

JRPP No:	2010SYW039
DA No:	527/2010
PROPOSED DEVELOPMENT:	Demolition, tree removal and the construction of a staged 3 storey residential flat building complex containing 106 apartments over basement car parking. Approval is also sought to use a portion of the building for community artist's space.
PROPERTY:	9 Albert Street, (Cnr O Connell Street) NORTH PARRAMATTA
APPLICANT:	DEM Pty Ltd on behalf of Housing NSW
OWNER:	New South Wales Land and Housing Corporation
REPORT BY:	Sara Smith

Assessment Report and Recommendation

Submissions received:	14 individual submissions and a joint submission with 7 signatures were received during the original notification, 4 submissions during re-notification of application.
Issues:	Floor space ratio, submissions, Master plan waiver
Recommendation:	Approval subject to conditions

Legislative requirements

Zoning:	5 Special Uses
Draft Zoning under PLEP 2010:	R4 High Density Residential
Permissible under:	Parramatta Local Environmental Plan 2001
Relevant legislation/policies:	Parramatta Development Control Plan 2005 SEPP 55 SEPP 65 SEPP (Infrastructure)

SEPP (BASIX)
SEPP 1
SREP 28
Sydney Harbour SREP

Variations:	Floor Space Ratio
Integrated development:	No
Crown development:	Yes, conditions subject to concurrence under Clause 89 of Environmental Planning and Assessment Act 1979

The site

Site Area:	8,358m ²
Easements/rights of way:	No
Heritage item:	No
In the vicinity of a heritage item:	Yes, refer to heritage comments
Heritage conservation area:	No
Site History:	Yes

The site was the former North Parramatta Infants School.

9 February 2009 DA/832/2008 was approved for the change of use to a temporary group home (transitional) under State Environmental Planning Policy (Infrastructure) 2007. (It is noted this is temporary accommodation while the new premises is under construction at 2B Fleet Street, North Parramatta).

17 March 2010 prelodgement meeting held for the construction of an Affordable rental Housing Development (in fill housing) for 134 apartments, community artist space and local shops. This development proposed a FSR of 1.3:1. The applicant was advised that the Affordable Housing SEPP does not apply to the site, given its 5 Special Uses Zoning.

20 April 2010 second prelodgement meeting held for a RFB development containing 115 units and community artist space. (This is a reduction of 19 units from the first pre-lodgement meeting). The development proposed a FSR of 1.1:1.

DA history

2 July 2010	DA/527/2010 lodged
4 August 2010	Application considered at DRP meeting
31 August 2010	request for additional information including drainage issues, amended landscape plan and RTA comments
4 September 2010	on site meeting held
17 September 2010	additional information submitted to Council
1 October 2010	additional information submitted to Council

SECTION 79C EVALUATION

SITE & SURROUNDS

The subject site is an irregular shaped corner site located at the south western intersection of Albert Street and O'Connell Street, North Parramatta. The site has a frontage of 79.695m to Albert Street and 142.195m to O'Connell Street and a site area of 8358.2sqm.

The site slopes towards the south western corner with an average level change of 5.98 metres. Located on the site is a single storey, former school building currently used for temporary hostel / crisis accommodation and a single storey metal building. The buildings are ageing and in a state of disrepair. (The hostel accommodation will be re-housed in a new facility under construction at 2B Fleet Street approved 10 June 2008 DA/713/2007).

To the north of the site are 3 storey residential flat buildings located along Albert Street. O'Connell Street consists of a mixture of one 3 storey residential flat building and four single storey heritage cottages either used as commercial premises or for residential purposes. To the south is a single storey building currently occupied by the Down Syndrome Association of NSW, to the west is a single storey nursing home which occupies 3 separate buildings.

THE PROPOSAL

The proposed development is for the demolition, tree removal and the construction of a staged 3 storey residential flat building complex containing 106 apartments over basement car parking. Approval is also sought to use a portion of the building for community artist's space. The artist's space will occupy an area of 135sqm on the ground floor with frontage to O'Connell Street and will provide a area for local artists to showcase their work.

The proposal is proposed to be developed in 2 stages.

Stage 1 includes:

- demolition of the existing hostel building,
- tree removal
- provision of an internal access driveway which will provide access from Albert Street to O'Connell Street
- one Residential Flat Building accommodating 33 residential units (that will be occupied by Housing NSW Tenants),
- community artists space,
- 7 at grade car parking spaces
- provision of landscaping

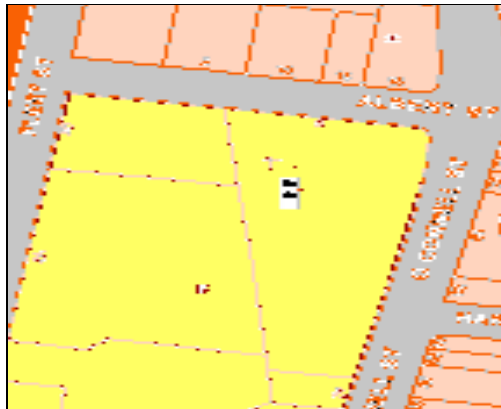
Stage 2 includes:

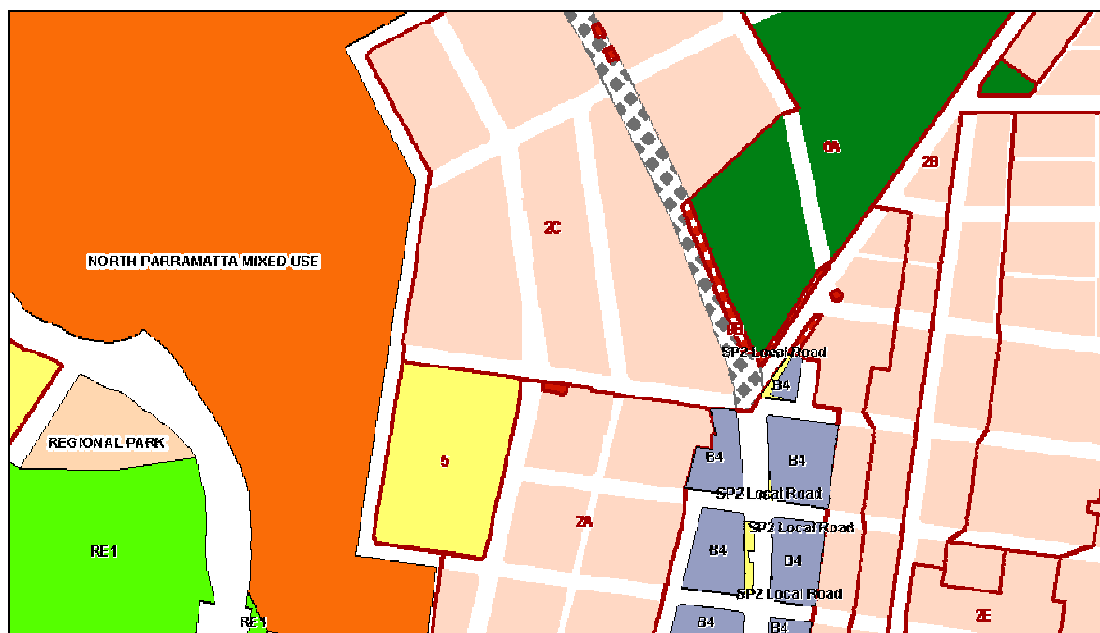
- conceptual approval for 2 Residential Flat Building's to accommodate 73 units that will be occupied partly by Housing NSW Tenants and partly by private owners/tenants (The detailed designs of the RFB's will be subject of a subsequent application)
- tree removal
- provision of basement car parking for 90 vehicles
- provision of landscaping

PERMISSIBILITY

The site that is a former public school, is zoned 5 Special Uses by Parramatta Local Environmental Plan 2001.

An extract from Council's zoning map that illustrates the site and surrounding properties is below:





An objective of the Special uses 5 Zone is “to provide flexibility in the development of sites identified for special uses by allowing development which is permissible in an adjacent zone”

The landuse table for the Special Use zone states that permissible development includes:

“development that may be carried out on adjoining or adjacent land in the same zone or in a different zone.”

As the Special Uses 5 Zone adjoins land that is zoned 2A Residential (to the east), 2C Residential (to the north) and Mixed Use to the (west) all landuses that are permissible in all adjoining zones could be carried out on the site subject to development consent being obtained.

The proposed use is defined as both “residential flat building and community facility” (being the proposed artist space) under Parramatta Local Environmental Plan 2001.

The definitions state:

“**residential flat building** means a building containing three or more dwellings, but (in the Table to clause 16) does not include a building elsewhere specifically defined in this Dictionary and

community facility means a building or place owned or controlled by the Council, a public authority, a religious organisation or a body of persons associated for the physical, social, cultural, economic, intellectual or religious welfare of the community, which may include:

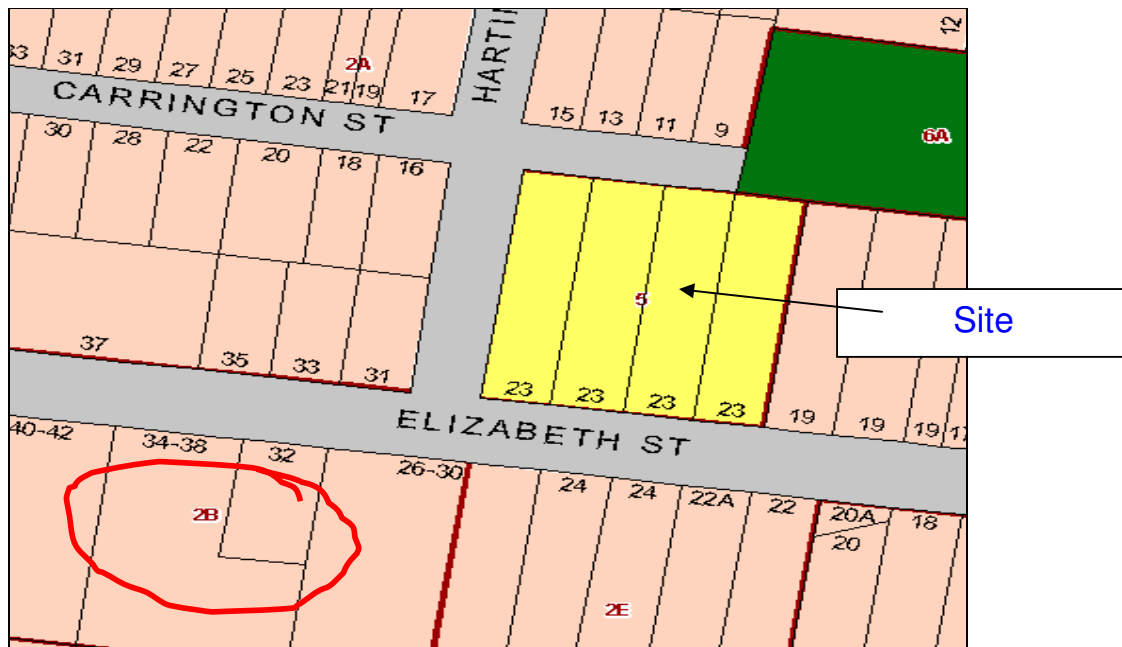
- (a) a public library, rest rooms, meeting rooms, recreation facilities, a child care centre, cultural activities, social functions or any similar building, place or activity, or

(b) *a community club, being a building or place used by persons sharing like interests, but not a registered club, whether or not that building or place is also used for another purpose.”*

Residential Flat Buildings and community facilities are permissible forms of development which can be carried out on 2C Residential zoned land and Mixed Use zoned land.

The officers' advice to the proponent on this matter is consistent with the approach adopted by Council in the application to re-develop the former Granville depot at 23 Elizabeth Street. This land is zoned special uses and the council has lodged a DA for a town house development, based on utilising the provisions of clause 16.

An extract from Council's zoning map that illustrates this site and surrounding properties is below:



This site is zoned 5 Special Uses and adjoins land zoned 2E residential and 6A open Space, with properties on the western side of Harrington Street zoned 2A residential. Diagonally opposite the site at 30 Elizabeth Street, land is zoned 2b Residential.

The proposal satisfies the definition of a “residential flat building and community facility” and is permissible under the 5 Special Uses zoning applying to the land.

REFERRALS

Roads and Traffic Authority

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

**CONSTRUCTION OF A STAGED 3 STOREY RESIDENTIAL FLAT BUILDING COMPLEX
CONTAINING 106 APARTMENTS OVER BASEMENT PARKING AT
9 ALBERT STREET, NORTH PARRAMATTA**

Dear Sir/Madam,

I refer to your letter of 06 July 2010 (DA/527/2010) with regard to the above-mentioned development application (DA) which was referred to the RTA for comments.

The RTA has reviewed the application and provides the following comments to Council to assist in the determination of the development application (DA):

1. The proposed access driveway on O'Connell Street requires RTA concurrence in accordance to Section 138(2) of the Roads Act 1993.

The RTA will not grant its concurrence to an access off O'Connell Street as alternative access is available off Albert Street.

O'Connell Street is a sub-arterial road and its main function is to carry through traffic. Current RTA practice is to limit access driveways on sub-arterial roads to improve road safety and traffic efficiency.

The above traffic engineering principles are reflected in Clause 101(2a) of State Environmental Planning Policy (Infrastructure) 2007, which reads as follows:

- "The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that*
- (a) "where practicable, vehicular access to the land is provided by a road other than the classified road".*

2. All vehicles (including trucks, resident's cars and visitor's cars) shall be able to enter and exit the site in a forward direction. To satisfy this requirement, turn-around areas shall be provided on site to allow all vehicles to turn-around within the site

Turn around areas usually require trucks and cars to reverse which may conflict with pedestrians and other vehicles. Therefore turn-around areas should not be located on pedestrian paths, pedestrian desire lines or major driveways.

Swept path analysis shall be provided demonstrating all vehicles can turn-around on site while all car parking spaces and loading docks are occupied.

3. All vehicles are to be clear from the edge of the carriageway and footpath before being required to stop.
4. The provision of car parking and loading areas shall be provided to Council's requirements.
5. All parking should be accommodated on site. To enforce this requirement full time 'No Parking' restriction may be considered along both sides of Albert Street. 'No Parking' restrictions will require approval from the Local Traffic Committee.
6. The layout of the proposed car parking and loading area associated with the subject development (including access driveway/s, grades, turn paths, sight distance, car parking spaces, loading areas and turn-around areas) shall be in accordance with AS2890.1 - 2004 and AS2890.2 - 2002 for larger vehicles.
7. If any excavation works are to occur adjacent to O'Connell Street, the RTA requires the submission of civil design plans which provide details on the level of excavation and a Geotechnical Report to the RTA for approval prior to the commencement of excavation on the site.
8. The RTA will request council to ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development application discharge.

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

Details should be forwarded to:

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

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

9. The proposed development should be designed such that road traffic noise from O'Connell Street is mitigated by durable materials and comply with the requirements of Clause 102 – (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
10. All costs associated with the proposed development shall be at not cost to the RTA.
11. All demolition and construction vehicles and activities are to be contained wholly within the site or on Albert Street as a work zone permit will not be approved on O'Connell Street.
12. A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on O'Connell Street during construction activities.

The above advice was forwarded to the applicant on 31 August 2010, the applicant has been liaising with the RTA and the following advice has since been provided:

The Roads and Traffic Authority (RTA) advises that it received a letter from Housing NSW dated 27 August 2010 (attached) and a letter from Transport and Traffic Planning Associates Pty Ltd dated 8 September 2010 (attached), requesting the RTA to reconsider its refusal to grant concurrence to the proposed egress driveway onto O'Connell Street as stated in the RTA's previous letter dated 27 August 2010.

The RTA has reviewed the additional information submitted in support of the proposed egress driveway onto O'Connell Street and advises Council that the RTA is prepared to reconsider its refusal to grant concurrence to the exit driveway to O'Connell Street on the basis that this road is not a state arterial road, it is a classified regional road that is under the care and control of Council.

