

2011SYE054 - 46 - 56 Liverpool Road, Summer Hill

Draft Conditions of Consent

In accordance with JRPP instructions Ashfield Council have proposed a total of 104 draft conditions of consent for the above project. Kennedy Associates have reviewed the draft conditions and have also had our planning, hydraulic, traffic and landscape consultants review the conditions relevant to their expertise.

Of the 104 draft conditions, 81 are acceptable and require no further comment, whilst 23, in our opinion, require amendment and/or deletion.

The draft conditions have been organised in two parts; Part A, being the conditions of deferred commencement and Part B, being the conditions of consent.

Part B is then further broken down into the following sections:

- A General Conditions
- B Design Changes
- C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate
- D Conditions that must be complied with before work commences
- E Conditions that must be complied with during construction or demolition
- F Conditions that must be complied with prior to the installation of services
- G Conditions that must be complied with before the building is occupied
- H Conditions that are ongoing requirements of development consents

Our comments relate primarily to the conditions contained in Part A – Deferred Commencement Conditions and Part B, Sections A, B and C

Following are the draft conditions that in our opinion require variation, amendment or deletion. In each case we have:

- replicated the draft condition (in italics)
- added our commentary on that condition
- proposed either new wording for the condition or that it should be deleted

Part A – Deferred Commencement

The draft conditions propose that:

The Sydney East Joint Regional Planning Panel as the consent authority Pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant "Deferred commencement" consent to Development Application (DA) No. 10.2011.66.1

Part A (page 1/46)

Upon Council's written approval of satisfactory compliance with the "Deferred Commencement" matters listed above, the development consent will become operative, subject to the conditions below. The matters stated above shall be submitted to Council within 12 months from the date the deferred commencement being issued.

Part A (page 1/46)

Comment:

Given that the development application was submitted to Council on 25 February 2011, the JRPP decision was made on 17 August and Council did not deliver their draft conditions until Friday 30 September, Council has had ample to time to raise concerns in regard to the issues noted in Part A.

None of the issues raised in Part A are of such significance that they justify a further deferral in the approval of this project.

All of the issues can be dealt with at Construction Certificate Stage.

Recommendation:

That the deferred commencement conditions contained within Part A of the draft conditions of consent be deleted and/or altered to required submission of additional information prior to the release of a construction certificate.

- (1) *O.S.D. calculations shall be submitted to the satisfaction of Ashfield Council. The entire site needs to be catered for when designing the O.S.D.*

Part A (page 1/46)

Comment:

United Consulting Engineers, as hydraulic consultants for the project, prepared a drainage design that was based on approximately half of the site remaining unchanged [as required by the conditions of the Compatibility Certificate]. As such the OSD calculations are for the portion of the site that is being developed only.

During the assessment of the DA by Council we received no communication from Council in regard to the drainage design until the issue of their Development Assessment Report, dated 25 July 2011, which raised issues in regard to the proposed drainage design.

On receipt of the Development Assessment Report and prior to the JRPP Meeting of 17 August 2011, United Consulting Engineers spoke directly to Council's engineer and prepared additional information which was forwarded to council. From their discussions with Council's engineers United Consulting Engineers understood that, with the additional information, the drainage design as proposed was deemed satisfactory. See attached letter dated August 10, 2011.

No further communication or correspondence was received from council regarding this matter.

On receipt of the Draft Conditions, United Consulting Engineers made several attempts to contact Council's engineers to discuss these matters with no success.

Attached is a letter prepared by United Consulting Engineers addressing the issues and clarifying how the Stormwater Drainage Design was determined

As stated above the drainage design has been based on the fact that approximately half of the site remains unchanged as required by the conditions of the Compatibility Certificate.

To require that the whole site be used to determine OSD calculations is in United Consulting Engineers opinion unreasonable and unjustified.

As such the OSD calculations are based on the portion of the site that is being developed only and in that context are appropriate

Recommendation:

That Part A Condition 1 be deleted.

