

## EXECUTIVE SUMMARY

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### Application details

JRPP Ref No.	2010SYW014
Development Application No.	DA/129/2010
Property:	23 Elizabeth Street, Granville Lots 13-16 Section 1 DP 277
Date of receipt:	26 February 2010
Applicant:	GM Urban Design and Architecture Pty Ltd
Owner:	Parramatta City Council
Development Assessment Officer:	Chris Young – Chris Young Planning Pty Ltd
Submissions received:	One submission
Issues:	Contamination (remediation required), “rear” setback to Lot 17, Acid Sulfate Soils, design of SE corner buildings, partly flood liable.
Recommendation:	<b>Deferred Commencement Approval</b> subject to conditions of consent

### Legislative requirements

Zoning:	Special Uses 5
Permissible under:	Parramatta Local Environmental Plan 2001
Relevant legislation/policies:	SEPP 55 Remediation of Land Parramatta DCP 2005 (not applicable but considered)
PLEP Variations:	No
Integrated development:	Yes (NSW Office of Water)

### The site

Special character area:	No
Easements/rights of way:	Yes: Sydney Water easement
Heritage item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	Yes (32 Elizabeth Street)
Urban bushland:	No
Contaminated land:	Yes
Surrounding development:	Residential and open space
History:	The site is the former Council depot. The classification of the land is Operational.

## THE SITE

### Site

The land on which the Granville Depot is situated was part of the Castner Estate which was an orchard in the mid to late 1800's. The municipal depot was erected in 1915. From that time the depot was used for the storage of equipment and vehicles. Hartington Street was then extended to Elizabeth Street in 1922. In 1948 Parramatta City Council absorbed the operations of Granville Council and the Parramatta LGA was extended to incorporate that of Granville Council. The depot continued its use until the major depot operations were moved to Morton Street, Parramatta in 2006.

The land was classified operational in May 1994 after the new Local Government Act 1993 established the classification of Council land into either community land or operational land following a resolution of Council on 18 April, 1994

The site is located on the northern side of Elizabeth Street and has frontage to Hartington and Carrington Streets and is known as Lots 13-16 Section 1 DP 277, 23 Elizabeth Street, Granville. The land is of regular shape and comprises of 4 allotments.



Two formal street frontages exist to the site being Carrington Street to the north and Hartington Street to the west. Elizabeth Street is a formal street frontage to the south however no road is constructed along the frontage.

Two vehicular entry points exist to the site, both from Hartington Street on the north-western and south western corners of the site.

The north and south boundaries are 60.960m in length, the western boundary is 70.040m in length and the eastern boundary 69.365m in length. The site area is 4,248 sqm in area.

The site presently occupies part of the adjoining lot 17 to the east which is not in Council's ownership (see plan above & photo below).

The proposal does not include this Lot 17 or any part thereof.



Source: Google Earth.



An existing 6 metre wide Sydney Water easement is located across the north western corner of the site and cannot be built upon.

The site falls from the north western corner to the south east approximately 3m with the majority of that fall in the south eastern corner towards the drainage canal.

The site is a former Council depot for Parramatta City Council and surplus to needs.

The majority of the site is surfaced in bitumen with a high wire fence securing the site including that part of lot 17 used presently.

Seven trees are proposed to be removed as shown above, being 5 on site and 2 street trees.

## THE PROPOSAL

DA/129/2010 is a development application seeking to construct a multi unit housing development comprising seven buildings containing 20 dwellings, over basement parking, as described following.

The proposal is described in the applicants Statement of Environmental Effects as follows:

*"The Development Application seeks approval for the following development:*

- ☐ *Demolition of existing structures and fencing on the site*
- ☐ *Decontamination of the site*
- ☐ *Removal of 7(sic) existing trees*
- ☐ *Construction of:*
  - o 20 x 2 storey terrace house dwellings, 2 of which are adaptable dwellings, ie. 10% of the dwelling numbers*
  - o Dwelling mix is 10 x 3 bedroom and 10 x 2 bedroom dwellings*
  - o Basement car parking is provided with a total number of 30 car spaces with 5 visitor spaces and 4 disabled included*
  - o A detention basin in the centre of the site providing a surface area of 279 sqm by 0.6m depth*
  - o Communal landscaped areas and private courtyards to the dwellings – landscaped area is 65% and deep soil area of 1280sqm*
- The FSR of the development is 0.57:1*
- Setbacks from streets vary but are generally 4 – 5 metres with the minimum frontage setback being 1.53m to the southern boundary adjacent to the side of the dwellings (see setback section for full details)*
- The area of communal open space provided is 618 square metres in area*
- Rear courtyard depth for individual houses varies from 4.4metres to 6 metres*
- Each dwelling includes a 2,000 litre capacity storm water tank for detention and garden watering purposes located in the rear courtyard of the dwelling*

*The proposed layout positions the dwellings to address all public streets and open space areas surrounding the site. A public right of way is provided through the development running north to south to improve connectivity to the east across the culvert and the south.*

*This right of way would be closed outside daylight hours to ensure safety for residents.*

*Within the centre of the site is a large landscaped courtyard for use by residents with BBQ areas, seating areas and extensive planting to provide an attractive outlook for the dwellings and a number of areas for residents to interact. Underground car parking has been provided with a car wash bay, storage space equivalent to 10 cubic metres per terrace house and space for 7 bicycles in accordance with DCP requirements as well as allowance for ventilation plant space for the car park.*

*The dwellings are presented in groupings of 2 – 4 dwellings to ensure the development does not create a wall of dwellings out of character with the area. The approach allows glimpses into the courtyard area and permeability across the site. The*

groupings allow for pedestrian paths and stairs from the basement car parking, access to communal bin areas and the communal open space as well as choice for the direction of exit from the site to the surrounding public domain.

The south eastern access pathway towards the culvert also doubles as a flooding easement in the event that the detention basin volume is exceeded in a major event.

Eleven of the houses address and are directly accessed from Carrington and Hartington Streets. Nine dwellings are accessed from the central open space given that this boundary of the site has an interface either with the storm water culvert and treed area to the east or the grassy open space to the south. This allows all dwellings to be easily accessible to residents and visitors through the site itself or via the public street but also provides passive surveillance and a 'front' to the public spaces.

The main access for the public to the development and dwellings is from the corner of Hartington and Carrington Streets. This main entry will be treated with appropriate architectural and landscape emphasis. There are also minor entries from Hartington Street, next to the driveway, from Carrington Street and from the open space area to the south. Each terrace with a street address will have an individual mailbox provided in the entry front garden area and those to the east and south will have a grouped mail box area located at the main pedestrian entry point.

The dwellings are set back from all the boundaries to meet or exceed Council's requirements and to respond to the immediate context. Each of these setback areas has been treated with "soft landscaped" semi-public front or side garden areas. screened clothes-drying and individual storm water storage facilities as a bladder under the raised decks. Garbage bin enclosures for those houses addressing streets are contained as part of the rear fence design; those with frontage to the communal open space have bin enclosures within front fences. All enclosures will be accessible and collection managed by the site caretaker.

Setbacks to house facades from site boundaries relate to setbacks of nearby development and vary. There is a 4.0m setback from the boundary along Hartington Street and a 5.0m (minimum and variable) setback from Carrington Street. Along the southern boundary (Elizabeth Street pathway) there is a minimum and variable setback of 1.5 metres and along the eastern boundary a setback of 4.0m. Setbacks to facades from the central open space vary between 4.7m and 6.7m.

The dwelling designs generally provide for separate living and family/dining areas to provide maximum flexibility in the use of the ground floor. This will allow residents to use either living space depending on the weather, orientation and time of day and degree of privacy or outlook desired. The kitchens are generally shared between these living areas with all dwellings having a downstairs cloak room and laundry at ground level. Apart from the adaptable dwellings bedrooms and full bathrooms are provided upstairs. Of the eight standard 3 bedroom houses six are slightly larger with a combined upstairs hallway/study area.

The three bedroom houses have en-suite bathrooms for the main bedroom and a full enclosed laundry at ground level. Two bedroom houses have a single upstairs bathroom (with 3-way access and a separate toilet) and an "in-cupboard" type laundry at ground level. Main bedrooms generally have balconies projecting into the front setback areas to create articulation and streetscape interest.

The large Open space in the centre of the site will be extensively landscaped with a range of native reed, sedge and rush species as well as two semi mature Eucalypt specimens to provide an attractive recreational area and outlook for the terrace houses. Soft landscaping, elevated decks, steps, pergolas and a barbeque area are proposed (see Vegetation and Landscape drawings L0.01 and L0102).

The central landscaped area also caters for much of the storm water detention requirements and will function as a sunken detention basin. This approach has been adopted for accommodating all the required water detention volume within the site as the option of an underground tank was not available due to proximity of the main storm water culvert and the levels of the site being very close to the 1:100 year flood level.

In addition to the storm water detention basin each house has 2,000 litres storage capacity in rainwater tanks which can also be used for garden irrigation. See the section on Stormwater Drainage for further detail.

The basement car park will be accessed from Hartington Street. The underground car parking then extends along the western and northern portion of the site with setbacks from the Sydney Water easement and the two street frontages. These setbacks allow for economical excavation to proceed without affecting the stability of the Sydney Water easement and surrounding public land as recommended in the Geotechnical Report, (Refer to Appendix G).

Access and fire escape provision from the basement car park to the ground level is by three stairs, one of which, at the north-west corner, is provided with a stair-lift platform for disabled access. The latter comprises a movable platform to accommodate a wheelchair to be activated on demand to travel along a rail attached to the side of the stair.

*The residential section of the proposal is being proposed Class 1(a)(ii) under Class 2 of the BCA and the underground parking under Class 7(a)."*

## **ASSESSMENT PROCESS**

A preliminary review of the information submitted with the application revealed a number of deficiencies and a letter, dated 4 March 2010, was sent to the applicant requesting the following additional information.

- Masterplan waiver,
- Arts Plan requirement,
- Revised waste management Plan,
- Amended Landscape Plan,
- Disabled access from basement car park clarification,
- On site detention/drainage clarification.

The applicant responded to the letter on 17 March 2010 as follows;

- Masterplan not required as site less than 5000sqm,
- Arts plan not required as the site is less than 5000sqm,
- Waste management plan submitted with SEE based upon Councils standard. Additional information on bin storage area/location, collection contained on landscape drawing LO.01b,
- Revised landscape plan prepared by a qualified landscape architect provided.
- Disabled access (drawing A1.01) with stair lift platform. Access and mobility designed in accordance with AS1428.1.2000 and AS2890.1.2004.
- On site detention. Further information to be provided.

A briefing meeting was held with the applicant on 9 April 2010, where the above issues were discussed as well as the status of a remediation action plan and additional tests suggested by the contamination expert in the submitted reports. Further comments from Councils engineer regarding traffic movements in the basement car parking area were raised with the applicant.

A briefing meeting was held for the Sydney West Region Joint Regional Planning Panel (JRPP) on 15 April 2010 where the application was described to the Panel. Concerns regarding the adequacy of contamination reports were raised. Questions concerning the 1 in 100 year flood level (RL 6.95m) and level of the underground car park and possible inundation as well as the location of houses 11, 12 & 13 in relation to access to the area between the site and the canal and visual intrusion. The panel was advised that 1 submission had been received. The proposal was considered to be generally acceptable subject to conditions and that the matter of the remediation action plan could be the subject of a deferred commenced condition of approval.

