow corridor including provisions for stormwater drainage pipe connections into the proposed inter allotment drainage pipe system at the rear of the proposed properties at 736 Victoria Road.

This overland flow path can be a Grass Swale and will need to be designed to convey the 1 in 100yr ARI design storm.

The applicant will need to provide full engineering details showing the position on plan of all inter allotment drainage systems including longitudinal drainage sections with information on pipe invert levels, pipe sizes, pipe class & type, pipe cover, pit details and finished surface levels and hydraulic grade line analysis. Details indicating local overland flow routes need to be provided on plan. The proposed inter allotment pipe systems and overland flow routes will need to be protected by the creation of formal easements. (Please note details of all inter allotment pipe systems and overland flow paths are to be assessed by Councils Development Services Engineers).

Note: *The following items Nos. 19 to 23 refer to Civil Engineering works and are not directly flood related. Any question regarding these notes should be forwarded to Council's Asset Section and Council's Capital Projects Section.*

- 19. The applicant/designer will need to follow all the relevant engineering standards and guides and the design should be done from the first principle, i.e. all critical matters, such as property access (garage) would need to be checked for applicable vehicle (turning path), service vehicle accessibility, all steep change of grades shall address safety concerns, protection of council/public property shall be maintained.*
- 20. Internal road/access way, shall be designed by certified a pavement engineer or should follow PCC DS9 (heavy duty driveway) slab design. All potential underground water shall be collected by subsoil drainage that it is to be connected to the new internal drainage system.*
- 21. Adequate signage shall be installed on the internal road, all small asphaltic speed "humps" are to be painted white. All surface water to be collected and discharged to the new drainage system.*
- 22. A thorough dilapidation/condition assessment of the road pavement in Fitzgerald Road is required prior to commencement of any demolition works on site.*
- 23. A condition should be applied requiring the developer to construct a concrete footpath to Council Standard drawing DS3 along the frontage of the site and extending to link up with the existing footpath on Victoria Road.*

In addition to the above the applicant will need to ensure that the proposed stormwater drainage works comply with all relevant matters outlined in NSW State Environmental Planning Policy and with all flood and stormwater matters as outlined in Parramatta City Council's:

- a. *Local Floodplain Risk Management Policy*
- b. *Current Design and Development Guidelines.*
- c. *Local Development Control Plan (DCP) requirements.*

The above information is a preliminary draft outline of our section's requirements. A detailed assessment will need to be undertaken on receipt of the above requested information.

Note: *Our comments relate only to flooding and overland flows at this site. It is understood that the proposed internal site drainage system, on site detention system, internal roads is to be assessed by Development Services Section. It is also understood that the check of the design for the proposed driveway ramp for vehicular scraping will be undertaken by the Development Services Engineers."*

Following submission of amended and additional information to address Councils concerns, the proposal was referred to Council's Catchment Management officer for review. The following comments were provided on the amended plans:

"I refer to your latest request for our section to provide you with comments in relation to overland flows from the amended submission for the proposed development at No.736 Victoria Road, Ermington.

This memorandum is to be read in conjunction with our previous memorandum dated 21st May 2010.

- *Drainage Drawings prepared by Barker Ryan Stewart, Plan No. 09143E2 to E15, Rev. A to D, dated 15th July 2009 to 16th July 2010.*
- *Drawings indicating proposed overland flow path and cross sections titled Existing and Proposed 1% AEP Flood Extent, Plan No. 09143E21 to E23, Rev.A dated 22nd July 2010.*
- *Survey Plan prepared by Turner Surveying, Ref. 2971/09, Issue C, dated 9th March 2010.*
- *Electronic copy of the DRAINS model, dated 22nd July 2010.*
- *Electronic copy of HEC-RAS model, dated 22nd July 2010.*

Note: *No written hydrological or hydraulic report was found in the Trim System.*

The following matters raised in our memorandum dated 21st May 2010 are listed below. Our current comments in relation to the amended submission are indicated in bold below each point. The applicant needs to appropriately amend and resubmit all documentation to comply with all outstanding matters.

1. *A DRAINS model of the upstream catchment identifying the total design peak pipe and surface flows for 20yr and 100yr ARI peak design storms.*

The submitted sub catchment plan (Plan No. 09143E8, Rev D) appears to be incorrect when compared to Council's Cadastral Map. The park/reserve has been quoted in the DRAINS model having an area of 0.90ha. Based on Council's cadastral map this area is approximately

0.23ha. This needs to be corrected as it will tend to underestimate the total flows calculated at pit 1//5E.

The On Site Detention System (OSD) No.3 in the DRAINS model appears not to be connected to pit 1/6E as indicated on the drawings. No stage / storage / discharge calculations have been provided for this detention system.

No details of the outlet system from the bio swale / basin have been provided on the drawings. No design details and the treatment flow calculations have been provided for the bio swale basin.

The existing pit and pipe network representing the upstream catchment area has not been modelled correctly in DRAINS. The following items need to be corrected in the DRAINS model:

- a) The pit and pipe mode should be changed to have pits and pipes fixed as existing and not to be changed in design mode. This will enable the hydraulic performance of the designed system to be checked in DRAINS.**
- b) No pit blockage factors have been applied in the DRAINS model. All inlet pits on grade shall have a 0.2 pit blockage factor. All inlet sag pits shall have a 0.5 pit blockage factor.**
- c) All pit pressure change coefficients are to comply with the appropriate Missouri charts.**
- d) The existing longitudinal section marked as line 1 on Plan No. 09143E10, Revision A is not representative of the pit and pipe system shown on Plan No. 09143E22, Revision A. This plan shows an inlet pit between pit 1/5 and pit 1/6 which is not included in the longitudinal section nor is it included in the DRAINS model. Which is correct?**
- e) The survey plan does not indicate the position, size and level of the existing downstream stormwater drainage system. This information is required to substantiate the details indicated on the drawings and in the DRAINS model.**
- f) The survey plan should also include details of the drainage systems from the upstream catchment. These details include pit types, extended kerb inlet sizes, pit surface levels, pit invert levels, pipe sizes, pipe invert levels etc. This information is required to substantiate the details indicated on the drawings and in the DRAINS model.**
- g) All pit inlet types need to be indicated on the longitudinal drainage sections and must be compatible with those pit inlet types modelled in DRAINS.**

The DRAINS model needs to be corrected and resubmitted to Council for assessment.

This item and the above matters need to be adequately addressed prior to DA approval.

2. *A hydraulic model (HEC-RAS) identifying the water surface profile through this site for the 1 in 100yr ARI design storm events for the pre and post development scenarios. The hydraulic model will need to address the safe movement of overland flow from the total catchment without any adverse impact to this site, adjoining properties and to downstream properties. The post development scenario should include allowance for blockage of the Council upstream pipe system. A blockage factor of 50% will need to be provided. For example the post developed overland flow in the hydraulic model will need to be the calculated surface flow plus 50% of the pipe flow capacity.*

The corrected DRAINS model, as outlined in item 1 above, for the pre and post developed scenarios will need to be updated and the resulting flows included in the HEC-RAS pre and post developed models.

The following amendments need to be undertaken to the HEC-RAS models:

- a) Cross Sections in the pre and post development models need to be extended sufficiently upstream and downstream of the overland flow path to ensure stability of the calculated water surface profile along the required overland flow path.***
- b) The cross sections representing the pre developed and post developed scenarios need to be taken at the same locations in order to allow comparison of calculated water surface levels between the two models.***
- c) No increase in overland flow depth, flow extents or flow velocities will be permitted to upstream, downstream or adjoining properties.***
- d) All cross sections should be taken perpendicular to the flow of water (eg cross section 0 for pre and post model runs need to be corrected).***
- e) Cross section widths need to extend sufficiently to enable the program to determine the water surface level without placing artificial vertical constraints (eg cross sections 40, 37.6 and 20 in the pre developed model need to be extended in width).***
- f) Based on the error warnings and notes indicated in the out put files for the pre and post developed scenarios additional cross sections are required in order to improve stability and reliability of the models.***
- g) Sufficient survey information needs to be provided upstream and downstream to enable appropriate determination of the boundary conditions to be used in the model.***

Note: The pre and post developed upstream boundary conditions in the models was found to be different. The HEC-RAS model needs to be corrected and resubmitted to Council for assessment

This item and the above matters need to be adequately addressed prior to DA approval.

3. *An electronic copy of the hydrological DRAINS model and an electronic copy of the hydraulic HEC-RAS model are to be submitted to Council for review.*

The electronic hydrological and hydraulic models need to be corrected as outlined in items 1 and 2 above and resubmitted together with the model results presented in a report to Council for further review.

This item needs to be adequately addressed prior to DA approval.

4. *The applicant should check overland flow velocities and flow depths along all pedestrian access ways, road ways and proposed car parks and driveway areas to ensure that flow depths do not exceed the Council maximum allowable 0.2m depth and maximum velocity depth product is not greater than 0.4.*

This item needs to be addressed by the applicant in their final report prior to DA approval.

5. *The overland flow path will need to be sufficiently wide enough to safely convey overlands flows from the upstream catchment in accordance with item no.2 & 3 above. A formal easement is to be created to protect this overland flow path. This easement needs to be free of any obstructions such as trees, shrubs, fences etc. Any proposed V shaped grass swale will need to be designed to convey the 1 in 100yr ARI design storm without inundating the proposed on site detention system. The swale should be located within the proposed easement.*

This item needs to be addressed / rechecked upon completion of items 1 & 2 above.

This item needs to be adequately addressed prior to DA approval.

6. *Filling of land or any redirection of the natural overland flow path will not be permitted.*

Compliance with this item needs to be checked on completion of items 1, 2 & 3 above.

This item needs to be adequately addressed prior to DA approval.

7. *Conditions on development should be placed to ensure that all overland flow paths are to be kept free of obstructions at all times. No raised garden beds, kerbs, edge retaining walls, fencing, BBQ structures or materials that could impede the conveyance of overland flows are to be placed or stored within these overland flow paths.*

This item needs to be conditioned as part of the DA.

8. *The proposed pipe system to replace the existing open earth channel shall be designed to cater for the 1 in 20yr ARI design storm. The applicant is to provide a detailed longitudinal pipe section showing pipe size, pipe class &*

type, grade, cover, flow and results at the Hydraulic Grade Line (HGL) analysis and pit types for this pipe system.

Only some parts of this item have been addressed. The longitudinal drainage sections have not included details of the proposed pipe type and class. Details indicating pit types also need to be provided. This item needs to be checked upon completion of item No.1 above.

This item needs to be adequately addressed prior to DA approval.

9. *An easement is to be created over the proposed stormwater pipe system. The width of this easement is to be not less than the external diameter of the proposed pipe plus 500mm each side.*

This item also applies to all inter allotment drainage pipes and needs to be conditioned as part of the DA.

10. *Sufficient details and levels need to be provided to demonstrate that the proposed onsite detention basin (basin no.2) is outside the 100yr overland flow path.*

This item needs to be checked against the corrected DRAINS and HEC-RAS model results.

11. *All structures are to have flood compatible building components below the 100yr ARI flood level plus 500mm freeboard.*

No details have been provided to confirm compliance with this requirement. This item needs to be addressed by the applicant.

12. *All services, utility pits, hot water systems, rainwater tanks and structures will need to be located outside the overland flow path.*

This item needs to be conditioned as part of the DA.

13. *Water Sensitive Urban Design principles and minimum stormwater quality requirements need to be implemented through out the proposed development in accordance with the required outlined in Parramatta Development Control Plan.*

Compliance of this item needs to be confirmed by the Development Services Engineer.

14. *All habitable floor levels are to be equal to or greater than the 100yr ARI flood level plus 500mm free board.*

This item needs to be checked against the corrected DRAINS and HEC-RAS model results.

15. All habitable floor levels (outside the flood area) adjacent to any on site detention system are to be a minimum of 300mm above the 100yr ARI water surface level.

Compliance of this item needs to be confirmed by the Development Services Engineer.

16. The survey showing Council's existing stormwater drainage system needs to be extended to include details of Council drainage system within properties no. 8 or 9 Dean Crescent and properties within Marsden Road.

No details showing compliance with this item has been provided.

This item needs to be adequately addressed prior to DA approval.

17. Any proposal to replace the existing natural drainage channel with a piped system will need to include any transitional works to ensure that the proposed pipe system is directly connected to Council's existing pipe system without the use of sections of open channel and headwalls. Grated inlet pits are to be constructed at point of connections with Council's existing pipe system. These grated inlet pits are to be constructed as per Council's standard letter box pit design plan no. DS27. Sufficient inlet capacity along any proposed pipe system needs to be provided to reduce surface flows.

Details showing connection to Council's existing down stream pipe system are not shown on the plan. This item needs to be conditioned as part of the DA.

18. Existing overland flows from 4 -12 Fitzgerald Road run through the western side of 736 Victoria Road. It will be necessary to provide an unobstructed overland flow corridor including provisions for stormwater drainage pipe connections into the proposed inter allotment drainage pipe system at the rear of the proposed properties at 736 Victoria Road.

This overland flow path can be a Grass Swale and will need to be designed to convey the 1 in 100yr ARI design storm.

*The applicant will need to provide full engineering details showing the position on plan of all inter allotment drainage systems including longitudinal drainage sections with information on pipe invert levels, pipe sizes, pipe class & type, pipe cover, pit details and finished surface levels and hydraulic grade line analysis. Details indicating local overland flow routes need to be provided on plan. The proposed inter allotment pipe systems and overland flow routes will need to be protected by the creation of formal easements. **(Please note details of all inter allotment pipe systems and overland flow paths are to be assessed by Councils Development Services Engineers).***

Cross Section B-B of Plan No. 09143E2, Rev D shows a retaining wall along the rear boundary of 4 to 12 Fitzgerald Road. Any future attempt to drain these properties will be difficult due to this retaining wall. There

needs to be provisions made for future connection of the site drainage from these properties. This inter allotment drainage pipe needs to be designed for a 1 in 20 year ARI peak design storm.

Part of this item has been submitted to Council. Other parts of this item need to address by the applicant such as detail longitudinal section as mentioned above paragraph, creation of inter allotment easement along the proposed stormwater pipe system and details of overland flow swale.

This item needs to addressed prior to approval of the DA.