Therefore, in this particular circumstance, if Council as the Roads Authority for O'Connell Street were to approve the exit only driveway onto O'Connell Street the RTA will grant its concurrence under Section 138 (2) of the Roads Act 1993, subject to the following requirements being incorporated into the development consent:

1. The driveway on O'Connell Street shall be designed, constructed and signposted as an Exit Only driveway to Council's satisfaction.
2. The proposed Exit Only driveway onto O'Connell Street shall be designed and constructed in accordance with AS 2890.1 – 2002 and AS2690.2 – 2004 for large vehicles.
3. All vehicles should all be able to enter and exit the site in a forward direction.
4. All roadworks/regulatory signposting associated with the proposed development shall be at no cost to the RTA.

Planning Comment: No objections have been raised by the RTA or Council's Traffic Section to the proposed access arrangements and the advice from the RTA will form part of the conditions of consent.

NSW Police

The proposal has been referred to the NSW Police for review. No comments have been received.

Development Engineer

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

“DISCUSSION:

ISSUES:

Flood Prone: N/A

Grey Area: N/A

Stormwater Disposal:

As the development consists of construction of stage 1 of a staged 3-storey residential flat building complex containing 106 apartments over basement car parking at 9 Albert Street NORTH PARRAMATTA NSW 2151, which is on the western side of the O'Connell Road at the south western corner of the intersection between O'Connell Road and Albert Street.

The survey plan indicates that the site slopes towards south-western direction (from right to left side along O'Connell street). The site has a trapezoidal shape with triangular shape with the left side boundary being shorter than right side. The ground levels range from RL23.4mAHD at the north-eastern corner (front right corner along O'Connell street) to RL 17.95mAHD at the South-western corner (rear left corner along O'Connell street).

*As the development consist of construction of multi unit building, On-Site stormwater detention (OSD) system is required as part of the site stormwater management plan. The site falls under the catchment of Upper Parramatta River Catchment (with the Site Storage Requirement (SSR) of **470m³/ha** and Permissible Site discharge (PSD) of **80l/s/ha**.*

The proposed stormwater management plan for this stage 1 development consists of two On-Site Detention (OSD) systems each facilitating approx. either half of the site under stage 1 development. The storage basins are proposed at the rear of the property.

The stormwater plan was assessed for its acceptability by Council and the relevant issues are marked on the stormwater plan and the notes are provided.

There issue relating to the existing 375mm pipeline within the subject property and the requirement for alternative easement is being dealt with by catchment management unit (TRIM doc #'s D01690512 & D01623245). It appears that the issue regarding requirement of alternative easement is not confirmed at this stage and additional information is required (subject to implementation of conditions prior to the commencement of works).

Access to & from the Development site (including Basement car parking/access/driveway gradients/vehicle manoeuvring etc.)

A **6m** wide access (entry/ exit) driveway is proposed to access the property from Albert Street. The proposal also includes a **4.5m wide** exit only driveway along the O'Connell Street frontage. There are issues with this exit point in relation to the manoeuvrability, safety and compliance with the Australian Standard AS2890.1 2004 & 2890.2-2002 with this exit point (refer to turning template provide), such as

- i. **encroachment into both of the two straight lanes of O'Connell Street by exiting refuse vehicles and encroachment into all lanes (including right only turn lane) by rigid vehicles exiting into O'Connell Street, which is a major risk,**
- ii. **concern with the wait time by such vehicle obstructing the pedestrian movement along the footpath on O'Connell Street, and**
- iii. **Geometry such as narrower width of driveway at the exit front property line, and radius of turn.**

Further, drawings showing the long section profile of the driveways have not been provided including demonstrating compliance with the Australian Standard (AS) 2890.1 -2004 and 2890.2-2002, this information will be required prior to the commencement of works.

Earthworks (cut and fill: Cutting is required for OSD tank.

Retaining Walls: Around the OSD tank

Easements: requires relocation of existing council's Drainage easement and creation of new drainage easement for the relocated stormwater pipeline

CONCLUSION

The stormwater plan has some issues and is not acceptable as such. However, if the plans are rectified addressing all the issues and incorporating all the notes, comments and rectification recruitments as marked on the plans, and then the rectified plans will satisfy the requirements of Council's Stormwater related controls.

The proposal **can be supported** subject to:

- i) rectification of the stormwater plan, **incorporating all issues, notes and comments** marked on the approved revised stormwater plan prior to lodgement of application for the Construction Certificate, and
- ii) imposition of the standard conditions."

Planning Comment: It is considered the proposal is considered satisfactory either through the amended plans submitted or can be dealt with via conditions of consent prior to the commencement of works.

Catchment Management

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

"Our comments strictly relate to the proposed relocation of Council's stormwater drainage pipe system and associated creation of new and extinguishing of old easement(s).

No details have been provided of Council's existing 375mm diameter stormwater drainage pipe system and its proposed relocation.

No hydrological analysis and hydraulic study has been provided detailing the catchment area and the total flows draining to Council's 375mm stormwater drainage pipe.

It is recommended that the following information be provided to council for assessment and approval prior to extinguishing any existing easement and creation of a new easement and construction of a new pipe system:

- 1. A copy of the hydrological study and report determining the extent of the catchment area draining to Council's stormwater drainage system. The study is to provide the total flows for the peak 20 and 100 year ARI flow conditions.*
- 2. A copy of the hydraulic study and report detailing the size and flow capacity of the existing and the proposed pipe system, demonstrating by a hydraulic grade line analysis that the proposed pit and pipe system can capture and convey the peak 20 year ARI design storm. The hydraulic study and report is to also demonstrate the safe overland flow conveyance of the proposed overland flow path for the peak 100 year design ARI storm event. This information is required to ensure the safe movement of overland flow within the extent of the proposed easement.*
- 3. The applicant should check overland flow velocities and flow depths along pedestrian access ways and proposed carpark / driveway areas to ensure that flow depths do not exceed the Council maximum allowable 0.2 m depth and that the maximum velocity depth product is no greater than 0.4.*
- 4. The design drawings need to be appropriately amended to include the results of the hydrological and hydraulic studies and include details of the overland flow path and drainage pipe longitudinal section.*
- 5. A formal easement to drain water in favour of Council is to be created to protect the new drainage pipe and overland flow path.*
- 6. All floor levels and pedestrian and vehicular access to the proposed building(s) need to be checked to ensure that an acceptable minimum freeboard requirement above the calculated overland flow for the peak 100 year design ARI storm is achieved.*

7. *All service utility pits and structures will need to be located outside the overland flow path.*
8. *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.*
9. *A Works-as-Executed plan of the stormwater drainage pipe system Certified by a Registered Surveyor is to be provided to Council on completion of construction. The works as executed survey is to include confirmation of the position of the easement(s), overland flow swales / dish / v-shape surface drains, pit and pipe invert levels, surface levels, pipe sizes and finished surface spot levels along the overland flow path.*

In addition to the above the applicant will need to ensure that the proposed stormwater drainage works comply with all relevant matters outlined in:

- (a) Council's Draft Design and Development Guidelines on Stormwater Drainage.*
- (b) Local Development Control Plan (DCP) requirements".*

Following submission of amended plans, further comments were provided:

"Our comments are based on the following new information submitted to Council as part of this development application in an e-mail dated 1st October 2010 which included:

- (a) A report by Sydney All Services Pty. Ltd, dated 30th September 2010, addressing the drainage related points raised in the Catchment Management Section's memorandum dated 6th August 2010.*
- (b) Report and results of the CCTV pipe inspection from Roseville Plumbing Services, dated 29th September 2010.*

It is noted based on the above information submitted that the existing stormwater pipe is an old pipe that now no longer drains Council's upstream area.

It is also noted that the report from Roseville Plumbing Services states that the CCTV inspection had to be stopped at 20.05m upstream due to buried concrete and the CCTV survey had to be abandoned due to debris built up at approximately 42.45m from boundary surface inlet pit. It is also noted that the pipe system appeared dry at the time of the inspection.

It is critical that the applicant is certain this pipe system is not relied upon to drain any upstream system and that all possible investigation work is carried out to confirm the pipes status. It is the responsibility of the applicant to determine if any further investigation is required to confirm the status of this pipe system.

If the pipe is confirmed that it does not drain any area upstream of this property and that the pipe only drains a building within this property it is therefore agreed that Item Nos. 1 to 6 in our memorandum dated 6th August 2010 no longer apply.

Item Nos 7 and 8 are still relevant and will need to be appropriately addressed in the final design prior to Construction Certificate approval. Item No.9 will still be required at completion of construction”.

Planning Comment: It is considered the proposal is considered satisfactory either through the amended plans submitted or can be dealt with via conditions of consent prior to the commencement of works.

Landscape

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

“Issues

Impact on Site Trees

A large number of trees will be required to be removed for this development application. Trees required to be removed and protected for stage 1 are identified in this referral. Trees not affected by stage 1 will be required to be retained until a later date when final plans are submitted for Stage 2. A total of fourteen (14) trees will be required to be removed and eleven (11) trees will be required to be protected during the construction period. Tree replenishment has been included in the landscape proposal for the site with sixteen (16) advanced replacement trees, with a large amount of shrub and understory planting included.

Tree No's 1 -14 identified in the submitted Tree Report by Treescan Urban Forest Management dated June 2010 are required to be retained until documentation is received for stage 2 of the development.

Impact on adjoining trees - Nil

Landscape

The Landscape Plan by DEM (Drawing no – LA-0701) dated 8 September 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 plant species.

Earthworks (cut and fill) - Nil

Retaining Walls - Nil

DISCUSSION - Nil

REASONS SUPPORTED

The trees to be removed are a mixture of exotic and native species. They are located within the building footprint and given the tree planting proposed on the site, no objection is raised to their removal.

CONCLUSION

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

Planning Comment: No objections are raised to the proposal in terms of tree removal for Stage 1 and the proposed landscaping. It is noted further investigations will be required during the assessment process of Stage 2 with regards to tree removal.

Traffic

The application has been referred to Council's Traffic and Transport Engineer for review. The following comments were provided:

"The Development Site

- 1. The proposed development site is located at the south-west corner of Albert and O'Connell Streets, North Parramatta.*
- 2. The site occupies a total area of 8,358 m2 and is encumbered by a single storey building which is used as a hostel.*
- 3. Nearest bus stops are located in O'Connell Street at Albert Street (approximately 80m) and in Church Street near both Pennant Hills Road and Fennell Street (approximately 450m). Council has approved a mixed use development with IGA supermarket in Church Street at Albert Street which is approximately 300m from the proposed development. Therefore, it can be considered that the proposed development is located within 400m of shopping centre and good public transport.*
- 4. Albert Street west of O'Connell Street is a no through road. O'Connell Street is a regional road which is a bypass route of the Parramatta CBD and connects between Windsor Road/Pennant Hills Road/Victoria Road and the Great Western Highway.*
- 5. The intersection of Albert and O'Connell Streets is controlled by traffic signals with a 'No Right Turn' restriction from O'Connell Street (southbound) into Albert Street.*

The Proposal

- 6. The submitted development application seeks approval to demolish existing single storey hostel building and construct 106 units in 3 residential flat buildings at 9 Albert Street, North Parramatta (Block A, B & C) over 2 stages:*

- Stage 1 proposes to construct 33 units (comprising of 24 x 1, 8 x 2 and 1 x 3 bedroom units in Block A) and a community/artists space on ground floor with 7 car parking spaces on the internal circulation driveway.
 - Stage 2 will comprise of 73 units (comprising of 56 x 1 and 17 x 2 bedroom units in Block B & C) with 83 car parking spaces on the basement level and 7 car parking spaces on the internal circulation driveway (subject to future site specific development application).
7. The internal access driveway links between Albert Street (entry/exit) and O'Connell Street (exit only) and delineates Stages 1 and 2.

Parking Provision

8. The proposed development application has been lodged on behalf of Housing NSW to construct public social housing in Stage 1. Accordingly, the parking provision for stage 1 is to be in accordance with the Housing NSW Design Requirements (version 6.2.5ip).
9. According to the Housing NSW Design Requirements 2009 (Version 6.2.5ip), 4.5 parking spaces are to be provided for the development located within 400m walking distance of good public transport and shopping centre (based on 0.1 spaces per 1 bedroom unit, 0.2 spaces per 2 bedroom unit, 0.5 spaces per 3 bedroom unit, 0.25 space per dwelling for visitors and a car wash bay which may also be a visitor space).
10. DCP 2005 or RTA's Guide to Traffic Generating Developments do not recommend parking provision rate for Artists studio.
11. The proposed development provides at grade car parking spaces for 7 vehicles on the internal vehicle circulation access way. Among these 7 spaces, it is considered that 5 spaces are to be used for residential part of the developments and 2 for the artist studio. Accordingly, the provision of 7 parking spaces at the proposed development is considered satisfactory.
12. According to the Housing NSW Design Requirements 2009 (Version 6.2.5ip), 7 secure bicycle parking spaces are to be provided for the proposed development (based on 1 space for every 5 units).

The proposed development does not provide parking spaces for bicycles. Accordingly, it is recommended that 7 secure bicycle parking spaces be provided in accordance with the Housing NSW Design Requirements 2009.

Parking Layout

13. The proposed development provides 4 parallel (indented) and 3 angle (including 1 disabled and 1 accessible) parking spaces on the internal circulation driveway which is approximately 4.6m wide.
14. The dimension of parking bays at the proposed development are as follows:
- Parallel parking bays: 2.1m wide x 6.0m long (indented)
 - Angle parking bays: 2.6m wide x 5.5m long
 - Disabled angle parking space: 3.2m wide x 6.0m long

Accessible angle parking bays: 3.8m x 6.0m long

These dimension of disabled parking space does not comply with the AS 2890.6-2009 which recommends that the dimension of an unenclosed disabled parking space shall be 2.4m wide x 5.4m long and shall be provided adjacent to a 2.4m wide x 5.4m long shared area with bollards as detailed in the (Figure Nos. 2.2 and 2.3). However, DCP 2005 recommends 3.8m wide x 5.5m long dimensions for a disabled parking space (clear of columns, wall or fence). Accordingly, it is recommended that the dimension of disabled parking space is to be modified to comply with the AS 2890.6-2009 or DCP 2005.

15. *According to Housing NSW Design Requirements 2009 (Version 6.2.5ip), covered car parking spaces with covered access are to be provided in accordance with the AS 4299 Class B, to 1 in 5 units (or part thereof) via an accessible, barrier free pathway. These car parking spaces are to be provided as close to dwellings as possible.*

Access Arrangements

16. *The vehicular access to/from the proposed development is provided through a 6m wide combined entry/exit driveway off Albert Street and an exit driveway off O'Connell Street.*
17. *For accessing 25 to 100 off street parking spaces, AS2890.1-2004 (Clause 3.2, Tables 3.1 and 3.2) recommends a 3m (minimum) wide separate entry and exit driveway from arterial or local roads and a 3m to 5.5m combined driveway from local roads.*

The proposed development provides 4.5m wide exit driveway off O'Connell Street and 6 m wide combined driveway off Albert Street. These dimensions are in accordance with the AS2890.1-2004 and therefore considered satisfactory.

18. *AS 2890.1-2004 (Clause 2.5.2) recommends a minimum of 5.5m (plus 300mm clearance to the obstruction) wide straight access roadway for two-way traffic movements and a minimum of 3.0m (plus 300mm clearance to the obstruction) wide roadway for one-way traffic movement. The recommended maximum grade is 1 in 6 (16.7%) for straight roadway longer than 20m.*

The proposed development provides a 4.5m wide one-way roadway and 6m wide two-way roadway with gradient 1:20 (5%). These dimensions are in accordance with the AS2890.1-2004, and are therefore, considered satisfactory.

19. *The proposed driveway in O'Connell Street is located approximately 90m south of traffic signals at Albert Street, near the start of the right turning slip lane. There is a concrete median island in O'Connell Street to delineate north and southbound traffic. This island restricts motorists to enter O'Connell Street by turning left only. A combination of 'No Stopping', 'No Parking', 'Bus Zone' and 'Clearways' (AM and PM) restrictions also apply on O'Connell Street south of Albert Street.*

Accordingly, the proposed location of the driveway in O'Connell Street is considered satisfactory.