The applicant was advised on 16 April 2010 of the matters raised by the JRPP and requested to provide information and a possible design revision of the dwellings

In regards to the possible inundation, the applicants engineer advised on 6 May 2010;

*In response to engineering comments regarding the OSD from the JRPP meeting, I make the following observations:*

*1) The nearest access staircase to the basement is adjacent to the courtyard of house No.4. The RL at the entry to stairs is at RL 8.20. This is 1.25m higher than the 100year ARI Flood Level of 6.95m.*

*2) In case of the OSD surcharging in a greater than 1 in 100 year ARI storm event an overflow pit is provided next to the control pit to take the surcharging flow in the 300mm diameter outlet pipe. In the event that the overflow pipe is blocked or does not have a free outlet then an overland flow route is to be provided on the area between house no 11 and House 12 Buildings.*

*The RL's of the surface flow path is to be detailed at construction certificate stage.*

On 23 April 2010 the applicant was requested to provide information on Acid Sulfate Soils (ASS) as Councils exhibited DLEP shows the land to be part class 4 and part class 5. A preliminary response was received on 30 April 2010 from the applicant's consultant EIS stating;

*The site at 23 Elizabeth Street, Granville lies on the boundary of an area of disturbed terrain and an area of no known occurrence of ASS. Areas of disturbed terrain are typically at risk of potential ASS due to processes such as dredging and filling with ASS sediments. Fill material of this nature was not encountered at the site.*

*Bedrock was encountered at the site at depths less than 6m in the west section. ASS are typically not associated with shallow bedrock.*

*The site is at an elevation of approximately 8m AHD. ASS are not typically associated with profiles above 5m AHD. Assuming the basement excavation will be approximately 3m deep, the proposed development is unlikely to extend below 5m AHD.*

*Based on the above information, it is considered that the risk of potential ASS at the site associated with the proposed development is relatively low.*

On 28 April 2010 the applicant forwarded a response and basement plans marked with turning paths of vehicles in response to Councils engineers concerns. These comments were forwarded to Councils engineer.

Also on 28 April 2010 Council was requested to clarify the land classification for the site.

On 7 May the applicant provided Masterplan study 1 & 2 for possible redesign of the SE corner of the site. A further review was requested seeking to review only the 3 dwellings in that corner.

The applicant was further requested on 11 May for information on contamination to satisfy SEPP 55 and Clause 22 of the PLEP and for Acid Sulfate soils Clause 34 of the PLEP.

On 19 May 2010 the owner of the site advised of the operational status of the land as set out in the section on site above.

On 3 June 2010 a preliminary Acid Sulfate Soil Assessment undertaken by Environmental Investigation Services dated 21 May 2010 was provided.

That report assesses the proposal in accordance with the requirements on Clause 34 of the PLEP and the *Acid Sulfate Soils Assessment Guidelines* and concludes:

*Preparation of an acid sulfate soil management plan is not considered necessary for the proposed development to minimise the risk.*

It is considered that this assessment satisfies the requirements of Clause 34 of the PLEP.

In June 2010 the land owner engaged an independent auditor (GHD) for the contamination and remediation issues.

On 5 July 2010 the applicant provided a revised scheme 3 for the south-eastern corner of the site

On 2 July 2010 the applicants independent Auditor prepared a review of the contamination information and provided an interim report (Interim Advice # 1). Discussions between the auditor and author of this assessment report on the process for the RAP and timing for remediation culminated on July 22 in the deferred commencement conditions attached to this report.

## **ALTERNATIVE DESIGN SOUTH EAST CORNER**

The applicant responded to the request by the JRPP for a review of the proposals design in the southeast corner of the site to open the vista to the open space areas in this location, by provision of two schemes.

These two schemes known as Masterplan Study #1 and Masterplan Study #2 are attached as Attachment 2 to this report.

Masterplan Study #1: This scheme staggers the lots and dwelling location of dwellings 11-13 and does open the vista in this area. The scheme however achieves this by relocation of dwellings 14 & 15 fronting the Elizabeth Street reserve to the west and removing both access links through the site from the south. Building separation is reduced under 9m and not compliant with the DCP standards. The plan also states a loss of northerly sun to front and rear courtyards although no solar access diagram is included for this scheme. Perusal of the solar access plan submitted with the original application, would indicate that there would appear to be a loss of 9am sun to the three dwellings but no change to non access or 3pm access.

The loss of the pedestrian links appears the most significant adverse impact.

Masterplan Study #2. This plan deletes dwellings 14 & 15, staggers dwellings 7-13, deletes the through site link, reduces the OSD area to below satisfactory standards, reduces internal common open space, creates a large open space area to the south east of the site and claims loss of solar access. Again no solar access plan is provided for this scheme however perusal of the submitted plans would appear to indicate that solar access is not diminished.

The loss of two dwellings and the pedestrian link as well as possible OSD problems are the most adverse impacts of this proposal.

Neither was considered suitable and a third scheme moving only the dwelling locations of Houses 11-13 was requested.

That scheme, submitted on 5 July 2010 (also attached as Attachment 2) proposes relocation of houses 12 & 13 to open the vista on the corner. The western side courtyards of these two dwellings fall below the minimum 9m separation at 7.350m for house 12 and 5.048m for house 13. The pedestrian through links are retained but the courtyard areas on the western side of the dwellings are compromised.

In my opinion the site planning of the development is acceptable and redesigning the south-eastern corner of the development is unnecessary. If the redesign of the south-eastern corner of the site without loss of unit numbers and minimal impact upon the design is considered necessary by the JRPP, design number 3 appears to be the best of the alternatives presented and would be recommended. This scheme while opening the vista in this area, also moves the building out of the flood affected area and permits the open space for the house to be located in this area.

Condition 14 of Schedule B requires the plans to be amended to include the design number 3. Should a redesign be not considered necessary by the JRPP then this condition should be deleted.

## **PUBLIC CONSULTATION**

In accordance with Council's Notification DCP, the proposal was advertised with owners of surrounding properties were given notice of the application for a period of 21 days between 17 March and 7 April 2010. In response, one submission was received.

The three alternatives for the redesign of the south-eastern corner have not been notified as the amended plans do not increase the impact of the development on adjoining properties.

The submission is a confidential submission from a post office box number however the submissions author is well known to Council and does not reside within a reasonable distance to the proposal.



Matters raised in the submission are generic concepts and are not considered to warrant refusal or amendment of the application. The matters raised are:

*Demolition, Waste Production and Non-Preservation of Heritage*

Concern is raised over demolition and the production of waste associated with demolition and the preservation of heritage items.

**Planning comment:**

The proposed building is not a heritage item, and it is not located within the vicinity of a heritage item. A satisfactory waste management plan has been submitted with the application for the demolition, construction and on-going management of the development.

*Tree Removal and Attack on Natural Environment / Pollution/ Climate Change*

Concern is raised over the protection of trees, increases in air pollution when trees are removed, the emittance of electromagnetic radiation from telecommunication antennae and allied structures and increases in concrete surfaces and climate change.

**Planning comment:**

Seven trees are proposed to be removed and all are exempt from Council's Tree Preservation Order, therefore the removal of these trees is appropriate. Two trees on the site are proposed to be retained, and replacement planting is proposed.

This issue of emittance of electromagnetic radiation is not related to this application.

*Increase in Housing, Industrial Density, Hours or Amended Plans, Avoiding Crime*

Concern is raised over any increases to crime, housing and industrial densities and overburdening of utilities as well as provision of sufficient space for children to play and not be run over.

**Planning comment:**

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The front entry door for Unit 1 faces towards the street and the front entry door for Units 2, 3 and 4 face towards the driveway, promoting natural surveillance from within the units to the front setback, driveway and public domain.

The proposal is for the construction of a multi unit housing development comprising of 20 dwellings. Multi-unit housing is a permissible development with consent in the Special Uses zone as detailed below zone under Parramatta Local Environmental Plan 2001. The proposal meets the objectives contained in Parramatta Local Environmental Plan 2001 and Parramatta Development Control Plan 2005 and it is considered that the proposed development is not an overdevelopment of the site.

The proposal will not adversely impact existing utilities or public infrastructure.

The proposal complies with Council's requirements for Private Open Space and Communal Landscaped Open Space. Each unit providing a minimum 40sqm Private Open Space, and 618sqm Communal Landscaped Open Space is provided.

*Section 96 Applications*

Concern is raised over the submission of Section 96 modification applications which are done so as to avoid the submission of a staged development application, or the submission of amended plans. Additional concern is raised over amended Masterplans or Section 96 applications to modify approvals.

**Planning comment:**

This issue is not related to this application.

### *Modified Hours and Noise Generation*

Concern is raised that there shall be no increase to hours of operation adjacent to residential areas to maintain the amenity of the areas.

#### **Planning comment:**

To minimise noise and vibration as a result of construction works, a standard condition of consent will be imposed for 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.

Having regard to the above, it is advised that the issues raised in the submission did not warrant the refusal of the application. The determination of this matter was also based on the zoning of the property and Council's legal obligations under the Environmental Planning and Assessment Act 1979.

## **REFERRALS**

### **Development Engineering**

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

*✓ SUPPORTED*

*✓ STANDARD CONDITIONS OF CONSENT*

*✓ SPECIAL CONDITIONS*

#### *PROPOSAL*

*Demolition, tree removal, remediation of the site and construction of 20 x 2 storey townhouses over basement car parking for 30 vehicles. This application is required to be determined by the Joint Regional Planning Panel (Sydney West Region). An inspection of the site was undertaken on 7/04/2010.*

#### *DOCUMENT AND PLAN REFERENCE*

*The following documents were reviewed in assessing the proposal:*

*D01486801 drainage plans No. 4324 – (1B&3B) Rev B dated 16.0310 and Basement Plan SK-14 Issue B dated 26.Feb.2010*

#### *DISCUSSION: Issues*

*Basement car parking / vehicle manoeuvring*

*The following manoeuvring issues in the basement shall be addressed on amended plan:*

*Vehicle's turning path at the bottom ramp of the basement does not comply with the swept path template of AS2890.1:2004. It is not considered to be safe for travelling vehicles.*

*Proposed vehicle's turning outward path round bays No. 19 is not adequate: it is making vehicle running over the whole width of the aisle, on a blind corner.*

#### *Stormwater Disposal*

*The following can be conditioned and shown on drainage plan prior to release of Construction Certificate:*

*Stormwater discharge headwall rock mattress shall extend to the top of the channel wall.*

*The overland flow path from the on-site detention tank to the open channel shall not be blocked and shall be clear up to 150mm in height.*

#### *CONCLUSION*

*The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and special conditions of consent.*

*This application does not require referral subject to the application being amended in accordance with the required amendments/additional information listed below.*

Comment: The requested conditions have been included within the recommendation as conditions of consent. The applicant has provided a letter in response dated 28 April 2010 containing a diagram of swept paths of a large B85 vehicle at the locations of concern.

The letter states that the proposal “complies with (and in fact exceeds) all of the dimensional requirements specified in AS2890.1 for a Class 1A Residential Carparking Area.” The letter explains that it is not intended that 2 cars could pass each other whilst travelling in opposite directions, given the very low traffic volumes that will be using the car park. “The ability of 2 cars to pass each other is normally only required in very busy carparking areas, such as shopping centres, and would normally be achieved by implementing 2 separate one-way aisles rather than increasing aisle widths or other measures”.

This explanation is agreed with and the proposal is considered satisfactory for the purpose it serves. It is further noted that the proposal contains the provision of directional mirrors to be located at both locations of concern to provide vision for drivers to avert possible conflict.