Should the JRPP require that the Stormwater Drainage Design be amended then that condition should be based on the work being provided prior to the issuing of the relevant construction certificate

- (2) *This development will be required to drain directly to a street pipe network as stated in section 4.9 of Council's stormwater code. The current proposal indicates a connection to a pit in Liverpool Road, however no connection detail to an existing pipe network has been provided. Council will require a long section which shows invert and surface level details, as well as grade and length of the proposed pipe extension in order to prove its feasibility.*

Part A (page 1/46)

Comment:

United Consulting Engineers have confirmed that the drainage design proposed that the development partly drain to a 300 x 250 culvert in Liverpool Rd via the existing kerb inlet pit. Further investigation has revealed that the culvert discharges back into the gutter across the road from Gower Street.

The applicant accepts the need for the pipe to be extended to the nearest under ground pipe system at the corner of Parramatta Road.

Part C Conditions (3) & (4) address stormwater and OSD related issues that are to be dealt with at CC Stage.

Recommendation:

That Part A Condition 2 be deleted

That Part C Condition 3 be amended to include the following:

The development is to drain directly to a street pipe network as stated in section 4.9 of Council's stormwater code. A long section, showing invert and surface level details, as well as grade and length of the proposed pipe extension is to be submitted prior to the release of a Construction Certificate.

- (3) *Separate calculation of stormwater flows for outlet in Gower Street shall be supplied as this discharge point may need to be connected into the proposed pipe network as well.*

Part A (page 1/46)

Comment:

United Consulting Engineers have confirmed that separate calculations for stormwater bypassing the OSD system have been provided to Council. See attached letters dated 10 August and 6 October 2011

Recommendation:

That Part A Condition 3 be deleted

That Part C Condition 3 be amended to include the following:

Separate calculation of stormwater flows for outlet in Gower Street to determine whether this discharge point needs to be connected into the proposed pipe network are to be submitted prior to the release of a Construction Certificate.

- (4) *Calculations for the rate of stormwater discharge from the existing building connecting to Grosvenor Crescent shall be supplied.*

Part A (page 1/46)

Comment:

As noted by United Consulting Engineers in their letter of 6 October 2011, the discharges to Grosvenor Crescent will remain as existing. The roof area and impervious areas providing stormwater to that particular drainage system also remain unchanged and in fact will be marginally reduced. Accordingly there is no need to require additional calculations

Recommendation:

That Part A Condition 4 be deleted

That Part C Condition 3 be amended to include the following:

Calculations for the rate of stormwater discharge from the existing building connecting to Grosvenor Crescent to be submitted prior to the release of a Construction Certificate.

- (5) *Details of the capacity for the sump and pipe network shown to be built over the line of the basement shall be submitted.*

Part A (page 1/46)

Comment:

As noted in United Consulting Engineers letter of 6 October 2011, the information required has been provided to Council on two occasions

The documentation submitted specified the pump rate, pump type, pump line and sump size. The pump well holding pit has been designed for 1:100 ARI.

Recommendation:

That Part A Condition 5 be deleted

- (6) *Details of how all internal pipe and pit network are able to cope with a 1:100 ARI shall be submitted.*

Part A (page 1/46)

Comment:

United Consulting Engineers in their letter of 6 October 2011 note that all internal drainage lines have been designed for a 1:20 ARI, in accordance with Australian Standard AS3500.

All overland flow paths have been designed for a 1:100 ARI.

United Consulting Engineers have tried to contact Council's engineers to clarify why they are requiring performance in excess of the Australian Standard, however there has been no response from Council.

Recommendation:

That Part A Condition 6 be deleted.

That Part C Condition 3 be amended to include the following:

Details of how all internal pipe and pit network are able to cope with a 1:20 ARI to be submitted prior to the release of a Construction Certificate.

- (7) *The car park basement pumpout is to be included in the overall site's stormwater discharge. As it is proposed not to pump the basement discharge to the OSD tank the OSD,s tank discharge must be reduced to allow for this.*

Part A (page 1/46)

Comment:

United Consulting Engineers confirm that the pump well will bypass the OSD system and that the OSD system has been designed account for this

Recommendation:

That Part A Condition 7 be deleted.