20. *The proposed driveway in Albert Street is located near the western boundary of the proposed development, which is approximately 60m west of the traffic signals at O'Connell Street. Albert Street west of O'Connell Street is a no through road and provides access to 4 medium density developments. Accordingly, the proposed location of the driveway in O'Connell Street is considered satisfactory.*

Traffic Generation

21. *The information as indicated in the Traffic & Parking Assessment Report is noted and is considered acceptable.*

Other Issues

22. *According to the submitted application, the basement car parking area is to be constructed at Stage 2 and therefore not assessed under Stage 1 development.*

Conclusion

Based on the analysis and information submitted with the DA, the proposed development is not expected to have significant traffic impact on this section of O'Connell Street and its surrounding road network. However, it is recommended that the dimensions of disabled parking spaces are to be modified to comply with the Council's DCP and AS 2890.6-2009.

Recommendations

1. *Covered car parking spaces with covered access are to be provided in accordance with the Housing NSW Design Requirements 2009.*
2. *Seven (7) secure bicycle parking spaces are to be provided in accordance with the Housing NSW Design Requirements 2009.*
3. *Should this DA be approved, no objection is raised to the proposal on traffic and parking grounds subject to standard traffic related conditions."*

Planning Comment: No objections are raised to the proposal on traffic and parking grounds. The proposal is not considered to significantly impact on the existing traffic generation and the access arrangements to and from the site are considered acceptable. It is also noted that the covered parking will be made available in Stage 2 within the basement car park. The at grade car parking are not proposed to be covered spaces.

Property

The application has been referred to Council's Property Program Manager for review. The following comments were provided:

“Subject to the agreement of Council's Catchment Management Unit there is no objection to the relocation of the Council storm water pipe and creation of drainage easement from a property point of view.”

Planning Comment: No objections have been raised by the Catchment Management Unit to the relocation of the Council stormwater pipe and the creation of a drainage easement.

Heritage

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

“Assessment

The site is located in the relative proximity of several heritage items listed in the SREP No.28 –Parramatta and the Parramatta Heritage LEP. From the heritage perspective, the following matters were considered:

- The proposed development will be visible from a wider area in the background of various heritage items. However, it is considered to not have a major impact on the views to any item, being appropriately designed and utilising adequate materials, forms and finishes.*
- The grounds to be excavated have a moderate archaeological potential and the significance of any potentially found relics is likely to be of local level. Given the degree of excavation required, an excavation permit under the Heritage Act may need to be sought from the NSW Heritage Council.*
- The Aboriginal sensitivity of grounds is low.*
- From the Council's perspective, the proposed area of works is zoned for special uses, and thus the proposal may be approvable.*

Recommendation

In my opinion, the overall impact of the proposal is acceptable in heritage terms; from the Council's perspective, a reasonable effort was made to protect the heritage values of the adjacent area, however, the proposal remains subject to issuing of an excavation permit under the Heritage Act by the NSW Heritage Council. This permit should be obtained before the determination of the DA.”

Planning Comment: A condition of consent shall be imposed that prior to any works on the site commencing an excavation permit is required to be issued by the NSW Heritage Council.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties, given notice of the application for a 21 day period between 14 July 2010 and 4 August 2010. In response, 14 individual submissions and a joint submission with 7 signatures were received. The same plans were renotified for a period of 14 days between 24 September 2010 and 8

October 2010 as feedback was received that some notifications letters had not been received. In response to this period of notification, 4 individual submissions were received. A petition in objection, with 66 signatures was tabled at the Council meeting on 11 October 2010.

The issues raised within all submissions are addressed below.

Would like to see the building remain as it as enormous potential to serve the community in its current form

Planning Comment: The site was purchased from the Education Department by Housing NSW. The owners of the site have reviewed the potential for the site and accordingly have lodged a development application for a residential flat building. The artist space within the site, provides a community facility that will be able to be accessed by the wider community.

The building could be used by The Harmony Centre a non profit organisation which would draw positive and social, financial and ethical infrastructure to number 9 Albert Street.

Planning Comment: The current owners of the site being NSW Housing have deemed that the site is appropriate for additional housing for Department of Housing Tenants. The use of the building by the Harmony Centre is outside the scope of this application.

Safety and security, social issues

Planning Comment: Concerns were raised by objectors in relation to the character of the building occupants and visitors, especially in respect of safety, drugs, alcohol and loitering.

Objectors raised concerns that increasing the number of residents on the site was likely to result in an increase in anti-social behaviour in the area. Residents advised that they currently experience significant problems with occupants that use nearby properties to drink, take drugs, and leave needles and rubbish in the vicinity of their properties. Residents advised that they have been threatened and often have to call the police to attend their portion of Albert Street.

This is part of a broader social concern that is not limited to persons associated with social housing. In this regard, it would be difficult to provide a location where the negative perception raised by surrounding property owners and occupiers is not an issue.

The premise is proposed to accommodate 33 units as social housing within Stage 1 and a mix of private and social housing for Stage 2 (final mix to be determined in assessment of subsequent development application). The difficulty (with regards of what Council may consider under Section 79C of the Environmental Planning & Assessment Act, 1979) arises in what goes on outside of the site, on adjoining land and in surrounding streets. It is not considered the development will significantly increase crime, anti social behaviour, drug or alcohol use in the area.

Residents in the area would like to know what type of tenants will be allowed to occupy the units and who will be policing and maintaining them

Planning Comment: Stage 1 of the development will be occupied by Department of Housing tenants where the premises will be managed by Housing NSW. The mix of occupants for Stage 2 is unknown at this time; however it is proposed to have a mix of private and social housing.

Concerned that the area will become a slum

Planning Comment: There is no planning evidence to suggest that approval for this development for the construction of 3 residential flat buildings will create a slum. The proposal has been designed to integrate into the existing locality and is considered compatible.

The proposal is an overdevelopment and the increase in density would not benefit and create a positive image for the Parramatta City Community at large

Planning Comment: The proposal is considered to respond positively to the site, whilst the floor space ratio exceeds Councils controls, the applicant has submitted a SEPP 1 Objection which demonstrates strict compliance in this instance would be unreasonable and unnecessary. It is not considered that the exceedance in FSR exacerbates the bulk and scale of the development. It is considered the proposal has been designed to respond to the constraints of the site including the two street frontages and irregular allotment whilst minimising impacts on neighbouring properties.

Lack of visitor car parking

Planning Comment: The proposal provides for 97 car parking spaces for both Stages 1 and 2, the provision of car parking complies with the numerical controls of NSW Housing requirements of car parking for social housing. It is considered the on site car parking for both residents and visitors is sufficient. It is also noted that limited street parking is available and the area is adequately serviced by public transport.

Traffic issues with the proposed access arrangements – impacts on cul-de-sac and traffic lights with no green arrow to turn right

Planning Comment: The application has been reviewed by Council's Traffic and Investigations officer who raises no objections to the proposed access arrangements and provides the following comments: *The proposed development provides 4.5m wide exit driveway off O'Connell Street and 6 m wide combined driveway off Albert Street. These dimensions are in accordance with the AS2890.1-2004 and therefore considered satisfactory. The proposed driveway in O'Connell Street is located approximately 90m south of traffic signals at Albert Street, near the start of the right turning slip lane. There is a concrete median island in O'Connell Street to delineate north and southbound traffic. This island restricts motorists to enter O'Connell Street by turning left only. A combination of 'No Stopping', 'No Parking',*

'Bus Zone' and 'Clearways' (AM and PM) restrictions also apply on O'Connell Street south of Albert Street.

Based on the analysis and information submitted with the DA, the proposed development is not expected to have significant traffic impact on this section of O'Connell Street and its surrounding road network." Accordingly no objections are raised to the proposal on traffic grounds.

Concerns are raised that construction works may impact on the bats and flying foxes in the area

Planning Comment: There is no planning evidence to suggest that construction of the development would impact on the bats and flying foxes in the area, the site is relatively devoid of vegetation.

The location is not appropriate for an artist's place which is away from the main public transport hub.

Planning Comment: It is considered the space is suitably located for an artist's space, the site is located in close proximity to the Parramatta Loop bus service and the space may provide an opportunity for a resident to occupy the space. It is also noted that the occupation of the space will be subject to a future development application.

Concerns are raised regarding the limited street parking especially during events at Parramatta Stadium

Planning Comment: It is not considered that events that occur at Parramatta Stadium will unduly impact upon the subject site. Sufficient on site car parking is provided for the residential flat buildings and adequate public parking is available in the area to accommodate patrons who attend events at the Stadium.

Impacts on local services and infrastructure

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

Concerns there is limited landscaped or free space within the development

Planning Comment: The proposal achieves compliance with the minimum requirements for landscaped areas and private open space as required by Parramatta Development Control Plan 2005 with 25% of the area of Stage 1 being common open space and 31% of the area of Stage 2.

Concerns that children will be encouraged to play on the internal road or even Albert Street

Planning Comment: The site provides sufficient area of children to play without the need of playing on the internal driveway or Albert Street. It is not considered that safety will be diminished.

Concerns that construction vehicles will limit access to existing premises due to the limited on street parking and Albert Street being a cul-de-sac

Planning Comment: The applicant prior to construction works is required to prepare a Construction Management Plan, which includes where vehicles will be parked, demonstrates the access routes to the site. It is also noted that all vehicles will be required to be parked on the site during construction to ensure minimal adverse impacts occur to adjoining properties.

The noise levels in the area will increase

Planning Comment: It is not considered that the residential flat building development will significantly increase the noise generation of the area. The internal layout of dwellings has been designed to minimise impacts on existing dwellings.

Concerns the development would add strain to after school care facilities

Planning Comment: Many facilities such as this are at capacity. This development is likely to only marginally increased demand for after school care.

The footpaths in the area are in a poor state and increased pedestrian traffic will lead to higher incidents of traffic

Planning Comment: The site currently has provision of footpaths along both street frontages, the applicant during construction will be required to ensure the footpaths are maintained.

Concerns that the safety of residents will be diminished as a result of the application

Planning Comment: There is no planning evidence to suggest that safety will be diminished as a result of the application. The access arrangements to the site are satisfactory, perimeter fencing is proposed which will assist to minimise access into the site.

Concerns that placing a large number of stigmatised demographic groups is a breeding ground for social problems

Planning Comment: The subject site is proposed to provide a mix of public and private housing. Issues relating to social behaviour form part of a broader social concern that is not limited to persons associated with social housing. In this regard, it would be difficult to provide a location where the negative perception raised by surrounding property owners and occupiers is not an issue.

Recommendations include provision of adequate security, regulate the traffic flow and provide a right arrow to turn right into O'Connell Street

Planning Comment: The site has adequate provision of fencing which is considered sufficient to deter unwanted access to the site. The proposed traffic arrangements are considered to be satisfactory and have been reviewed by Councils Traffic and Investigations officer and The RTA who have raised no objections to the proposal. It is therefore considered that the traffic lights are adequate to cater for the increase in traffic.

Property values would decrease and deter investment in the area

Planning Comment: There is no planning evidence to suggest that property values will decrease as a result of the proposal.

The area is unsuitable due to the lack of supermarkets or other food services in the area

Planning Comment: A new supermarket is being established at No. 20 Victoria Road and local shops are located nearby which can accommodate residents with their daily needs. The site is located within a short walk of the Loop Bus which provides a free bus service to the centre of the Parramatta CBD.

There are no easily accessible parks in the area for children to play

Planning Comment: Sufficient open space and landscaped areas are provided within the development site to allow for passive recreation.

Public transport in the area is inadequate

Planning Comment: The site is considered to be ideally located with access to buses which frequent Church Street and Albert Street. The site is a short walk from Parramatta Leagues Club which has a stop for the Loop Bus which provides a free bus service to the Parramatta Train Station.

Concerns the site may have asbestos

Planning Comments: Appropriate conditions of consent shall be imposed requiring asbestos to be removed from the site in accordance with NSW Work cover requirements.

Concerns raised regarding construction hours if approved

Planning Comment: Councils standard condition for construction hours will be imposed which restricts 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.

Concerns that there is a lack of information of the artist's space

Planning Comment: The occupation of the artist's space will be subject to a future development application which will include specific details of the use, hours of use. Following lodgement of the application adjoining properties will be notified.

The proposal is not in the interest of rate payers

Planning Comment: The proposal is considered to provide a benefit to the wider community by providing a mix of social and private housing for residents within the Parramatta Local Government Area.

Concerns that privacy to adjoining properties will be diminished and views to Parramatta Park lost

Planning Comment: The zoning of the site allows the construction of a 3 storey residential flat building. It is not considered that the existing views will be significantly diminished as a result of the proposal.

Concerns that during construction the site will be ugly and messy

Planning Comment: Appropriate conditions of consent shall be imposed on the operational consent which requires the applicant to maintain the site in an appropriate state during construction.

The proposal fails to consider the Cumberland Hospital as an appropriate site

Planning Comment: Every applicant is required to be assessed on merits. There are a number of sites within the LGA where a development of this scale could be constructed. This development is considered appropriate for this site.

It is not a wise use of Federal stimulus money

Planning Comment: It is not known if the project is being funded by the Federal Stimulus package. The issue of funding a development is not relevant to the assessment.

Is on land originally gifted to the State Government for education purposes

Planning Comment: The zoning of the site is 5 Special Uses, which permits the proposed residential flat building. The site was sold from the Department of Education to the NSW Land and Housing Corporation in 2008. The land is no longer required by the Department of Education for there purpose it was acquired, and clause 41 of the Parramatta Local Environmental Plan, envisages that in these circumstances it can be development for a use consistent with other land in the area.

Still requires further public consultation

Planning Comment: The application was lodged on 2 July 2010 and notification for a period of 21 days was undertaken between 14 July 2010 and 4 August 2010. An

on site meeting was held on 4 September and following concerns raised that residents were not advised of the application the plans were re-notified for a period of 14 days between 24 September 2010 and 8 October 2010. The application has been advertised in accordance with Council's Notification Development Control Plan.

On site meeting

Council at its meeting on 9 March 2009 resolved that site meetings be held for development applications where 10 or more objections have been made. In accordance with the above resolution an onsite meeting was held on Saturday 4 September 2010 and was attended by Councillors Chiang Lim, Councillor Glen Elmore and Councillor Mark Lack, 10 residents, and Brad Delapierre Acting Service Manager Development Assessment Services. Three residents gave their apologies and the applicant was not in attendance.

The issues discussed at the on site meeting included:

Notification

Residents raised concern that neighbour notification of the original application was inadequate and indicated that owners including three owners of units within 2 Albert Street as well as the occupiers of the retirement village at 2 Fleet Street were not notified of the proposal.

Council staff advised that this issue would be reviewed.

Concern was also raised that many residents only received notice of the on-site meeting on the Thursday prior to the meeting, which precluded their attendance at the site meeting due to other commitments. Council staff advised that letters for the on-site meeting were mailed to all those who had made a submission on Friday 27 August 2010 with phone calls being received from objectors from Tuesday 31 August 2010.

Residents also suggested that Council's notification letter may not be the best form of communication and other options including hand delivered brochures, signs on the site should be considered.

Planning Comment: It is noted that the application was notified in accordance with Councils Notification DCP with approximately 350 letters sent to adjoining properties, an advertisement was placed in the local papers and signs were placed on the site along both street frontages. Council's records indicate that all units within No. 2 Albert Street and the retirement village at 2 Fleet Street were notified of the proposal. Notwithstanding this, due to the fact that residents indicated that some letters were not received a further letter was sent to all parties to provide residents a further opportunity to comment on the proposal with an additional 14 days to provide comments between 24 September 2010 and 8 October 2010.

Site should not be developed

Objectors advised that the site was a former school site and that given the site was in public ownership the site should be used as public parkland and or the former school buildings used by a community organisation for commercial purposes.

Planning comment: The site is currently owned by Housing NSW and is currently utilised for crisis accommodation, the proposed residential flat buildings are a permissible use on the site.