Note: The following items Nos. 19 to 23 refer to Civil Engineering works and are not directly flood related. Any question regarding these notes should be forwarded to Council's Asset Section and Council's Capital Projects Section.

19. *The applicant/designer will need to follow all the relevant engineering standards and guides and the design should be done from the first principle, i.e. all critical matters, such as property access (garage) would need to be checked for applicable vehicle (turning path), service vehicle accessibility, all steep change of grades shall address safety concerns, protection of council/public property shall be maintained.*

Information addressing this item has been submitted to Council. Submitted details will need to be checked by Council's Development Services Engineer.

This item needs to addressed prior to approval of the DA.

20. *Internal road/access way, shall be designed by and certified by a pavement engineer or should follow PCC DS9 (heavy duty driveway) slab design. All potential underground water shall be collected by subsoil drainage and connected to the new internal drainage system.*

This item needs to be checked by Council's Development Services Engineer.

This item needs to be addressed prior to DA approval.

21. *Adequate signage shall be installed on the internal road, all small asphaltic speed "humps" are to be painted white. All surface water to be collected and discharged to the new drainage system.*

This item can be conditioned as part of this DA.

22. *A thorough dilapidation/condition assessment of the road pavement in Fitzgerald Road is required prior to commencement of any demolition works on site.*

This item can be conditioned as part of this DA.

23. A condition should be applied requiring the developer to construct a concrete footpath to Council Standard drawing DS3 along the frontage of the site and extending to link up with the existing footpath on Victoria Road.

This item can be conditioned as part of this DA.

24. Cross section ch.31.5, plan no. 09143E23, Rev A shows that invert level of bio swale basin is lower than the invert level of proposed overland flow path that possibility of divert overland flow through the bio swale area instead of proposed overland flow path alignment which make bio swale basin inactive or reduce the efficiency. It is noted that proposed bio swale basin alignment and location within the location of existing natural overland path area.

25. Stormwater from 12 Dean Crescent (existing Council Reserve) is running through the north western corner of the property. The applicant needs to create grass swale type channel to convey the overland flow path up to 1 in 100yr storm without any impact to proposed infrastructure within the DA area. Details including design, alignment, levels needs to be submitted to show that overland flow is not impede by road, kerb and gutter, footpath etc.

In addition to the above the applicant will need to ensure that the proposed stormwater drainage works comply with all relevant matters outlined in NSW State Environmental Planning Policy and with all flood and stormwater matters as outlined in Parramatta City Council's:

- a. Local Floodplain Risk Management Policy
- b. Draft Stormwater Design and Development Guidelines.
- c. Local Development Control Plan (DCP) requirements.

The above information is a preliminary draft outline of our section's requirements. A further assessment will need to be undertaken on receipt of the above requested information.

Note: Our comments relate only to flooding and overland flows at this site. It is understood that the proposed internal site drainage system, on site detention system, internal roads, bio retention systems, rain gardens, other water sensitive urban design techniques and internal overland flow paths are to be assessed by the Development Services Section. It is also understood that the check of the design for the proposed driveway ramp for vehicular scraping will be undertaken by the Development Services Engineers."

Planning Comment: It is acknowledged that the submitted information does not adequately address the issues previously raised by Council. It is noted that a number of these issues are required to be resolved prior to any determination of the application. In this regard approval is being recommended via a deferred commencement to ensure all issues are raised prior to the release of an operative consent. It is advised that the proposal is considered satisfactory in principle.

Traffic

The proposal has been referred to Council's Traffic Investigations officer for review. The following comments were provided:

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

1. *The proposed development is covered by the Parramatta Local Environmental Plan 2001 and assessed in accordance with Council's DCP 2005.*

2. **Existing Development**

The site is known as the 'Riverview Nursery' with an area of approximately 1.573ha fronting Victoria Road with a secondary frontage off Fitzgerald Road. Access into and out of the existing nursery driveway is via Victoria Road and Fitzgerald Road (3m wide each).

This section of Victoria Road near the development site has 3 traffic lanes in each direction and access into and out of the site from Victoria Road and all vehicles from Fitzgerald Road turning into Victoria Road is restricted to left-in & left-out only due to existing concrete median.

The Traffic Report submitted with the DA indicated that: "Westbound vehicles wishing to access the site are able to turn right at Marsden Road, a signalised intersection with two right turn lanes and storage for approximately 10 vehicles. These vehicles can gain access to the site via Cowells Lane and Fitzgerald Road. Alternately, westbound vehicles wishing to access the site are able to turn right at Kissing Point Road, a type C right turn intersection with storage for approximately 8 vehicles. These vehicles can then gain access to the site via Cowells Lane and Fitzgerald Road. Fitzgerald Road at the site is approximately 10m wide, providing a single travel lane in each direction and parallel parking on either side of the road. Vehicle movements at the intersection of Fitzgerald Road and Victoria Road are restricted to left in/left out by a concrete median. Speed restrictions are 50km/h in Fitzgerald Road and 70km/h in Victoria Road".

Based on the existing traffic volume data as indicated in the Traffic Report, the traffic within this section of Victoria Road is considered within capacity. The Traffic Report indicated that traffic volume on this section of Victoria Road to the west of Marsden Road intersection, approx 200m west of the development site, has decreased by 0.7% per annum due to the opening and increased use of tollways and increased congestion on Victoria Road near the site.

There is an existing bus stop on Victoria Road near the site on Fitzgerald Road that provides regular services to the Parramatta area and various other suburbs.

3. Proposed Development

Details of the proposed development are as follows:

- *Demolish outbuildings and structures used in conjunction with the existing nursery*
- *Heritage house will remain intact*
- *Construct 47 multi-unit dwellings (40 x 3 bedroom 2-storey townhouses & 7 x 2 bedroom single villa units)*
- *Each dwelling will have a private courtyard (4m x 4m & 40m²)*
- *A total of 106 parking spaces are to be provided (including provision of a single garage space and stacked parking spaces for each townhouse; 12 visitor spaces)*

4. Parking Requirements

Council's DCP 2005 specifies that parking should be provided as follows:

- *1 space per 1 or 2-bedroom unit (7 villa units) = 7 spaces*
 - *1.5 spaces per 3-bedroom unit (40 townhouses) = 60 spaces*
 - *0.25 space per dwelling for visitors = 11.75 say 12 spaces*
 - *Existing heritage house = 2 spaces*
- Total Parking Requirements = 81 spaces*

5. Parking Provision and Layout

The proposed development provides a total of 106 spaces (including provision of a single garage space and stacked parking spaces for each townhouse; 12 visitor spaces). The parking provision as shown on the plan exceeds the parking requirements and is considered adequate. It is recommended that at least 1 disabled parking space is to be provided as part of the visitor spaces.

The internal circulation within the development site is provided via a two-way internal access road (6m wide) and complies with AS 2890.1-2004.

The Traffic Report indicated that "garbage bins will be stored in the garage or courtyard of each unit with collection to occur along the internal circulation roadway. The 6.0m internal circulation roadway provides sufficient area to allow a heavy rigid garbage collection vehicle to manoeuvre through the site in a forward direction".

6. Access Arrangement

Access into & out of the development site (including access to the existing heritage house) is provided via a combined driveway 6m wide off Fitzgerald Road. No access will be provided off Victoria Road. The proposed access arrangement is considered adequate.

7. Conclusion

Based on the analysis and traffic volume data (existing & expected traffic generation as indicated in the Traffic Report) submitted with the DA, the

proposal is not expected to have a significant impact on this section of Victoria Road, Fitzgerald Road and its surrounding road network. The proposed development can be supported on traffic & parking grounds subject to various traffic related conditions.

Note: Date and time of site inspection- Thursday, 28 January 2010 @ 2.20 pm

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:

- a) 106 off-street parking spaces, as shown on the plan, to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum).*
- b) At least 1 disabled parking space is to be provided as part of the visitor spaces. The disabled parking space dimensions to be 3.8m wide x 5.5m long according to Council's DCP 2005.*
- c) A combined entry & exit driveway (6m wide with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1- 2004 and Council's specification.*
- d) The internal circulation driveway (6m wide) as per DA plan to be provided and constructed according to Council's specifications.*
- e) Driveway gradients shall comply with Clause 2.5.3 and Clause 3.3 of AS2890.1-2004.*
- f) The driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing plan (DS8) and is to be increased to 7.6m.*
- g) The overall internal width of a single garage to be a minimum of 3.0m wide with a door opening of 2.4m wide minimum and double garages are to be 5.4m wide with a door opening of 4.8m wide minimum according to AS 2890.1-2004. Column locations are to be in accordance with AS 2890.1-2004.*
- h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.*
- i) 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.

- j) *Footpath or road construction and/or restoration during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit through Council's Traffic & Transport Services and a Road Opening Permit through Council's Restoration Engineer, prior to carrying out the construction/restoration works.*

Planning Comment: The above comments have been included as a condition of consent.

Landscape

The application has been referred to Council's Landscape Officer for review. The following comments were provided:

"Issues

Impact on Site Trees

The majority of trees located within the site are proposed to be removed. There are no significant trees located within the site which would be ear-marked as a high priority for retention. As the site is a nursery, many of the trees which are now over 5m tall are overgrown nursery stock which was never sold. Many of the trees were sitting in pots and bags above ground, but were never re-potted it is recommended that all trees which have established in this manner be removed as they would be unlikely to establish a sufficient structural root system.

Landscape

The proposed landscape plan is considered satisfactory, subject to conditions of consent."

Planning Comment: No objections are raised to the proposed landscaping scheme for the site, appropriate conditions of consent are to be imposed to ensure the landscaping is carried out in accordance with the approved landscape plan.

Heritage

The application has been referred to Council's Heritage Advisor as the site is listed as a heritage item under Parramatta Local Environmental Plan 1996 (Heritage and Conservation) The following comments were provided:

"Proposal

Demolition of structures (excluding heritage item), tree removal and the construction of 47 multi unit dwellings comprising 40 x 3 bedroom townhouses and 7 x 2 bedroom villas. Vehicular access to the site is from Fitzgerald Road.

This application is required to be determined by the Joint Regional Planning Panel for Sydney West.

Document Reference

The following documents were reviewed in assessing the proposal:

- *Architectural/site plans prepared by RH&A P/L (TRIM ref. Nos. D-01508816 and D-01508818) and*
- *The associated Heritage Report (HIA); (TRIM Ref. No. D-015008822) and*
- *The associated Cultural Arts Plan (TRIM Ref. No. D-01519380).*

Site inspection was undertaken in accord with viewing of the Site and Architectural Plans.

My understanding is that the application is to be referred to the West Sydney Regional Panel for assessment. This advice is given in that context.

Background

The site is a listed heritage item, incorporating two distinctive elements: the house at 736 Victoria Road, and the site of the nursery. The house has some historical features, being built c. 1913 and is deemed to be worthy of listing in its own right. The nursery is listed as providing evidence of this use, and for deemed associations with Betty Cuthbert.

The Council's heritage inventory also provides information that: The Cuthbert family moved here in 1943. (...) Betty Cuthbert, daughter of the proprietor, worked in the nursery and trained a runner on the grounds and on nearby open space. She was one of the most successful Australian athletes in the 1956 Olympics. Betty Cuthbert Avenue was later named after her. However, this association was disputed.

As discussed before, I would have no objection to the essence of the proposal. However, in my opinion a Master Plan would have to be prepared for the site and the proposal should subsequently be assessed by the Council in accordance with that Master Plan.

Notwithstanding this requirement, the essence of significance of the site is in nursery use, in the associations with Betty Cuthbert and in the material fabric of the cottage. It is noted that the significant associations were earlier disputed, while the current "Cultural Arts Plan" appears to draw back on those associations (a non-certified copy of the letter from Betty Cuthbert to I. Miller was quoted in the Heritage Report). In any case, in my opinion the Panel should scrutinise the significance of these deemed associations, as the steeply sloping terrain configuration would make it highly unlikely that an important training activity took place there.

Regarding the cottage, no conservation action appears immediately necessary. It is considered that it will be retained in the longer term regardless of the proposal outcome. The proposal is fully acceptable from the perspective of this significant element.

Regarding the nursery use, the current proposal as per the Cultural Arts Plan includes recommendation for cultural plantings indicative of this once use of the site. In my opinion, this is sufficient to demonstrate this aspect of significance.

In any case, as mentioned above, these are primarily matters for your consideration and I would leave it to your discretion to assess the applicability of these recommendations. In my opinion, from the strictly heritage perspective, the proposal is within the acceptable limits and I would have no objection to it."

Planning Comment: The proposal is considered acceptable in terms of heritage. It is also noted that Betty Cuthbert's family owned the property, however she did not train on the site, rather she trained at nearby parks. The existing heritage item Auld Reekie is proposed to be retained as part of the application, for adaptive reuse which will be subject to further approval.

Environmental Health

The application has been referred to Council's Environmental Health for review. The following comments were provided:

"The submission by the applicant of Douglas Partner's Phase 2 Contamination Assessment April 2010 and Remedial Action Plan May 2010 are noted. It is also noted that both reports have been supported by an audit from Environ Australia Pty Ltd dated 10 May 2010.

These documents give compliance to EHA80, EHA81, EHC04 and EHC05 as requested in previous environmental comments dated 26 February 2010.

In response to the information submitted the following additional condition of approval is recommended:

The site is to be remediated in accordance with Douglas Partner's Remedial Action Plan dated May 2010. When the remedial action has been carried out, a validation report must be prepared by a suitably qualified and experienced consultant stating that the objectives in the remedial action plan have been achieved and the land is remediated to standard suitable for the proposed land use. The validation report must be submitted to Council and the principal certifying authority prior to the issue of the construction certificate.

Reason: *To ensure that the land is suitable for the proposed development."*

Planning Comment: The conditions have been incorporated into the consent.

Waste Management

The application has been referred to Council's Waste Management Officer for review. The following comments were provided:

"Given the size of this development, it will be required to be serviced by a private contractor. Applicant will have to furnish a complete waste mgt plan prior to cc to include details of all appointed waste contractors."

Planning Comment: The provision of an updated and amended waste management plan has been conditioned to be submitted prior to the release of the construction certificate.

Urban design

The application has been referred to Council's Urban Designer for review. The following comments were provided:

Local Context and Site

The site is located on Victoria Road a busy arterial RTA road, in a residential area. The existing built form context is predominantly 1 storey detached houses. Most properties have a 10-12m setback from Victoria Rd with some mature trees. There is a poor existing vegetation pattern and this should be addressed in any future proposal. The site slopes from the west to the east with a fall of 13m. There are a number of existing trees on site, most of which are contained in the lower eastern side and will be retained.