## **Traffic Engineering**

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

### *1. Existing Development*

1. *The Site is located on the eastern side of Hartington Street between Elizabeth Street and Carrington Street. The site is currently used by Parramatta Council as a storage depot. There are three buildings/sheds on the site which are all now vacant. Vehicular access to the site is currently provided via an entry-only driveway located at the southern end of the Hartington Street site frontage which leads to an exit-only driveway located at the northern end of the Hartington Street site frontage.*

2. *It has been observed that on-street parking on the section of Hartington Street between Carrington Street and Elizabeth Street, & on the section of Elizabeth Street between Hartington Street and The Avenue, Granville heavily utilised. This activity may be attributed to student parking for TAFE as the development site is near TAFE Granville campus. It is noted that a Resident Parking Scheme exists in the area.*

### *Proposed Development*

3. *Details of the proposed development according to the Traffic Report submitted with the DA:*  
10 x 2-bedroom apartments  
10 x 3-bedroom apartments  
Provision of 30 on-site parking spaces in the basement level  
Vehicular entry & exit access driveway to be provided midway along Hartington Street frontage
4. *The proposed development is covered within the Parramatta LEP 2001 and to be assessed in accordance with Council’s SCP 2005. The proposal has also been assessed with the relevant Australian Standards AS 2890.1-2004 Off-Street Car Parking & AS 2890.6-2009 Off- Street Parking for People with Disabilities.*

### *Parking Requirements*

5. *For Villas, Townhouses and Dwellings, Council’s DCP 2005 specifies:*  
1 space per 1 or 2 bedroom unit (10) = 10 spaces  
1.5 spaces per 3 bedroom units (10) = 15 spaces  
0.25 space per dwelling for visitor parking = 5 spaces  
Total parking required = 30 spaces

### *Parking Provision and Layout*

6. *The proposed development provides for a total of 30 spaces in the basement level including 4 disabled parking spaces.*

7. *Spaces #s 1 to 4 are marked for use by disabled person. The dimensions and configuration of the disabled parking space does not comply with AS 2890.6-2009. This space should be modified to comply with the dimensions and configuration as shown in Figures 2.1-2.4 of AS 2890.6-2009.*

8. *Space #s 7 to 30 comply with the minimum parking space dimensions and aisle width as specified for user Class 1A of AS 2890.1-2004.*

#### *Access Arrangement*

9. *Access into & out of the proposed development site is provided by an entry & exist driveway (7.2m wide as per plan) to be located at a distance of 21.4m from the southern most-end of the property boundary. The first 5.8m from the property boundary is a combined entry & exit driveway. Thereafter, the access driveway is separated by a physical separator (0.5m wide x 13m long) with 3.05m wide each for entry & exit and 300mm kerb clearance each side of the access driveway ramp.*

#### *Traffic Generation*

10. *The traffic expected to be generated by the proposed development is calculated based on RTA TGD guidelines and in the order of about 23 vehicles per hour during peak periods (as per the Traffic Report). The Traffic Report submitted with the DA also states that the existing traffic in Hartington Street and Carrington Street are typically in the order of 30-40 vph morning peak & 89-90 vph afternoon peak periods, and 10-15 vph peak periods respectively".*

11. *Based on the above data, the expected increase in traffic generation on Hartington Street & Carrington Street is not considered significant for local residential streets.*

#### *Conclusion*

*Based on the analysis and information submitted with the DA, the proposal is not expected to have a significant impact on Hartington Street, Carrington Street and its surrounding road network. The proposed development can be supported on traffic & parking grounds provided the dimensions and configuration of the disabled parking spaces should be modified to comply with Figures 2.1-2.4 of AS 2890.6-2009.*

#### *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:*

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

## **Landscape Tree Management**

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

#### *Issues*

##### *Impact on Site Trees – Refer to Arborist Report*

*Three (3) trees are located within the site boundaries are required to be removed for the development proposal. The trees (No's 38 – 40) are not significant specimens and are in poor physical or structural condition or are exempt species from Council's Tree Preservation Order (TPO). Tree No's 27, 28, 30, 31 and 33 are less than five (5) metres in height and are exempt from Council's TPO.*

##### *Impact on adjoining trees - Refer to Arborist Report*

Six (6) trees (No's 4, 5, 6, 8, 9, & 50) council managed street trees will be affected by the proposed development. The trees are not significant specimens and should not be considered a constraint on the development proposal. The trees vary in condition from fair to poor and four (4) of the trees are less than five (5) metres in height, therefore exempt from Council's TPO. The street trees are required to be removed to allow entry into the proposed development site or are located in close proximity to the proposed building footprint.

Tree No	Name	Common Name	Height/Condition	Location	Reason
4	<i>Callistemon viminalis</i>	Bottle Brush	4/Fair	Street	Height exemption
5	<i>Eucalyptus nicholii</i>	Narrow Leaved Peppermint	5/Poor	Street	Poor condition
6	<i>Eucalyptus nicholii</i>	Narrow Leaved Peppermint	6/Poor	Street	Poor condition
8	<i>Callistemon viminalis</i>	Bottle Brush	3/Fair	Street	Height exemption
9	<i>Callistemon viminalis</i>	Bottle Brush	4/Good	Street	Height exemption
38	<i>Eucalyptus nicholii</i>	Narrow Leaved Peppermint	6/Poor	Street	Poor condition
39	<i>Lophostemon confertus</i>	Brush Box	8/Poor	Site	Poor condition
40	<i>Melia azedarach</i>	White Cedar	12/Good	Site	Exempt species
50	<i>Cinnamomum camphora</i>	Camphor Laurel	11/Fair	Street	Poor crown density/located close to proposed building footprint

#### *Landscape*

There are no issues with the landscape proposal submitted to Council. The Landscape Plan by GMU (Drawing No – SK-14/IssueDA 'B') dated 26 February 2010 submitted to Council has been completed in accordance with Council's relevant DCP and shall be incorporated into the development consent. The plan has addressed the issues of screening and tree replenishment using a mixture of native and exotic plant species.

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

A basement car parking area is proposed for the site.

#### *Retaining Walls*

Nil

#### **DISCUSSION**

Nine (9) trees in total are required to be removed from the site. Fifty-three (53) advanced trees are proposed to be planted on the site. This will adequately cover the tree canopy removed and will enhance the amenity and local environment into the future.

#### **CONCLUSION**

The proposal does satisfy the requirements of Council's controls and can be supported.

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

#### **Waste Management**

The application was referred to Council's Sustainability Officer and additional information was sought in relation to location of bin storage area for bins, access for cleaning facilities for bin maintenance and responsibility of the maintenance of bins.

In response the applicant provided a letter dated 17 March 2010 referring to Appendix J of the SEE and the landscape plans. The matter was further raised at the 9 April briefing meeting. The applicant responded as follows;

#### ENVIRONMENTAL HEALTH COMMENTS

- 01      *Location of bin storage area?*  
          • *Location as shown on revised landscape plan*
- 02      *Who's responsible for bin maintenance?*  
          • *Responsibility to be established by the future body corporate, Houses with street frontage will present/return personal bins.*
- 03      *Presenting/returning rubbish bins on collection day ?*  
          • *Proposed area along Hartington to remain, and new area to be provided along Carrington.*

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

#### Health

The application was referred to Council's Health Officer for comment due to the previous use. The following comments were received from Council's Health Officer in relation to the application.

*Due to previous uses it is likely that the site is contaminated therefore the following conditions are recommended;*

##### *1. Preliminary Site Investigation*

*A preliminary site investigation must be conducted to evaluate the suitability of the land for its intended use. The investigation shall be conducted by a suitably qualified and experienced consultant in accordance with the NSW Department of Environment & Climate Change Guidelines for Consultants Reporting on Contaminated Sites (1997) and submitted to Council and the principal certifying authority prior to the issue of the construction certificate.*

##### *2. Detailed Site Investigation*

*If the findings of the preliminary site investigation conclude that there is potential or actual contamination present, then a detailed site contamination investigation must be undertaken by a suitably qualified & experienced consultant in accordance with the NSW Department of Environment & Climate Change Guidelines for Consultants Reporting on Contaminated Sites (1997) and submitted to Council and the principal certifying authority prior to the issue of the construction certificate*

##### *Site Remedial Action Plan*

*If the results of the detailed site investigation indicate that the site poses unacceptable risks to human health or the environment under either the present or the proposed land use, then a Site Remedial Action Plan (RAP) must be prepared. The RAP must be prepared by a suitably qualified & experienced consultant in accordance with NSW Department of Environment and Climate Change Guidelines for Consultants Reporting on Contaminated Sites (1997) and submitted to Council and the principal certifying authority prior to the issue of the construction certificate*

##### *4. Site Validation Report*

*Where the remedial action has been carried out, a validation report must be prepared stating that the objectives in the RAP 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*

Comment: Preliminary reports have been supplied with the application. The site is contaminated and a remediation plan is required.

Conditions to achieve these requirements have been prepared in conjunction with the independent auditor as part of the deferred commencement recommendation with the requirement for the validation report as part of the Schedule B conditions of consent recommendation.

## Open Space and Natural Resources

The application was referred to Council's Open Space and Recreation Planner and the following comments were provided;

*The proposed development at 23 Elizabeth Street, Granville (DA/129/2010) adjoins Scout Memorial Park, and accordingly we make the following comments:*

- Should provide a direct access connection into the adjoining Scout Memorial Park to maximise resident access to open space (as limited provision within development site);*
- the additional open space provided by the development should be relocated to the Eastern side to link with the adjoining public reserve to maximise open space provision;*
- provision of pedestrian access connection between Carrington St and Elizabeth St – this will link Scout Memorial Park with Elizabeth St Reserve;*
- No access through or storage of materials in the reserve.*

Based upon further information these comments were reviewed and the following received:

*Further to our earlier comments in relation to DA/129/2010, we note that Lot 17 which adjoins the eastern boundary of the site is owned by the Department of Planning. This lot allows for the provision of a future access link between the open space reserves to the north and south of the development site. Accordingly land dedication for this open space access link is not required – however additional open space provided by the development should be maximised on the eastern side (particularly the south west corner) to maximise continuity and useability.*

Comment: The suggestion that the private open space of this development be revised and provided on the eastern side and particularly the south eastern side of the development is not practical under this proposal and if supported would require redesign of the proposal, including stormwater matters and as such is not supported. The future use of Lot 17 remains unknown and while the practical use at present of the land is open space and public domain the zoning is residential. Should the land continue as public domain, private open space adjacent to public open space in that location would not be considered the best planning outcome for the residents of the development. Lot 17 is not part of the application.

Opening the south east corner visually as discussed in the JRPP briefing, is an assistance in the visual open space link in that location.

## Catchment Management

*The property is within Duck Creek sub-Catchment and identified as flood affected. The flood levels at this site are as follows:*

<i>1:20 year ARI</i>	<i>.....</i>	<i>RL 6.37m AHD</i>
<i>1:100 year ARI</i>	<i>.....</i>	<i>RL 6.95m AHD</i>

*Under the Duck Creek Sub Catchment Management Plan (December 2003) and based on Council's Adopted Local Floodplain Risk Management Policy, this property (Lot 16, section 1, DP 277) is identified as being within a medium hazard flood area.*

*The following comments are made:*

Figure 11, Sheet 3, titled 1% AEP Flood Extent and Hazard Plot, in the Duck Creek Sub Catchment Management Plan identifies this site as medium to low Hazard.

2. Based on Council's Local Floodplain Risk Management Policy this site is within a medium Flood Risk area. If the Council allows this development it should comply to the relevant Flood Planning and Development Controls outlined for Development within medium flood risk precincts:

- a) Habitable Floor Level (HFL) needs to be equal to or greater than 1 in 100yr ARI flood level plus 500mm free board.
- b) All structures to have flood compatible building components below the 1 in 100yr ARI flood level plus freeboard.
- c) Engineers report required to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100yr ARI flood plus 500mm freeboard.
- d) Engineers report required to certify that the development will not increase flood affectation elsewhere, having regard to (i) loss of flood storage, (ii) changes in flood levels, flows and velocities caused by alterations to flood flows and (iii) the cumulative impact of multiple potential developments in the vicinity.
- e) Enclosed car parking and car parking areas accommodating more than 3 vehicles, with a floor below the 100yr ARI flood level shall have adequate warning systems, signage, exits and evacuation routes.
- f) Reliable access for pedestrians and vehicles required from the site to an area of refuge above the PMF level, either on site or off site.
- g) The applicant is to ensure that adequate flood warning is available to allow safe and orderly evacuation without increased reliance upon SES or other authorised emergency services personal.
- h) The applicant needs to demonstrate that the development is consistent with any relevant flood evacuation strategy or similar plan.
- i) No storage of materials below the 1 in 100yr ARI flood level.
- j) No solid brick/ colour bond boundary fence is permitted along the south eastern corner of the property that will impede flood flows, velocities.

3. Existing Gross Pollutant Trap (GPT) needs to be protected and retained to ensure that safe & reliable vehicular access is provided to enable maintenance and cleaning of the device without any obstructions such as the proposed fence and landscaping.

The proposed stormwater outlet / headwall and details relating to erosion protection works need to be submitted to Sydney Water for their approval. Due to the proximity of this proposal to Sydney Water's channel this application would need to be submitted to Sydney Water for their comment & approval.

Comment: The requested conditions are included within the recommendation as conditions of consent. The basement car parking level is below the 1 in 100 year level of 6.95m and comments regarding inundation are contained in the applicant's response in assessment above.

To meet minimum floor levels, the 6.95m RL plus 500mm or 7.45m RL must be provided. The Lowest FFL is house 6 at 8.15M RL. The house in the flood liable area (house 13) has a FFL of 8.35m or 900mm above the minimum required by Council.