That Part C Condition 4 be amended to include the following:

Details indicating the flow rate of the OSD system discharge to be submitted prior to the release of a Construction Certificate.

- (8) *Details of the proposed location of the required sixteen (16) car wash bays.*

Part A (page 1/46)

Comment:

Part C11 – Parking of DCP 2007 includes the following requirement: 1 visitor space required per 5 units plus 1 car wash bay.

We believe Council staff have misconstrued this to mean 1 car wash bay per 5 units, therefore requiring 16 car wash bays rather than 1 as required by the DCP.

Attached is a copy of the basement plan [DA21 B] indicating two carwash bays to be located outside the basement adjacent to the entry driveway. The area containing the carwash bays will also serve as bins presentation area for collection of waste and recycling bins.

Recommendation:

That Part A Condition 8 be deleted

That Part B Condition B4 be altered to include the following:

Details of the two [2] carwash bays to be submitted to Council or PCA prior to the issue of a Construction Certificate

- (9) *The minimum clear headroom over driveways, aisles or car parking areas must be 2.3m at any point. In addition, car parking spaces provided for disabled parking shall have a vertical minimum clearance of 2.5m as per AS2890.1.2004. Details shall be submitted with the revised plans.*

Part A (page 1/46)

Comment:

The plans and sections submitted with the DA indicate a ceiling height of 2.7m to the whole of the basement carpark.

The BCA requires a minimum headroom in Basement Carparks of 2.1m and Australian Standard AS2890.1.2004 requires a minimum headroom of 2.5m to accessible car spaces.

The proposed development, as designed exceeds the requirements of both the BCA and Australian Standards

Recommendation:

That Part A Condition 9 be deleted

That a new condition be inserted into Part C [Conditions that must be satisfied prior to issuing/releasing a Construction Certificate] as follows

The minimum clear headroom over driveways, aisles or car parking areas must be 2.3m at any point. In addition, car parking spaces provided for disabled parking shall have a vertical minimum clearance of 2.5m as per AS2890.1.2004. Details to be submitted to Council or PCA prior to the issue of a Construction Certificate

- (10) *A waste collection management plan shall be submitted for approval.*

Part A (page 2/46)

Comment:

Ashfield Council does not require a waste collection management plan as part of a DA submission

It is therefore not reasonable to make this a condition of deferred commencement

Recommendation:

That Part A Condition 10 be deleted.

That a new condition be inserted into Part C [Conditions that must be satisfied prior to issuing/releasing a Construction Certificate] as follows

A waste collection management plan shall be submitted prior to the issue of a Construction Certificate

- (11) *An acoustic consultant shall report on the measures to be undertaken to prevent offensive noise interfering with residents from waste collection and traffic movement along Liverpool Road.*

Part A (page 2/46)

Comment:

The proposed design does not propose any waste collection along Liverpool Road in the vicinity of the residential units.

The proposed development has been designed to minimise the number of units directly fronting onto Liverpool Road

Recommendation:

That Part A Condition 11 be deleted

That a new condition be inserted into Part C [Conditions that must be satisfied prior to issuing/releasing a Construction Certificate] as follows

An acoustic consultant shall report on the measures to be undertaken to prevent offensive noise interfering with residents from traffic movement along Liverpool Road.

- (12) *Each apartment building should be provided with a storage room (min 15sq m area) for the storage of unwanted furniture; mattresses etc prior to removal.*

Part A (page 2/46)

Comment:

The proposed design incorporates a bulky garbage storeroom of 30m² attached to the Garbage Room 1.

As the site is to be developed as a single entity with one combined basement and a single body corporate, we believe that a single bulky garbage store is acceptable.

Recommendation:

That Part A Condition 12 be deleted and Part B Condition B1 be altered to include the following:

Details of the bulky garbage store for the storage of unwanted furniture; mattresses etc prior to removal to be submitted to Council or PCA prior to the issue of a Construction Certificate

Part B – Conditions of Consent

A General Conditions

4) Provision of Public Art

A public art feature shall be designed and constructed/installed at the applicants cost along the Liverpool Road and Gower Street frontage. This feature shall provide visual interest for pedestrians and interpret or reflect the local setting and/or landscape character and/or the cultural setting of the area. The feature shall be designed to ensure long-term durability and be resistant to vandalism. Details shall be approved by Ashfield Council prior to issue of Occupation Certificate, and the applicant is advised to liaise with Council during design stages.