The proposal

The proposal is to demolish existing outbuildings and structures of the existing plant nursery and construction of 47 multi-unit dwellings comprising 40x3 bedrooms attached two storey townhouses and 7x2 bedroom attached single storey villa units. Vehicular access to the development is off Fitzgerald Street, and a new internal street is proposed. Direct pedestrian access is provided to the existing public reserve to the north of the site, and a new pedestrian link is provided to Victoria Road.

Comments

The proposed development demonstrates a significant improvement on the initial masterplan presented at the pre lodgement meeting in late 2009. In particular the redesign of the internal street pattern to a continuous loop and 2 new pedestrian links improve connectivity for the surrounding neighbourhood and improves amenity for the residents.

Street Address

The street address to Victoria Road has been improved with the inclusion of a pedestrian link from the development site. The street address to Fitzgerald Road is reasonable with legible plantings along the new internal access drive and a 2 storey

multi unit dwelling fronting the street. Internal street address from the attached two storey townhouses is also reasonable with individual building entrances and private gardens at ground floor.

Building Design

The overall design of the attached two storey townhouses is favourable with well articulated facades, stepped gable roof form responding to topography and fine scale design elements. It is, however, evident in the cross section of units 21-30 and 31-40 that solar access and solar shading has not been adequately addressed, with no eaves, shading devices or balcony elements to provide shade to the northern walls of units 31-40. It is anticipated that these walls will receive high solar loads thus compromising internal amenity for residents.

It is also apparent in the submitted architectural drawings that the floor plans of units 21-29 and 31-38 have been mirrored despite the fact these buildings have the same orientation. This means that the facades are not being designed to respond to their orientation, possibly leading to poorly ventilated and poorly naturally lit internal spaces. As mentioned above, one approach to improve amenity for residents would be to employ shading devices/structures on the exposed north facing wall of units 30-38.

The hipped roof form of units 41-44 is unacceptable for the type of building. The continuous roof encloses multiple units resulting in an increased building mass which is contextually inappropriate. A roof design that more clearly responds to program and is matched to multi unit housing is recommended.

Environmental

Given the steep topography of the site and large increase in hard surfaces, it is recommended the applicant explore the possibilities for WSUD elements, including street tree pits, bioretention systems, porous paving on driveway surfaces and wetlands, particularly at the lower (eastern) part of the site (in conjunction with the common open space reserve).

The selection of large angophoras in the rear of the private open space in units 21-40 is questioned as they will block solar access to units 31-40 during winter months and it is unclear in the landscape plan who owns and maintains each tree (there are less trees than dwellings). It is suggested the applicant consider the use of one deciduous tree per dwelling, resulting in solar access during winter months and a more clearly defined and equal vegetation pattern for residents. The larger evergreen trees would be better suited as street plantings as they would more clearly define green links to the public reserve to the north of the site and improve legibility of common property.

Recommendations

Overall, the proposal represents a sound response to a highly internalised site. The masterplan is a marked improvement on the plan submitted at pre-lodgement with improved connectivity and amenity for residents. The building and landscape design

is sound, generally providing well articulated building forms with sound internal spaces. The following points are recommended to further improve this proposal;

- the use of WSUD elements including street tree pits, bioretention systems, porous paving on driveway surfaces and wetland systems at the lower (southern) end of the site*
- the addition of solar shading devices, particularly for the northern walls of units 30-38*
- the remodelling of the roof form in units 41-44 to eliminate hipped roof elements and respond to internal building program*
- a revision of the planting strategy to replace evergreens in rear private open space to deciduous trees, and the use of larger evergreens as street trees along the internal street*
- additional information submitted for front fences and gates to individual dwellings*

Planning Comment: Sun shading devices have been incorporated into the northern elevation of units on both the ground and first floors to provide shade from the sun to the dining rooms and to the first floor bedrooms. The internal two rows of dwellings have been broken into 4 blocks with a 7.7 metres landscape separation to provide articulation in design and reduce the appearance of bulk and scale. This is considered to improve the internal amenity of townhouses. The roof form of units 41-44 have been amended to now provide a gable roof which assists in reducing the bulk and scale and is also compatible with the surrounding development. No front fences are proposed to individual dwellings, the use of screen hedging has been incorporated into the design, which will provide security to the dwellings and will assist to delineate each dwelling, the location of letterboxes has been incorporated into the hedge design.

It is considered that issues raised by urban design have been adequately addressed through the submission of the amended plans.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties, and Council's Heritage Committee were given notice of the application for a 21 day period between 27 January 2010 and 17 February 2010. In response, 9 written submissions and three separate petitions with a total of 89 signatures were received. The issues raised within those submissions are addressed below.

Objectors

1. Enriqueta and Jose Blanco - 13 Fitzgerald Road Ermington
2. Robert Makary - 33 Ulm Street Ermington (owner of No. 12 Fitzgerald Road)
3. Jonathan Crutcher - 9 Fitzgerald Road Ermington
4. Trevor and Stella Rendell - 9 Dean Crescent Ermington
5. Vince and Maria Brescia - 14 Fitzgerald Road Ermington
6. Mrs Elaine Young - 8 Fitzgerald Road Ermington
7. Dong Heon Kim and Eun Joo Kim - 740 Victoria Road Ermington
8. Mr Kim Wah Leung and Mr Kim Fung Leung - 6 Fitzgerald Road Ermington

9. Mr Gray - 31 Park Road Merrylands
10. Steven Becker - 31 Fitzgerald Road Ermington (head petitioner)
11. Yacoub Harb - 39 Fitzgerald Road Ermington (head petitioner)
12. Sue Wicks - 38 Fitzgerald Road Ermington (head petitioner)

Concerns are raised regarding the existing high volume of traffic especially from all the new development in the area

Planning comment: The application has been accompanied by a Traffic Report which determined that the increased traffic movements will not significantly impact on the traffic movements in the locality. It is noted that there will be up to an additional 13 left turn movements from Victoria Road into Fitzgerald Road and up to 14 left turn movements from Fitzgerald Road into Victoria Road. The application in addition has been reviewed by Councils Traffic and Investigations Officer who has raised no objections to the proposal and advises the proposal will not significantly impact on the traffic in the locality.

Concerns are raised regarding the increase in on street parking

Planning comment: The proposal requires provision of 81 on site parking spaces; the proposal exceeds this requirement with provision of 106 spaces, with 12 spaces being allocated for visitors to the site. It is considered the provision of on site parking is sufficient to cater for the development without adversely affecting Fitzgerald Road. It is also noted that the internal road is capable of allowing on street parking within the site whilst allowing vehicles to pass in a same manner.

Concerns the entrance to the development is off Fitzgerald Road and not from Victoria Road

Planning comment: Access to the site is proposed via Fitzgerald Road. Under the Infrastructure SEPP if alternate access is available in lieu of an arterial road, the alternate access is preferred. In this instance whilst vehicular access could be made available from Victoria Road, the RTA will not support this arrangement.

Concerns there is not sufficient visitor car parking for the site

Planning comment: The subject site requires provision of 12 visitor parking spaces as required under Parramatta Development Control Plan 2005. The proposal achieves compliance with this requirement, 12 spaces are provided throughout the site. It is considered that the site provided sufficient visitor parking.

Concerns there will be additional trucks utilising Fitzgerald Road

Planning comment: It is acknowledged that approval will result in additional truck movements to assist with the construction of the townhouses. Appropriate conditions of consent will be imposed ensuring that the construction of the development will be carried out with minimal impacts on the surrounding neighbourhood including restricting hours of construction and ensuring that all vehicles associated with the development are located on site.

Concerns that the development will severely affect the standard of living and the quiet enjoyment of their properties

Planning comment: The proposal is not considered to significantly affect the quality of life of adjoining properties. The proposal is a small community with one vehicular access point and 4 pedestrian access points and is not considered to give rise to excessive noise or affect the enjoyment of land of neighbouring properties.

Concerns are raised due to the existing ground levels of the development site and adjoining properties that consideration is given to stormwater runoff

Planning comment: The site has a significant fall of over 13 metres towards Victoria Road. The proposed OSD system is considered satisfactory subject to the imposition of conditions of consent including deferred commencement conditions to ensure that the proposed system is satisfactory as the information provided to date is limited. It is not considered that the proposed development will impact on the stormwater of adjoining properties.

Concerns the existing views will be diminished due to the heights of units 3 - 12

Planning comment: Townhouses 3- 12 follow the natural contours of the site and the ridge heights are generally lower than the existing dwellings in Fitzgerald Road. It is not considered the existing views will be significantly diminished.

Concerns the façade has provision of minimal articulation in design

Planning comment: The façade treatment is appropriately articulated through a combination of contrasting building materials, complementary building colours, fenestrations to the front facades and complementary landscaping. It is also acknowledged that only townhouses 1, 44 and 47 can be viewed from the street and these townhouses have been designed to provide activation to the street.

Concerns the area will be downgraded in quality of construction and design

Planning comment: The applicant has a commitment to providing a high quality proposal not only in construction and design. The proposal is considered to be well articulated and provides contrasting building materials, complementary building colours.

The proposal will increase graffiti in the area

Planning comment: There is no evidence to suggest that the construction of a multi unit housing development will increase graffiti in the area.

Concerns the development is not appropriate in the area

Planning comment: The zoning of the site allows multi unit housing subject to consent. The site is unique as it is a large holding predominately located behind

existing residential properties. The proposal is generally compliant with council's controls and is considered an appropriate development for the site.

Reduction in the number of units is preferred

Planning comment: The number of townhouses on site is considered satisfactory; the maximum floor space ratio for the site is 0.6:1. The proposal complies with an floor space ratio of 0.53:1. The proposal is not considered to be an overdevelopment and provides a large common open space area.

Concerns the units will overlook the rear yards of existing dwellings and result in a loss of privacy for adjoining property owners

Planning comment: It is not considered that privacy will be significantly diminished as a result of the proposal. The submitted plans indicate that screen planting and privacy screens will be incorporated into the proposal to ensure privacy is not diminished. It is considered the proposed measures are satisfactory.

Concerns the area has not been down zoned yet as advised in a letter from the Deputy Lord Mayor in 2008

Planning comment: The current zoning of the site permits multi unit housing subject to approval. Draft Parramatta Local Environmental Plan 2010 has been publicly exhibited which down zones the site to R2 Low Density Residential. Under the draft LEP, multi unit housing will be prohibited on the site. It should be noted that the application was submitted prior to the exhibition of the draft LEP. It is also noted that the current proposal is consistent with the current zoning controls.

Concerns raised that no advice was provided regarding the approval of Local Environmental Plan (LEP) 2007

Planning comment: Parramatta City Centre Local Environmental Plan 2007 relates to the Central Business District area of Parramatta, the subject site does not fall under the provisions of this LEP. It is however noted that notification of the adoption of the LEP 2007 was carried out in accordance with legislative requirements.

Concerns regarding the safety of children in the area with increased traffic

Planning comment: The proposal results in an additional 13 traffic movements per hour in the peak hours, it is not considered that this amount of increased traffic will significantly decrease safety of children in the area.

Concerns regarding the loss of trees

Planning comment: The proposal results in the loss of 48 trees on site, a direct result of the current land use as a nursery. It is also noted that a number of trees are exempt under councils Tree preservation order or are in a poor condition. The proposed landscaping is considered sufficient to provide appropriate replacement landscaping for the development.

Concerns the existing infrastructure is not sufficient to cater for the development and the increase in population

Planning comment: The site is adequately serviced by road, public transport, water, sewer, power and telecommunication services. In addition prior to the release of the construction certificate the applicant will be required to demonstrate that the site has provision of these services by providing evidence from the applicable service provider.

Concerns raised that the development will limit solar access to dwellings

Planning comment: The proposal achieves compliance with the DCP controls of solar access which requires a minimum of 3 hours solar access to 50% of private open spaces and living areas of both dwellings within the development site and to adjoining properties. The submitted diagrams clearly indicate compliance in addition it is noted that adjoining properties in Dean Crescent and Fitzgerald Road will not be overshadowed by the current proposal due to the sites orientation.

Concerns are raised regarding the location of the garbage collection point as it was not indicated on plans

Planning comment: The submission of amended plans indicates that each townhouse will have individual bins which can be accommodated in front of each townhouse on collection day. The internal road is capable of accommodating a service truck to collect waste. JJ Richards have advised that the proposed methods are satisfactory, in this regard no objections are raised to the proposed methods of waste collection.

Devaluation in property prices

Planning comment: There is no evidence to support the claim that the multi unit housing development will decrease property values in the area. This is not considered a matter for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Dwellings 3 -12 should be single storey dwellings

Planning comment: Townhouses 3- 12 follow the natural contours of the site and the ridge heights are generally lower than the existing dwellings in Fitzgerald Road. It is considered the heights of the townhouses are an appropriate response to the site.

Alternate access to the site should be investigated including from Victoria Road or on the north eastern end of the property

Planning comment: access to the site is via Fitzgerald Road. The RTA has advised that access shall not be provided from an arterial road when alternate access is available. In this regard the proposed access is satisfactory. In addition access from the north eastern end of the site would require the utilisation of adjoining properties which fall outside the subject site and current proposal.

Concerns are raised that the noise generated from an approved use at a adjoining property may impact on future occupants. The owners request that noise mitigating measures are imposed to affected units

Planning comment: No. 740 Victoria Road is currently utilised as a motor mechanics which requires the use of machinery to undertake the work. The proposal has been submitted with an Acoustic report which states subject to the development been constructed with the recommendations in the report the development will not give rise to noise which may impact on the quality of life to adjoining properties. It is not considered that the use at No. 740 Victoria Road will affect future occupants of the subject site.

Concerns are raised that the traffic report which indicates "an estimated 10 additional vehicle movements in peak periods" is an unrealistic estimation

Planning comment: The traffic report submitted with the application indicates that in peak periods the site will have an additional 13 traffic movements per hour. The report has been carried out using the RTA's Guidelines for Traffic generating Developments and is considered to be accurate.