In regards to the ramp access again the minimum required is 6.95m plus 500mm or 7.45mRL. The proposed level is 8.75m RL.



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

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

#### **STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The application for a multi-unit development 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.

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

The provisions of SEPP 55 require Council to consider, when assessing a development application, the potential for a site to be contaminated. The subject site has history to suggest it would be contaminated.

The Statement of Environmental Effects submitted with the application includes at Appendix G reports on geotechnical investigations dated 14 May 2009.

A preliminary environmental site assessment for the proposal was reported upon in May 2009 by Environmental Investigation Services (EIS). A Stage 2 environmental site assessment was undertaken by EIS in August 2009 and an additional environmental site assessment was undertaken by EIS also in August 2009. All these reports are attached to the SEE. The latest of these reports concludes;

#### **10.3 Conclusions**

The boreholes drilled for the investigation were specifically targeted to better assess the nature and extent of the significantly contaminated soils previously encountered at BH3 and BH5. The conclusions based on this investigation are that, while significant levels of contamination are typically highly localised, contamination above the site assessment criteria appeared to extend across the majority of the site. The exact extent of the contamination has not been determined by investigations to date. The proposed construction activities at the site should be planned on this basis, and any unexpected problem areas that are encountered between boreholes should be immediately inspected by experienced environmental personnel. This should ensure that such problems are dealt with in an appropriate manner, with minimal disruption to the project timetable and budget.

During demolition and excavation works, the site should be inspected by experienced environmental personnel to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions.

The costs associated with treatment and off-site disposal of contaminated fill material at this site are expected to be significant. A suitable allowance (and contingency) should be included in the project budget.

The recommendations from the latest report of August 2009 states:

#### 10.4 Recommendations

Based on the scope of work undertaken for this assessment EIS consider that the site can be made suitable for the proposed development provided that a Remedial Action Plan (RAP) is prepared to outline measures to be taken to render the site suitable for the proposed land use.

Additional investigation, possibly in the form of validation sampling and analyses, should be undertaken during or prior to excavation of the 'Hazardous Waste' and 'Restricted Solid Waste'.

Following remediation of the site, additional groundwater sampling and analyses should be undertaken to check for residual TPH and/or PAH contamination.

An appropriate occupational health and safety plan should be prepared for the contaminants encountered at this site.

Normal good engineering site management practice including control of run-off and dust suppression is recommended during earthworks and construction.

The independent Auditor has reviewed the information as setout in his Interim Advice #1 dated 2 July 2010 attached as Attachment 3 to this report.

The conclusions of that report state:

*"Based on the review of reports provided, the Auditor considers that the investigation works undertaken were generally in accordance with relevant NSW regulations and guidelines, and the combined information generally meets the requirements for a Stage 2 Detailed Investigation as described in SEPP 55 – Remediation of Land and the associated DUAP/EPA Managing Land Contamination Planning Guidelines (1998). As such, the Auditor considers that there is sufficient information available for an informed planning decision to be made regarding redevelopment of the land. Based on Section 4.3 of the DUAP/EPA Planning Guidelines, the Auditor suggests that an appropriate approach may be to issue a deferred commencement consent requiring an RAP to be reviewed by an Auditor to determine whether the RAP is appropriate to remediate the site to a condition suitable for the proposed development, and imposing conditions on the consent requiring remediation to be carried out and validated either before other work commences or before occupation of the site.*

*The Auditor considers that the issues raised during this review of available reports may be addressed during preparation of an RAP, and should include or otherwise take into account the following:*

*Further discussion regarding site conditions, including discussion on condition of infrastructure currently on site, any aesthetic issues and storage of potentially contaminated materials.*

*Further site history review, including review of zoning information and provision of site history documentation sources.*

*Clarification of potential contaminants of concern from each specific potentially contaminating activity including consideration of potential off-site sources.*

*Further consideration of groundwater contamination undertaken in accordance with DEC (2007) Guidelines for the Assessment and Management of Groundwater Contamination.*

*Provisions for further classification of fill materials for waste disposal purposes during excavation and remediation works.*

*The proposed remediation strategy for the Underground Storage Tank (UST) that is likely present in the central portion of the Site.*

*A soil management plan and waste management plan for the excavation works proposed as part of site redevelopment.*

*Procedures to deal with any uncertainties remaining in characterisation of the Site, to ensure these are taken into account in remediation and validation.*

*Pending remediation of the site, Council should consider their duty to notify site contamination to the DECCW under section 60 of the CLM Act 1997.*

*This letter should be regarded as interim advice to the overall review and site audit process and should not be considered a Site Audit Statement under the CLM Act, 1997. This interim advice will subsequently be referred to and provided as an attachment to the final Site Audit Report."*

Based on these recommendations that the site can be made suitable for the proposed development albeit at a significant cost, it is recommended that a deferred commencement approval be given to produce the RAP. The deferred commencement conditions contained in the recommendation to this report have been prepared in conjunction with the independent auditor to achieve the production of the RAP including the matters listed above prior to issuance of the consent with the RAP being reviewed by the independent Auditor to ensure the remediation proposed will be satisfactory for the proposed development and that the works required under the RAP does not alter or require to be altered the plans the subject of this assessment and recommended approval also prior to issuance of the consent.

To fully remediate the site earthworks are required, the extent of which are presently unknown. The consent is conditioned (condition 89 Schedule B) to permit earthworks and remediation to be undertaken prior to any other construction and requires at this stage a validation report and Site Audit report demonstrating the site is suitable for the purpose of the consent.

#### **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.

#### **INTEGRATED DEVELOPMENT REFERRAL**

The application was referred to the NSW Office of Water as integrated development under the *Water Management Act 2000* on 4 April 2010.

The office responded by letter dated 9 April 2010 providing General Terms of Approval (GTA) of the application to be included in any approval.

The full GTA are incorporated in the recommended condition.

#### **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001**

<b>COMPLIANCE TABLE (based upon plans as submitted and notified – not the 3 master plan studies)</b>
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<b>Development standard</b>	<b>Compliance</b>	<b>Discussion</b>
<b>CI 11 Adoption of Model Provisions Clauses 5 (1) &amp; 31 of Model Provisions applicable</b>	Yes	CI 5(1). The proposal is considered to be well designed and the aesthetic appearance of the buildings from the public reserve is pleasing and within the character of the area. CI 31. a water supply and facilities for removal of sewage and drainage are available to the site.
<b>CI 14 Classification of Public Land</b>	Yes	The land is classified "Operational" by resolution of Council dated 18 April 1994.
<b>CI 16 Permissible within zone?</b>	Yes	The site is zoned Special uses 5 under LEP 2001 and within that zone multi unit housing is permissible with consent on the basis that it is development that may be carried out on adjoining or adjacent land in the same zone or in a different zone. The adjoining or adjacent zones are Residential 2(a), Residential 2(b), Residential 2(e) and Public open space 6A. Multi-unit housing is prohibited in Residential 2(a), Residential 2(e) and Open Space 6A but permissible in Residential 2(b).
<b>Objectives Special Uses 5 zone</b> (a) to facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions or organisations, including the Council, to provide community facilities, services, utilities and transport facilities, and	Yes	The former depot use is now redundant on the site
(b) to allow other ancillary land uses that are incidental to that primary use of land within the zone, and	N/A	Residential use is not ancillary to the use as a depot and any ancillary uses are no longer required
(c) to provide flexibility in the development of sites identified for special uses by allowing development which is permissible in an adjacent zone	Yes	Residential uses are permissible in adjoining zones and the DLEP presently on exhibition proposes to alter the now redundant zone to residential although R2 not R3. An adjoining zone as existing Residential 2(b) permits multi-unit housing.
<b>Objectives of the 2(b) zone Objectives</b> (a) to enhance the amenity and characteristics of the established residential area, and	Yes	The proposal will enhance the amenity of the established residential area by removing the present unsightly use, provide landscaping, security, pedestrian links to open space and residential built form.
(b) to encourage redevelopment of low density housing forms, including dual occupancies and built unit housing, where such redevelopment does not compromise the amenity of the surrounding residential areas or the natural and cultural heritage of the area, and	Yes	The proposal meets this objective
(c) to ensure that building form, including that of alterations and additions is in	Yes	The character of the area is one of mixed density of one and two storey

<p>character with the surrounding built environment, and</p> <p>(d) to provide opportunities for people to carryout a reasonable range of activities from their homes where such activities will not adversely affect the amenity of the neighbourhood, and</p> <p>(e) to allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods, and</p> <p>(f) to ensure the road network has the capacity to cater for increased development.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>	<p>residential development. The proposal is in character.</p> <p>Experts' reports of the applicant and Council concur that capacity is sufficient.</p>
<p><b>CI 21 Flood Liable Land</b></p> <p>Is the site flood affected? If yes will the development satisfy CI 2 (a)-(e)?</p>	<p>Yes</p>	<p>The site is flood prone over a small area in the south eastern corner. Councils engineer has reviewed the application and attached conditions for approval</p>
<p><b>CI 22 Contaminated Land</b></p> <p>Is the site contaminated?</p>	<p>Yes</p>	<p>The site is identified as being contaminated. Three reports from EIS Pty Ltd have been supplied with the application and reviewed by council experts and an independent auditor. The recommendation of this report is deferred commencement for submission of a remedial action plan as recommended by the expert reports. Those reports state the site can be made suitable for the use subject to specified actions.</p>
<p><b>CI 23 Excavation and Filling of Land</b></p> <p>Development consent is required for filling of land and the following criteria must be considered:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage and flooding patterns, flood storage and soil stability in the locality, and</p> <p>(b) the effect of the proposed works on the likely future use or redevelopment of the land, and</p> <p>(c) the quality of the fill or of the soil to be excavated, or both, and</p> <p>(d) the effect of the proposed works on the existing and likely amenity of adjoining properties, and</p> <p>(e) the source of any fill material or the destination of any excavated material,</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Excavation works are required for the basement car park and removal of contaminated fill. The impact of excavation and fill with appropriate soil for landscaping has been considered satisfactory by Council's experts.</p> <p>The excavation and fill works are required for the redevelopment of the site.</p> <p>A condition of consent will require any fill to be onsite soil or certified soil to ensure no contaminated materials are transported to or retained on the site.</p> <p>The fill proposed is minimal and will not result in the unacceptable elevation of any dwelling on the site and as such adjoining properties will not be unacceptably impacted by drainage, shadowing, privacy loss or visual bulk.</p> <p>See above comment in relation to certification of soil transported to the site.</p>

and (f) the likelihood of disturbing relics.	Yes	The site is not located in a position such that onsite relics are likely.
<b>CI 30 Sites Which Require the Preparation of a Master Plan</b> Does the site fall within Schedule 4?	No	Schedule 4 contains a list of sites and criteria for sites which require the preparation of a master plan prior to development. Part 1 of Schedule 4 requires a master plan for sites having an area of 5,000m <sup>2</sup> or more and the subject site has an area of 4248m <sup>2</sup> and as such does not require a master plan.
<b>CI 31 Foreshore Development</b> Is the site on the foreshore?	N/A	The site is not located on the foreshore.
<b>CI 32 Foreshore Building Line</b> Does a foreshore building line apply?	N/A	No foreshore building line applies to the site.
<b>CI 33 Tree Preservation</b> Consent is required to remove trees	Yes	The application seeks consent to remove trees
<b>CI 34 Will the proposal have any impact on Acid Sulphate Soils?</b>	Yes	The subject site is located within classification 4 & 5. The preliminary Acid Sulfate Soils Assessment of the site dated 21 May 2010 concludes that preparation of an acid sulfate soil management plan is not considered necessary.
<b>CI 39 Height Limits in Residential Zones</b> Maximum height for a building is two storeys above ground level for multi unit housing.	Yes	The proposed development comprises single and two storey buildings. The site is not a residential zone but relies upon a permissible use in a residential zone.
<b>CI 40 Floor Space Ratios for Development</b> Maximum floor space ratio for multi unit housing is 0.6:1.	Yes	The site has an area of 4248m <sup>2</sup> and as such a maximum floor space of 2548.8m <sup>2</sup> is permitted. The proposed development has a floor space of 2419.300.m <sup>2</sup> , under the maximum allowed, which is a FSR of 0.57:1, complying with the control for a 2(b) zone. No FSR control applies to Special Uses 5 zones.