Traffic

It was advised that the area currently experiences significant traffic congestion during peak hours. Further the phasing of the traffic lights at the intersection of Albert Street/ O'Connell Street and the lack of a right turn arrow to allow vehicles right Albert Street into O'Connell Street towards the Parramatta CBD means that many residents have difficulty in getting out of this portion of Albert Street. This development with 103 units will further exacerbate this issue.

Planning comment: The application has been reviewed by Councils Traffic and Transport Engineer who advises *"Based on the analysis and information submitted with the DA, the proposed development is not expected to have significant traffic impact on this section of O'Connell Street and its surrounding road network."* No objections are raised to the proposal on traffic grounds.

Social Issues

Objectors raised concern that placing marginalised residents on the site was likely to result in an increase in anti-social behaviour in the area. Residents advised that they currently experience significant problems with surrounding land uses including Hope hostel, the Department of Health Methadone clinic, and the psychiatric hostel that utilise nearby properties to drink, take drugs, leave needles, rubbish in the vicinity of their properties. etc. Residents advised that they have been threatened and often have to call the police to attend their portion of Albert Street.

Residents advised that the area has enough existing problems and it would be inappropriate to place disadvantaged housing tenants into the area. It will result in the area becoming a slum.

Planning Comment: The proposal seeks approval for both social and private housing, whilst the overall mix for stage 2 is unknown at this time. Stage 1 will be developed entirely for social housing. It is not considered that the establishment of the residential flat buildings will create additional social issues.

Parking

Objectors expressed concern that this development will lead to an increase in parking along local streets having regards to the number of occupants and the lack of on site parking. It was indicated that there is only limited parking in Albert Street,

that is heavily utilised and that this development will mean that existing residents and visitors will have increased difficulty in finding on-street parking in the area.

It was indicated that due to the lack of turning area at the end of Albert Street and the number of vehicles parked in Albert Street that the garbage truck has to reverse into Albert Street.

Planning Comment: The car parking provisions for the residential flat building achieve compliance with Council's controls and with NSW Housing car parking requirements for car parking for social housing. It is considered adequate parking is provided for the development and will not adversely impact on the adjoining streets. The site is located in close proximity to public transport which will assist residents who may not have access to vehicles.

Lack of Public Transport

Residents advised that the area is not well serviced by public transport and given this the site is not suitable for the proposed development as future occupants will be isolated and/or need to have a car to access services in the area.

Planning Comment: The site is considered to be suitably located with access to buses which frequent Church Street and Albert Street. The site is a short walk to a stop for the Loop Bus which provides a free service to the Parramatta Train Station.

Lack of supermarkets

Concern was raised that as there are no supermarkets in the immediate area and further that those supermarkets in the wider area do not home deliver, that the site is not suitable for the development as future occupants without cars will have difficulty obtaining grocery items.

Planning Comment: A new supermarket is being established at No. 20 Victoria Road and local shops are located nearby which can accommodate residents with their daily needs. The site is located within a short walk of the Loop Bus which provides a free bus service to the centre of the Parramatta CBD.

Arts Studio

Limited details of how the arts studio will operate has been provided in the applicant's submission and concern was raised that noisy activities may occur throughout the day and/or that this will result in the closure of the centrally located arts studio in the Parramatta CBD.

Planning Comment: The space within Stage 1 is proposed to be accommodated as an artist's space, the current approval seeks conceptual approval and a further development application is required for the use of the space prior to the space being utilised.

Lack of footpaths

Objectors indicated that there was a lack of footpaths in the area and this would mean that future residents would have difficulty walking around the area.

Planning Comment: The site currently has provision of footpaths along both street frontages, the applicant during construction will be required to ensure the footpaths are maintained.

Lack of water pressure

It was indicated by residents present that there is currently low water pressure in the area and that this development for 106 units would result in a further drop in water pressure.

Planning Comment: Appropriate conditions of consent would be imposed on the operational consent requiring the applicant to provide documentary evidence that sufficient services for the site including electricity, gas, water and telephone services can be provided to the site.

End users of the units

Concern was raised about the likely future mix of occupants of stages B and C was not known. If it was all DOH tenants, it would increase social problems in the area.

Planning Comment: the applicant has advised that Stage 1 will be occupied by Department of Housing tenants and Stage 2 will be both public and private ownership, the mix at this stage is unknown. It is noted that Stage 2 will be subject to a further development application where adjoining properties will be afforded the opportunity to comment.

Joint Regional Planning Panel Process

Residents queried what the JRPP is and how it operates.

Planning Comment: It was advised that the handout for the meeting contained some frequently asked questions from the JRPP website. Residents asked why the JRPP were not present at the site meeting. They were advised that this was a Council process; however there was opportunity for objectors to speak to the JRPP on the night they consider a report on the proposal.

Lack of after school care in the area

An objector advised that the after school care facilities at the local schools are at capacity and that given this future children in this development would not be able to access them.

Planning Comment: Many facilities such as this are at capacity. This development is likely to only marginally increased demand for after school care.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY – MAJOR DEVELOPMENT 2005

Clause 13(B)(1) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:

“13B General development to which Part applies

(1) This Part applies to the following development:

(a) development that has a capital investment value of more than \$10 million,

(b) development for any of the following purposes if it has a capital investment value of more than \$5 million:

(i) affordable housing, air transport facilities, child care centres, community facilities, correctional centres, educational establishments, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,

(c) Crown development that has a capital investment value of more than \$5 million,

(d) development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,

(e) designated development,

(f) subdivision of land into more than 250 lots.”

The proposed development is a Crown Development lodged on behalf of NSW Housing and provides a capital investment of \$6,173,298 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with the requirement the application was referred to, and listed with, the JRPP for determination.

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is not identified in Council's records as being contaminated. Further, the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates that the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for residential flat building 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 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

The application was referred to the SEPP 65 Design Review Panel for comment on 4 August 2010. A Design verification Statement has been submitted to support the proposal.

“The Design Review Panel make the following comments in relation to the project:

- 1. The panel is concerned in regards to assumptions made by the applicant to achieve Sepp65/RFDC cross ventilation requirements. The scheme proposes that internal central corridors are fully open in order to provide cross ventilation to a number of single aspect apartments via a Bedroom window opening onto the common corridor space.*
- 2. The panel recommends that western oriented apartments are provided with full external operable sun-shading to glazed areas.*
- 3. The panel is concerned about the road geometry and finishes. The road should be designed to limit vehicle speed to 5kmh, encourage pedestrian safety and amenity within and across the site, and maximise amount of usable outdoor open space. Integration of the road within a considered pedestrian oriented landscape strategy is recommended. The road should be designed to maximise usable outdoor areas, and provide a corner at close to the west boundary rather than sweeping bend to achieve this.*
- 4. The applicant is encouraged to provide an opportunity for future pedestrian connectivity to the (hospital) to the west.*
- 5. The applicant should consider moving the north wing of the central block to the south, in order to provide a larger, sunnier consolidated courtyard between the central and northern blocks.*
- 6. The pitched metal roof should be fully obscured from ground floor.*
- 7. At least one, preferably two section lines should be drawn through the courtyards in order to show the scale and proportions of the spaces and to show the relationship of internal levels and external ground levels.*

This application does not need to be reviewed by the Panel again.”

The applicant has provided the following response to the comments from the Design review panel:

Panel Comments - Item 1. The panel is concerned in regards to assumptions made by the applicant to achieve Sepp65/RFDC cross ventilation requirements. The scheme proposes that internal central corridors are fully open in order to provide cross ventilation to a number of single aspect apartments via a Bedroom window opening onto the common corridor space.

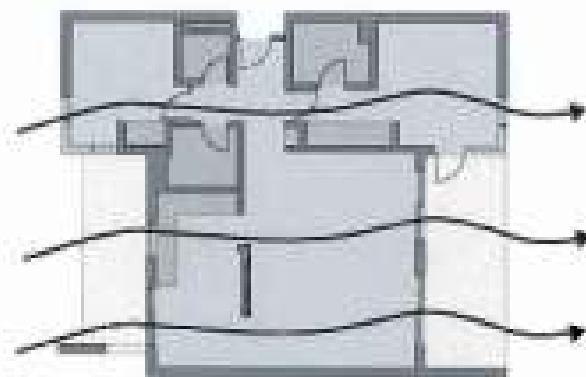
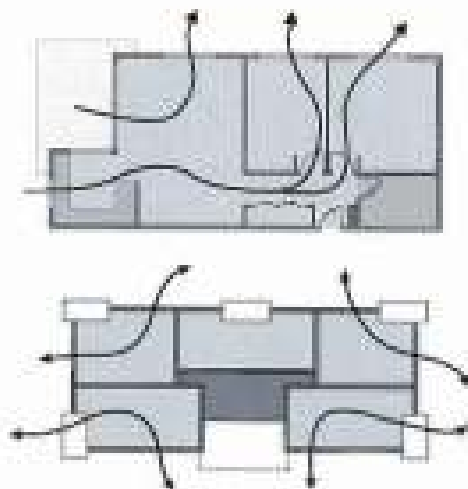
The building forms and footprints have been carefully arranged to consider topography, maximising solar access to apartments and cross ventilation, and minimising overshadowing to open spaces. The open plan layout of the units is designed such that the balconies and private open spaces are an extension of the living spaces, therefore creating a seamless relationship between the indoor and outdoor living areas.

All individual units achieve a building depth range from 7.8 - 9.2m from the back wall of the kitchen to an external window in the living room; the efficient internal layout of the units enables good cross ventilation of the dwelling.

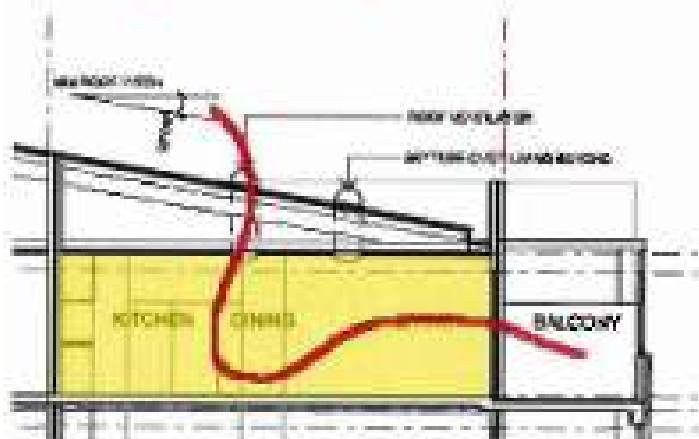
Roughly 40% (13 nos.) of the kitchens within the development are naturally ventilated through an external window. The kitchen is against the external wall of the unit, with a window for outlook and security surveillance. This is well in excess of the SEPP 65 rule of thumb of 25% of the total number of kitchens requiring natural ventilation. Another 12% (4 nos.) of the units are provided with a high level operable window above the entry door for warm air to escape and to utilise air pressure to draw air through the unit from the opposite window in the living area.

As a result of the Panel's comments we now propose that the living and dining areas on the top floor units are provided with roof ventilators, resulting in an additional 18% (6 nos.) of the units being

naturally ventilated. Therefore, 70% (23 no.) of the units within the development are considered to be naturally ventilated units. This is well in excess of the SEPP 55 rule of thumb of min 60% of the total number of units requiring natural ventilation. Refer to attached diagrams for further details, an—1201-1204 Rev A02.



Example diagrams extracted from the Residential Flat Design Code



Examples of proposed cross ventilated units

The common corridor has been carefully and thoughtfully designed as an outdoor area in accordance with BCA2010 and relevant Australian Standards without relying on any mechanical ventilation system.

Panels Comments - Item 2. The panel recommends that western oriented apartments are provided with full external operable sun-shading to glazed areas.

HNSW are generally not in favour of operable sun shading devices that may generate long term maintenance problems for it's buildings

As a result of the panel's comments the overhead sunhood shading devices have been carefully redesigned to make sure that adequate cover to all west facing windows can be provided up to 4pm in summer without compromising solar access to each unit in winter. Furthermore, most of the existing substantial trees and proposed new landscaping along the western boundary will provide additional shading to some of the units in the late afternoon. Refer to the attached solar study diagrams and revised elevation at—2602 Rev.a02 for further details.

Panels Comments - Item 3. The panel is concerned about the road geometry and finishes. The road should be designed to limit vehicle speed to 5kmh, encourage pedestrian safety and amenity within and across the site, and maximise amount of usable outdoor open space. Integration of the road within a considered pedestrian oriented landscape strategy is recommended. The road should be designed to maximise usable outdoor areas, and provide a corner at close to the west boundary rather than sweeping bend to achieve this.

The description of the internal site vehicular access as a 'road' is incorrect. The arrangement depicted on the submitted DA plans is that of an internal private access driveway only suitable for low vehicle speed access only. The proposed internal access driveway is not intended as a public roadway nor is its design or dimensions capable of acting as a roadway. The proposed internal access driveway has been designed in conjunction with traffic engineers Transport and Traffic Planning Associates specifically as a low speed private internal driveway.

Due to the nature of O'Connell St traffic engineering protocols have dictated that the vehicle entry access to the site is restricted to the Albert Street frontage and is limited to 6m wide as a two-way local driveway access which extends to the carpark entry to the basement parking areas for Stage 2. Vehicles which park in the proposed basement car park for Stage 2 will have the option of exiting the site at O'Connell Street, a 'left-out only' access point with limited access to the destinations in the north, or via the Albert Street frontage, which facilitates better and more direct access to not only the main road network but also a range of destinations to the north, south and east of the site. The traffic flow pattern out to the O'Connell St exit has been deliberately made one-way to discourage entry to the site from this frontage and to enable the road carriageway to be narrowed down to a minimum width to limit traffic speeds and volumes (Refer Transport and Traffic Planning Associates attached letter dated 23.08.10).

The deliberately narrow width (4.5m) of the internal private ONE-WAY driveway beyond the proposed Stage 2 car park entry, has been designed to minimise hard paved surfaces, provide traffic calming measures and allows both refuse vehicles and other service and removalist vehicles (10m long) to enter and depart the site in a forward direction, which is in accordance with all relevant Council planning controls and standards as outlined in the traffic report by Transport and Traffic Planning

Associates submitted with the DA and reconfirmed in the attached Supplementary Traffic Advice Correspondence dated 24.08.10.

There are numerous other traffic calming measures such as speed humps, signage and changes of pavement treatment that can be provided and effectively be employed to ensure that traffic flow along the internal access driveway does not exceed a 5 km speed. As a result of the panel's comments, it is proposed that raised thresholds with different paving treatment be introduced at strategic locations along the driveway. Refer to drawing number ar-0201, Rev.A02.

It is also proposed that the width of the ONE-WAY section of the internal driveway is further narrowed to 3.5m wide. Refer to attached supplementary correspondence from the traffic engineer Transport and Traffic Planning Associates Pty Ltd dated 24.08.10 for the additional traffic calming measures and the suggestion of reducing the width of internal driveway, which HNSW would be willing to incorporate into the design.

Pedestrians are encouraged to walk along the fully segregated and secured footpaths provided along the length of the internal access driveway and integrated into the communal landscape open space design to ensure two-way passive surveillance between pedestrians and motorists within the development.

The sharp intersection turn suggested by the Panel would constitute a pedestrian hazard as it contains poor sightlines for service and passenger vehicles moving forward and would necessitate a 3 point turn for large service vehicles to manoeuvre through the site.

Please also note that the proposed traffic arrangement has been presented at 2 formal pre-DA meetings attended by Senior Council Planners and Council's Traffic & Transport Investigations Engineer, Ms. Rosemarie Barretto. The submitted traffic and internal access driveway and pedestrian access arrangement was fully supported by Ms Barretto and noted to be in accordance with Council's Carparking and traffic controls. We attach copies of the formal Pre -DA minutes issued by Council which make no mention of any concerns with the traffic and internal vehicle and pedestrian arrangement.

Panels Comments - Item 4. The applicant is encouraged to provide an opportunity for future pedestrian connectivity to the (hospital) to the west.