Concerns the SEE is not accurate as it states a pedestrian path will be provided and linked to existing footpaths; however there is no pedestrian pathway shown in the development plan

Planning comment: Pedestrian paths are indicated on the submitted landscaping plan. The path has been improved in the amended plans by extending from Victoria Road to the units located along the northern property boundary. The improved pedestrian and visual permeability will provide good access to Victoria Road and visually connect "Auld Rekkie" within the development.

Concerns are raised that the rows of development will limit air flow to existing dwellings

Planning comment: It is not considered that the proposed development will limit air flow to existing dwellings; the proposal has been designed to ensure that current air flow paths are minimally impacted.

The style of proposed dwellings is out of character with the existing town house development and low density housing in Ermington

Planning comment: The zoning of the area permits multi unit housing, a number of sites in the area have been redeveloped to provide multi unit housing. It is considered that the current application is compatible and desirable within the area of Ermington.

Concerns the dwellings will be rented out

Planning comment: Ownership of the townhouses is unknown at this stage and is an issue for the owners of the site. It is acknowledged that there is likely to be combination of owner occupied and investor units. This is not considered an issue

for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

Concerns that pollution monitoring has not occurred on main roads and development is not suitable along main roads

Planning comment: This is an issue which encompasses development along all main roads within the greater metropolitan area and not just the subject site. It is noted that residential development on the site is not constrained by air quality. The establishment of residential properties on the site is considered satisfactory having regard to the relevant legislation.

Concerns are raised that Child care centres are being approved on or near main arterial roads and the health issues are being overlooked

Planning comment: This issue is not a relevant issue for consideration for the current application as the proposal does not seek approval for a child care centre.

Motor usage in Sydney is on the rise

Planning comment: It is acknowledged that Sydney has a high car ownership and usage. The current proposal provides sufficient on site parking for both residents and visitors to the site. The proposal will also generate up to 13 trips per hour in peak periods which is not considered to significantly increase the traffic volumes in the area.

In general residential development is not suitable on main roads, roads with high traffic volumes, roads near railway lines due to the pollutants from vehicles and trains and this is supported in documents published over the years

Planning comment: The application has been designed taking into consideration the sites location, and ensures that majority of dwellings are located away from Victoria Road. It considered that the proposal is satisfactory having regard to the sites location.

Acoustic Impact on Victoria Road

Planning Comment: The application has been submitted with an Acoustic Report prepared by Day Design Pty Ltd to address the impacts of noise from Victoria Road and Fitzgerald Road on the proposed development.

The report concludes: *“Existing levels of road traffic noise have been monitored at the proposed development site for a period of 7 days. We are confident that the noise levels assumed in our assessment are typical of the average maximum noise levels in this area.*

We suggest that the occupants be advised bedrooms and living rooms should have soft furnishings, heavy drapes and be carpeted to improve the acoustic absorption of

these rooms and to diminish the reverberant noise level of any intrusive noises. This can provide a further noise reduction of 2 to 3 dBA.

When all the above recommendations are carried out (including glazing, double brick or brick veneer construction), we are confident that the intrusive road traffic noise levels inside the proposed townhouses at 736 Victoria Road, Ermington will conform with the recommendations in Australian Standard AS2107:2000 Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors and the NSW State Environmental Planning Policy (Infrastructure) 2007 as described in Section 5.0 of this Report."

It is considered the measures to be imposed as indicated in the acoustic report will address the impacts of noise for future occupants. It is considered the proposed use is acceptable. The proposal complies with Clause 101(2)(c) of SEPP (infrastructure) 2007. In addition the proposal has been reviewed by Councils Environmental Health Officer who raises no objections to the proposal in terms of noise. A condition has been imposed ensuring the proposal complies with the acoustic report.

Air Quality

Planning Comment: The NSW State Government and its various authorities and departments have long recognised the air quality of Sydney to be a major issue. The issue is not a new one and these various bodies have, over time, prepared various policies and discussions papers on this matter. Some of these initiatives include the various NSW States of the Environment Reports, and notably the 2003 report on "Atmosphere", the Clean Air Forums of 2001 and 2004 and the Action for Air Plans of 2002 and 2006.

Most recently, the Department of Environment and Climate Change with the Department of Planning are reportedly combining to prepare policy guidelines for development along main roads in response to this issue. The issue is much wider than individual Councils and requires a broad state wide response.

However, there is no current evidence to suggest that the approval of residential properties along main roads has adverse health impacts such to warrant refusal of the application. The extent of disamenity of the future occupants of the residential flat building is not considered to be so sufficiently poor to warrant refusal of the DA. In addition, any prudent, hypothetical future occupant of the multi unit housing development would be able to make up his/her own mind up concerning whether the location was suitable for his/her needs and acceptable in terms of air pollution resulting from the volume of cars travelling along Victoria Road.

Councils Environmental Health Officer supports the proposal in terms of air quality impacts.

Whether Agenda 21 would be considered in the assessment of the subject DA

Planning Comment: Local Agenda 21 (LA21) is a program that provides a framework for implementing sustainable development at the local level. The general principles of Agenda 21 are incorporated into the Environmental Planning and

Assessment act 1979 and Parramatta Local Environmental Plan 2001, and this is the legislation and environmental planning instrument against which the proposal is legally required to be assessed.

ON SITE MEETING

Council at its meeting on 9 March 2009 resolved that all applications which received 10 or more submissions be subject to a site inspection.

In accordance with the above resolution an on site meeting was held on Tuesday 2 December 2008 and was attended by Councillors Lorraine Wearne (Chairperson), John Chedid and Mark Lack, Brad Delapierre Team Leader Development Assessment, approximately 45 residents and four representatives of the applicant.

The following issues were discussed at the meeting:

Parking

Objectors advised that Fitzgerald Road and surrounding streets has limited on-street parking available now, having regards to the number of existing townhouse developments in the area.

This development with only 87 parking spaces for 47 dwellings will further reduce the availability of on-street parking in the area.

The applicant advised that the parking provision for the site exceeds by 25 the number of spaces required to be provided by Council's planning controls.

Traffic

Residents advised that it difficult for them to access Victoria Road from Fitzgerald road currently, having regards to the volume of traffic along Victoria Road and the inadequate sight distance provided.

It was suggested that all access to this development should be from Victoria Road and Fitzgerald Road.

Planning staff in attendance advised that because Victoria Road is an arterial Road the RTA controls access to and from it. In this case as there is alternative access available from a secondary street, the RTA would not allow vehicular access from Victoria Road.

Objectors advised that given this constraint the application should either gain access through the commercial properties to the east to Marsden Road or that traffic lights should be installed at the intersection of Fitzgerald Road and Victoria to provide for safe access.

Concern was also raised that this development will result in additional vehicles utilising surrounding streets including William Street and Cowells Lane further reducing the amenity of residents living in these streets.

Intensity of Development

Concern was expressed that the proposal was an overdevelopment of the site as well as the area. An objector suggested that this development would be more appropriate at Wilcannia or Broken Hill.

To reduce the impact of the development on neighbours including opportunities for overlooking from the site, it was suggested that a more appropriate re-development of the site would be for single storey villas.

The applicant advised that the floor space ratio of the development was less than that permitted by Parramatta Local Environmental Plan 2001.

Determination of application by the Joint Regional Planning Panel

Some concern was expressed that the application was being determined by the JRPP and that as a result of this local residents and Councillors would have little input into the process. Residents also requested to be advised as to whether they would be able to speak to the JRPP and asked why the members were not present at the meeting.

The meeting was advised that information about the JRPP process was attached to the handout provided to most attendees. They were referred to the section of this handout regarding public participation. Attendees were also advised that as this was a Council process, JRPP members were not invited to attend the on-site meeting.

Air pollution

Objectors expressed concern about air pollution from Victoria Road and further that as result of road noise that the dwellings were being provided with air conditioning units.

The applicant advised that air conditioning units were being provided because the market dictated it.

Tree Removal

Concern was raised about the removal of trees from the site including the removal of 40 year old pine trees from the site.

Public Housing

Residents requested to be advised as to whether the development would be for public housing.

The applicant advised that it was a private development that has come about as result of the owners no longer wishing to continue to operate a nursery on the land.

Architectural Merit

Objectors indicated that the proposed buildings lack architectural merit.

The applicant indicated that the 2 dimensional architectural plans do not do the proposal justice and that the buildings are modulated and articulated to provide architectural relief.

Internal Road

Surrounding residents indicated that the internal road would be a source of noise that would reduce their amenity.

The applicant indicated that the road would be a low speed road that would generate little noise. The dwellings would also act a noise absorbent barrier in many areas.

Construction Nuisance

Residents raised concern that the construction of the development would cause them substantially nuisance over an extended period. They indicated they currently experience extensive nuisance from a development currently under construction at No.19 Fitzgerald Road including, noise from a concrete pour that went to 8:30pm, difficulties in parking, construction traffic, dirt on the road, pot holes on the road etc.

It was advised that standard conditions would be placed on any future consent that aim to mitigate the impacts on construction, but that any construction site will result in some inconvenience being caused to nearby residents.

Drainage line from Dean Crescent

Residents queried whether the existing stormwater drain that runs through the site from Dean Crescent will be impacted by this development.

The applicant advised that this stormwater drain would be retained.

Fire Brigade Access

An objector raised concern about the ability of the fire brigade to access the site given the narrow width of the internal road network.

Residents were advised that the fire brigade is consulted as part of the construction certificate process.

Lack of Footpaths

It was indicated that there was a lack of footpaths in the area and that this forces people to walk on the road, potentially leading to conflicts between vehicles and pedestrians.

It was advised that a standard condition could be imposed requiring a footpath to be constructed in front of the site and that Council has a programme to increase the provision the footpaths throughout the Council area.

Amended Plans

Yes

Summary of amendments

Yes, the amendments include relocation of 2 dwellings within the site, building separation of dwellings within the centre of the site, reconfiguration of visitor car parking

Amended Plans re-advertised or re notified

Yes

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties, were given notice of the amended application for a 14 day period between 5 May 2010 and 26 May 2010. In response, 6 submissions were received. The issues raised within those submissions are addressed below.

Objectors

1. Confidential submission from outside the immediate area
2. E and J Blanco – 13 Fitzgerald Road Ermington
3. J Leung - 6 Fitzgerald Road Ermington
4. Rowan and Naomi Toohey – 37 Fitzgerald Road Ermington
5. Herbert Wiedemann – 23 William Street Ermington
6. Vicki and Paul Marklew – 35 Fitzgerald Road Ermington

Issues

Demolition of heritage should be avoided

Planning comment: The heritage item Auld Reekie is to be retained as part of the application.

Concerns are raised regarding tree removal

Planning comment: The proposal results in the loss of 48 trees on site, a direct result of the current land use as a nursery. It is also noted that a number of trees are exempt under councils Tree preservation order, are in a poor condition. The proposed landscaping is considered sufficient to provided appropriate replacement landscaping for the development.

Increase in housing should be avoided

Planning comment: The current application increases the housing density on the site, it is considered in this instance to be appropriate. The application is not considered to be an overdevelopment by complying with Councils FSR control.

Impacts on services

Planning comment: The site is adequately serviced by road, public transport, water, sewer, power and telecommunication services. In addition prior to the release of the construction certificate the applicant will be required to demonstrate that the site has provision of these services by providing evidence from the applicable service provider.

Concerns are raised that the submission of amended plans does not address the traffic issues

Planning comment: The amended plans improved the location of visitor spaces within the site to ensure that the spaces are evenly dispersed. It is considered that the Traffic report submitted with the application is satisfactory and adequately addresses the issues pertaining to traffic generation.

An alternate access should be provided

Planning comment: Access to the site is proposed via Fitzgerald Road. Under the Infrastructure SEPP if alternate access is available in lieu of an arterial road, the alternate access is preferred. In this instance whilst vehicular access could be made available from Victoria Road, the RTA will not support this arrangement.

Loss of views and impacts on privacy to No. 4 to 12 Fitzgerald Road

Planning comment: It is not considered that privacy will be significantly diminished as a result of the proposal. The submitted plans indicate that screen planting and privacy screens will be incorporated into the proposal to ensure privacy is not diminished. It is considered the proposed measures are satisfactory.

Concerns are raised that the site is not meant to be residential in the first place.

Planning comment: the current zoning of the site allows residential development subject to approval. There is no planning evidence to suggest that residential development is not a permissible use on the site.

Concerns are raised regarding the impact the additional houses will have on the road network during construction and after construction.

Planning comment: The application has been accompanied by a Traffic Report which determined that the increased traffic movements of vehicles will not significantly impact on the traffic movements in the locality. It is noted that there will be up to an additional 13 left turn movements from Victoria Road into Fitzgerald Road and up to 14 left turn movements from Fitzgerald Road into Victoria Road. The application in addition has been reviewed by Councils Traffic and Investigations Officer who has raised no objections to the proposal and advises the proposal will not significantly impact on the traffic in the locality.

Concerns are raised that the units will be cheaply built and ugly and are not consistent with the existing character of the area.

Planning comment: The zoning of the site allows multi unit housing subject to consent. The site is unique as it is a large holding predominately located behind existing residential properties. The proposal is generally compliant with council's controls and is considered an appropriate development for the site. It is considered the proposed building materials and colour scheme are appropriate to provide a high quality development.

Concerns are raised regarding the need for community consultant when the ideas are not taken on board.

Planning comment: All issues raised during the community consultation period are taken into considered. It is noted that the applicant may take on board some issues whilst considering other issues not relevant.

Footpaths and lighting should be improved within the area

Planning comment: This is an issue which is community wide, not just relevant to this application the issue has been noted and will be taken on board. The subject application will provide footpaths and lighting within the development site which is considered satisfactory.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The applicant has submitted a Douglas Partner's Phase 2 Contamination Assessment April 2010 and Remedial Action Plan May 2010, these report have been supported by an audit from Environ Australia Pty Ltd dated 10 May 2010. The Phase 2 Contamination Assessment concluded *"the investigation returned heavy metal concentrations above the adopted HIL 1 criteria. All other analytical results for soil samples were found to be low or below the PQL."* The report has been reviewed by Council's Environmental Health Officer who raises no objections to the proposal subject to the imposition of appropriate conditions requiring the site to be remediated.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clauses 101 and 102 of the SEPP state:

"101 Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective

- and ongoing operation and function of classified roads, and
 (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road."