**PARRAMATTA DEVELOPMENT CONTROL PLAN – 2005 (as applicable to the 2b zone)**

Development Control	Proposal	Compliance
<b>Part 3 – Preliminary Building Envelope</b>		
<b>Clause 3.1 Preliminary Building Envelope Table – Residential Development</b>		
<u>Frontage</u> – Minimum 24m	60.96m Carrington Street 70.04m Hartington Street	Yes
<u>Height</u> – Maximum 2 storeys and 11m within a plane at 45° from the ceiling level of the uppermost storey	Single and two storey maximum height 9m	Yes
Maximum of 1 storey with attic and 8m within a plane at 45° from the ceiling level of the uppermost storey for townhouses situated to the rear of townhouses at the street frontage (ie a second row) and for rows of townhouses that	The proposal includes Townhouses numbers 7-12 which are at the “rear” of the site adjoining land zoned Residential 2(e). This land is effectively “Open Space” and owned by the State Government. It	No

<p>predominantly face the side boundary rather than the street and are not within the first 20m of the building length. The 1 storey control does not apply to a row of townhouses that has frontage to a road, lane, public reserve or land zoned Residential 2(c) or 2(d), where the 2 storey height may be permitted.</p> <p><u>Street Setback</u> – Consistent with the prevailing setback along the street within the range of 5-7m, with 3-5m on secondary streets. Basement car parks are not to extend beyond the building envelope into the front setback.</p> <p><u>Rear Setback</u> – Minimum 15% of the length of the site.</p> <p><u>Side Setback</u> – Minimum 3m except where dwellings primarily address side boundaries, where the side setbacks must be a minimum 4.5m.</p>	<p>forms part of the open space network and is considered by many to be open space and public domain.</p> <p>The design proposes dwellings fronting this land as if it was open space and seeks to rely upon the exemption for lands fronting open space. While not technically meeting this requirement, the proposal in practicality fronts open space/public domain and the exemption should apply.</p> <p>The proposed setbacks are 5m to Carrington Street, 4m to Hartington Street and 1.5m to the Elizabeth Street reserve frontage. The prevailing setbacks in the area are 5m with side setback to Hartington Street of 1m or less.</p> <p>The setbacks are considered reasonable and are greater than the previous use.</p> <p>The site has no clear rear as the site is effectively an island site with two formal street frontages (Carrington and Hartington), an unmade road/open space frontage (Elizabeth) and an effectively open space site for Lot 17 to the east.</p> <p>In such a case it is considered more appropriate to provide a reasonable setback from all sides based on the height of the adjoining development and the development on the subject site. It is considered that this has occurred and that the location of the deep soil landscaped strips adjacent to the boundaries will assist in ensuring an appropriate outlook from adjoining properties is maintained.</p> <p>Again, it is not clear which boundary is a side boundary, given the nature of the site. The design has dwellings facing to all boundaries/frontages and some building sides facing boundaries. The proposed setbacks from the non street boundaries (where dwellings address the boundary) are 2.8m (Elizabeth Street reserve) and 4m (lot 17 “open space”), respectively. Setbacks from other side boundaries to sides of buildings are 1.5m and face actual and perceived public domain open space areas.</p> <p>Therefore, depending on which boundaries are considered to be the sides, there may be some variations of the control in some limited locations. Given the variations are located adjacent to the real and perceived open space areas the variations will not result in any detrimental impacts and as such are supported in this case.</p>	<p>No</p> <p>No</p> <p>No</p>
<p><b>Part 4 – General Principles for Development</b></p>		

<p><b>4.1.1 Views and Vistas</b> Does the development preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 3 - <u>Vegetation Communities</u>?</p> <p>Does the building design location and landscaping encourage view sharing between properties?</p>	<p>The development does not impact upon any significant views.</p> <p>The development does not impact upon any significant views.</p>	<p>Yes</p> <p>N/A</p>
<p><b>4.1.2 Public Domain</b> Development of private property should have regard and make a positive contribution to the interface with the public domain</p>	<p>The proposal is designed to address the public domain and provide surveillance and improved landscaped quality to these spaces. Further the proposal incorporates a pedestrian link available during daylight hours between the public domain open space to the north and south of the site.</p>	<p>Yes</p>
<p><b>4.1.3 Culture and Public Art</b> Has an Arts and Cultural Plan been submitted as part of the application identifying art to be incorporated into the development?</p>	<p>An Arts and Cultural Plan has not been submitted as the site is less than 5,000 sqm and this section does not apply.</p>	<p>N/A</p>
<p><b>4.1.4 Water Management</b>  Flooding or Grey Area - Is the site flood affected or within a Grey Area? Stormwater Disposal - Is stormwater able to be directed to Council's stormwater network? Generally the street? BASIX - Meets BASIX certificate requirements with regard to rainwater tanks, native vegetation etc. Acid Sulfate Soils</p>	<p>Yes</p> <p>An appropriate concept stormwater plan has been provided and a BASIX certificate has been provided.</p> <p>See section on site suitability below regarding comments on Acid Sulfate soils. The site contains class 4 &amp; 5 and the proposal is not considered to create an adverse impact.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4.1.5 Soil Management</b> Are there adequate erosion control measures?</p>	<p>An adequate sediment and erosion plan has been provided.</p>	<p>Yes</p>
<p><b>4.1.7 – Development on Sloping Land</b> Does the design of the development respond to the slope of the site? (Generally speaking FFL should not exceed 500mm above existing NGL)</p>	<p>The proposal does respond to the slope of the site and flooding constraints. The site falls away to the south east corner where the land is flood prone. The 1 in 100 year ARI flood level is RL 6.95m. The FFL of dwellings along the eastern and southern boundaries is 8.40m. The central open space area also serves as an OSD basin and is set at RL 7.5-7.6m.</p> <p>The FFL does exceed the suggested 500mm above NGL but responds to the flooding and drainage issues of the site.</p> <p>At main entry: FFLs for houses along Hartington and Carrington are not more than 500mm above natural ground at their main entry area. However as the site slopes down towards the SW corner and FFLs must be maintained above a certain OSD water level, set by the hydraulics engineer. This results in 4 houses with entries above 500mm. They are internal</p>	<p>Yes</p> <p>No</p>



	<p>houses #10-11-12-13.</p> <p>At back: Due to a sloping site, the back of all houses are between 500mm and 1000mm above natural ground; however that is a desirable feature as the proposal is providing raised decks with slimline rainwater tanks under. The rainwater tanks are proposed to be above ground, under decks, as to maintain as much permeable soil areas as possible. For that 500mm clearance is required.</p> <p>It is considered the proposal meets this requirement and has no impact upon the privacy of adjoining land.</p>	
<b>4.1.7 – Land Contamination</b> Is the site contaminated?	The site is contaminated. See Section on site suitability below and SEPP 55 above of this report.	No requires remediation
<b>4.1.9 – Biodiversity</b> If land abuts Zone 7, has a 6 metre setback for all structures been provided?	The site does not abut zone 7.	N/A
<b>4.1.10 Landscaping</b> <p>Are natural features on the site, such as existing trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities retained and incorporated into the design of development?</p> <p>Are trees planted at the front and rear of the site to encourage tree canopy to soften the built environment, to encourage the continuity of the landscape pattern and to minimise overlooking opportunities between properties?</p> <p>Deep Soil Zone - Does the proposal provide for a 30% deep soil zone? (a minimum of 50% is to be located at the rear of the site with a minimum of 15% to be within the front setback). A minimum of 10% is to be a communal landscaped area, to be provided between the dwellings in developments with more than one group of attached dwellings.</p> <p><b>Note:</b> The minimum dimensions for a deep soil zone are 4m x 4m.</p> <p>Landscaped Area - Is a minimum of 40% of the site is to be landscaped?  This is inclusive of the deep soil zone and must</p>	<p>There are no significant natural features on the site. The proposal requires removal of 7 trees principally for driveway access</p> <p>No overlooking of adjoining properties occurs to cause loss of privacy. Street trees are proposed to be retained</p> <p>The site has an area 4248m<sup>2</sup>, requiring the provision of 1,274.4m<sup>2</sup> of deep soil zone, with 637.2m<sup>2</sup> at the rear and 191.16m<sup>2</sup> within the front setback, and with a communal landscaped area of 127.44m<sup>2</sup>.</p> <p>The proposal provides a landscaped area of 2760m<sup>2</sup> or 65%, complying with the control.</p> <p>The proposal provides a deep soil area of 1280sqm. The area provided forward of the building line (in both street frontages) of 590 m<sup>2</sup> (40%), complying with the control.</p> <p>Compliance with the deep soil requirement at the rear of the site is problematic as definition of the rear of the site is discussed previously. However deep soil behind the building line is 690 m<sup>2</sup> or 54% and complies</p> <p>The proposal provides for communal deep soil area of approximately 500 sqm.</p> <p>The site has an area 4248m<sup>2</sup>, requiring the provision of 1699m<sup>2</sup> of landscaped</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

be a pervious surface, at ground level and have a minimum soil depth of 1m and minimum dimension of 2m.	area. The proposal provides for a landscaped area of 2760m <sup>2</sup> 65%, complying with the control,	
<p><b>4.2.1 Streetscape</b></p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p> <p>Vehicle access points should be minimised and should not break the continuity of the streetscape, with landscaping to be used to minimise the visual intrusion of vehicular access points.</p> <p>The maximum length of building frontage along the street is 20m and the minimum separation between buildings is 3m, with the separation area to be fenced and landscaped for privacy when it is to be used as part of the private area of a dwelling.</p>	<p>The existing streetscape to Hartington Street is the side fencing for two dwellings facing Carrington Street and Elizabeth Street and the present use presents an unsightly streetscape of chainwire fencing and temporary buildings. The streetscape to Carrington Street consists of a blank wall to a smash repair building and single storey dwellings. The proposal has set forth in the SEE key design principles which are considered relevant. The proposal meets these principles and responds to the eclectic streetscape for the issues set out in the DCP.</p> <p>Two access points are provided from Hartington Street, one into an access to the underground parking area and the other to provide emergency access to the units at the rear of the site. The two access areas are separated by the adaptable single storey dwelling house number 20.</p> <p>Buildings along the street frontages do not exceed 20m along those frontages and meet or exceed 3m separation. The building containing adaptable dwelling 1 and houses 2 and 3 does exceed 20m (25.6m) along the rear where a single storey element setback 11m from both Hartington and Carrington Street frontages behind the Sydney Water easement is proposed. Sufficient articulation and landscaping exists in this location to be acceptable.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>4.2.2 – Fences</b></p> <p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p> <p><i><b>Note:</b> Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a maximum height of 1.8 metres.</i></p> <p>Is sheet metal fencing proposed to be used forward of the building line or on boundaries that have an interface with the public domain?</p>	<p>Fencing in the area varies from low solid walls, masonry with fenced open timber slat and hedging. There is no strong theme or character. The fencing in the proposal is generally selected brick or blockwork with hardwood timber slat panels to upper sections fixed to steel posts</p> <p>Front fences are generally 1m in height and return along the boundaries between dwellings.</p> <p>No sheet metal fencing is proposed.</p>	<p>Yes</p>
<p><b>4.2.3 Building Form and Massing</b></p> <p>Is the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p>	<p>The height, bulk and scale of the proposal is consistent with the mixed single and two storey buildings of single and multi-unit dwellings in the area. The articulation of the buildings responds to the building form of the area.</p>	<p>Yes</p>