HNSW is unable to accept any responsibility and/or liability for the public useage of its land or as a result of any Council requirement to create a public thoroughfare through its property or the property of others. It was also pointed out at the Panel meeting there is a substantial level change between HNSW's site and the land directly to the west. As pointed out at the Panel meeting HNSW does not own or control any of the land to the west of its site and has no legal or other means of requiring adjoining landholders to create a public footway over their land.

The proposed pedestrian footpath along the Internal driveway connects to the public pedestrian thoroughfare on Albert Street that leads to the heritage stairs at the end of Albert Street. The public heritage stair connects Albert Street to Fennell Street and the Cumberland Hospital to the west. This is a familiar and well utilised public pedestrian thoroughfare that is part of the extensive pedestrian network in the immediate locality. The proposed connection of the proposed pedestrian footpath from the site to the public pedestrian footpath on Albert Street and O'Connell Street positively contributes to the already well established public pedestrian network of the area, further improving this public amenity for residents and visitors.

Panel's Comments - Item 5. The applicant should consider moving the north wing of the central block to the south, in order to provide a larger, sunnier consolidated courtyard between the central and northern blocks.

The design of the proposed development has taken into account responsible environmental planning. The fundamental urban design principles of street activation, integrated and unified street character, good visual and open space amenity and building comfort have been considered and adopted in the buildings' siting and orientation.

The site planning option suggested by the Panel was in fact tested (along with numerous other siting options) during the concept design formulation phase and prior to submission the final adopted design for DA. DEM's extensive siting and 3D modelling analysis demonstrated that the building orientation site planning adopted for the submitted DA design provided the best overall solution for amenity of individual units, street presentation and overall compliance with the Council DCP and SEPP 65 provisions for solar access.

The proposed building footprints have been carefully positioned to maximise solar access to apartments and cross ventilation, and minimising overshadowing to open spaces. At least 70% of ground floor private courtyards and balconies are positioned and oriented to ensure that at least 50% of the its area will achieve min 3 hours of solar access in midwinter. Also, there are no south-facing units proposed in the current scheme.

We have attached one of the concept site plans (ursk0131, Rev-01) prepared at the concept design stage which demonstrates that if the Panel suggestion is taken up, the Stage 2 development will not comply with solar access and cross ventilation requirements to individual units under Council's DCP and SEPP 65 provisions and would create 9 off additional south facing units to the Stage 2 component of the Project. We also have concerns about the resultant length of the building along O'Connell Street which would create a 'wall' effect along this street frontage. Furthermore HNSW is concerned about the reduction of potential affordable housing units, the loss of ownership of individual communal open space for each block and potential problems with staging as a result of flipping Block B.

The 9 off additional south facing units will also suffer a substantial loss in visual amenity. These south facing units will have a view out onto the internal driveway instead of the landscape communal open space to the north. Overall it is our professional opinion that the Panel's suggestion to flip the wing of Block B would result in an inferior urban design outcome to that proposed with the submitted DA.

The resultant impact of the Panel's suggested siting solution would have only 64% of total number of units receiving compliant sunlight (3hrs in midwinter), only 49.5% of total number of units achieving compliant cross ventilation and the introduction of 9 off south facing units into the development which would render the proposal by the Panel as non compliant with SEPP 65 provisions. This compares with 71% of total number of units receiving compliant sunlight and 81% of total number of units achieving compliant cross ventilation for the submitted DA design. This exceeds SEPP 65 benchmarks of min 70% of units receiving compliant sunlight and min 60% of units achieving compliant cross ventilation.

Panel's Comments - Item 6. The pitched metal roof should be fully obscured from ground floor.

As outlined to the Panel, the proposed pitched metal roof is only at a 10 degree pitch. Due to its relatively flat roof design it will be fully obscured behind the parapet along O'Connell Street and will

not be visible from any pedestrian vantage points around the building. This is clearly depicted on the 3D perspective views included with the submitted documentation for DA approval and we refer Council to these submitted images which have been accurately set up with our in-house 3D modelling software.

As a social housing provider, HNSW has some particular design requirements and maintenance guidelines in place, which are generally not in favour of any sort of parapet roof design with associated box gutters that may generate long term maintenance problems for HNSW. DEM has demonstrated to HNSW that the parapet roof design is necessary; however the parapet roof design and the extent of the box gutters are limited to the Eastern elevation only in order to comply with solar access requirements under SEPP 65 and Council's DCP. The numerous design analysis options formulated by DEM during the concept design phase prior to the DA submission demonstrated that the site orientation and resultant site yield is dependent on compliance with the SEPP 65 provisions for solar access. Due to the site's overall orientation and in particular the orientation of O'Connell Street (which needed to be addressed in terms of established street character and building alignment), it was determined that the main buildings along O'Connell Street should be sited to run in parallel to the primary street alignment. Due to O'Connell Street's south east orientation a parapet design is necessary along O'Connell St to ensure that the development achieves the minimum 70% of the total number of units achieving solar access in midwinter.

The resultant design solution submitted for DA conforms to HNSW's design requirements whilst providing a balanced solution, which provides the best overall compliance between the sometimes competing requirements of Council's DCP and SEPP 65.

Panels Comments - Item 7. At least one, preferably two section lines should be drawn through the courtyards in order to show the scale and proportions of the spaces and to show the relationship of internal levels and external ground levels.

The buildings have been carefully positioned on the site to achieve good integration, connectivity, safety, passive surveillance, street activity and good amenity in terms of communal and public open spaces. The spaces between buildings are integrated into the site's overall open space network to ensure there are no left over spaces. The proposed density is contained within the permissible 3-storey height limit for the site and is compatible with the general height of the surrounding nearby development and in line with the local LEP / DCP requirements.

The entire development adopts passive surveillance techniques for safety with units overlooking communal and public open spaces and streets. The coexisting streets and pedestrian footpaths allow passive surveillance between motorists and pedestrians. The lobbies for the building are also visible from the street, again promoting passive surveillance between residents and passers-by.

Private, communal and public open spaces are clearly delineated through the use of low height plant massing, fences / balustrades and varying site levels. The landscape is provided with a hierarchy of spaces for the residents - the ground floor apartments are provided with courtyards that have planting, paving and clotheslines. The communal open space is located roughly 1m – 1.4m below the ground floor west facing units and provided with open lawn and trees with groundcovers. Refer to attached additional sections ar-2102 and ar-2202 Rev.A02 for further details.

The proposed development satisfies and complies with the SEPP 65 and DCP provisions for 3 hrs of sunlight access to the private open spaces for 70% of the total number of units. The communal open spaces also receive sunlight access throughout the year at various times of the day. Refer to Shadow Diagrams between 9am-3pm on 21 January, 21 June and 21 March/September.

Summary

The above information and amended plans are provided to respond to the issues raised by Council's SEPP65 Design Review Panel and demonstrate that the design as submitted with the original Development Application has been through a rigorous design analysis process and represents the best overall urban design solution for the site whilst achieving HNSW's social housing objectives. The revised information depicted on the attached plans affects only the internal planning and minor modifications to western elevation of the proposed Stage 1 Development and has no impact on the proposed external appearance along Albert Street and O'Connell Street. We strongly believe that the Development Application **does not** need to be re-exhibited as part of the minor response changes proposed in this correspondence and HNSW **should not** be required to pay any additional advertising fees or charges as a result of the provision of this attached additional information provided.

A summary of the design changes is below;

- Additional traffic calming measures provided to the internal driveway; (ar—0201 Rev.a02)
- Roof ventilators provided to the top floor units; (ar—1204 Rev.a02)
- Additional site sections provided; (ar—2102, 2202 Rev.a01)
- Sun shading devices to the western façade revised; (ar—2602 Rev.a02)

The responses contained with this correspondence are very straight forward and self explanatory and we believe that this information now satisfactorily responds to all of the issues raised by SEPP 65 Design Review Panel.

We do not believe a further SEPP 65 Design Review Panel Meeting is required to review and concur with the attached responses and HNSW is concerned that any imposed requirement to have to re-present the DA proposal to the Panel would unnecessarily delay the final processing of this application which HNSW would like to expediate to enable the project to be delivered in line with their social housing role out for the Greater Western region. We trust that the comprehensive responses provide as part of this correspondence now allow Council/JRPP to proceed to expeditiously process its final determination of this application.

We trust the above now satisfactorily addresses SEPP 65 Design Review Panel and Council's request for further information/clarifications and look forward to Council's final recommendation for approval of this Development Application.

Planning Comment: It is considered the applicant has addressed the concerns raised by the panel satisfactorily, the proposal complies with the numerical controls for cross ventilation, additional shading devices have been provided to western orientated dwellings, the internal driveway is considered satisfactory and will not impact upon the safety of residents or visitors, and the roof form will have limited viewing from the street due to the provision of a 10 degree pitched roof. Suggestions to modify the site layout of Stage 2 and provide pedestrian access through the site towards Fleet Street are considered to be outside the scope of the current application. The site planning of Stage 2 will be further addressed in the assessment of the future development application.

The proposal has been assessed against the 10 principles of SEPP 65 and the following comments are made:

Principle 1 – Context – the proposal has been designed taking into consideration the sites configurations and the existing surrounding development and it is considered satisfactory.

Principle 2 – Scale – The scale of the development is consistent with the scale envisaged for the area which permits 3 storey residential flat buildings. The proposal is consistent with the existing residential flat buildings along Albert Street. The proposal is similar in scale to that of adjoining properties and achieves a similar height. The bulk of the building is broken by provision of three buildings and steps in the building façade, as well as through the use of balconies and the roof form.

Principle 3 – Built form – Proposed setbacks are complainant and similar to the existing setbacks along Albert Street. It is considered ample separation between the residential flat buildings and adjoining properties is achieved and privacy to existing residents and future residents will not be diminished.

Principle 4 – Density – It is considered the site area of 8,358sqm is sufficient to accommodate a residential flat building. The achieved density is consistent with existing and approved development along Albert Street. Overall the density is considered satisfactory.

Principle 5 – Resource, energy and water efficiency – The proposal includes features relating to energy efficiency, including water efficient and energy efficient appliances. Majority of units have access to northern sunlight.

Principle 6 – Landscaping – The proposal will provide adequate levels of landscaping, including landscaping within the front and rear setbacks. Landscaping is proposed along the side boundaries to soften the appearance of the RFB on existing properties. Landscaping is proposed within the common open space to maintain the sites landscape character.

Principle 7 – Amenity – A high level of internal amenity is proposed for future occupants, including access to northern sun for dwellings, cross ventilation, sufficient circulation paths are provided within the units, and apartment sizes being of sufficient area, open lounge / dining areas to suit an open plan living. The proposal achieves compliance with the numerical controls for social housing as required by Housing NSW.

Principle 8 – Safety and Security – Surveillance of the street and driveway access of the RFB is achieved through the design of the proposal. An intercom system is proposed allowing access for residents and visitors into the lobby areas. Suitable lighting of common areas is proposed to ensure safety is maintained.

Principle 9 – Social Dimensions – The proposal provides varying unit sizes with 1, 2 and 3 bedroom units to cater for the diverse needs of the community.

Principle 10 – Aesthetics – The external treatment of the building reflects an architectural design consistent with aesthetics of existing residential flat buildings along Albert Road and O'Connell Street, while introduces contemporary aesthetic elements into the streetscape.

Planning Comment:

The application has been assessed against the 10 design principles and is considered satisfactory. The applicant through submission of amended plans has addressed the comments raised by the DRP. The changes to the proposal including additional shading devices which have been provided to western orientated dwellings.

STATE ENVIRONMENTAL PLANNING POLICY 1 – DEVELOPMENT STANDARDS (SEPP1)

An objection under the provisions of SEPP 1 was lodged as the proposed development exceeds the permissible floor space ratio controls as required under Parramatta Local Environmental Plan 2001. This SEPP 1 Objection is considered to warrant Council's support and is discussed in further detail within this report.

STATE ENVIRONMENTAL PLANNING POLICY 56 - SYDNEY HARBOUR FORESHORES AND TRIBUTARIES

The provisions of SEPP No. 56 have been considered in the assessment of the development application. Under the provisions of the SEPP the subject site is not identified as a site of State or Regional Significance or of Strategic Significance. The subject proposal is not considered to impact upon the foreshore. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 56.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001

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

(a) General Requirements

Development standard	Comment	Discussion
CI 16 Permissible within zone?	Yes	5 Special Uses
CI 20 Affected by rail/road noise and/or vibration	No	The site is not unduly affected by road or rail noise or vibration
CI 21 Is the site flood affected? If yes will the development satisfy CI 2 (a)-(e)?	No	-
CI 22 Is the site contaminated? If yes will the development satisfy clause 22(2)?	No	The site is not identified as being contaminated

Clause 23 – Excavation and filling of land?	Yes	The site proposes to both excavate and fill at appropriate locations throughout the site. This is to assist with ensuring an appropriate built form. It is considered the extent of excavation and fill is appropriate and complies with clause 23 of PLEP as the excavation and fill is considered to have no adverse impacts on amenity of adjoining residents.
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<p>CI 30 Is the site subject to a master plan? (Required for a site over 5000m2 or listed in part 2 of schedule 4)</p>	Yes	<p>The site is over 5000sqm in area, therefore the submission and adoption of a master plan is required. The applicant in this instance has requested a waiver for submission of a master plan.</p> <p>A waiver of the master plan can be supported under Clause 30(11) of PLEP 2001 if a site analysis study has been prepared, the applicant has done extensive site analysis in the preparation of the application and provides plans for the entire site similar to the requirements for a master plan however the proposal is lodged as a development application and not as a master plan.</p> <p>It is considered in this instance given the level of detail provided (including a site analysis, detailed elevations, floor plans) at DA stage for the development a waiver to the submission of a master plan is acceptable.</p>
CI 31 Is the site adjacent to the Parramatta River foreshore	No	NA
CI 32 Affected by a Foreshore Building Line	No	NA
CI 34 Will the proposal have any impact on Acid Sulphate Soils?	No	NA
CI 47 Does the land abut Zone 7 or 9(d)?	No	NA

Cl 48 Is the land along or adjoining a public transport corridor?	No	NA
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(b) Specific Requirements

Development Standard	Proposal	Compliance
Clause 39(1)(b) Maximum height of 3 storeys?	3 storey	Yes
Clause 40 Maximum FSR – Residential Flat Building = 0.8:1 Maximum permissible FSR = 6,686sqm	Block A - 2603sqm Block B – 2635sqm Block C 0 2515sqm Proposed FSR = 7753sqm or 0.927:1	No, SEPP 1 Objection submitted and considered satisfactory

Aims and objectives – Special uses

The proposed development is consistent with the aims and objectives of the 5 Special Uses zoning applying to the land as the proposed works are suitably located and are of a bulk and scale that maintains suitable residential amenity for adjoining sites.

The zone objectives of the 5 Special uses zone include:

- “(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*
- (b) to allow other ancillary land uses that are incidental to that primary use of land within the zone, and*
- (c) to provide flexibility in the development of sites identified for special uses by allowing development which is permissible in an adjacent zone.”*

The proposal is considered to be satisfactory in terms of the zone objectives as the site is proposed to be utilised by a public authority, the form of development including the residential flat building and community artists space are permissible forms of development as they are permissible in an adjacent zone.

Floor space ratio

Clause 40 of Parramatta Local Environmental Plan 2001 states the maximum permissible floor area for a residential flat building is 0.8:1. The maximum permissible floor area for the subject site is 6,686sqm and the proposal seeks approval for a total floor area of 7,753sqm, which exceeds the requirements by 1,067sqm, which equates to a FSR of 0.927:1.

A SEPP 1 objection to the FSR development standards of PLEP 2001 has been submitted. The applicant contends that the development is consistent with PLEP 2001 and compliance with the development standards is unnecessary and unreasonable.