"102 Impact of road noise or vibration on non-road development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:
- (a) a building for residential use,
 - (b) a place of public worship,
 - (c) a hospital,
 - (d) an educational establishment or child care centre.
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.
- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
- (a) in any bedroom in the building--35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)--40 dB(A) at any time.
- (4) In this clause, "**freeway**", "**tollway**" and "**transitway**" have the same meanings as they have in the Roads Act 1993."

In this regard, the proposal is satisfactory having regard to the provisions of the SEPP as:

- The submitted acoustic report demonstrates with the provision of suitable measures the noise levels are compliant
- The proposal is not considered to compromise the effective and ongoing operation of Victoria Road
- Vehicle access is via Fitzgerald Road, this is acceptable as vehicular access from Victoria Road is not supported by the RTA when an alternate access is available
- The physical layout of the townhouses limits the number of dwellings which address Victoria Road to only townhouses with no bedrooms along the street frontage.
- Conditions of the consent require acoustic treatment of the windows of the premises
- A varying extent of acoustically treated glazing will be required depending on the elevation of the building. Clearly, more significant glazing to eliminate unreasonable noise would be required to the elevation facing Victoria Road.
- The proposal has been designed to ensure minimal impacts from vehicle emissions this has been largely achieved through the site planning of the townhouses with majority of the townhouses being located away from Victoria Road and the dwellings which address Victoria Road the living areas and bedrooms are orientation away from Victoria Road, this assists in minimising any potential issues of vehicle emissions on residents.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for multi unit housing has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located on the foreshore or adjacent a waterway

and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001

The relevant matters to be considered under Parramatta Local Environmental Plan 2001 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
CI 16 Permissible within zone?	Yes	Multi unit housing is permissible in the Residential 2B zone
CI 19 Is subdivision of the proposal sought? If strata subdivision is sought, is approval appropriate having regards to clause 19(2)?	No	NA
CI 20 Affected by rail/road noise and/or vibration	Yes	Yes, noise from road. The site is located along Victoria Road which exceeds more than 40,000 vehicle movements a day. The proposal was accompanied by an acoustic report which concludes that the dwellings are satisfactory subject to the proposal being constructed with the recommendation of the acoustic report including the glazing of windows which address the street.
CI 21 Is the site flood affected? If yes will the development satisfy CI 2 (a)-(e)?	No	Yes

<p>CI 22 Is the site contaminated? If yes will the development satisfy clause 22(2)?</p>	<p>Yes</p>	<p>The site is identified as being contaminated due to the history of the site being used as a nursery. As required under SEPP 55 the application was accompanied by a Phase 2 Contamination Assessment which concluded the investigation returned heavy metal concentrations above the adopted HIL 1 criteria. All other analytical results for soil samples were found to be low or below the PQL. The report has been reviewed by Council's Environmental Health Officer who raises no objections to the proposal subject to the imposition of appropriate conditions requiring the site to be remediated.</p>
<p>Clause 23 – Excavation and filling of land?</p>	<p>Yes</p>	<p>The site proposes to both excavate and fill at appropriate locations throughout the site. This is to assist with ensuring an appropriate built form. It is considered the extent of excavation and fill is appropriate and complies with clause 23 of PLEP as the excavation and fill is considered to have no adverse impacts on amenity of adjoining residents.</p>

<p>CI 30 Does the site require the preparation of a masterplan?</p> <p>(Required for a site over 5000m2 or listed in part 2 of schedule 4)</p>	Yes	<p>The site is over 5000sqm in area, therefore the submission and adoption of a masterplan is required. The applicant in this instance has requested a waiver for submission of a masterplan.</p> <p>A waiver of the master plan can be supported under Clause 30(12) of PLEP 2001 if in the opinion of the consent authority the assessment of the proposed development is considered adequate.</p> <p>It is considered in this instance given the level of detail provided (including a site analysis, detailed elevations, floor plans) at DA stage for the development a waiver to the submission of a masterplan is acceptable.</p>
<p>CI 31 Is the site adjacent to the Parramatta River foreshore?</p> <p>If yes will the development satisfy clauses (a)-(e)?</p>	No	Yes
CI 32 Affected by a Foreshore Building Line	No	Yes
CI 34 Will the proposal have any impact on Acid Sulphate Soils?	No	Yes

Development Standard	Proposal	Complies
CI 39(1)(a) Maximum height 2 Storeys	2 storey	Yes

CI 40 Maximum FSR Multi unit housing = 0.6:1	Allowable FSR – 9,438sqm Total = 8348.02sqm FSR = 0.53:1	Yes
CI 47 Development abutting an environmental protection zone? Does the site adjoin land zoned 7 or 9(d) by PLEP 2001? If yes will the development satisfy CI 1 (a)-(d)? If yes is a building proposed to be constructed within 6m of the rear boundary? (Note a SEPP 1 objection is required if a building is within 6m)	No	Yes
CI 48 SREP 18 public transport corridor Is the development effected by SREP 18?	Yes	SREP 18 applies to the entire Parramatta LGA; however the subject site is not affected.

The proposed development is consistent with the aims and objectives of the Residential 2B zoning applying to the land as the proposed works are suitably located and are of a bulk and scale that maintains suitable residential amenity for adjoining sites.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 1996 (HERITAGE & CONSERVATION)

The site is listed as a heritage item under LEP1996 as the site contains a single storey double fronted later federation style brick house. The proposal is considered satisfactory in terms of impacts on the heritage item.

The site is not within the vicinity of a heritage item listed under LEP1996.

The site is not located within a Conservation Area identified under LEP1996.

The site has a low sensitivity rating for aboriginal heritage significance under the Parramatta Aboriginal Heritage Study 2004.

Draft Parramatta Local Environmental Plan 2010

The subject site is proposed to be zoned R2 Low Density Residential under Draft LEP 2010. The proposed use is defined as a multi unit housing and will not be permissible under the likely future zone.

Under the provisions of s.79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, any draft environmental planning instrument (i.e. 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 an 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 the 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.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2005

CONTROL	REQUIRED	COMPLIANCE / COMMENT
Height (Front of site) [CI 39(1)(a)] [PDCP 3.1]	Is the front row of the development a maximum of two storeys' (plus attic)? If the building predominately faces side boundaries is the first 20m of the building a maximum of 2 storey's (plus attic)? Does the height of the building exceed 11m? Note. This will generally measured to the ridge height of the building to the natural ground level below.	No Two storey, 7.5 meters All dwellings with the exception of units 43 – 47 are two storeys in height. This issue has been addressed in detail later within this report.
Height Remainder of Site [PDCP 3.1]	Is the rear row of the development a maximum of 1 storey (plus attic)?	No Two storey, 7.5 metres

	<p>If the building predominately faces side boundaries is the building beyond the first 20m from the street a maximum of 1 storey (plus attic)?</p> <p>Does the height of the building exceed 8m?</p>	<p>All dwellings with the exception of units 43 – 47 are two storeys in height.</p> <p>This issue has been addressed in detail later within this report.</p>
<p>Height if site has frontage to rear lane, public reserve or rear boundary to land zoned 2c or 2d. [PDCP 3.1]</p>	<p>Is the development a maximum of two storey's with a maximum building height of 11m?</p>	<p>NA</p>
<p>Attic (LEP definition)</p> <p>[PDCP 4.2.5]</p> <p>[PDCP 4.3.2]</p>	<p>Is the attic a room within the roof space of a 1 or 2 storey building no greater than 25m² in area (including stair access)?</p> <p>Is the Roof slope not more than 35 degrees (DCP 2005 suggests 32 degrees) pitched from the ceiling of the uppermost floor?</p> <p>Dormer Windows – Are they no higher than the height of the building?</p> <p>Are they not more than 1.5m wide?</p> <p>Are they without a balcony?</p> <p>Are they cross ventilated?</p> <p>Do the attics windows overlook adjacent dwellings?</p>	<p>No attics proposed as part of the application.</p>
<p>Roof Form [PDCP 3.1 and 4.2.5]</p>	<p>Does the roof form fit within a 45 degree plane from the uppermost level of the townhouse on all sides?</p> <p>Note: refer figure 4.2.3 (Note: eaves, gutters and dormer windows can project outside of the 45 degree plane)</p>	<p>Yes</p> <p>The roof form fits within a 45 degree plane, the roof pitch of all dwellings is 25 degrees</p>
<p>Site Frontage [PDCP 3.1]</p>	<p>Is the site frontage a minimum of 24m, including for each street frontage on a corner site</p>	<p>Yes</p> <p>27.92 metres to Fitzgerald Road 58.33m to Victoria Road</p>

<p>Street Setback [PDCP 3.1]</p>	<p>In Rectilinear areas is the street setback consistent with the prevailing street setback and between 5-7m? (secondary street/lane = 3-5m);</p> <p>In Curvilinear areas is the street setback consistent with the prevailing street setback and between 7-10m? (Secondary street/lane = 5-7m).</p> <p>Note: Use map on page 17 of DCP to ascertain whether Rectilinear or Curvilinear</p> <p>Note 2: In some circumstance it may be appropriate to have a setback beyond 9m</p>	<p>Yes</p> <p>7 metres to Fitzgerald Road and 8 metres to Victoria Road. The setbacks are consistent with the front setbacks of adjoining properties.</p>
<p>Rear setback [PDCP 3.1]</p>	<p>Is the rear setback a minimum of 15% of the length of site?</p>	<p>Yes</p> <p>The site has frontage to Victoria Road and Fitzgerald Road and is largely located behind existing dwellings, as such the site does not have a traditional rear setback. The layout has been designed to provide adequate courtyards to the rear of each dwelling to ensure privacy is maintained and to limit impacts on solar access.</p> <p>It is noted that each townhouse is provided with a 15% rear setback. It is considered that the proposal achieves compliance with the intent of the controls and appropriate separation is provided between dwellings.</p>
<p>Side setback [PDCP 3.1]</p>	<p>Is the side setback a minimum of 3m if the building presents to the street or rear boundary?</p> <p>Is the side setback a minimum of 4.5m if dwellings primarily address side boundaries?</p>	<p>Yes</p> <p>The site has frontage to Victoria Road and Fitzgerald Road and is largely located behind existing dwellings, as such the site does not have a traditional side setbacks. The layout has been designed to provide adequate courtyards to the rear of each dwelling to ensure privacy is maintained and to limit impacts of solar access.</p> <p>Appropriate side setbacks of approximately 4 metres are</p>

		provided to the townhouses which immediately adjoin existing residential dwellings, with the exception of unit 2 which on one corner has a side setback of 1.8 metres.
Water Management <i>(PDCP 4.1.4)</i>	<p>Has an on site detention plan been provided?</p> <p>Has an erosion and sediment control plans be prepared for the construction phase?</p> <p>Have water sensitive urban design measures been incorporated into the stormwater concept plan?</p>	The site has been provided with OSD, the proposal is subject to a deferred commencement to ensure the OSD is sufficient to cater for the development and not adversely impact on surrounding properties or Council's assets.
Development on Sloping Land <i>(PDCP 4.1.7)</i>	Does the development address the topography of the site? (Note: rule of thumb is that an FFL of any more than 500mm above NGL is excessive)	<p>Considered acceptable</p> <p>The site has a fall of 11 metres with RL 46 to the north and a RL of 35 along the Victoria Road frontage. The road layout and dwellings have been designed to follow the natural contours of the site. Views have been retained for the upslope properties in Fitzgerald Road and Dean Place. The dwellings have been designed internally to follow the natural slope of the site including the internal stepping of dwellings. The maximum amount of cut is 1.2 metres, whilst this is deemed to be excessive under the DCP, it is considered appropriate for the subject site given the excessive sloping nature of the site.</p>
Building width at Street Frontage <i>[PDCP 4.2.1 & 4.3.2]</i>	<p>Is the width of the building fronting the street a maximum of 20m?</p> <p>Is the separation between the buildings 3m?</p>	<p>Yes</p> <p>Unit 1 – 10 metres</p> <p>Unit 44 – 10 metres</p> <p>Unit 47 – 10 metres</p>
Deep Soil Zone <i>[PDCP 4.1.10]</i>	<p>Is the deep soil zone a minimum of 30% of the site area?</p> <p>Of this 30% is a min of :</p> <p>10% communal open space</p>	<p>Yes</p> <p>4,719sqm required to be provided</p> <p>32.7% or 5,150.81sqm provided</p> <p>1,573sqm of communal open</p>