Does the building height and mass result in unreasonable loss of amenity for adjacent properties?	The site has no adjoining residential properties. No loss of amenity to residential properties occurs from the proposal	Yes
Does the development have large expanses of blank walls?	There are no large areas of blank walls not articulated.	Yes,
Is the floor area of the attic more than 25m <sup>2</sup> ? Note: the floor area of attics is included in the floor space ratio calculation.	No attics	Yes
<b>4.2.4 Building Façade and Articulation</b> Is the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?	The building facades are modulated in both plan and elevation, with the use of stepping in the longer facades, the use of entrance setbacks and the use of windows and balconies to provide articulation to the facades	Yes,
Do eaves project more than 800mm beyond the building envelope?	The buildings are proposed to have eaves of 600mm beyond the building.	Yes
Are recognisable entries provided for all dwellings?	The dwellings entries are easily recognisable off the common paths/areas.	Yes
Are a mix of building materials and colours provided to reduce the appearance of bulk and integrate the buildings into the local area?	The colours/materials selection provided by the applicant are appropriate, with use of subdued natural colours.	Yes
<b>4.2.5 Roof Design</b> Do the roofs exceed a pitch of 32°?	The roof pitches are all low and below 32°.	Yes
Is the roof form contained within a building envelope determined by projecting a plane at 45° from the ceiling of the uppermost storey to a maximum height of 11m for two storey and 8m for one storey buildings?	The roof form is contained within the specified building planes.	Yes
Are the dormers no greater than 1.5m in width and do they incorporate a balcony?	No dormers proposed	N/A
Are attics cross ventilated?	No attics proposed however upper floors are cross ventilated	Yes,
Do attic windows overlook adjoining properties?	No attics	N/A
<b>4.3 Environmental Amenity</b>		
<b>4.3.1 Private and Communal Open Space</b> Is a minimum of 40m <sup>2</sup> of private open space provided at ground level for each dwelling, with a minimum dimension of 4m?	The following private open space areas are provided for each unit: House 1 109m <sup>2</sup> House 11 50 m <sup>2</sup> House 2 66 m <sup>2</sup> House 12 49 m <sup>2</sup> House 3 68 m <sup>2</sup> House 13 83 m <sup>2</sup> House 4 66 m <sup>2</sup> House 14 53 m <sup>2</sup> House 5 64 m <sup>2</sup> House 15 52 m <sup>2</sup> House 6 97 m <sup>2</sup> House 16 96 m <sup>2</sup> House 7 50 m <sup>2</sup> House 17 61 m <sup>2</sup> House 8 49 m <sup>2</sup> House 18 59 m <sup>2</sup> House 9 49 m <sup>2</sup> House 19 63 m <sup>2</sup> House 10 50 m <sup>2</sup> House 20 89 m <sup>2</sup>  A communal open space area of 618m <sup>2</sup> is provided central to the site and provides pedestrian links, floodways and landscaped area screening within the development.	Yes
Does communal open space provide landscaping between buildings within and		Yes

around the site and between communal and private open space areas on the site?		
<b>4.3.2 Visual Privacy</b> <p>Are windows, balconies and decks designed to minimise overlooking of living areas and private open spaces of adjoining dwellings?</p> <p>Is a minimum of 12m separation provided between buildings within the development where habitable rooms face habitable rooms?</p> <p>Is a minimum of 9m separation provided between buildings within the development where habitable rooms face non-habitable rooms?</p> <p>Is a minimum of 3m separation provided between buildings within the development where non-habitable rooms/blank walls face non-habitable rooms/blank walls?</p>	<p>The design generally protects the privacy of residential sites within the area as there are no adjoining residential developments.</p> <p>Generally the separation distances between the facades of the proposed dwellings across the central open space are very generous ranging from about 30 to 38 metres. This far exceeds the separation requirements of the DCP. There are instances where terrace side walls are adjoining and in each of these locations 3m or more is provided. Where the side walls of dwellings face the rear living areas and private open spaces of other dwellings the proposal provides either the required 9m or, in one instance, to the north east 8m. Although 1m less than required in the DCP the windows to the side wall of the terrace are obscured and high level and do not impact on privacy.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes (1 exception)</p>
<b>4.3.3 Acoustic Privacy</b> <p>If the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors, have entries, halls, storage rooms, bathrooms and laundries been located on the noise affected side of the dwelling and are these areas able to be sealed off by doors from living areas and bedrooms?</p>	<p>No dwellings are proposed within proximity to noise generating land uses. The smash repair centre to the north west of the site has no openings to towards the development.</p>	<p>Yes,</p>
<b>4.3.4 Solar Access and Cross Ventilation</b> <b>Solar Access</b> <p>Does each dwelling and adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p>	<p>Each of the twenty dwellings has been designed to maximise solar access to living areas either by northern orientation to living areas in the North-South facing dwellings or through an East-West orientation allowing morning and afternoon sun to East-West facing dwellings. In addition, as mentioned above, East-West dwellings have north facing roof highlights to provide light and warmth into the middle of the dwellings. North-South facing dwellings have skylights to stairwell and study spaces within the roof form for light and ventilation but already benefit from northerly sun to living areas.</p> <p>Each dwelling will receive a minimum 3 hours of sunlight to living areas in mid winter. For adjoining dwellings the proposal is bounded by streets and public open space; therefore, it will not affect the solar access of any adjoining properties.</p> <p>The minimum width of the dwellings is 5.9m, which exceeds the DCP minimum. Therefore the proposal complies with the</p>	<p>Yes</p>

<p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p> <p><b>Cross Ventilation</b></p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Is the maximum building depth 14m and minimum dwelling width 5m?</p> <p>Is natural cross ventilation provided for each dwelling?</p> <p>Are attic cross ventilated?</p>	<p>DCP requirements.</p> <p>Ground floor areas are all living space in the terrace development and of open plan to facilitate solar access at all available times. The adaptable houses living areas face north</p> <p>Yes</p> <p>Dwellings generally 10m deep by 5.9m wide</p> <p>Yes</p> <p>No attics</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p><b>4.3.5 Waste Management</b></p> <p>Is the waste management plan satisfactory?</p>	<p>A satisfactory waste management plan has been submitted</p>	<p>Yes</p>
<p><b>4.4.1 Access for People with Disabilities</b></p> <p>Does the siting, design and construction of premises available to the public ensure an appropriate level of accessibility?</p>	<p>There is no requirement for access by persons with disabilities as the development is residential, however the stair lift within the car park provides for accessibility to the ground level of the site and from there access is available to each dwelling.</p>	<p>Yes</p>
<p><b>4.4.2 Safety and Security</b></p> <p>Does the design incorporate opportunities for natural surveillance and incorporate elements that for crime prevention?</p>	<p>The proposal achieves a high level of safety and security. Dwellings address adjoining public spaces and streets and also overlook and address the central communal open space. Doors or gates are provided to the car park area. Access stairs to provide security and gates are provided to the connections through the site to ensure night time security.</p> <p>Dwellings provide living areas and bedrooms overlooking the public and communal open spaces and lighting will be provided to the central communal spaces to ensure a soft radiance that discourages antisocial behaviour.</p> <p>The Development is designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting and the appropriate landscaping of public areas.</p>	<p>Yes</p>
<p><b>4.5.1 Parking and Vehicular Access</b></p> <p>Is parking provided in a basement?</p> <p>Is 1 spaces provided for each 1-2 bedroom unit and 1.2 spaces per 3 bedroom unit, plus 0.25</p>	<p>Parking is provided within the basement.</p> <p>The development includes 10 x 3 bedroom and 10 x 2 bedroom units, requiring 25 residential spaces and 5</p>	<p>Yes</p> <p>Yes</p>

space per unit for visitor parking? Note: a car wash bay may also be a visitor space.	visitor spaces, a total of 30 parking spaces. The proposal provides for 30 parking spaces. A car wash bay is provided as disabled space 1.	
<b>Part 5 -Special Character Areas</b>		
Is the site within a Special Character Area? Is the proposal consistent with the controls in Section 5 of the DCP?	No N/A	
<b>Appendix 4 – Neighbourhood Character Areas</b>		
Is the proposal within a Neighbourhood Character Area?	No.	N/A

## DRAFT LOCAL ENVIRONMENTAL PLAN 2010

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

Under the provisions of s.79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, any draft environmental planning instrument (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 until 7 May 2010 and is a draft EPI for the purposes of this section of the Act. The provisions of the PLEP 2010 are therefore relevant considerations. Any such assessment must consider the degree of weight placed upon such provisions and whether the implementation of the draft LEP is certain and imminent. It must also consider the effect of any savings provisions contained within the instrument.

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

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

### Likely impacts

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

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

### Suitability of the site

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

Three matters concerning site suitability are issues of contamination, acid sulfate soils and flood liable lands.

Three Environmental Site Assessment reports have been submitted with the application and indicate contamination the remediation costs of which could be significant. The latest of those reports states that the site can be made satisfactory for the proposed use subject to a Remediation Action Plan. Further, the independent site Auditor has provided an Interim Advice #1 which considers that sufficient information is available for an informed planning decision to be made and recommends a deferred commencement approval. The matters to be undertaken to satisfy the deferred commencement and incorporated as conditions in Schedule A to the recommendation of this report were complied with the assistance of the Auditor.

It is considered that RAP should be a preliminary aspect of any approval.

In regards to Acid Sulfate soils the applicants expert states in response to a request for information to satisfy clause 34 of the PLEP;

- “1. *The fill material associated with ASS was not found at the site.*
2. *Bedrock was at depths less than 6m in the west of the site and ASS is not usually associated with shallow bedrock.*
3. *The site has an elevation of about 8m and ASS is typically associated with profiles of less than 5m AHD and excavation is not going to extend to that AHD level*
4. *All of the above information indicates that the risk of potential ASS at the site is relatively low.”*

A further report by EIS dated 21 May 2010 addressing the *Acid Sulfate Soils Assessment Guidelines* concludes;

EIS understand that the proposed development includes excavation to a maximum depth of approximately 3m in the west and north sections of the site. We have assessed the risk posed to the environment of acid sulphate soil by this development as relatively low for the following reasons:

- The acid sulfate soil risk map for the Prospect/Parramatta River area indicates that the site is located on the boundary of an area of no known occurrence of acid sulfate soils and an area of disturbed terrain.
- The geological map for Sydney indicates that the site is likely to be underlain by Ashfield Shale or quaternary aged alluvial deposits. Acid sulfate soils are not usually associated with residual soil profiles.
- The investigation included drilling and sampling of twelve boreholes to a maximum depth of 6.45m below the existing site level. The boreholes encountered the following:
  - Fill material to a maximum depth of 1.8m. This fill did not appear to be dredged estuarine material;
  - Clay natural soils, with a relatively small amount of organic material (acid sulfate soils are often encountered within organic or peaty soils);
  - Relatively shallow bedrock (typically less than 6m); and
  - Groundwater was measured at depths of approximately 2m and 4m in the west and east sections of the site, respectively;
- The site is located at approximately 8m AHD, with excavations to extend to a minimum elevation of approximately 5m AHD. Acid sulfate soils are not usually associated with soil horizons above 5m AHD; and
- Excavations for the proposed basement are likely to only intercept groundwater in the west section of the site (area of no known occurrence of acid sulfate soils). Acid sulfate soils are typically not encountered above the water table.

Preparation of an acid sulfate soil management plan is not considered necessary for the proposed development to minimise the risk.

In regards to flood liable lands, one small area in the South eastern corner of the site is below the 1 in 100 year flood level (6.95mRL). The proposal satisfies Council minimum requirements of 6.95m plus 500mm for the proposal and exceeds these minimums.

Subject to the satisfactory remediation of the site, the site is suitable for the proposal.

## **Parramatta Section 94A Development Contributions Plan**

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

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

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

## **Public Consultation**

One submission was received in response to the notification of the application.

## **S.79C ASSESSMENT**

The development is;

- Consistent with the objectives of the zone and the adopted adjoining zone of residential 2(b),
- Suitable for the site subject to remediation,
- Consistent with the public interest, and
- Generally consistent with the requirements of LEP 2001 and DCP 2005. Where variations are sought to the requirements of LEP 2001 and DCP 2005, they are supported in this instance.

## **CONCLUSION**

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

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

The major issue of site contamination requires a Remediation Action Plan to be the subject of deferred commencement. The site requires remediation.

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 contamination issue being resolved by the Remediation Action Plan.

## **RECOMMENDATION**

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

- (a) **That** the Sydney West Region Joint Regional Planning Panel approve by way of deferred commencement, development application 129/2010 for the erection of a multi unit housing development comprising 10 x 2 storey 3 bedroom dwellings and 10 x 2 storey 2 bedroom dwellings with basement car parking for 30 cars including 5 visitor spaces and 4 disabled spaces at 23 Elizabeth Street, Granville, for a period of five years from the date on the Notice of Determination subject to the conditions of consent in Attachment 1 of this report. Schedule A to the conditions contains the deferred commencement conditions.