Extracts from the applicant's SEPP 1 objection are provided below;

Objective of the Standard

The objectives of the FSR control are not specifically stated in the LEP. It is assumed that the general urban design principles underlying FSR controls are outlined in Parramatta DCP 2005 (Part 4.2.3) which establishes the following objectives for building form and massing:-

- To ensure buildings are compatible in form relative to the spatial characteristics of the local area.
- To ensure building mass and form reinforces, complement and enhances the visual character of the street.
- To ensure the distribution of building height and mass preserves and enhances neighbourhood amenity and has regard to site characteristics and environmental constraints.
- To ensure that where changes in building scale, mass and/or height is proposed, it occurs in a manner that is sensitive to amenity issues of surrounding or nearby development.

Justification for Non-Compliance

Notwithstanding the non-compliance the proposal is consistent with the underlying objectives of the standard as:-

- The proposed residential development respects and responds to the scale and character of the surrounding built form context. The design is similar in scale to surrounding residential flat buildings with the main street frontage clearly presenting as three storey building envelopes. Materials, colours and finishes selected are also comparable to that of existing surrounding residential flat buildings on Albert and O'Connell St.
- The proposal to break down the scale of the development into three separate smaller blocks is reflective of the scale of existing building patterns in the street. This creates smaller footprints and larger building separation between each of the Blocks, thereby minimising building bulk by creating spatial and visual gaps that are consistent with the street building pattern.
- The form and massing of Blocks A, B & C are generally consistent with the permissible development controls, land use and building heights permitted by Council controls. The buildings have been set back in accordance with the DCP requirements and consistent with the prevailing setbacks of adjoining and nearby buildings.
- The building façade has been broken down in scale and proportion to reduce the appearance of the bulk of the buildings. The elevations are articulated and of a scale more appropriate to their residential use. The external treatment gives consideration to the interface between the public and private domains, e.g. the articulation of the base or lower levels of the buildings with smaller more humanised-scaled elements and warmer materials ensure a better, more sensitive response to the public streetscape domain and character for the development.
- The buildings are sited with appropriate and sufficient setback from the street to create a built environment that is cohesive, unified, composed, and comfortable in scale.
- The numerical departure is inconsequential given the fact that the resultant built form adequately addresses overlooking, overshadowing and loss of views.
- The footprint, positioning, design elements of the facade and massing of the elevations assist in reducing the perceived scale of the buildings irrespective of their FSR.
- The site is a large parcel of cleared and underutilized consolidated land in close proximity to the Parramatta City Centre which has adequate capacity to accommodate development of this scale.
- The site complies with other development standards governing bulk and scale including height, building envelope, setbacks and landscaped area.

The design of the residential flat buildings on the subject site have been designed taking into account the sites constraints including the slope of the land and has been designed to compliment the existing three storey buildings in the area whilst providing a high level of landscaped area for future occupants.

The site is not an established residential area, it is currently being utilised as temporary crisis accommodation and prior to this was a school. The developments standards relating to floor space ratio have limited relevance to a stand alone development which does not bound existing residential flat buildings. The non compliance with the development standard will not create a development that is not consistent with the objectives of the zone and compatible with the surrounding development.

The table below indicates the floor space ratio of adjoining residential flat buildings, which establishes that technical compliance with the 0.8:1 FSR requirement is not strictly adhered to in the area. It is therefore considered having regard to the established character of the area that the SEPP 1 Objection be supported for the variation to Floor area.

Site	Site Area	Building area	FSR
64 O'Connell Street North Parramatta	1272sqm	1115sqm	0.88:1
14 Albert Street North Parramatta	615.5sqm	389sqm	0.63:1
2 Albert Street North Parramatta	2846sqm	Block A – 1422sqm Block B – 718.2sqm Total – 2140.2	0.75:1
10 Albert Street North Parramatta	1163sqm	1080sqm	0.93:1
78 O'Connell Street North Parramatta	1612sqm	1208sqm	0.75:1

It is also noted that the future zoning of R4 would allow approval of an affordable housing development in accordance with the provisions of Affordable Rental Housing 2009 SEPP. Should 50% of the dwellings on the site be for affordable housing then the applicable FSR would be 1.3:1.

Stage 1 of this development is all for affordable housing, with a undetermined portion of stage 2 to be affordable housing. Given this at least 33% of dwellings will be for affordable housing. Should the SEPP apply this would allow the site to have a potential FSR of at least 1.1:1. This is less than the FSR of 0.92:1 that has been applied for.

The decision of the LEC in Winten Property Group V North Sydney suggests that the following questions are relevant to the consideration of a SEPP 1 objection.

1. Is the standard a development standard?

The proposed development seeks variation to the Floor Space Ratio of PLEP 2001 which are consistent with the definition of 'development standard' provided by the Environmental Planning and Assessment Act.

2. What is the underlying purpose or objective of the standard?

The purpose of the development standards is to protect the amenity and character of established residential areas.

3. Is compliance with the standard consistent with the aims of the Policy and does compliance with the standard hinder the attainment of the objects of the Act?

Compliance with the standards would not be consistent with the objects of the Act, as development which complied with the standards would not be orderly nor economic development.

4. Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the standards is unreasonable or unnecessary in the circumstances of the case.

5. Is the objection well founded?

The objection is well founded, the justification provided with respect to the variation of the development standards is supported by Council planning controls.

Whilst the proposal exceeds the floor area it is considered the design of the development is consistent with the aims and objectives of PLEP 2001 and is compatible with the surrounding residential flat buildings in Albert Street. The proposal achieves compliance with all remaining numerical controls and is considered acceptable.

The proposed development is consistent with the objectives of Parramatta Local Environmental Plan 2001 and compliance with the development standards is considered unnecessary and unreasonable in the circumstances of the case.

Draft SEPP (application of development standards)

In accordance with the decision of the Land and Environment Court in *Scott Mitchell v North Sydney Council*, the draft SEPP is considered to have limited determining weight. Accordingly a detailed assessment of the proposal against the requirements of the SEPP is not required. Notwithstanding this opinion, it is considered that the development is consistent with the objectives of the draft SEPP in that variations to

development standards should only be permitted where they result in a superior planning outcome.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 1996 (HERITAGE & CONSERVATION)

The site is not listed as a heritage item under LEP1996.

The site is within the vicinity of heritage item listed under LEP1996, and is not considered to impact upon the heritage significance of nearby heritage items.

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

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

Draft PLEP 2010

The subject site is zoned R4 under Draft LEP 2010. The proposed use is defined as residential flat building and is permissible in the zone. Under the draft LEP the maximum permissible floor space ratio is retained at 0.8:1 with a maximum height of 11 metres. Under the draft LEP, applications under the Affordable Housing SEPP are permissible which would permit a maximum floor space ratio of 1.3:1 where 50% of dwellings are provided for social housing.

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

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

On 5 October 2010, the PLEP 2010 was adopted by Parramatta City Council to be forwarded to the Minister for Planning to be endorsed and gazetted. Accordingly, at this stage determinative weighting can be afforded to the provisions of the Draft LEP and Draft DCP in respect of this application. It is considered having regard to the current zoning and the future zoning which permits the use the proposal is considered acceptable and is compatible and desirable within the streetscape.

Further when the site is zoned R4 the provisions of the Affordable Rental Housing SEPP could apply to the site. If the application was lodged under this SEPP, DLEP 2010 would have less relevance.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2005

Development Control	Proposal	Compliance
3. Preliminary Building Envelope		
Height. – Maximum height		
Maximum of 3 storeys	3 storeys, 11 metres maximum	Yes
Street Setback Is the setback consistent with the prevailing setback along the street within the range of 5 - 9 metres <i>Note: In some parts of Parramatta it may be appropriate to have a front setback that exceeds 9m</i> Minimum 3m on secondary street for corner allotments <i>Note: to provide opportunities for vehicles to park behind carports and garages a setback of 5.4m should be provided</i>	5.2m to 7.2 metres along Albert Street Secondary street – 5 metres along O'Connell Street	Yes
Rear Setback Minimum 15% of length of site	15% or 5 metres – 17.5 metres	yes
Side Setback Minimum 4.5m	4.5 metres	Yes
4.1.1 Views and Vistas		
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 - Vegetation Communities ?	The proposal does not impact upon view sharing, or landmark buildings	Yes
Does the building design; location and landscaping encourage view	The proposal encourages	Yes

sharing between properties?	viewing sharing through the provision of 3 buildings on the site which allows breaks in the built form and provision of adequate landscaping	
4.1.4 – Water Management		
Flooding or Grey Area Is the site flood affected or within a Grey Area? If yes refer to section 4.1.4 of PDCP 2005 for detailed controls and Council's Development Unit Engineers.	The site is not flood affected or located within a grey area. The proposal has been assessed by Councils Catchment management officer and Development Engineer and is considered satisfactory	Yes
Stormwater Disposal Is stormwater able to be directed to Council's stormwater network? Generally the street? If no, an infiltration trench or an easement over a downstream property is required to be provided.	The proposed erosion control measures are considered adequate to ensure no adverse impacts on adjoining properties	Yes
BASIX Meets BASIX certificate requirements with regard to rainwater tanks, native vegetation etc	Basix certificate is considered acceptable	Yes
4.1.5 – Soil Management		
Are there adequate erosion control measures?	Controls are considered adequate	Yes
4.1.7 – Development on Sloping Land		
Does the design of the dwelling	The proposal has been designed	Yes

respond to the slope of the site? (Generally speaking FFL should not exceed 500mm above existing NGL)	taking into consideration the slope of the site	
4.1.7 – Land Contamination – Is the site contaminated	No the site is not contaminated, the site was previously used for educational purposes	Yes
4.1.9 – Biodiversity		
If land abuts Zone 7, has a 6 metre setback for all structures been provided? (CI47 PLEP 2001) If no a SEPP 1 is required. Note: Council will require the submission of a Statement of Flora/Fauna Impact (SFFI) for all development in or adjacent to bushland with respect to the impact on biodiversity.	NA	NA
4.1.10 Landscaping		
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?	The proposed landscaping is considered satisfactory for the site	Yes
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?	The proposed landscaping is considered satisfactory for the site	Yes
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% is to be located at the front of the	30.5% 2,549.19sqm	Yes

site) <i>Note: The minimum dimensions for a deep soil zone are 4m x 4m.</i>		
4.1.11 Isolated sites	The proposal does not result in the isolation of any adjoining properties	NA
4.2 Building Elements		
4.2.1 Streetscape 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?	The proposed RFB's are considered to be compatible with the existing streetscape of both Albert Street and O'Connell Street. The proposal provides a consistent 3 storey height limits	Yes
Driveway location Are dwellings positioned over driveways to basement car parks	Yes, dwellings are positioned over the driveway	No, however considered acceptable in this instance as the driveway entrance can not be viewed from the street and is not considered to adversely impact upon the streetscape.
4.2.2 – Fences		
Is the front fence a maximum height of 1.2metres? Are front fences a common element in the locality? <i>Note:Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a maximum height of 1.8 metres.</i>	Fencing along Albert Street and O'Connell street will be 1.2 metres in height and constructed of horizontal batten metal and will assist to minimise any trespassing of the site whilst aiding natural surveillance.	Yes
Is sheet metal fencing proposed to be used forward of the building line or on boundaries that have an interface with the public domain?	No	No
4.2.3 Building Form and Massing		

<p>Is the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p> <p>Does the building height, bulk and scale result in unreasonable loss of amenity to adjacent properties, open space or the public domain such as:</p>	<p>The proposed height is consistent and compatible with the existing RFB's which are located in Albert Street and O'Connell Street</p>	Yes
<p>Loss of Privacy</p>	<p>It is not considered that the proposal will adversely impact on privacy to adjoining properties or within the site.</p>	Yes
<p>Overshadowing</p>	<p>The proposal does not overshadow adjoining properties. The provision of solar access is considered sufficient</p>	Yes
<p>Attics</p> <p>Is the attic greater than 25 square metres in floor area?</p> <p>Does the attic comply with the definition of attic contain in PLEP 2001?</p> <p><i>Note: Attics are included as floorspace for the purpose of calculating the floorspace ratio. (requires an amendment to PLEP 2001 as attics are excluded from FSR calculations presently)</i></p>	NA	NA
<p>4.2.4 Building Façade and Articulation</p> <p>Is the building facades modulated in plan and elevation and</p>	<p>The buildings are considered to be</p>	Yes

<p>articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> <p>Does the building exceed the building envelope?</p>	<p>well articulated in design to reduce the appearance of a bulky building.</p> <p>The proposed building height and envelope are compatible and comply</p>	<p>Yes</p>
4.3 Environmental Amenity		
<p>4.3.1 Private Open Space</p> <p>Is a minimum of 10m² of private open space per dwelling .</p>	<p>6-10m²</p>	<p>No, however it is considered acceptable in this instance. The proposal achieves compliance with the numerical controls for social housing as required by Housing NSW. In addition the site provides ample opportunities for passive recreation within common areas. The balconies and courtyards provided are sufficient in area and width to provide an extension to the internal living areas.</p>
<p>4.3.2 Visual Privacy</p> <p>Are windows, balconies and decks designed to minimise overlooking of living areas and private open spaces of adjoining dwellings?</p>	<p>The locations of balconies, windows are not considered to adversely impact</p>	<p>Yes</p>

12 metre building separation	on privacy 12 metres provided	Yes
4.3.3 Acoustic Privacy 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?	The site is not located on a major roads, it is not considered the proposed RFB will be adversely impacted by noise	Yes
4.3.4 Solar Access and Cross Ventilation		
Solar Access 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? 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?	Minimum of 70% of dwellings receive 3hours between 9am and 3pm Solar access to adjoining properties is considered satisfactory; the proposal will not impact on adjoining properties. The provision of solar access is considered satisfactory	Yes

Cross Ventilation		Yes
Is the minimum floor to ceiling height is 2.7 metres.	Minimum 2.7m provided	
4.3.5 Waste Management		

Is the waste management plan satisfactory?	WMP is considered acceptable, however a condition will be imposed requiring a plan to be submitted prior to the CC with further details provided on on-going waste management	Yes
4.4.3 Housing Diversity and Choice Provision of a mix of dwellings 3 bed – 10% - 20% 2 bed – 60% - 75% 1 bed – 10% - 20% Mix may be refined if housing is for the purpose of public housing	1 x 3 bed = 1% 25 x 2 bed = 24% 80 x 1 bed = 75%	No, however the proposal is for social housing therefore the dwelling mix is considered acceptable.
4.5.1 Parking and Vehicular Access Is adequate car parking provided to meet demand generated? 1 space per 1 bedroom unit 1.25 spaces per 2 bedroom 1.5 spaces per 3 bedroom plus 0.25 space per dwelling for visitors	139 spaces required 97 provided 33 units for Stage 1 – 7 spaces 73 units for Stage 2 – 90 spaces	No, however is considered acceptable. Housing NSW provides the following controls for sites within 400metres of a shopping centre or good public transport. 1 bed – 1:10 (2.4 spaces required) 2 bed – 1:5 (1.6 spaces required) 3 bed – 1:2 (0.5 spaces required). Stage 1 there requires 4.5 spaces, and 7 spaces are provided. Stage 2 – car parking for this stage is proposed to be provided at a higher rate due to the combination of public and private ownership. The car parking for Stage 2 shall comply with car parking requirements as outlined in DCP 2005. It is also noted a condition has

		been imposed requiring prior to the construction of Stage 2 additional parallel parking be provided for the occupants of Stage 1.
Section 5 -Special Character Areas		
<p>Is the site within a Special Character Area?</p> <p>Is the proposal consistent with the controls in Section 5 of the DCP?</p>	The site is not located within a Special Character area	NA
<p>Appendix 4 – Neighbourhood Character Areas</p> <p>Is the proposal within a Neighbourhood Character Area?</p> <p>Is the proposal consistent with the controls in Appendix 4 of the DCP?</p>	The site is not located within a Neighbourhood Character area	NA

Residential Flat Design Code

The Residential Flat Design Code establishes a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings. The table below demonstrates the proposal compliance against the code.