	<p>provided?</p> <p>Do all Deep Soil zones have minimum dimensions of 4m x 4m?</p> <p>Does the basement carpark extend beyond the building envelope into the front setback?</p>	<p>space required</p> <p>13% or 2,094.83sqm provided</p> <p>All areas have minimum dimensions of 4m x 4m</p> <p>NA, at grade car parking provided</p>
<p>Landscaping [PDCP 4.1.10]</p>	<p>Is the landscape area a minimum of 40% of the site area? (Minimum dimensions 2m x 2m) Note: Areas with a soil depth of >1m above basement carpark can be included</p> <p>Is the proposed landscaping predominantly native?</p>	<p>Yes</p> <p>6,292sqm required</p> <p>40% or 6,345.82sqm provided</p> <p>The proposed landscaping for the site is considered satisfactory and has a predominate native theme.</p>
<p>Streetscape presentation [PDCP 4.2.1]</p>	<p>Is the maximum width of the building along the street 20m?</p> <p>Is there a gap of 3m between the buildings that front the street?</p> <p>Are the townhouses built over the entrance to the basement carpark?</p>	<p>Maximum 10 metres along Fitzgerald Road and Victoria Road</p> <p>NA, only one dwelling in each row addresses the street</p> <p>NA, at grade parking provided</p>
<p>Front Fence [PDCP 4.2.2]</p>	<p>Is any front fence a Maximum height of 1.2m comprising 500mm of brick and 700mm of open metal infill panels?</p> <p>(Can be 1.8m if required for noise attenuation on an arterial road)</p>	<p>A 1.2 metre fence is provided along Fitzgerald Road, which is considered acceptable and consistent with the existing and desired streetscape.</p> <p>Fencing up to the height of 1.8 metres and screen landscaping is proposed along the Victoria Road frontage to assist with noise attenuation measures. It is considered this is compatible with the desired and existing streetscape and will provide both security and noise attenuation for future occupants.</p>
<p>Building form and massing [PDCP 4.2.4]</p>	<p>Are the side walls of the development articulated eg stepped in, have windows etc?</p>	<p>Yes</p> <p>It is considered the townhouses are well articulated, provide variety in setbacks and</p>

		placement of windows
Roof Design [PDCP 4.2.5]	Is the roof pitch a maximum of 32 degrees?	Yes The roof has a 25 degree pitch
Private open space [PDCP 4.3.1]	Is one contiguous POS with a minimum area of 40m ² provided? Does this area have minimum dimensions of 4m x 4m and at ground level?	Yes 40.12sqm – 107.60sqm provided All provided with a 4m x 4m area
Building Separation [PDCP 4.3.2]	Do the internal building setbacks comply with figure 4.2.7? Minimum 12m between habitable rooms;	Yes 12 metres provided between the two internal rows of dwellings 14 metres provided between the dwellings around the internal road
Solar Access [PDCP 4.3.4]	Do dwellings within the site receive a Minimum of 3 hours sunlight to habitable rooms between 9am and 3pm in mid winter? Does at least 50% of the private open space receive 3 hours of sunlight between 9am and 3pm on 21 June? Do adjoining dwellings and at least 50% of their POS areas receive 3 hours of sunlight between 9am and 3pm in mid winter? (NOTE: this can be interpreted as 50% of the minimum 40m ² area, i.e. 20m ² must receive 3 hours solar access)	It is considered adequate solar access is provided to the private open space areas and living areas of all townhouses within the development site. All dwellings with the exception of dwellings 21 – 29 receive a minimum of 3 hours solar access. No objections are raised to the proposal on grounds of solar access; the overshadowing of these dwellings is a direct result of the sites orientation. These dwellings are provided with a sufficiently sized front yard and living areas are orientated to the north. It is demonstrated that overshadowing will occur in the afternoons and this is a direct result of the sites orientation. It is considered that the proposed townhouses will not adversely impact on the solar access of adjoining properties due to the orientation of the site and the proposed development is generally south of existing dwellings.
Acoustic Amenity [PDCP 4.3.3 and	Is an acoustic and or vibration report required because of the sites	The site is located on Victoria Road, which has a traffic volume

<i>clause 20 of PLEP 2001]</i>	proximity to a noise generating activity/ road or rail line?	in excess of 40,000 vehicles per day. An acoustic report was submitted with the application which addresses the impacts road noise on the development. The report concluded that once the noise controls in the report have been implemented, the inside noise level from passing road traffic will be within the acceptable limits in Australian Standard AS2107:2000 Acoustics – Recommended design Sound Levels and Reverberation times for Building Interiors and the NSW SEPP (Infrastructure) 2007.
Building Depth [PDCP 4.3.4]	Maximum = 14m excluding internal courtyards; Maximum = 18m if the dwelling has internal courtyards	Maximum 13 metres
Cross Ventilation [PDCP 4.3.4]	Does the building depth exceed 14m? Is the minimum floor to ceiling height 2.7m? Note: Floor to ceiling heights should generally not exceed 3m	Maximum 13 metres Floor to ceiling height of ground floor 3m, first floor 2.745metres
Dwelling width [PDCP 4.3.4]	Is the internal width of the townhouse a minimum of 5m? (measured between 2 external walls)	Minimum 5 metres achieved
Waste Management [PDCP 4.3.5]	Has a Waste Management plan be submitted?	The submitted Waste Management Plan submitted is considered satisfactory
Adaptable Housing [PDCP 4.4.3]	If more than 20, 10% of dwellings are required to be adaptable.	10% or 5 dwellings are adaptable
Access for all [PDCP 4.4.3]	Are all ground floor dwellings 'visitable' by people with a disability? (e.g. wheelchair so no steps) Is a stair ascender/ lift or 1:14 ramp provided for access from the visitor spaces within any basement carpark?	The ground floors of units are accessible to visitors through wheelchair access. A pedestrian path is provided around the internal road system which allows for sufficient wheelchair access

<p>Parking and Storage [PDCP 4.5.1]</p>	<p>Minimum DCP 2005 rates 1 space per 1 or 2 bedrooms; 1.5 spaces per 3 bedrooms; 2 spaces per 4 bedrooms and above; 0.25 space per dwelling for visitor parking.</p> <p>Is the enclosed garage 3m wide and 5.4 long?</p> <p>Is the unenclosed parking space 2.4m wide and 5.4m long?</p> <p>Are disabled parking spaces 3.8m wide and 5.5m long?</p> <p>Is the clearance above the parking space 2.5m or more?</p>	<p>The site requires provision of 81 on site car parking spaces including 69 residential spaces and 12 visitor spaces.</p> <p>The proposal provides 106 at grade car parking spaces including 94 residential spaces and 12 visitor spaces.</p> <p>Residential spaces are provided within single car garages with minimum dimensions of 5.77m x 3.5m. A car space can be accommodated within the driveway of each townhouse. The garages have sufficient clearance to accommodate vehicles with a minimum clearance of 3 metres.</p>
<p>Basement Design (Fig. 4.37, pg 70 of PDCP)</p>	<p>Is the basement located fully below natural ground level?</p> <p>NOTE: The basement may only project up to 1.2m above natural ground level where a reduced projection is unachievable.</p>	<p>NA, at grade car parking is proposed.</p>
<p>Site Isolation [PDCP 4.1.11]</p>	<p>Does this development isolate adjoining parcels of land?</p> <p>eg Is there a 24m frontage between edge of site, side street/ park/ developed site etc</p> <p>If there is not, has an independent valuation been provided and an offer to purchase the property(s) been made?</p> <p>Further has a concept plan for a multi-unit development on the isolated site(s) been provided?</p>	<p>The proposal is not considered to isolate any adjoining properties or preclude the future development potential. No. 740 Victoria Road is currently utilised as a mechanical workshop and is unlikely to redevelop for residential purposes. Under DLEP 2010 No. 724 Victoria Road is proposed to be zoned R2 Low Density Residential which prohibits dual occupancy or multi unit housing, the site is capable of redevelopment for the purposes of a residential property. No. 730 and 732 Victoria Road are capable of being amalgamated to meet the minimum requirements of PLEP</p>

		2001 for multi unit housing, however it is noted under Draft PLEP 2010, multi unit housing is prohibited.
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Issues

Height of dwellings

Parramatta Development Control Plan 2005 states that the maximum height for townhouses is 2 storey or 11 metres, except where a row of townhouses that predominantly faces the side boundary the height shall be 1 storey with attic or 8 metres.

All dwellings with the exception of dwellings 43 – 47 are of two storeys in height. It is considered in this instance that the heights of the dwellings are appropriate for the following reasons:

- The heights of the townhouses are considered to be compatible with surrounding development in terms of bulk and scale.
- The full two storey height does not increase the bulk and scale of the dwellings when viewed from the street as the majority of dwellings are located internally within the site.
- The heights of the dwellings within the development site are designed taking into consideration the sloping nature of the site and are at a minimum 3 metres lower in ridge height than properties location in Fitzgerald Road.
- Townhouses 13 to 20 are at generally at the same ridge height of existing dwellings in Dean Place.
- The zoning of the area currently allows multi unit housing up to a height of 2 storeys
- Due to the significant sloping nature of the site, it is not considered that the subject property will obstruct any views
- A portion of the site adjoins a public reserve and therefore under the DCP dwellings which adjoin a public reserve can be 2 storeys in height.

It is considered having regard to Councils controls and the assessment of the submitted plans that the height of the dwellings are appropriate and respond positively to the site and will not adversely impact upon the privacy of future occupants or adjoining properties.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

A Section 94A development contribution of 1% of the value of works is required to be paid as the value of works exceeds \$200,000. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

PLANNING AGREEMENTS

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

REGULATIONS

There are no specific regulations that apply to the land to which the development application relates.

LIKELY IMPACTS

Site Analysis - Surrounding development is characterised as both single storey dwellings with the majority of new dwellings being 2 storeys in height and multi unit housing which is considered to be of a similar design to the proposed building. The area has a number of multi unit housing developments which are of two storeys in height.

The site has two street frontages being to Fitzgerald Road and Victoria Road. The heritage item located along the Victoria Road street frontage is proposed to be retained as part of the redevelopment of the site.

Privacy – It is not considered that privacy to adjoining properties will be diminished as a result of the subject application. The dwellings have been designed taking into consideration the sloping nature of the site and follow the contours of the site. No first floor balconies are proposed which assists in minimising any potential privacy concerns. The first floors generally comprise of 3 bedrooms and 2 bathrooms. Bedrooms are considered to be low usage rooms predominately used in the evenings, the bathrooms are provided with obscure windows. It is not considered the first floor will diminish privacy.

Dwellings 3 – 20 are of two storeys in height and immediately adjoin residential dwellings in Fitzgerald Road and Dean Place, it is considered despite the non compliance with the height control in the DCP the height of these townhouses is considered satisfactory and achieves compliance with the objectives to diminish privacy to adjoining properties. The proposal is considered to satisfy these controls as the townhouses are stepped to follow the sloping nature of the slope. Dwellings 3 – 12 are approximately 3 metres lower than the dwellings located in Fitzgerald Road, whilst townhouses 13 -20 follow the contours to provide a consistent height with dwellings in Dean Crescent.

The provision of the rear private open spaces and rear windows of townhouses 3 – 20 are not considered to diminish privacy levels to the adjoining properties. No first floor balconies are proposed and it is considered that there is sufficient separation between the dwellings and adjoining properties at the rear of the site to dwellings in Fitzgerald Road and Dean Crescent.

It is considered that townhouses 21 – 40 do not result in adverse privacy issues to adjoining properties, these townhouses are located within the centre of the site around the internal road. Sufficient separation is provided between the rows of dwellings. No first floor balconies are proposed and the windows at the rear are not considered to adversely impact the adjoining row of townhouses.

No objections are raised to the proposal in terms of privacy.

Cut and fill - The site has a significant slope towards the rear of the site. As such the dwellings have been designed taking into consideration this slope, this results in the proposal having provision of cut and fill on the site to assist in maintaining appropriate floor levels and assist in providing suitable dwellings for living.

The proposal results in a maximum fill of 800mm and a cut of 1m. It is noted that these are the maximum cut and fill over the entire site and generally the townhouses are designed to respond to the existing levels of the site. The extent of cut and fill on the site does not exceed 1.2 metres, accordingly a SEPP 1 Objection is not required. It is considered the cut and fill proposed is appropriate and does not impact upon the height of the development; all townhouses are 2 storey's in height.

Building Frontages and Entries – Vehicular access is provided via a driveway on Fitzgerald Road. All existing vehicular crossings along Victoria Road are to be removed with no vehicular access via Victoria Road. At grade parking is provided for visitor and resident spaces and is not visually dominant from either street. The streetscape is considered acceptable as only 3 dwellings will be viewed from the street with the majority of dwellings being located within the centre of the site.

Pedestrian access is provided along the driveway from Fitzgerald Road as well as three entry points from Victoria Road. Disabled access to the site is achieved through a path from Victoria Road and Fitzgerald Road. It is considered the dwellings are consistent with the existing streetscape.

Arts Plan – the application was accompanied by an Arts Plan to recognise the significance of the site in the local community due to the long term use as a nursery. The proposal includes the provision of a “Nursery Walk” which will combine art and interpretation of the heritage significance of the site. The artwork takes form in the planting of two rows in the centre of the site, which also acts as a pedestrian link through the site. Fired glazed ceramic tiles will be inset into the path, which will feature embossed images of typical plants which were sold in the nursery. The submitted arts plan is considered satisfactory.

Setbacks - The proposal complies with the Council's setback controls, it is considered that the streetscapes are compatible with adjoining properties and the internal separations between townhouses are sufficient to ensure privacy is not adversely impacted.

Solar access – The submitted shadow diagrams demonstrate the provisions of solar access to the development site and adjoining properties. Sufficient levels of solar access are provided throughout the day to the private open space and living areas of

adjoining properties and the proposal is compliant with Development Control Plan 2005.

Access, Traffic & Parking - PDCP 2005 requires multi unit housing developments to provide 1 car parking space per 1 or 2 bedrooms, 1.5 car parking spaces per 3 bedrooms and 2 car parking spaces per 4 bedrooms and 0.25 spaces per dwelling for visitor parking. Therefore a total of 81 car parking spaces for the proposed development including 69 residential spaces and 12 visitor spaces. Each townhouse has provided 1 car parking space in a garage and 1 car parking space on the driveway. A total of 106 car parking spaces have been proposed with the development including 12 visitor car parking spaces located conveniently within the site.

The proposed vehicular access for the development complies with the Australian Standards for Parking Facilities (AS2890.1:2004). The application has been reviewed by Councils Traffic Investigations Officer who raises no objections to the proposal and states: *"based on the analysis and traffic volume data (existing & expected traffic generation as indicated in the Traffic Report) submitted with the DA, the proposal is not expected to have a significant impact on this section of Victoria Road, Fitzgerald Road and its surrounding road network."*

Utilities/Infrastructure - The proposed use will not adversely impact existing utilities or public infrastructure. Appropriate conditions of consent will be imposed on the consent ensuring that appropriate services including telephone and electricity are provided to each townhouse.

Fire Safety - All building work associated with the development must be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

Noise & Vibration - An acoustic report was submitted as part of the application to address the potential noise issues the dwellings may face due to the proximity of the development to Victoria Road. The acoustic report concludes *"once the noise controls in the report have been implemented, the inside noise level from passing road traffic will be within the acceptable limits in Australian Standard AS2107:2000 Acoustics – Recommended design Sound Levels and Reverberation times for Building Interiors and the NSW SEPP (Infrastructure) 2007."*

In addition, to minimise noise and vibration as a result of construction works, a standard condition of consent will be imposed for 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 5.00pm and Saturday 8.00am to 5.00pm.

Security by Design - The proposal does not contribute to increased opportunity for criminal or anti-social behaviour to occur. The front entry doors for all units face towards either the internal road system or Fitzgerald Road or Victoria Road promoting casual surveillance from within the units to the front setback and public domain.

Impacts during Construction - Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

Social & Economic Impact - It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

ESD & The Cumulative Impact - The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

Utilities/Infrastructure – Conditions have been imposed requiring the applicant to liaise with relevant service authorities prior to the release of the Construction Certificate.

BCA Compliance - A condition of consent requires that the proposed development comply with the applicable requirements of the Building Code of Australia.