Comment:

There is no requirement for the provision of public art in the LEP or DCP for projects such as this. Council have not provided a reason for the imposition of this condition.

Recommendation:

That Part B Condition A4 be deleted.

5) SEPP 65 – Design Verification

Part B Section A (page 4/46)

The original designer shall project manage the entire construction and confirm that 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 Building Development.

Comment:

This condition, in requiring that '*The original designer shall project manage the entire construction*' is, in our view, outside the terms of SEPP 65 and unduly onerous.

Further, this condition is duplicated by Part C Condition 26

Recommendation:

That Part B Condition A5 be deleted

That Part C Condition 26 be altered to require design verification prior to release of CC and at completion.

B Design Changes

1) *Garbage bin storage*

Part B Section B (page 4/46)

Each garbage bin storage room shall be provided with a floor waste connected to the sewer together with hot and cold water taps for bin cleansing.

Comment:

We do not believe that it is reasonable to require hot water service to the garbage storage rooms

Recommendation:

That Condition B1 be amended as follows:

Each garbage bin storage room shall be provided with a floor waste connected to the sewer together with cold water taps for bin cleansing.

2) *Basement head height*

Part B Section B (page 4/46)

The ceiling height for the internal waste and recycling collection areas shall be a minimum 4.3 metres and free from suspended pipes, ducts etc. Details are to be provided on revised plans with the submission of Construction Certificate.

Comment:

This condition appears to anticipate that council's collection trucks will be entering the basement carpark. It is not normal practice to have garbage collection trucks entering basement carpark of residential developments.

Normal practice is to provide a 'temporary garbage standing area' within the property and adjacent the street boundary for the location of bins on collection days.

This methodology is in accordance with Figure 3 Development Servicing Concept Plan shown on page 31 of Ashfield Town Centre DCP - Part C3, which we were advised to follow by Mr Con Colot of Ashfield Council at the Pre DA Meeting on 25 August 2010.

The management of this process is the responsibility of the strata body and incorporated in the waste collection management plan shall.

In accordance with the above the proposed design provides for a temporary garbage standing area and does not require garbage collection vehicles to enter the basement.

As such the requirement for 4.3m ceiling heights is unnecessary and onerous.

Recommendation:

That Part B Condition B3 be deleted.

3) Vehicle wash bays*Part B Section B (page 5/46)*

All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

Comment:

In our response to Part A Condition 8 we made a recommendation that the condition be deleted and Part B Condition B4 be amended to address the need for provision for car washing.

Recommendation:

That Part B Condition B4 be amended to state :

Details of the two [2] carwash bays to be submitted prior to the issue of a Construction Certificate. All vehicle wash bays shall be provided with a tap connected to a continuous supply of water and the wash bays shall be bunded and graded to a floor waste connected to the sewer.

5) Landscape*Part B Section B (page 5/46)*

The landscape plan prepared by Zenith Landscape Design shall be revised as follows:-

- (a) The Corymbia Citriodora is to be substituted for Corymbia maculate.*
- (b) The Eucalyptus robusta is to be substituted for Syncarpia glomulifera.*
- (c) The Eucalyptus Scoparia is to be substituted for The Eucalyptus saligna.*
- (d) The hymenosporum flavum is to be substituted for Stenocarpus sinuatus.*
- (e) The Melaleuca bractiata is to be substituted for Melaleuca linnarifolia.*
- (f) All trees are to be planted from 200 litre containers.*
- (g) All palms are to be planted with a 2 – 3 metre clear trunk.*

Comment:

Zenith Landscape Designs, the landscape consultants for the project, have reviewed the above condition. Whilst they have no objection to the species substitution, the requirement for all tree to be planted in 200L containers is, in their opinion, problematic.