Control	Proposal	Compliance
<p>Building separation</p> <ul style="list-style-type: none"> - up to four storeys 12 metres between habitable rooms / balconies - 9 metres between habitable rooms / balconies and non-habitable rooms - 6 metres between non-habitable rooms 	<p>14.11 metres between Block A and B</p> <p>13.235 metres between Block B and C</p>	Yes
<p>Street setback</p> <ul style="list-style-type: none"> - maintain consistent street setbacks 	<p>5.2metres to 7.2 metres along Albert Street</p> <p>Secondary street – 5 metres along O’Connell Street</p>	Yes, the setbacks are considered to be compatible with existing street setbacks

Side and rear setbacks - retain setbacks to existing streetscape patterns	Side setback – 4.5 metres Rear setback 17.5 metres	Yes, the setbacks are considered to be acceptable and relate to the existing streetscape patterns
Soft Soil - minimum 25%	30.5% or 2,549.19sqm	Yes
Communal Open Space - between 25% and 30%	25% for Stage 1 31% for Stage 2	Yes
Building Entry - activate the street	The proposal has been designed to ensure the street is activated through placement of courtyards, and access to the complex.	Yes
Car parking - Determine appropriate car parking spaces in relation to proximity to public transport, the density of the development. - Preference to underground car parking - provision of bicycle parking	97 car parking spaces proposed, 90 located within a basement for Stage 2, and 7 at grade parking spaces for Stage 1 which comprises of 33 social housing units. Bicycle parking is provided at a rate of 1 space per 5 units.	Yes
Vehicle access - limit driveway widths to 6 metres	Driveway widths are limited to 6 metres	Yes
Apartment sizes - 1 bedroom 50sqm - 2 bedroom 70sqm - 3 bedroom 95sqm	1 bedroom units min 55sqm 2 bedroom units min 70sqm 3 bedroom units min 105sqm	Yes
Apartment mix - provide a variety of unit types	Stage 1 1 bedroom – 24 units 72.75% 2 bedroom – 8 units 24.25% 3 bedroom – 1 unit 3% Stage 2 1 bedroom – 56 units 76.7% 2 bedroom – 17 units 23.3%	Yes
Balconies - minimum depth of 2	Minimum depth of 2 metres provided	Yes

metres		
Ceiling Heights - minimum 2.7 metres	Minimum 2.7 metres provided	Yes
Ground floor apartments - provide access to private open space	Ground floor units have access to private open space areas at ground level	Yes
Internal circulation - where units are arranged off a double loaded corridor, the number of units accessible from a single core / corridor should be limited to 8	The proposal provides access to each floor via a single lift core which provides access to 33 units in Block A and approximately 40 units in Blocks B and C	Yes
Storage - one bedroom units 6m ³ - two bedroom units 8m ³	All units have provision of the minimum storage requirements either within the dwelling or with the basement for Blocks B and C	Yes
Acoustic privacy - arrange apartment to minimise noise transition	The internal layouts of dwellings have been designed to minimise impacts of noise on adjoining apartments through the placement of bedrooms away from the main circulation paths	Yes
Daylight Access - living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter	A minimum of 70% of dwellings receive 3 hours sunlight between 9am and 3pm mid winter. Additional screen louvers have been installed on the western elevation to minimise any adverse impacts of sun on those units	Yes
Cross Ventilation - 60% of residential units should be naturally cross ventilated - 25% of kitchens within a development should have access	81% of dwellings are naturally cross ventilated Minimum 25% of kitchens are naturally ventilated	Yes

to natural ventilation		
Facades <ul style="list-style-type: none"> - ensure that new development have facades which define and enhance the public domain and desired street character 	The proposed façade is considered acceptable and will integrate within the existing streetscape	Yes
Roof design <ul style="list-style-type: none"> - provide quality roof designs, which contribute to the overall design and performance of residential flat buildings 	The proposed roof design is considered acceptable and integrates into the overall streetscape	Yes
Energy Efficiency <ul style="list-style-type: none"> - provide AAA rated shower heads - reduce the need for artificial lighting 	The proposal provides energy efficient and water saving devices and reduces the need for artificial lighting	Yes

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

Section 94A Contributions are applicable to the site, including the units provided by Housing NSW as the development seeks approval for a Residential Flat Building Complex. A condition of consent has been imposed requiring the payment of Section 94A contributions.

PLANNING AGREEMENTS

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

REGULATIONS

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

LIKELY IMPACTS

Privacy

The proposed residential flat building has been designed to ensure privacy is maintained for all future occupants and to adjoining properties. This has been achieved through the placement of windows, location of balconies, provision of privacy screens and generous setbacks. It is also noted that the closest residential flat buildings are located across the street with a minimum 20 metre separation. It is not considered that the RFB will adversely impact on the privacy of adjoining properties.

Overshadowing

The proposal achieves compliance with Council's controls for solar access, all three apartment buildings have been design and tested to ensure that a minimum of 70% of the total number of dwellings achieve 3 hours solar access to habitable and private open spaces in winter. Dwellings have been provided with adjustable louver panels and shutters on the balconies to allow residents to adjust sun control, and all balconies have been carefully designed and positioned to optimise solar access in mid winter. The provision of solar access to the site and adjoining properties is considered acceptable.

Bulk and scale

The proposal is considered satisfactory in terms of bulk and scale. The scale of the development is consistent with the scale envisaged for the area which permits 3 storey residential flat buildings. The proposal is consistent with the existing residential flat buildings along Albert Street. The proposal is similar in scale to that of adjoining properties and achieves a similar height. The bulk of the three buildings are broken by steps in the building façade, as well as through the use of balconies and the roof form.

Access, Traffic and parking

The site has 2 street frontages and provides an entry and exit vehicular access from Albert Street and a left only exit onto O'Connell Street. The proposed traffic arrangements are considered acceptable and have been endorsed by the RTA.

The application has been reviewed by Councils Traffic and Investigations officer who states "*Based on the analysis and information submitted with the DA, the proposed development is not expected to have significant traffic impact on this section of O'Connell Street and its surrounding road network*". It is therefore considered that the development is appropriate and will not adversely impact on the existing road network.

The proposal is compliment in terms of provision of car parking, access to the site is acceptable.

Noise and vibration during construction

The activity is unlikely to generate excessive noise during construction, a condition of consent will be imposed restricting the hours of construction.

Soil management / Contamination

Given the current and previous uses of the land the site is unlikely to be contaminated.

Waste Minimisation / management

A waste storage room is located at grade level for stage 1 and is capable of accommodating all waste collected on the site in preparation of collection. Details of the waste storage for Stage 2 will be subject to assessment under a future development application.

Security by design

The proposal responds to safer by design principles. The development has clearly defined entrances, lighting along pathways, and limits the use of long blank walls. Landscaping is also appropriate and will not result in safety issues. Fencing around the perimeter will assist to minimise unwanted access to the site. It is not considered the development of the site for social and private housing will adversely impact on adjoining properties in terms of increasing social issues.

ESD and The Cumulative Impact

Council considered that the applicant has demonstrated that the site specific impact of the development is acceptable.

The likely impacts of the proposed development have been addressed within this report.

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

14 individual submissions and a joint submission with 7 signatures were received during the original notification with 4 submissions being received during re-notification of the application. A petition in objection with 66 signatures was tabled at the Council meeting on 11 October 2010. The issues raised within these submissions have been discussed previously within this report.

The proposed development is not contrary to the public interest.

Conclusion

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

Recommendation

Pursuant to Section 83(A) of the Environmental Planning and Assessment Act, 1979, approval is granted for a staged approval, being demolition of the existing hostel building, provision of an internal access driveway which will provided access from Albert Street to O'Connell Street, one RFB accommodating 33 residential units, community artists space, 7 at grade car parking spaces, provision of landscaping under Stage 1. Stage 2 subject to further approval grants approval for conceptual approval of 2 RFB's to accommodate 73 units, provision of basement car parking for 90 vehicles, provision of landscaping.

RECOMMENDATION

- (a) **That** the Western Sydney Joint Regional Planning Panel support the variation to Clause 40(1) of the PLEP 2001 under the provisions of SEPP 1.
- (b) **Further ,that** the Western Sydney Joint Regional Planning Panel waive the requirements for a Master Plan to be prepared for the site in accordance with Clause 30 of Parramatta Local Environmental Plan 2001.
- (c) **Further, that** the Western Sydney Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. 527/2010 for the demolition, tree removal and the construction of a staged 3 storey residential flat building complex containing 106 apartments over basement carparking. Approval is also sought to use a portion of the building for community artists space at 9 Albert Street North Parramatta for a period of five (5) years from the date on the Notice of Determination subject to the conditions contained at the end of this report.
- (d) **Further, that** Parramatta City Council advise all persons who made an individual submission and the head petitioner of the resolution of the Western Sydney Joint Regional Planning Panel in respect of this item.

Conditions of consent

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

Drawing N ^o	Dated
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Drawing N^o	Dated
Cover sheet prepared by DEM Drawing No. ar—cv01 Revision a01	1/7/2010
Site plan prepared by DEM Drawing No. ar—0101 Revision a01	1/7/2010
Stage 1 Ground Floor Plan prepared by Dem Drawing No. AR – 1201 revision A02	1/9/2010
Stage 1 First Floor Plan prepared by DEM Drawing NO. AR – 1202 Revision No. A02	1/9/2010
Stage 1 Second Floor Plan prepared by DEM Drawing No. AR-1203 revision no. A02	1/9/2010
Stage 1 Roof Plan prepared by DEM Drawing No. AR-1204 Revision A02	1/9/2010
Site Sections prepared by DEM Drawing NO. AR-2102 revision No. A01	1/9/2010
Stage 1 Sections prepared by DEM Drawing No. AR-2202 Revision No. A01	1/9/2010
Stage 1 Elevations Sheet 1 prepared by DEM Drawing No. AR-2601 Revision A01	1/7/2010
Stage 1 Elevations Sheet 2 prepared by DEM Drawing No. AR-2602 revision A02	1/9/2010
Staging Plan Stage 1 Master Plan Prepared by DEM Drawing No. AR-0204 revision A01	1/7/2010
Master Plan Ground Floor prepared by DEM Drawing No. AR-0203 Revision A01	1/7/2010
Master Plan Basement prepared by DEM Drawing No. AR-0202 revision A01	1/7/2010
Landscape Master Plan prepared by DEM AR-0201 revision A02	7/9/2010
Landscape cover sheet prepared by DEM Issue A01	7/9/2010
Landscape hard works and finishes drawing No LA- 0601 sheet 1 of 2 prepared by DEM issue A01	8/9/2010
Landscape hard works and finishes drawing No LA- 0602 sheet 2 of 2 prepared by DEM issue A01	8/9/2010
Landscape soft works prepared by DEM Sheet 1 of 2 Drawing No. LA – 0701 revision A01	8/9/2010
-Landscape soft works prepared by DEM Sheet 2 of 2 Drawing No. LA – 0702 revision A01	8/9/2010
Landscape details Sheet 1 of 1 prepared by DEM Drawing No. LA-8901 revision A01	8/9/2010
Survey plans	6/8/2009
Stormwater drainage cover sheet sw00 revision A	18/6/2010
Stormwater drainage erosion & sediment sw01 revision D	1/10/2010

Drawing N ^o	Dated
Stormwater drainage stage 1 sw02 revision D	6/9/2010
Stormwater drainage stage 2 sw03 revision A	18/6/2010
Stormwater drainage details sw04 revision A	6/9/2010

Document(s)	Dated
Statement of Environmental Effects prepared by DEM	July 2010
Site Analysis prepared by DEM	July 2010
Finishes Schedule prepared by DEM Issue 3	30/6/2010
SEPP 65 Statement and supplementary comments prepared by DEM	July 2010 and 2/9/2010
Acoustic Report prepared by Acoustic Logic Consultancy	13 May 2010
Traffic Report and supplementary document prepared by Transport and Traffic Planning Associates	June 2010 and 8/9/2010
Waste Management plan prepared by DEM	No date
Aborist Report and supplementary comments prepared by Treescan	June 2010 and 10 / 9/ 2010
Access report prepared by Accessibility Solutions	30 June 2010
BASIX Certificate No 319538M_02	25/6/2010
BCA report prepared by Davis Langdon	1/7/2010

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

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

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

Reason: To ensure no injury is caused to persons.

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

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

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

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

5. 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.

6. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

Reason: To ensure the quality built form of the development.

7. The proposal shall be carried out in accordance with the requirements of the RTA as outlined in their correspondence dated 27 August 2010 and 1 October 2010. It shall be noted that a left only exit is permitted onto O'Connell Street.

Reason: Legislative requirement.

8. Prior to the occupation of the artist's space in Stage 1, the use will be subject to further development approval by Council.

Reason: To allow the impacts of this portion of the development to be appropriately assessed.

9. A separate development application be submitted for the construction of the residential flat buildings under Stage 2.

Reason: To allow the impacts of this portion of the development to be appropriately assessed

10. Prior to the construction of Stage 2, 7 additional parallel parking spaces shall be provided for use of occupants and visitors to Stage 1.

Reason: To provide adequate on site parking.

11. Tree No's 1 -14 identified in the submitted Tree Report by Treescan Urban Forest Management dated June 2010 are required to be retained until the further development application for stage 2 of the development has been approved.

12. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
20	<i>Liquidambar styraciflua</i>	Liquidambar	Rear	600	7.2
25-28	<i>Lagerstroemia indica</i>	Crepe Myrtle	Western boundary	300-400	3.0
31-36	<i>Lagerstroemia</i>	Crepe Myrtle	Western	300-400	3.0

	<i>indica</i>		boundary		
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Reason: To protect significant trees which contribute to the landscape character of the area.

13. Trees to be removed are:

Tree No	Name	Common Name	Location	Reason
15	<i>Morus nigra</i>	Mulberry	Centre	Species exemption
16	<i>Lophostemon confertus</i>	Brushbox	Centre	Dead - exempt
17	<i>Lophostemon confertus</i>	Brushbox	Centre	This tree is located within the developable proportion of the land. The tree will be impacted by the proposed building design.
18	<i>Ligustrum lucidum</i>	Large leaf Privet	Centre	Declared noxious weed
19	<i>Ligustrum lucidum</i>	Large leaf Privet	Centre	Declared noxious weed
21	<i>Ligustrum lucidum</i>	Large leaf Privet	Centre	Declared noxious weed
22	<i>Erythrina sykesii</i>	Coral Tree	Western boundary	Species exemption
23	<i>Ligustrum lucidum</i>	Large leaf Privet	Western boundary	Declared noxious weed
24	<i>Grevillea</i>	Silky Oak	Western boundary	Dead - exempt

	<i>robusta</i>			
29	<i>Cinnamomum camphora</i>	Camphor Laurel	Western boundary	Undesirable species
30	<i>Cinnamomum camphora</i>	Camphor Laurel	Western boundary	Undesirable species
37	<i>Ligustrum lucidum</i>	Large leaf Privet	Western boundary	Declared noxious weed
38	<i>Lagerstroemia indica</i>	Crepe Myrtle	Western boundary	Suppressed by adjacent trees – poor specimen
39	<i>Lagerstroemia indica</i>	Crepe Myrtle	Western boundary	Suppressed by adjacent trees – poor specimen

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

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

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

15. 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. NOTE: All tree planting shall be located a minimum of two (2) metres to any boundary or underground services and shall have a minimum container size of 45 litres.

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

16. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site shall 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.