Heritage Impacts - The site is identified as a heritage item, and is not in a conservation area or special character area. The existing heritage item is proposed to be retained as part of this application and adaptive reuse which will be subject to further approval by Council. Sufficient curtilage is provided to the heritage item so as the proposed townhouses development does not adversely impact on the heritage item.

The site is a nursery complex comprising of sheds, parking and garden beds. The nursery cottage is a single storey double fronted late federation style brick house. The site and especially the house is considered significant within the area as the Cuthbert Family moved to the site in 1943, Betty Cuthbert one of Australia's most successful athletes at the 1956 Melbourne Olympics. Betty trained on nearby parks; however her training was not on the site.

It is not considered that the proposed townhouse development will adversely impact upon the heritage significance of the existing dwelling.

Social & Economic Impact - The proposed development is not expected to have an adverse social or economic impact.

Water Management - The application was referred to the Council's Development Engineer and Councils Catchment Management officer for comment. The site is not flood prone however does have a significant slope of approximately 9 metres. The site also adjoins a Council reserve in Dean Crescent which is located north of the subject site. Concerns were raised by Catchment management and Councils Engineers regarding the potential impact of 47 additional dwellings may have on the existing stormwater network. The applicant has not adequately addressed the issues pertaining to water management; in this regard the proposal will be subject to a deferred commencement to address the issues pertaining to water management prior to an operational consent being issued. It is considered that the issues can be

addressed under a deferred commencement without the need to significantly alter the current proposal in terms of site planning and levels of the dwellings.

Soil Management - The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation. A condition of consent requires the applicant to ensure the proposal is carried out in compliance with the approved erosion and sedimentation control plan.

Contamination - The site is identified as a contaminated site. A phase 2 contamination report has been submitted with the application which concludes the proposal is suitable for residential dwellings subject to remediation works being carried in accordance with the remediation report.

Waste Minimisation/Management - The proposal is not expected to generate any significant amounts of waste. Conditions of consent have been imposed requiring the applicant to comply with the approved waste management plan. A communal waste area is centrally provided to allow all residents to store waste products prior to collection by a private contractor. The waste collection is located in front of each townhouses or group of townhouses which will allow waste trucks to enter and exit the site in a safe manner by utilising the internal road whilst not impacting upon the residents and will also not result in any waste bins being located along Victoria Road or Fitzgerald Road.

SUITABILITY OF THE SITE

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

SUBMISSIONS & PUBLIC INTEREST

Nine written submissions and three separate petitions with a total of 89 signatures on original plans. Six submissions were received on the amended plans from original objectors were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

Conclusion

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 subject to the imposition of appropriate conditions and subject to a deferred commencement.

Recommendation

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

APPROVAL SUBJECT TO CONDITIONS (NO SEPP 1 REQUIRED)

That JRPP as the consent authority grant development consent to Development Application No. 24/2010 for the demolition of structures (excluding heritage item), tree removal and the construction of 47 multi unit dwellings comprising 40 x 3 bedroom townhouses and 7 x 2 bedroom villas. Vehicular access to the site is from Fitzgerald Road at 736 Victoria Road Ermington for a period of five (5) years from the date on the Notice of Determination subject to a deferred commencement and the following conditions:

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

Submission of written documentary evidence that indicates the satisfaction and approval of the Services Manager - Civil Infrastructure in Parramatta City Council of the following engineering issues; which requires the applicant to appropriately amend and resubmit all documentation complying with all outstanding matters as follow:

- 1) A DRAINS model of the upstream catchment identifying the total design peak pipe and surface flows for 20yr and 100yr ARI peak design storms. The DRAINS model needs to be corrected and resubmitted to Council for assessment.

The following items need to be corrected in the DRAINS model:

- (a) The pit and pipe mode should be changed to have pits and pipes fixed as existing and not to be changed in design mode. This will enable the hydraulic performance of the designed system to be checked in DRAINS.
- (b) No pit blockage factors have been applied in the DRAINS model. All inlet pits on grade shall have a 0.2 pit blockage factor. All inlet sag pits shall have a 0.5 pit blockage factor.
- (c) All pit pressure change coefficients are to comply with the appropriate Missouri charts.
- (d) The existing longitudinal section marked as line 1 on Plan No. 09143E10, Revision A is not representative of the pit and pipe system shown on Plan No. 09143E22, Revision A. This plan shows an inlet pit between pit 1/5 and pit 1/6 which is not included in the longitudinal section nor is it included in the DRAINS model.
- (e) The survey plan does not indicate the position, size and level of the existing downstream stormwater drainage system. This information is required to substantiate the details indicated on the drawings and in the DRAINS model.

- (f) The survey plan should also include details of the drainage systems from the upstream catchment. These details include pit types, extended kerb inlet sizes, pit surface levels, pit invert levels, pipe sizes, pipe invert levels etc. This information is required to substantiate the details indicated on the drawings and in the DRAINS model.
- (g) All pit inlet types need to be indicated on the longitudinal drainage sections and must be compatible with those pit inlet types modelled in DRAINS.

The above item and matters need to be adequately addressed prior to the activation of the consent.

- 2) A hydraulic model (HEC-RAS) shall be prepared and submitted for approval; identifying the water surface profile through this site for the 1 in 100yr ARI design storm events for the pre and post development scenarios. The corrected DRAINS model, as outlined in item 1) above, for the pre and post developed scenarios will need to be updated and the resulting flows included in the HEC-RAS pre and post developed models.

Consequently; the following amendments need to be undertaken to the HEC-RAS models:

- (a) Cross Sections in the pre and post development models need to be extended sufficiently upstream and downstream of the overland flow path to ensure stability of the calculated water surface profile along the required overland flow path.
- (b) The cross sections representing the pre developed and post developed scenarios need to be taken at the same locations in order to allow comparison of calculated water surface levels between the two models.
- (c) No increase in overland flow depth, flow extents or flow velocities will be permitted to upstream, downstream or adjoining properties.
- (d) All cross sections should be taken perpendicular to the flow of water (eg cross section 0 for pre and post model runs need to be corrected).
- (e) Cross section widths need to extend sufficiently to enable the program to determine the water surface level without placing artificial vertical constraints (eg cross sections 40, 37.6 and 20 in the pre developed model need to be extended in width).
- (f) Based on the error warnings and notes indicated in the out put files for the pre and post developed scenarios additional cross sections are required in order to improve stability and reliability of the models.
- (g) Sufficient survey information needs to be provided upstream and downstream to enable appropriate determination of the boundary conditions to be used in the model.

Note: The pre and post developed upstream boundary conditions in the models was found to be different. The HEC-RAS model needs to be corrected and resubmitted to Council for assessment

This above item and matters need to be adequately addressed prior to activation of consent.

- 3) An electronic copy of the hydrological DRAINS model and an electronic copy of the hydraulic HEC-RAS model are to be submitted to Council for review.
- 4) The applicant should check overland flow velocities and flow depths along all pedestrian access ways, road ways and proposed car parks and driveway areas to ensure that flow depths do not exceed the Council maximum allowable 0.2m depth and maximum velocity depth product is not greater than 0.4.
- 5) The overland flow path will need to be sufficiently wide enough to safely convey overlands flows from the upstream catchment in accordance with the above items. This easement needs to be free of any obstructions such as trees, shrubs, fences etc. Any proposed V shaped grass swale will need to be designed to convey the 1 in 100yr ARI design storm without inundating the proposed on site detention system. The swale should be located within the proposed easement.
- 6) Filling of land or any redirection of the natural overland flow path will not be permitted.
- 7) The proposed pipe system to replace the existing open earth channel shall be designed to cater for the 1 in 20yr ARI design storm. The applicant is to provide a detailed longitudinal pipe section showing pipe size, pipe class & type, grade, cover, flow and results at the Hydraulic Grade Line (HGL) analysis and pit types for this pipe system
- 8) Sufficient details and levels need to be provided to demonstrate that the proposed onsite detention basin (basin no.2) is outside the 100yr overland flow path.
- 9) Provide sufficient information clarifying the arrangement of stormwater flow in Basin 2 Plan No. 09143E12 Rev A sheet 12/15 in regards to the proposed conversion pit then the distribution of flow between the on-site detention and adjacent the bio-retention system with its impacts on the road reserve in Parramatta Road. Show details of the retaining wall foundation on the pathway of Parramatta road footpath reserve.
- 10) The survey showing Council's existing stormwater drainage system needs to be extended to include details of Council drainage system within properties no. 8 or 9 Dean Crescent and properties within Marsden Road
- 11) The applicant will need to provide full engineering details showing the position on plan of all inter allotment drainage systems including longitudinal drainage

sections with information on pipe invert levels, pipe sizes, pipe class & type, pipe cover, pit details and finished surface levels and hydraulic grade line analysis. Details indicating local overland flow routes need to be provided on plan. The proposed inter allotment pipe systems and overland flow routes will need to be protected by the creation of formal easements noted on the engineering plan for future reference.

- 12) Cross section ch.31.5, plan no. 09143E23, Rev A shows that invert level of bio swale basin is lower than the invert level of proposed overland flow path that possibility of divert overland flow through the bio swale area instead of proposed overland flow path alignment which make bio swale basin inactive or reduce the efficiency. It is noted that proposed bio swale basin alignment and location within the location of existing natural overland path area.
- 13) Stormwater from 12 Dean Crescent (existing Council Reserve) is running through the north western corner of the property. The applicant needs to create grass swale type channel to convey the overland flow path up to 1 in 100yr storm without any impact to proposed infrastructure within the DA area. Details including design, alignment, levels needs to be submitted to show that overland flow is not impede by road, kerb and gutter, footpath etc.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions that will be revised to reflect the resolution of the deferred commencement conditions:

General matters

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

Drawing N^o	Dated
Site Plan prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No. 002 revision A1	April 2010
Unit 1 and Unit 2 Floor Plans and Elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No. 005 Revision A1	April 2010
Unit 3 to Unit 12 Floor Plans and Elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.006 Revision A1	April 2010
Unit 13 to unit 20 floor plans and elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.007 revision A1	April 2010
Unit 21 to Unit 29 Floor Plans and Elevations	April 2010

Drawing N^o	Dated
prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.008 revision A1	
Unit 30 to unit 38 floor plans and elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.009 revision A1	April 2010
Unit 39 to unit 40 Floor Plans and Elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.010 Revision A1	April 2010
Unit 41 to unit 44 Floor Plans and Elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No. 011 revision A	April 2010
Unit 41 to unit 44 Floor Plans and Elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.012 Revision A1	April 2010
Unit 45 to unit 47 Floor Plans and Elevations prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.013 Revision A1	April 2010
Unit 1 – and Unit 2 Furniture Layout prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.014 Revision A1	April 2010
Unit 39 to unit 42 Furniture Layout prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.015 Revision A1	April 2010
Unit 43 to unit 47 Furniture layout prepared by Rod Howard and Associates Pty Ltd Job No. 2008-36 Drawing No.016 revision A1	April 2010
Arts Plan – Nursery Walk prepared by Taylor Brammer Drawing No. LA07 Issue A	16/4/2010
Landscape Masterplan prepared by Taylor Brammer Drawing No. LA01 Revision B	12/4/2010
Landscape Plan – Part Plan 1 prepared by Taylor Brammer Drawing No. LA02 Revision B	12/4/2010
Landscape Plan – part Plan 2 prepared by Taylor Brammer Drawing No. LA03 Issue B	12/4/2010
Landscape Plan Part Plan 3 and Schedule prepared by Taylor Brammer Drawing No. LA04 Issue B	12/4/2010
Landscape Plan – details and notes prepared by Taylor Brammer Drawing No. LA05 Issue B	12/4/2010
Landscape Plan – Elevation prepared by Taylor Brammer Drawing No. LA06 Issue B	12/4/2010

Document(s)	Dated
Statement of Environmental Effects prepared by Barker Ryan Stewart	April 2010
Road Traffic Noise Intrusion Report prepared by Day Design Pty Ltd	23 December 2009
Traffic Impact Statement prepared by Barker Ryan Stewart	1 April 2010
Waste Management Plan prepared by Barker Ryan Stewart	No date
Statement of Heritage Impact prepared by Rod Howard and Associates Pty Ltd Issue B	April 2010
Cultural Arts Plan prepared by Rod Howard and Associates Pty Ltd	April 2010
BASIX Certificate No. 288133M	22 December 2009
Schedule of finishes prepared by Rod Howard and Associates Pty Ltd	No date

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

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

2. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason: To ensure no injury is caused to persons.

3. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

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

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

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

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

6. 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.

7. The works on the site shall be carried out in accordance with the requirements of the RTA as outlined below:

- (a) Any redundant driveway on Victoria Road shall be removed and replaced with kerb and gutter to match the existing. The proposed kerb and gutter shall also be designed and constructed to RTA requirements.

Details of these requirements can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta Ph: 02 8849 2144.

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to commencement of any road works.

- (b) All works / regulatory signage associated with the proposed development are to be at no cost to the RTA.
- (c) The proposed development should be designed such that road traffic noise from Victoria Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
- (d) Council should ensure that post-development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Should there be changes to the RTA's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766.

- (e) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight

distance requirements, aisle widths, aisle lengths, garage and parking spaces) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage(ie Garbage truck and furniture removalists).