- (b) **That**, the objector who made the submission be advised of the decision.
- (c) **Further** that NSW Office of Water be provided with a copy of the determination.

## **ATTACHMENT 1 PROPOSED CONDITIONS OF CONSENT**

### **SCHEDULE A Deferred commencement conditions**

*Evidence required to satisfy the following deferred commencement conditions must be submitted within thirty six (36) months of the date of this consent.*

This consent does not operate until the following deferred commencement conditions have been satisfied:

#### **1. Remediation Action Plan**

The applicant shall submit a Remediation Action Plan (RAP) for the site prepared in accordance with *SEPP 55- Remediation of Land* and the associated *DUAP/EPA Managing Land Contamination Planning Guidelines (1998)*. The RAP is to take into account and address the following issues and those raised in the independent Auditors Interim advice No. 1 dated 2 July 2010:

- Further discussion regarding site conditions, including discussion on condition of infrastructure currently on site, any aesthetic issues and storage of potentially contaminated materials.
- Further site history review, including review of zoning information and provision of site history documentation sources.
- Clarification of potential contaminants of concern from each specific potentially contaminating activity including consideration of potential off-site sources.
- Further consideration of groundwater contamination undertaken in accordance with DEC (2007) Guidelines for the Assessment and Management of Groundwater Contamination.
- Provisions for further classification of fill materials for waste disposal purposes during excavation and remediation works.
- The proposed remediation strategy for the Underground Storage Tank (UST) that is likely present in the central portion of the Site.
- A soil management plan and waste management plan for the excavation works proposed as part of site redevelopment.
- Procedures to deal with any uncertainties remaining in characterisation of the Site, to ensure these are taken into account in remediation and validation.

#### **2. Independent Audit review of Remediation Action Plan**

The applicant is to appoint an independent Auditor to review the RAP. The applicant shall obtain written advice from the Auditor as to whether the RAP is appropriate to remediate the site to a condition suitable for the proposed development.

#### **3. Implementation of the Remediation Action Plan**

Upon receipt of advice from the independent Auditor that the RAP is appropriate for the purpose stated in condition 2 above, the applicant is to supply to Council satisfactory information that works required under the RAP do not alter or require to be altered the plans the subject of this consent set out below.

*Upon receipt of written notification from Council that the abovementioned conditions have been satisfied, the following conditions will apply:*

### **SCHEDULE B conditions of consent to operate following satisfactory completion of Schedule A conditions.**

#### **General Matters:**

#### **Plans and Documents**

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

Drawing N°	Dated
Drawing Nos.A0.0-03, A1.01-04, A1.11-18, A2.01-02, A3.01, A5.02, A5.05 & 06 prepared by GML Urban Design & Architecture	26.02.2010
Drawing Nos 4324-1B, 2B & 3B, prepared by J&F Designs	16.03.2010
Drawing No. H1-01 Erosion & Sediment control Plan prepared by GML Urban Design & Architecture	26.02.2010
Drawing Nos.L0.1 & 0.2 Landscape Details prepared by GML Urban Design & Architecture	17.03.2010
Drawing Number SU.01 Survey Plan by Parramatta City Council	12.02.2010

Document(s)	Dated
Statement of Environmental Effects prepared by GML Urban Design & Architecture and Appendices	February 2010
BASIX certificate 298394M	26 February 2010
ABSA certificate 17212023	25 February 2010
Waste Management Plan prepared by GML Urban Design & Architecture	February 2010
Geotechnical Investigation Report Ref M22818Zarpt by Jeffery and Katauskas Pty Ltd	14 May 2009
Report to Parramatta Council on Preliminary Environmental Site Assessment for Proposed Townhouse Development at 23 Elizabeth Street, Granville prepared by Environmental Investigation Services, ref E22818KHrpt)	May 2009
Report to Parramatta Council on Stage 2 Environmental Site Assessment for Proposed Townhouse Development at 23 Elizabeth Street, Granville prepared by Environmental Investigation Services, ref E22818KHrpt2)	August 2009
Report to Parramatta Council on Additional Environmental Site Assessment for Proposed Townhouse Development at 23 Elizabeth Street, Granville prepared by environmental Investigation Services, ref E22818KHrpt3)	August 2009
Traffic and Parking Assessment Report prepared by Varga Traffic Planning	25/2/2010
Hydrology Report/Statement (Hydraulic Stormwater) by J&F Designs	25.06.2008
Hydraulic Basement pump out calculations; Pump and pipe selection and drainage design summary for Parramatta River Catchment by J&F Designs	26.02.2010

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

2. **PA10 Demolition work carried out in accordance with Australian Standards**  
Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.

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

3. **PA12 Footings and walls near boundaries**  
All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

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

#### **Building work in compliance with BCA**

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

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

#### **Construction Certificate**

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

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

#### **BE02 Record of inspections carried out**

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

The record must include details of:

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

#### **EA03 Stormwater Disposal**

7. Site stormwater discharge of all roof water and surface water is to be connected to an approved drainage system by Council as indicated on the concept drainage plan No. 4324-1B Revision B dated 16.03.2010 by J & F Designs. The discharge method includes a concrete headwall and a rock mattress to avoid scouring the channel's embankment. The rock mattress shall extend to the top of wall of the open channel and to Council's satisfaction.

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

#### **EA04 Retaining walls**

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

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

#### **LA01 Tree Retention**

9. Trees to be retained and protected are identified in the submitted Arborist Report by Martin Peacock Tree Care dated 19 March 2010 – Tree No's 1 - 3, 7, 10 - 22 and 41 – 49.

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

**LA02 Tree Removal – refer to submitted Arborist Report by Martin Peacock  
Tree Care dated 19 March 2010**

10. Trees to be removed are as follows:

Tree No	Name	Common Name	Height/Condition	Location	Reason
4	Callistemon viminalis	Bottle Brush	4/Fair	Street	Height exemption
5	Eucalyptus nicholii	Narrow Leaved Peppermint	5/Poor	Street	Poor condition
6	Eucalyptus nicholii	Narrow Leaved Peppermint	6/Poor	Street	Poor condition
8	Callistemon viminalis	Bottle Brush	3/Fair	Street	Height exemption
9	Callistemon viminalis	Bottle Brush	4/Good	Street	Height exemption
38	Eucalyptus nicholii	Narrow Leaved Peppermint	6/Poor	Street	Poor condition
39	Lophostemon confertus	Brush Box	8/Poor	Site	Poor condition
40	Melia azedarach	White Cedar	12/Good	Site	Exempt species
50	Cinnamomum camphora	Camphor Laurel	11/Fair	Street	Poor crown density/located close to proposed building footprint

**Reason:** To allow appropriate development of the site.

**LA06 Advanced tree planting**

11. 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

12. The proposal is to comply with the following General Terms of Approval (GTA) reference 10 ERM2010/0238 File Number 9053240 of NSW Office of Water for 'works' requiring a Controlled Activity Approval under the Water Management Act 2000 (WMA).

Number	Condition
	<b>Plans, standards and guidelines</b>
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA/129/2010 and provided by Council.  Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
	<b>Rehabilitation and maintenance</b>
4	The consent holder must reinstate waterfront lands affected by carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
	<b>Disposal</b>
5	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
	<b>Drainage and Stormwater</b>
6	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

	<b>Erosion Control</b>
7	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
	<b>Excavation</b>
8	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water
9	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.

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

13. The Construction Certificate will not be issued over any part of the site requiring a Controlled activity Approval until a copy of that Approval from the NSW Office of Water has been provided to Council.

**Reason:** As required by NSW Office of Water

**Architectural Plans**

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

Modification of houses 11, 12 & 13 in accordance with drawing number SK.21 dated May 4 2010 titled Masterplan Study #3 by GMU.

**Reason:** To provide for visual enhancement to the south eastern corner of the site..

**Substation**

15. Any substation required to service the development is to be provided onsite and is to be screened from view from the street to be indicated on plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

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

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

(a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

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

**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued

for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

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

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

17. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

**Reason:** To ensure that the levy is paid.

**PB05 Noise from plant in residential zone**

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

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

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

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

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

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

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

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

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

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

21. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be recycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

**PB23 Recyclable Waste**

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

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

**PB25 Outdoor lighting**

24. All outdoor lighting shall comply with, where relevant, AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

**PB27 Disabled access for residential developments**

25. Access for people with disabilities to and from and between the car park, adaptable units and common open space areas are to be provided. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 'Access for People with Disabilities', provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

**EB07 Basement carpark and subsurface drainage**

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

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

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

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

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

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

**EB11 Flood warning system for medium density**

28. The building shall be installed with a flood warning alarm system triggered by float switches. A maintenance schedule to test the float switches and alarms every 3 months shall be included in the management plan with details submitted with the application for the Construction Certificate.

**Reason:** To ensure the flood warning system is in working order.



## **EB12 Floodwater Certification**

29. Structural certification from a suitably qualified structural engineer should be submitted with the application for a Construction Certificate indicating that all columns, buildings and structures and On-Site Detention tanks have been designed to withstand inundation, debris and buoyancy forces of floodwater through the site for all storms up to and including the Probable Maximum Flood (PMF).
30. The building shall be designed and certified by a suitably qualified practicing engineer to ensure against failure due to flooding. In addition, a Flood Evacuation & Management Plan shall also be prepared by a suitably qualified professional. The design and certification of the building and the Flood Evacuation & Management Plan shall be submitted to Council's Catchment Management Division for approval, prior to the release of the Construction Certificate.

**Reason:** To ensure the structure can withstand flooding events.

31. Structural certification from a suitably qualified structural engineer shall be submitted to Council for approval prior to the release of the Construction Certificate indicating that all columns, buildings and structures and On-Site Detention tanks have been designed to withstand inundation, debris and buoyancy forces of floodwater through the site for all storms up to and including the Probable Maximum Flood (PMF) assuming total pipe blockage.
32. The proposed finished floor levels to all habitable floor areas are to be constructed 500 mm above the calculated 1 in 100 year ARI flood level. The construction certificate plans shall be notated accordingly.
33. All structures are to have flood compatible building components below the 100 year ARI flood level plus 500 mm freeboard.
34. Garages capable of accommodating more than 3 motor vehicles on land zones for urban purposes, or enclosed car parking, must be protected from inundation by floods equal to or greater than the 100 year ARI flood. Ramp levels to be no lower than 0.5m above the 100 year ARI flood level. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to release of the construction certificate.
35. The applicant is to demonstrate the development is consistent with any relevant flood evacuation strategy or similar plan. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to release of the construction certificate.
36. The applicant is to demonstrate that adequate flood warning is available to allow safe and orderly evacuation without increased reliance upon SES or other authorised emergency services personnel. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to release of the construction certificate.
37. A Site Emergency Response Flood plan is to be prepared and submitted to Council as part of this application. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to release of the construction certificate.
38. The applicant is to demonstrate that area is available to store goods above the 100 year flood level plus 500mm freeboard.
39. 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.
40. All service utility pits, hot water systems, rainwater tanks and structures shall be located outside the overland flow path.
41. Council's existing / new stormwater pipe drainage system is to be protected from all proposed works. The foundations and footings of all buildings and walls are to be designed so that they

do not provide additional loading or cause damage to Council's stormwater pipe system. All structures are to be certified by an experienced practicing qualified Structural Engineer. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to release of the construction certificate.

42. The applicant is to submit full details of the proposed development to Sydney Water for approval of works proposed adjacent to their channel. Evidence of this shall be submitted to Council prior to the release of the construction certificate. The applicant shall also obtain approval from Sydney Water prior to relocating the existing stormwater outlet point as well as making a new connection for the disposal of the stormwater from the development site.

**Reason:** To ensure the owner of the channel (Sydney Water) and its Hydraulic Capacity are protected.

43. An Engineer's report shall be submitted to the Principal Certifying Authority, certifying that the development will not increase flood affectation elsewhere, having regard to loss of flood storage, change in flood levels, flows and velocities caused by alterations to flood flows and the cumulative impact of multiple potential developments in the vicinity.