Whilst it is possible to obtain deciduous species in 200L containers, it is considered best practice to provide indigenous and native species in smaller containers as they are easier to establish and perform better over the long term.

Zenith have recommended that deciduous and feature trees to be planted at 100L – 200L containers as available and indigenous/native trees be planted at 75L containers.

Attached is a copy of Zenith Landscape Design's letter responding to the condition.

Recommendation:

That Condition B5 (f) be altered as follows:

All deciduous and feature trees to be planted at 100L – 200L containers as available and all indigenous/native trees be planted at 75L containers.

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

2) *Services adjustment or relocation*

Part B Section C (page 5/46)

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development.

Comment:

Meeting the requirements of Telstra, Sydney Electricity, Sydney Water and Natural Gas Company to alter their services may involve work that cannot be undertaken without a Construction Certificate.

Recommendation:

That Part B Condition C2 be altered as follows:

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted prior to the issuing of an occupation certificate

2) Stormwater disposal-calculations*Part B Section C (page 6/46)*

- a) *Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council prior to the release of the Construction Certificate.*

*The Construction Certificate plan to be submitted to Council must consist of the following items:**Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:*

- (i) Roof areas.*
 - (ii) Paved areas.*
 - (iii) Grassed areas.*
 - (iv) Garden areas.*
 - (v) The percentages of Pre-development and Post-development impervious areas*
- b) *At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).*
- c) *All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan*
- d) *Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.*
- e) *Each drainage leg leading to the detention tank shall have a silt arrestor pit installed immediately upstream from the detention tank.*
- f) *The depth and location of all services within the area affected by the development (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate. This work shall include the new Council pipeline to be installed in Liverpool Road.*
- g) *All garbage and waste areas must drain to the sewer and not the stormwater system.*

Comment:*We have no comments to make on the above conditions**However, as discussed under Part A, we have prepared detailed commentary and made recommendations with regard to the matters raised in that section.**Those recommendations were that the above conditions be amended to include the matters raised in Part A***Recommendation:***That Part C Condition 3 be amended to include the following:**The development is to drain directly to a street pipe network as stated in section 4.9 of Council's stormwater code. A long section, showing invert and surface level details, as well as grade and length of the proposed pipe extension is to be submitted prior to the release of a Construction Certificate.**Separate calculation of stormwater flows for outlet in Gower Street to determine whether this discharge point needs to be connected into the proposed pipe network are to be submitted prior to the release of a Construction Certificate.**Calculations for the rate of stormwater discharge from the existing building connecting to Grosvenor Crescent to be submitted prior to the release of a Construction Certificate.**Details of how all internal pipe and pit network are able to cope with a 1:20 ARI to be submitted prior to the release of a Construction Certificate.*

4) Stormwater detention storage facility

Part B Section C (page 6/46)

- a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council prior to the release of the Construction Certificate.
- b) All on-site stormwater detention pits must be located on Common Property and not on private property.
- c) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:
 - *where the storage and silt arrestor pits are located*
 - *which parts of the system need to be accessed for cleaning and how access is obtained*
 - *description of any equipment needed (such as keys and lifting devices) and where they can be obtained*
 - *the location of screens and how they can be removed for cleaning*
 - *who should do the maintenance (i.e. commercial cleaning company)*
 - *how often should it be done*

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation Certificate.

Comment:

We have no comments to make on the above conditions

However, as discussed under Part A, we have prepared detailed commentary and made recommendations with regard to the matters raised in that section.

Those recommendations were that the above conditions be amended to include the matters raised in Part A

Recommendation:

That Part C Condition 4 be amended to include the following:

Details indicating the flow rate of the OSD system discharge to be submitted prior to the release of a Construction Certificate.