- (f) All demolition and construction vehicles should be contained wholly within the site as a work zone permit will not be approved on Victoria Road.
8. The works shall be carried out in accordance with the approved Road Traffic Noise Intrusion Report prepared by Day design dated 23/12/2010.
Reason: To comply with recommended acoustic measures.
9. The works shall be carried out in accordance with the approved Cultural Arts Plan prepared by Rod Howard and Associates date April 2010.
Reason: To comply with the approved plans.
10. The site is to be remediated in accordance with Douglas Partner's Remedial Action Plan dated May 2010. When the remedial action has been carried out, a validation report must be prepared by a suitably qualified and experienced consultant stating that the objectives in the remedial action plan have been achieved and the land is remediated to standard suitable for the proposed land use. The validation report must be submitted to Council and the principal certifying authority prior to the issue of the construction certificate.
Reason: To ensure that the land is suitable for the proposed development
11. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.
12. A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.
Reason: To ensure that the land is suitable for its proposed sensitive use and poses no risk to the environment and human health.
13. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works
Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines

14. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
16	Melaleuca quinquenervia	Broad-leaved paperbark	As shown in Drawing LA01	400	5
18 (3 trees)	Melaleuca quinquenervia	Broad-leaved paperbark	As shown in Drawing LA01	400	5
34-36	Cupressus macrocarpa	Cypress Pine	As shown in Drawing LA01	200-400	5

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

15. Trees to be removed are:

Tree No	Name	Common Name	Location	Condition/Height	Reason
1	<i>Cupressus macrocarpa</i>	Cypress pine	As shown in Drawing LA01	Fair/9m	Poor structural condition
2	<i>Cupressus macrocarpa</i>	Cypress pine	As shown in Drawing LA01	Fair/9m	Poor structural condition
3	<i>Cupressus macrocarpa</i>	Cypress pine	As shown in Drawing LA01	Fair/9m	Poor structural condition
4	<i>Cupressus macrocarpa</i>	Cypress pine	As shown in Drawing	Fair/9m	Poor structural condition

			LA01		
5	<i>Populus sp.</i>	Poplar	As shown in Drawing LA01	Fair/10m	Not worthy of retention
6	<i>Grevillea robusta</i>	Silky Oak	As shown in Drawing LA01	Fair/16m	Located within building platform, not worthy of retention
9	<i>Cinnamomum camphora</i>	Camphor laurel	As shown in Drawing LA01	Fair/12m	Impacted by building platform, not recommended to be retained in small courtyard
10-13	<i>Eucalyptus sp</i>	Gum Tree	As shown in Drawing LA01	Fair/5-8m	Overgrown nursery stock, Juvenile trees, located within the building platform/road
14 (17 Trees)	<i>Allocasuarina littoralis</i>	She Oak	As shown in Drawing	Good/12m	Overgrown nursery stock, located within

			LA01		the building platform
15	<i>Eucalyptus sp.</i>	Gum Tree	As shown in Drawing LA01	Fair/8m	Overgrown nursery stock, Juvenile tree, located within the proposed road
17	<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark	As shown in Drawing LA01	Fair/10m	Remove due to overcrowding
20	<i>Salix babylonica</i>	Weeping Willow	As shown in Drawing LA01	Fair/7m	Undesirable species
21	<i>Erythrina crista-galli</i>	Coral Tree	As shown in Drawing LA01	Fair/7m	Exempt PCC TPO
22 (3 Trees)	<i>Ligustrum lucidum</i>	Large-leaved Privet	As shown in Drawing LA01	Good/8m	Noxious weed, exempt PCC TPO
23	<i>Populus sp</i>	Poplar	As shown in Drawing LA01	Fair/18m	Not worthy of retention

24	<i>Cinnamomum camphora</i>	Camphor laurel	As shown in Drawing LA01	Fair/9m	Undesirable species
25	<i>Ligustrum lucidum</i>	Large-leaved Privet	As shown in Drawing LA01	Good/7m	Noxious weed, exempt PCC TPO
26	<i>Erythrina crista-galli</i>	Coral Tree	As shown in Drawing LA01	Good/7m	Exempt PCC TPO
27	<i>Macadamia tetraphylla</i>	Macadamia	As shown in Drawing LA01	Good/9m	Located within the building platform
28	<i>Eucalyptus sp</i>	Gum tree	As shown in Drawing LA01	Fair/8m	Overgrown nursery stock, Juvenile tree, located within the proposed building platform
29	<i>Eucalyptus sp</i>	Gum tree	As shown in Drawing LA01	3m	Exempt PCC TPO due to height
30	<i>Eucalyptus sp</i>	Gum tree	As shown	3m	Exempt PCC

			in Drawing LA01		TPO due to height
31	<i>Eucalyptus sideroxylon</i>	Ironbark	As shown in Drawing LA01	Poor/9m	In decline
32	<i>Livistonia australis</i>	Cabbage Palm	As shown in Drawing LA01	Good/6m	To be transplanted
33 (2 Trees)	<i>Syagrus romanzoffianum</i>	Cocos Palm	As shown in Drawing LA01	Good/6m	Exempt PCC TPO
37	<i>Cupressus macrocarpa</i>	Cypress Pine	As shown in Drawing LA01	Fair/8m	Poor structural condition

16. 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.

17. All trees supplied above a 25 L container size for the site must be grown and planted in accordance with Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer.

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

18. The following species shall be replaced:

- The replacement of Liquidambar styraciflua with Brachychiton acerifolium
- The replacement of Araucaria cunninghamii with Waterhousia floribunda
- The replacement of Populus nigra var. italica with Backhousia citriodora

Reason: To ensure the restoration of the environmental amenity of the area.

19. All roof water and surface water is to be connected to an approved drainage system by Council. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 and Council's standard drawings.

Reason: To ensure satisfactory stormwater disposal.

20. 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.

Prior to the release of a Construction Certificate:

21. 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.

22. 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.

23. 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.

24. A monetary contribution comprising \$150,764.25 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**.

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

25. 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.

26. 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.

27. 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.

28. 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. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications SD031.

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

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.

29. The following engineering issues shall be addressed on the engineering plan prior to the issue of Construction Certificate to the satisfaction of the Services Manager - Civil Infrastructure in Parramatta City Council:

- (a) All overland flow paths are to be kept free of obstructions at all times. No raised garden beds, kerbs, edge retaining walls, fencing, BBQ structures or materials that could impede the conveyance of overland flows are to be placed or stored within these overland flow paths
- (b) The overland flow path will need to be sufficiently wide enough to safely convey overlands flows from the upstream catchment in accordance with the above items. This easement needs to be free of any obstructions such as trees, shrubs, fences etc. Any proposed V shaped grass swale will need to be designed to convey the 1 in 100yr ARI design storm without inundating the proposed on site detention system. The swale should be located within the proposed easement. A easement to drain water shall be created under the provisions of S88B of the Conveyancing Act 1919 to protect this overland flow path prior to the use/occupation of the buildings.
- (c) All structures are to have flood compatible building components below the 100yr ARI flood level plus 500mm freeboard.
- (d) All services, utility pits, hot water systems, rainwater tanks and structures will need to be located outside the overland flow path.
- (e) All habitable floor levels are to be equal to or greater than the 100yr ARI flood level plus 500mm free board. This item needs to be checked against the corrected DRAINS and HEC-RAS model results.
- (f) All habitable floor levels (outside the flood area) adjacent to any on site detention system are to be a minimum of 300mm above the 100yr ARI water surface level

- (g) Any proposal to replace the existing natural drainage channel with a piped system will need to include any transitional works to ensure that the proposed pipe system is directly connected to Council's existing pipe system without the use of sections of open channel and headwalls. Grated inlet pits are to be constructed at point of connections with Council's existing pipe system. These grated inlet pits are to be constructed as per Council's standard letter box pit design plan no. DS27. Sufficient inlet capacity along any proposed pipe system needs to be provided to reduce surface flows.
 - (h) Existing overland flows from 4 -12 Fitzgerald Road run through the western side of 736 Victoria Road. It will be necessary to provide an unobstructed overland flow corridor including provisions for stormwater drainage pipe connections into the proposed inter allotment drainage pipe system at the rear of the proposed properties at 736 Victoria Road. This overland flow path can be a Grass Swale and will need to be designed to convey the 1 in 100yr ARI design storm
 - (i) Internal road/access way, shall be designed by and certified by a pavement engineer or should follow PCC DS9 (heavy duty driveway) slab design. All potential underground water shall be collected by subsoil drainage and connected to the new internal drainage system.
 - (j) Adequate signage shall be installed on the internal road, all small asphaltic speed "humps" are to be painted white. All surface water to be collected and discharged to the new drainage system
30. 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.

31. Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system.
Reason: To protect the environment.
32. 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:

- a. The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: The reference 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).

- b. 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.

- c. The design achieves

- The design achieves a Site Storage Requirement of 190 m³/ha and a Permissible Site Discharge of 280 L/s/ha (as per 3rd edition of UPRCT's handbook)

- When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRDL of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSRL of 245m³/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 396m³/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.

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

33. 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:

- (a) 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,

- (b) On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,

- (c) Certify that the Works as Executed plans are true and correct record of what has been built
34. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 “Off street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.
Reason: To ensure that parking spaces are in accordance with the approved development.
35. 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.
36. 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 the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site
A plan view of the entire site and frontage roadways indicating:
- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iii. The locations of proposed Work Zones in the egress frontage roadways,
 - iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) Traffic Control Plan(s) for the site:
- i. 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). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
 - iii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- Minimising construction related traffic movements during school peak periods.

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

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

37. 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.

38. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

Reason: To ensure car parking complies with Australian Standards.

39. 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.

40. Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. Integral Energy / Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

Reason: To ensure the appropriate location of vehicular crossings.

41. The plans submitted prior to the release of the construction certificate shall address and comply with the following traffic issues:

- (a) 106 off-street parking spaces, as shown on the plan, to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum).
- (b) At least 1 disabled parking space is to be provided as part of the visitor spaces. The disabled parking space dimensions to be 3.8m wide x 5.5m long according to Council's DCP 2005.

- (c) A combined entry & exit driveway (6m wide with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
- (d) The internal circulation driveway (6m wide) as per DA plan to be provided and constructed according to Council's specifications.
- (e) Driveway gradients shall comply with Clause 2.5.3 and Clause 3.3 of AS2890.1-2004.
- (f) The driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing plan (DS8) and is to be increased to 7.6m.
- (g) The overall internal width of a single garage to be a minimum of 3.0m wide with a door opening of 2.4m wide minimum and double garages are to be 5.4m wide with a door opening of 4.8m wide minimum according to AS 2890.1-2004. Column locations are to be in accordance with AS 2890.1-2004.
- (h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- (i) 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.
- (j) Footpath or road construction and/or restoration during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit through Council's Traffic & Transport Services and a Road Opening Permit through Council's Restoration Engineer, prior to carrying out the construction/restoration works.

Prior to commencement of works:

- 42. The applicant is to provide Council and the principal certifying authority with a detailed site investigation report prior to the commencement of works.
Reason: To define the nature, extent and degree of contamination and to assess potential risk posed by contaminants to health and environment.
- 43. A site remediation plan is to be submitted to Council's Environment and Health unit and approval obtained for such prior to commencement of works.
Reason: To ensure compliance with clause 17 (c) of State Environmental Planning Policy 55 - Remediation of Land.

44. The preparation of an appropriate hazard management strategy by a 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.
45. 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.
Reason: To comply with the requirements of the NSW WorkCover Authority
46. 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.
47. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.
Note: Applications for hoarding permits, vehicular crossing etc will require evidence of insurance upon lodgement of the application.
Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.
48. 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 within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

Reason: To comply with legislative requirements.

49. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

Reason: To ensure adequate toilet facilities are provided.

50. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

51. 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.

52. 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.

53. 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;

- (b) 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
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

54. 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.

55. 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.

56. Retained trees or treed areas 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.

57. 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.

58. 106 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. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. 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.

59. 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 within the 'zone of influence' of the required excavation face to twice the excavation depth.

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.

60. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

Protect and support the adjoining premises from possible damage from the excavation

Where necessary, underpin the adjoining premises to prevent any such damage.

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

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

61. 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 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.

62. 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.

During Construction or Works:

63. 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 shall be furnished with a copy of the notice of determination and accompanying documentation.

Reason: To ensure compliance with this consent.

64. 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.

65. 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.

66. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition

relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

Reason: To ensure pedestrian access.

67. 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.

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

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

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

Reason: To protect the amenity of the area.

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

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

70. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation

guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure residential amenity is maintained in the immediate vicinity.

71. 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.

72. 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.

73. 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.

74. 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.

75. Foundations adjacent to the drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements".

Reason: To ensure Council's assets are not damaged.

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

Reason: To ensure appropriate drainage.

77. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.

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

78. 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.

79. 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.

80. 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.

81. Construction of a 1.2 m wide by 70 mm thick concrete footpath across the full property frontage within the road reserve of Fitzgerald Road and Victoria Road. 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.
82. A heavy duty vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS8 – DS9].
Reason: To ensure appropriate vehicular access is provided.
83. Disused vehicular crossings shall be removed and the kerb reconstructed in accordance with Council's Standard Plan No SD004. Proof of completion of the work shall be submitted to Council prior to the issue of the Occupation Certificate. A Vehicle Crossing/Work Road Opening Permit application shall be submitted to Council together with the appropriate fee prior to any work commencing.
Reason: To provide and maintain drainage.
84. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.
Reason: To provide satisfactory drainage.
85. Car parking and driveways shall be constructed, marked and signposted in accordance with AS2890.1 –2004 prior to the occupation of the premises.
Reason: To ensure appropriate car parking.
86. 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.

87. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.

Reason: To ensure the compliance with the Noxious Weed Act 1993

88. No service, structure, conduit or the like shall be fixed or, attached to any tree.

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

89. 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.

Prior to the release of an Occupation certificate:

90. 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.

91. 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. 288133M, will be complied with prior to occupation.

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

92. 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 underground 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

93. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from Integral Energy prior to the release of the linen plans.

Reason: To ensure electricity supply is available to all properties.

94. Occupation or use, either in part or 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.

95. 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.
96. The existing drainage easement shall be widened in accordance with the hydraulic model analysis and results with registration of the easement in benefit of Council's with the NSW Department of Lands shall be completed prior to the Occupation of the buildings.
Reason: To ensure an appropriate easement is in place.
97. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:
- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
 - (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
 - (c) As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
 - (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
 - (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

(f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

(g) 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.

98. Prior to the issue of the Occupation Certificate, the applicant must create of a restriction –on-use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone as identified on the stormwater management plans and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment.

99. 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:

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

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.

100. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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

101. 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 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.

102. Inter-allotment drainage easement shall be created under the provisions of S88B of the Conveyancing Act 1919, over the inter-allotment drainage pipe system in favour of benefiting lots; Proof of registration of the drainage easement with the NSW Department of Lands, must be provided to the Council by the Principal Certifying Authority, upon completion of works.

Reason: To ensure an appropriate easement is in place.

103. 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.

104. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

Report prepared by:

Sara Smith
Senior Development Assessment Officer
Development Assessment Team



Signature:

Date: 18/8/2010

Delegation with JRPP

Attachments

1. Locality Plan – 1 page
2. Site Plan – 1 page
3. Plans and Elevations – 31 pages
4. Landscape Plans and shadow diagrams – 15 pages