**Reason:** To ensure the proposed development will not increase flood affectation elsewhere.

44. All ventilation openings are to be no lower than 500 mm above the 100 year ARI flood level. Details shall be included in the final construction drawings for submission with Construction Certificate Application.

**Reason:** To ensure the basement car park area is protected from flood water.

45. The minimum surface level of open spaces shall be as high as practical, but no lower than 100mm below the 100 year ARI flood level. (Note that the Local Floodplain Risk Management Policy states that "In case of garages, the minimum surface level shall be as high as possible, but no lower than the 100 year ARI flood level"). Garages capable of accommodating more than three (3) motor vehicles on land zones for urban purposes, or enclosed car parking must be protected from inundation by floods equal to or greater than the 100 year ARI flood. Ramp levels to be no lower than 0.5 m above the 100 year ARI flood level. The details shall be reflected in the final construction drawings.

**Reason:** To ensure cars will not be inundated by flood waters.

46. The applicant shall check overland flow velocities and flow depths along pedestrian access ways and proposed car park / driveway areas to ensure that flow depths do not exceed the Council's maximum allowable 0.2 m depth and that the maximum velocity depth product is no greater than 0.4.

**Reason:** To ensure safe pedestrian and vehicular movements.

47. Enclosed car parking areas accommodating more than 3 vehicles, with a floor below the 100 year ARI flood level, shall have adequate warning systems, signage, exits and evacuation routes.

48. All emergency exit doors and access ways from basement carpark should not be capable of being locked and remain unlocked at all times for the life of the structure. These doors are not to be locked for security or any other reason. All emergency escape stairs shall lead to safe areas not affected by flood waters. No power outlets or electrical equipment is to be placed or stored in the basement carpark. A warning system, encompassing audible alarm and flashing probe, is to be installed at the vehicular entry ramp and at all emergency exit stairs and basement carpark. The warning system should be installed to activate when flood water in basement reaches 100 mm in depth and is to continue to operate up to the PMF level and until basement is completely drained. Flood warning signs are to be installed at the outside

entry to the basement carpark and inside the basement car park at locations clearly visible by drivers and pedestrians.

49. All matters raised in this condition must be adequately addressed prior to issue of Construction Certificate approval.

**Reason:** To ensure adequate warning signs are in place and flood emergency access is available for drivers and pedestrians.

50. Reliable pedestrian evacuation access needs to be identified for pedestrians and vehicles, up to PMF level. This emergency flood evacuation access required from the site to an area of refuge above the PMF level, either on site (eg: Second Storey) or off site. The applicant is to demonstrate the development is consistent with any relevant flood evacuation strategy or similar plan. The applicant is to demonstrate that adequate flood warning is available to allow safe and orderly evacuation with out increased reliance upon SES or other authorised emergency services personnel. In this regard, the building shall be installed with a flood warning alarm system triggered by float switches. A Site Emergency Response Flood Plan shall be prepared and submitted to the Principal Certifying Authority as part of the Construction Certificate Application. A maintenance schedule to test the float switches and alarms every 3 months shall be included in the management plan with details submitted with the application for the Construction Certificate.

**Reason:** To ensure adequate flood warning system and emergency evacuation response plan are in place. Also to ensure the flood warning system is in working order at all times.

51. The minimum habitable floor level for the proposed building shall be located 500mm above the 1 in 100 year flood level. Certification of compliance with approved floor level by Registered Surveyor shall be provided to the Principal Certifying Authority upon completion of the ground floor.

**Reason:** To ensure that the building level is in accordance with the approval.

### **EB13 On Site Detention**

52. 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: Drawing Nos 4324-1A, 2A & 3A, prepared by J&F Designs dated 26 February 2010  
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 **470** m<sup>3</sup>/ha and a Permissible Site Discharge of **80** L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook)
- When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage) of SRD<sub>L</sub> of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of **285** m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRD<sub>U</sub> of **150** l/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of **439** m<sup>3</sup>/ha as per the submitted OSD calculation.
- Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

**Note:** The overland flow path running from the on-site detention tank to the open channel shall not be blocked and shall be clear up to 120mm in height.

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

**EB15 Driveway Grades**

53. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) "Off-street car parking" to prevent the scraping of the underside of the vehicles.

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

**EB16 Nomination of Engineering Works Supervisor**

54. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer ( at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:

- a. all relevant statutory requirements,
- b. all relevant conditions of development consent
- c. construction requirements detailed in the above Specification, and
- d. the requirements of all legislation relating to environmental protection,
- e. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- f. Certify that the Works as Executed plans are true and correct record of what has been built

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

55. 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.

**EB20 Construction and Traffic Management Plan**

56. 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,
  - i. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
  - ii. The locations of proposed Work Zones in the egress frontage roadways,
  - iii. Location of any proposed crane standing areas,
  - iv. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - v. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,

- vi. 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.

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.

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

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

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

**EB24 Driveway Crossing Application**

58. 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.

**EB30 Exhaust fumes**

59. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

**Reason:** To preserve community health and ensure compliance with acceptable standards.

**EB35 Impact on Existing Utility Installations**

60. 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.

**EB37 Illumination of basement Parking**

61. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

**Reason:** To protect public safety.

**PB05 Noise from plant in residential zone**

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

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

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

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

63. A monetary contribution comprising \$53,500 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 PB34 Environmental Enforcement Service Charge (to be applied to all development consents)

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

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

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

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

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

**EB01 Section 73 Compliance Certificate**

66. 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.

**Prior to Work Commencing:**

**EC01 Pedestrian & Traffic Management Plan for demolition & excavations**

67. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

**Reason:** To maintain pedestrian and vehicular safety during construction.

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

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

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

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

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

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

**EC05 Drainage to public infrastructure**

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

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

**EC09 Erosion and Sediment Control measures**

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

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

**EC10 Damage to public infrastructure**

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

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

**EC11 Site Maintenance**

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

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

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

**EC13 Sydney Water approval**

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

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

**EC14 Dial Before you Dig Service**

75. 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.

**ED11 Construction of a standard kerb ramp**

76. Construction of a Standard Kerb Ramp in accordance with Council Plan No. DS4 in the kerb at the intersection of Hartington Street and Carrington Street. Details of the proposed works shall be resubmitted to and be approved by Council prior to commencement of works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to the issue of the Occupation Certificate. All costs are to be borne by the applicant.



**Reason:** To provide adequate access.

#### **Enclosure of the Site**

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

**Reason:** To ensure public safety.

#### **PC01 Asbestos Hazard Management Strategy**

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

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

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

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

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

#### **PC05 Notification of demolition works**

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

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

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

81. Demolition works involving the removal, repair, disturbance and disposal of a total surface area (not floor area) of 10 square metres or more of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

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

#### **Site Sign**

82. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:-

- (a) Stating that unauthorised entry to the work site is prohibited;
  - (i) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (ii) Showing the name, address and telephone number of the Principal Certifying Authority for the work.

- (b) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement.

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

83. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed (if Council is nominated as the PCA please use the attached form) and
- (b) Notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two (2) days notice is required).

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

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

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

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

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

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

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

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

#### **LC01 Tree & protection measures**

86. Prior To the commencement of any demolition, excavation or construction works, tree protection measures shall be installed in accordance with the site arborist recommendations (see Arboricultural Assessment Report) by Martin Peacock Tree Care dated 19 March 2010.

**Reason:** To ensure the protection of the existing trees on the site.

#### **LC02 Tree protection as per arborist report**

87. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the recommendations contained within the arborist report prepared by Martin Peacock Tree Care dated 19 March 2010 and the relevant conditions of this consent.

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

#### **Site Validation Report**

88. Where the remedial action has been carried out, a validation report must be prepared demonstrating that the objectives in the RAP have been achieved and the land is remediated to standard suitable for the proposed land use. An independent Auditor shall be appointed prior to the commencement of remediation to review the remediation works and the validation report and determine whether the site is suitable for the proposed land use. The validation report and a Site Audit Report and Site Audit Statement demonstrating that the site is suitable

for this purpose must be submitted to Council and the principal certifying authority prior to any construction on site with the exception of bulk earthworks and works necessary to ensure safety and stability of the site following such earthworks and remediation.

**Reason:** To ensure the site is remediated satisfactorily.

#### **During Construction or Works:**

##### **PD17 Survey Report**

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

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

#### **Waste Mangement Plan**

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

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

#### **No Materials on footpath**

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

**Reason:** To ensure pedestrian access.

#### **Copy of Development Consent**

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

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

##### **ED01 Construction adjacent to a drainage easement**

93. 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.

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

94. 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 be site works commence.

##### **ED07 Damage to public infrastructure**

95. 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.

##### **ED08 Special Permits**

96. 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.

**ED10 Construction of a concrete footpath**

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

**Reason:** To provide pedestrian passage.

**ED12 Construction of a vehicular crossing**

98. A standard vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS8 – DS9].

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

**PD03 Construction Noise**

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

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

**PD04 Dust Control**

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

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

**PD07 Plant and equipment kept within site**

101. 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.

**PD08 Hours of work and noise**

102. 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.

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

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

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

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

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

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

**PD15 Waste data file**

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

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

**PD16 Importation of clean fill**

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

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

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

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

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

**ED17 Vehicle egress signs**

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

**Reason:** To ensure pedestrian safety.

109. 30 off-street parking spaces (including 4 parking spaces) to be provided, permanently marked on the pavement and used accordingly.
110. 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 & 5.8m aisle width minimum for User Class 1A of AS 2890.1-2004). The disabled parking space dimensions and configuration shall comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each).
111. A combined entry & exit driveway (7.2m wide with 300mm clearance both sides between kerbs for 5.8m long as shown on the plan) to be provided and constructed according to AS 2890.1-2004 and Council's specification.
112. The access driveway ramp to the basement level to be constructed as shown on the DA plan (3.05m wide each entry & exit with a 0.5m wide x 13m long physical separator and 300mm kerb clearance on each side of the access ramp).
113. Driveway and ramp gradients shall comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
114. The driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing plan (DS8).
115. Column locations are to be in accordance with AS 2890.1-2004.
116. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
117. Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
118. 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.
119. The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m (for cars and light vans including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004.
120. A convex mirror to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
121. 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.

**LA13 Trees with adequate root volume**

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

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

**LD01 No removal of trees on public property**

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

**Reason:** Protection of existing environmental infrastructure and community assets.

**LD02 Weed removal**

124. 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

**LD04 Material storage and trees**

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

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

**LD10 Planting requirements**

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

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

**LD06 Excavation to be supervised by arborist**

127. All excavation within the Tree Root Protection Zone (See condition LA01), is to be supervised by an AQF Level 3 arborist, who is to undertake remedial work, if necessary.

**Reason:** To provided adequate protection of trees

**LD08 No attachments to trees**

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

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

**LE02 Grass verge to be reinstated**

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

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

**Prior to Issue of Occupation Certificate**

**PB19 Consolidation of lots**

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

**Reason:** To ensure consolidation occurs.

**BE01 Occupation Certificate**

131. Occupation or use, either in part of full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for

occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

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

**ED13 Disused vehicular crossings**

132. 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.

**ED14 Reinstatement**

133. 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.

**EE03 Work-as-Executed Plan**

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

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

**EE06 Post-construction dilapidation report**

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

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

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

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

**EE08 Positive covenant for OSD**



136. 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.

**EE16 Section 73 Compliance**

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

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

**PE04 Schedule of street numbering**

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

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

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

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

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

**PE06 BASIX Compliance**

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

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

**PE07 Telecommunications services**

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

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

**PE08 Provision of Integral Energy services**

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

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

**PE09 Provision of telephone services**

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

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

**PE12 Intercom**

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

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

**PF12 Visitors sign**

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

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

**EE06 Post-construction dilapidation report**

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

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

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

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

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

147. 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.

**LEO4 Landscaping shall be completed prior to occupation**

148. 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.

**Ongoing use of site:**

**EHF15 Noise from mechanical equipment**

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

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

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

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

<b>Report prepared by:</b>  <b>Name: Chris Young</b> <b>Consultant Town Planner</b>  <hr/> <b>Signature:</b>	       <b>Date: 20 August 2010</b>
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**Attachment 2 Alternative designs South east corner of site.**  
**Attachment 3 Independent Auditor Interim Advice #1.**