8) Section 94 Development Contributions*Part B Section C (page 8/46)*

In accordance with Section 80A(1) of the Environmental Planning and Assessment Act 1979 and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

	CONTRIBUTIONS (NEW DEVELOPMENT)				
	<i>Residential Accommodation less than 60sqm GFA</i>	<i>Residential Accommodation between 60- 84sqm GFA</i>	<i>Residential Accommodation greater than 84sqm GFA</i>		Sub-Total
Number of Dwellings / Beds or GFA	8	14	56		N/A
Number of deficient car parking spaces					0
Local Roads	\$1,102.45	\$1,929.30	\$9,860.85		\$12,892.60
Local Public Transport Facilities	\$3,526.65	\$9,516.57	\$54,272.70		\$67,315.91
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Open Space and Recreation Facilities	\$62,018.10	\$167,354.20	\$954,416.01		\$1,183,788.32
Local Community Facilities	\$3,830.96	\$10,337.75	\$58,955.88		\$73,124.60
Plan Preparation and Administration	\$2,817.82	\$7,603.81	\$43,364.32		\$53,785.95
TOTAL	\$73,295.99	\$196,741.62	\$1,120,869.76	\$0.00	\$1,390,907.37

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$CC = \frac{\$CP \times CPIC}{CPIP}$$

Where:

\$ CC is the amount of the contribution for the current financial quarter

\$ CP is the amount of the original contribution as set out in this development consent

CPIC is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPIP is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Services on 9716 1800. Payment may be made by cash, money order or bank cheque. Council's

Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

Comment

Section 2.8 of the Ashfield Section 94 Development Contributions Plan provides as follows:

2.8 Allowances for existing development

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing development on the site of a proposed new development will be allowed for in the calculation of contributions.

All estimates of future development within this Plan have been calculated allowing for existing development. That is, estimates of growth only relate to the additional development projected for the LGA."

Condition C8 does not make any allowance in its calculation of the S.94 contributions for the existing development on the site.

The existing development on the site comprises a GFA of 3500m² which, when applying the rate for commercial development applicable under Council's plan has the effect of reducing the required contributions by approximately \$952,400.

Council has justified their calculation of the S94 Contributions on the basis that the existing buildings have been unoccupied for some years

Council's S94 Plan does not identify that this is grounds for not giving an allowance for the existing development

Given the significant work being undertaken to provide and restore both the existing heritage structures and landscape on the site, and the retention of over 50% of the site as open space, such an interpretation is not only unfounded but also appears unreasonable and punitive.

Recommendation:

That the formula for the calculation of S94 contributions on this development be as follows:

	CONTRIBUTIONS (NEW DEVELOPMENT)				
	Residential Accommodation less than 60sqm GFA	Residential Accommodation between 60- 84sqm GFA	Residential Accommodation greater than 84sqm GFA	Allowance for existing development	Sub-Total
Number of Dwellings / Beds or GFA	8	14	56	3500m ²	N/A
Number of deficient car parking spaces					0
Local Roads	\$1,102.45	\$1,929.30	\$9,860.85	-\$10,409.00	\$2,483.60
Local Public Transport Facilities	\$3,526.65	\$9,516.57	\$54,272.70	-\$22,607.67	\$44,708.25
Local Car Parking Facilities	\$0.00	\$0.00	\$0.00	-\$0.00	\$0.00
Local Open Space and Recreation Facilities	\$62,018.10	\$167,354.20	\$954,416.01	-\$879,503.33	\$304,284.97
Local Community Facilities	\$3,830.96	\$10,337.75	\$58,955.88	-\$0.00	\$73,124.60
Plan Preparation and Administration	\$2,817.82	\$7,603.81	\$43,364.32	-\$39,960.67	\$13,825.28
TOTAL	\$73,295.99	\$196,741.62	\$1,120,869.76	-\$952,480.67	\$438,426.70

26) SEPP 65 – Design Verification

Part B Section C (page 12/46)

Prior to release of the Construction Certificate design verification is required to be submitted from the original 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 Building Development.

Comment:

As noted above in regard to Part B Condition A5, this condition duplicates the requirement for SEPP 65 verification. As such we recommend that Condition A(5) be deleted and Condition C(26) be amended to require design verification at both CC and OC stage

Recommendation:

That Condition C26 be amended as follows:

Design verification is required from the original designer prior to the release of the Construction Certificate and with the application for Occupation Certificate to confirm that 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 Building Development.

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