17. Stormwater system shall be constructed as per the approved Stormwater plan addressing the issues and incorporating all the notes and comments annotated on the plan and approved with this development consent. The approved stormwater plan relates to the Stage1 development only and consist of the following drawings together with the comments, notes and rectification requirements as annotated on the drawings:
- "Hydraulic Services Stormwater Drainage (Stage 1) Plan" Drawing reference # SW02, Job #30389, Issue "D", dated 06/09/2010, prepared by Sydney All Services Pty Ltd (1 sheet).
 - "Hydraulic Services Stormwater Drainage Details" Drawing reference # SW04, Job #30389, Issue "A", dated 06/09/2010, prepared by Sydney All Services Pty Ltd (1 sheet).
- Reason:** To ensure satisfactory storm water disposal.
18. Prior to the works commencing on site the proposed traffic arrangements will be amended to include the following:
- (a) 14 off-street parking spaces (including 1 disabled and 1 accessible) to be provided, permanently marked on the pavement and used accordingly.
 - (b) The dimensions for unenclosed parking spaces and aisle width to be in accordance with AS 2890.1-2004. The disabled parking space dimensions to be in accordance with AS 2890.6-2009 or DCP 2005.
 - (c) The overall internal width of a single garage, if provided, is to be a minimum of 3.0m wide and column locations to be in accordance with the Clause 5.4 of AS 2890.1-2004. Double garage should be 5.4m wide minimum and door opening to be 4.8m wide minimum.
 - (d) A 6.0m wide combined driveway off Albert Street and a 4.5m wide exit only driveway off O'Connell Street are to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
 - (e) The driveway width (w) at the concrete layback shall comply with Council's Standard Vehicular Crossing plan (DS8).
 - (f) All vehicles shall enter and exit the site in a forward direction.
 - (g) Driveway and internal circulation roadway width and gradient shall comply with Clause AS2890.1-2004.
 - (h) The redundant driveways on O'Connell Street and Albert Street, if any, are to be removed and replaced with kerb and gutter to match existing.
 - (i) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.

- (j) 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.
 - (k) All demolition and construction vehicles are to be contained wholly within the site unless there is a written approval from the Council.
 - (l) Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb and gutter) 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, prior to carrying out the works.
19. Demonstration is required to be provided that the exit only driveway along the O'Connell Street frontage complies with AS2890.1 2004 and AS2890.2 – 2002 with regards to manoeuvrability, safety and compliance. Details shall be submitted to and approved by Council's Traffic and Investigations Section prior to the commencement of works on site.
Reason: Ensure compliance with AS2890.1 2004 and AS2890.2 -2002
20. Prior to works commencing on site, the applicant is to obtain documentary evidence that the required approval under Section 58 of the Heritage Act 1977 has been issued by the New South Wales Heritage Council.
Reason: To ensure compliance with legislative requirements.
21. The applicant is to ascertain that the existing pipe system within the subject property is not relied upon to drain any upstream system and that all possible investigation work is carried out to confirm the pipes status. It is the responsibility of the applicant to determine if any further investigation is required to confirm the status of this pipe system. The applicant shall demonstrate with further investigation work, in consultation with the Catchment Management Unit prior to the commencement of any works on the site.
Reason: To ensure that the development does not impact on drainage systems in the area.
22. Unless the applicant demonstrate with the further investigation and documentary evidence/report that the existing pipe system within the subject property does not drain any area upstream of this property and that the pipe only drains a building within this property, the followings shall be complied with prior to the commencement of any works :
- (i) The following information shall be provided to the council with submitted

- (a) A copy of the hydrological study and report determining the extent of the catchment area draining to Council's stormwater drainage system. The study is to provide the total flows for the peak 20 and 100 year ARI flow conditions.
 - (b) A copy of the hydraulic study and report detailing the size and flow capacity of the existing and the proposed pipe system, demonstrating, by a hydraulic grade line analysis, that the proposed pit and pipe system can capture and convey the peak 20 year ARI design storm. The hydraulic study and report is to also demonstrate the safe overland flow conveyance of the proposed overland flow path for the peak 100 year design ARI storm event. This information is required to ensure the safe movement of overland flow within the extent of the proposed easement.
- (ii) The applicant should check overland flow velocities and flow depths along pedestrian access ways and proposed carpark / driveway areas to ensure that flow depths do not exceed the Council maximum allowable 0.2 m depth and that the maximum velocity depth product is no greater than 0.4.
 - (iii) The design drawings need to be appropriately amended to include the results of the hydrological and hydraulic studies and include details of the overland flow path and drainage pipe longitudinal section.
 - (iv) A formal easement to drain water in favour of Council is to be created to protect the new drainage pipe and overland flow path. The drainage easement shall not be encroached by any structures nor the any structures whether temporary or permanent shall be placed within the drainage easement.
 - (v) All floor levels and pedestrian and vehicular accesses to the proposed building(s) need to be checked to ensure that an acceptable minimum freeboard requirement above the calculated overland flow for the peak 100 year design ARI storm is achieved.
 - (vi) All service utility pits and structures will need to be located outside the overland flow path.
 - (vii) 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.
 - (viii) A Works-as-Executed plan of the stormwater drainage pipe system Certified by a Registered Surveyor is to be provided to Council on completion of construction. The works as executed survey is to include confirmation of the position of the easement(s), overland flow swales /

dish / v-shape surface drains, pit and pipe invert levels, surface levels, pipe sizes and finished surface spot levels along the overland flow path.

Reason: To ensure that if the existing pipe does drain any area upstream of this property the pipe system or its alternatives options are formalised and protected.

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

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

24. No construction works shall start on the stormwater system until the detailed final storm water plans have been prepared. Prior to the commencement of works the applicant / developer shall ensure that:

- (a) The final stormwater plans are consistent with, and address and incorporate all the notes/issues marked on the approved Stormwater Plans i.e. the plans with the stamp "Approved Stormwater Plan" on the drawings titled "Hydraulic Services Stormwater Drainage (Stage 1) Plan" Drawing reference # SW02, Job #30389, Issue "D", dated 06/09/2010, prepared by Sydney All Services Pty Ltd (1 sheet) and "Hydraulic Services Stormwater Drainage Details" Drawing reference # SW04, Job #30389, Issue "A", dated 06/09/2010, prepared by Sydney All Services Pty Ltd (1 sheet) together with the comments, notes annotated thereon and approved with this Development Consent.

Note: The approved Stormwater Plans are for DA approval only and shall not be used for construction purposes as the construction plan (drawing). Separate Rectified Plan addressing the issues and incorporating all notes marked on this plan shall be prepared prior to any works commencing on site.

- (b) The proposed On-Site Detention (OSD) System has been designed and certified 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, a Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80L/s/ha (as per 3rd edition of UPRCT's handbook) with each basin of storage capacity as shown on the approved stormwater plan.

- (d) Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.

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

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

Reason: To ensure car parking complies with Australian Standards.

26. The designated disabled car spaces shall have minimum dimensions of 3.8mx5.4m and comply with the provision made under AS 2890.6-2009.

Reason: To improve access to the car parking space.

27. A monetary contribution comprising **\$ 61732.95** 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 works commencing on site.

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.

- 27A. Prior to the commencement of works, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer. 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 car park ground levels. The civil/traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- 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.

28. Normal duty vehicular crossings shall be constructed in accordance with Council's Standard Plans # DS8 & DS10.. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing for construction of a vehicular crossing.

Reason: To ensure appropriate vehicular access is provided.

29. Prior to works commencing on site, 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; and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, the relevant application form needs to be completed with supporting plans, levels and specifications and pay the appropriate fee.

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.

30. No excavation activity shall commence where the excavation is close to the neighbouring building and the excavation extend below the level of the base of the footing of a building on an adjoining allotment of land until the applicant demonstrate that a structural /geotechnical engineer's certificate with certified detail drawings from a qualified practicing structural/geotechnical engineer showing methods to be employed to support the excavation adjacent to the neighbouring building foundation and extending further two (2) meters on each end of the foundation have been prepared. The person carrying out the excavation activity shall ensure the following :
- (a) preserve and protect the building from damage;
 - (b) at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (c) record details of the date and manner by which the adjoining owner(s) were advised

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

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

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

31. Prior to the commencement of any works on the site the applicant must prepare, a Construction and/or Traffic Management Plan. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site
A plan view of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iii. The locations of proposed Work Zones in the egress frontage roadways,
 - iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (b) Traffic Control Plan(s) for the site:
 - i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
 - (c) 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.
 - (d) Where applicable, the plan must address the following:
 - i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - ii. 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.
 - iii. 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.

32. Prior to the commencement of any excavation works on site the applicant must prepare, a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations by the provision of a minimum of 4 representative bore-hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore-hole logs shall be related to Australian Height Datum.
- (b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- (c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- (d) The existing groundwater levels in relation to the basement structure, where influenced.
- (e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- (f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydro-geological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting

and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- i. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iii. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iv. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- v. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

Reason: To ensure the ongoing safety and protection of property.

33. An *Environmental Enforcement Service Charge* is to be paid to Council prior to works commencing on site. 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.

34. An Infrastructure and Restoration Administration Fee is to be paid to Council prior to works commencing on site. 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.

35. 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.

36. Documentary evidence confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the developments is to be obtained, prior to works commencing on site.

Reason: To ensure adequate electricity supply to the development.

37. 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.

38. Works shall not commence on site unless the applicant 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.

39. 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 prior to works commencing on site.

Reason: Statutory requirement.

40. Prior to works commencing on site a further report including accompanying plans shall be submitted to the satisfaction of the Waste Management Officer of Parramatta City Council that provides details of the private contractor that will be engaged to collect domestic waste from the site. This report shall

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

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

41. 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.

42. 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 recorded by the applicant, prior to works commencing on site.

Reason: To ensure the appropriate location of vehicular crossings.

43. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer.

Reason: To minimise costs to Council.

44. 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 Council 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.

45. The development shall make provision for a total of 99 car parking spaces (over stages 1 and 2) designed in accordance with AS 2890.0 (2004). This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

Reason: To ensure adequate car parking facilities are provided.

46. 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 prior to works commencing on site.

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

47. A total of 99 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. .
Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles.
48. Prior to works commencing on site a design verification is required to be obtained from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.
Note: Qualified designer in this condition is as per the definition in SEPP 65)
Reason: To comply with the requirements of SEPP 65
49. Prior to works commencing on site revised plans are required to be submitted to Council and endorsed by Councils Catchment Management Unit addressing the following:
- a. All service utility pits and structures will need to be located outside the overland flow path.
 - a. All overland flow paths are to be kept free of obstructions at all times. No raised garden beds, kerbs, edge retaining walls, fencing, BBQ structures or materials that could impede the conveyance of overland flows are to be placed or stored within these overland flow paths.
50. The trees identified on the endorsed plans and identified within the submitted Tree Report as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the 'Discussion' notes contained within the Tree Report prepared by Treescan Urban Forest Management dated June 2010 and Tree Protection Letter dated 10 September 2010 and the relevant conditions of this consent.
Reason: To ensure the protection of the tree(s) to be retained on the site.
51. Each Tree Protection Zone (TPZ) is to be established prior to any works commencing around those trees that are to be retained as shown in the Tree Report prepared by Treescan Urban forest Management dated April 2010. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chain-wire link or welded mesh fence. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.
Reason: To protect the trees to be retained on the site during construction works.
52. Prior to works commencing, tree protection signage shall be attached to each tree protection zone, displayed in a prominent position and the sign repeated

where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

53. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified AQF Level 3 Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

54. No materials (including waste and soil), equipment, structures or good of any type shall be stored, kept or placed within five (5) metres 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.

55. All excavation within three (3) metres from the tree/s identified to be retained on site is to be supervised by an AQF Level 3 arborist, who shall undertake any remedial work, including the pruning of roots, if necessary.

Reason: To provided adequate protection of trees

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

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

57. 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 prepared, 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.

58. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by

contacting the NSW WorkCover Authority hotline or the website www.workcover.nsw.gov.au.

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

59. Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement. A copy of the statement must be submitted to the Council and the WorkCover Authority.

The statement must be in compliance with AS2601-1991 Demolition of Structures," the requirements of WorkCover Authority and conditions of the development approval, and must include provisions for:

- (a) enclosing and making the site safe. Any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) induction training for on-site personnel;
- (c) inspection and removal of asbestos and contamination and other hazardous materials;
- (d) dust control. Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) disconnection of Gas and Electrical Supply;
- (f) fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) access and egress. No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) waterproofing of any exposed surfaces of adjoining buildings;
- (i) control of water pollution and leachate and cleaning of vehicles tyres. Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- (j) working hours, in accordance with this Development Consent;
- (k) confinement of demolished materials in transit;
- (l) proposed truck routes, in accordance with this development consent; and
- (m) location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

Reason: To provide a Work Method Statement.

60. At least one (1) week prior to demolition, the applicant must prepare a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

61. 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.

63. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres 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

64. 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.

Reason: To prevent any damage to underground utility services.

65. Prior to commencement of any work on the council's road, road reserve or footpath, a Road Opening Permit must be obtained from council by lodging the application for Road Opening Permit. Upon completion of the work, the road, road reserve, and footpath shall be reinstated to its original state to the satisfaction of Council and the cost shall be borne by the applicant.

Reason: To ensure Council's approval is obtained prior to commencement of work on council's road, road reserve and footpath and reinstated to its original state upon completion of the works.

66. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to the neighbouring properties and Council's property. Council's property includes footpaths, kerbs, gutters,

drainage pits, pipes etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council 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 ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

67. 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.

68. Prior to the commencement of any excavation works on site, the applicant must prepare a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report.. A copy of the dilapidation report shall be submitted to Council.

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

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

Reason: Management of records.

69. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of any public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained.

Reason: To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

70. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossing etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

71. Prior to commencement of work, the person having the benefit of the Development Consent must:

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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

Reason: To comply with legislative requirements.

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

Reason: To ensure adequate toilet facilities are provided.

73. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

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

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.

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

Reason: Statutory requirement.

75. A pedestrian and Traffic Management Plan must be prepared 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.

76. 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.

77. 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.

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

- Protect and support the adjoining premises from possible damage from the excavation
- Where necessary, underpin the adjoining premises to prevent any such damage.

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

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

79. Prior to completion 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.

80. 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.

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

Reason: To ensure compliance with this consent.

82. 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.

83. 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.

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

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

Reason: To ensure pedestrian access.

85. 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.

86. 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.

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

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

88. 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.

89. 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:
e.g. 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.

90. Any damage to Council assets that affect public safety during construction shall be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public infrastructure and maintain public safety.

91. All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate in accordance with Council's Standard Plan No. DS1. All costs shall be borne by the applicant, and works shall be completed to the satisfaction of Council prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

92. 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.
93. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.
Reason: To ensure residential amenity is maintained in the immediate vicinity.
94. 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.
95. 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.
96. 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.
97. 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.
98. 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.

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

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

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

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

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

100. 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.

101. An application for street numbering shall be lodged with Council for approval, prior to the occupation of the Stage 1 building.

Note: Notification of all relevant authorities of the approved street numbers shall be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

102. 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 within Stage 1.

Reason: To ensure a visible house number is provided.

103. 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. 319538M_02, will be complied with prior to occupation.

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

104. 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 occupation of the building within stage 1.

Reason: To ensure provision of appropriately located telecommunication facilities

105. 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;
- (d) the date on which it was carried out;
- (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

106. Works-As-Executed stormwater plans shall be submitted to Parramatta City Council prior to the Occupation of the development, 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:

- Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued prior to works commencing 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 (in incremental depth verses segmental area and volume table) and certified by the registered surveyor.
- OSD Works-As-Executed survey certification form and dimensions form (refer to UPRCT Handbook - Form B10 and Form Attachment B).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook – Form B11 Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- 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.

107. Prior to issue of the occupation of the building 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.

108. 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 must:

- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.

A copy of this report shall 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.

109. 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.

110. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from Integral Energy prior to the occupation of the building in Stage 1.

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

111. A positive covenant and a restriction shall be created on the property title under the provision of the Conveyancing Act 1919, to ensure that the required on-site detention system will be adequately maintained. A copy of the typical covenant may be obtained from the Council's Development Services Unit. Proof of registration shall be submitted to the Principal Certifying Authority prior to occupation of stage 1.

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

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

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

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

114. 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 occupation of the building.

Reason: To ensure restoration of environmental amenity.

115. 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.
116. All landscape works shall be maintained for a minimum period of two (2) years after the final completion, in accordance with the approved landscape plan and conditions
Reason: To ensure restoration of environmental amenity
117. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.
Reason: To minimise noise impact of mechanical equipment.
118. 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.
119. All new and existing fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.
Reason: Protection of life and to comply with legislative requirements.
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Report prepared by:

Sara Smith
Senior Development Assessment Officer
Development Assessment Team

A handwritten signature in black ink, appearing to read 'Smith', with a long horizontal stroke extending to the right.

Signature:

Date: 11/10/2010

Delegation with JRPP.