

ASSESSMENT REPORT – DWELLING HOUSES
S79C - Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/298/2011
Assessment Officer:	Kate Lafferty
Property:	2B Broadoaks Street, Ermington Lot 1010 in DP1080642 & Lot 307 in DP1175644
Proposal:	Tree removal, construction of 210 dwellings, laneway construction, and land subdivision comprising 67 Torrens title lots and 161 Community title lots
Cost of development:	\$52,800,000
Date of receipt:	21 May 2012
Applicant:	Defence Housing Australia
Owner:	The Commonwealth of Australia
Submissions received:	4 submissions
Property owned by a Council employee or Councillor:	No
Issues:	Minimum allotment size, floor space ratio
Recommendation:	Approval subject to conditions
Determination:	The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$20 million

Legislative requirements

Zoning:	R4 High Density Residential
Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	State Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy – Building Sustainability Index: BASIX 2004 Parramatta Local Environmental Plan 2011 Parramatta Section 94A Development Contributions Plan Ermington Masterplan
Variations:	Numerous variations from the Ermington Masterplan (see report for details)
Integrated development:	No - works are carried out approximately 65m from the waterway
Crown development:	No Although Defence Housing Australia is a federal body, they are not considered to be the Crown for the purposes of the EP&A Act

The site

Site Area:	Total Masterplan site = 21.3ha DA site = 9.073ha
Easements/rights of way:	Easement (Shell pipeline) along the northern boundary Various easements and right of ways
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	Yes (see “Background” section of the report)

Key DA history

21 May 2012	DA lodged
24 May 2012	Request for additional information <ul style="list-style-type: none">➤ Torrens Title Subdivision Fee➤ Arts Plan
31 May 2012	Torrens Title Subdivision Fees paid
6 June 2012 to 27 June 2012	DA notified
2 August 2012	Meeting with applicant Request for additional information/address issues <ul style="list-style-type: none">➤ Stormwater drainage➤ Waste management
14 August 2012	Amended plans submitted (road design)
6 Sept 2012	Advise applicant of traffic matters & outstanding information
7 September 2012	Additional information submitted – flooding information and waste management Additional information requested – details on Masterplan matters & laneways
18 September 2012	Additional information submitted – supplementary response to Masterplan
24 September 2012	Additional information submitted – compliance with flood policy matrix

JRPP Briefing

A JRPP Briefing Meeting was not requested by the JRPP Panel Secretariat for this development application.

SECTION 79C ASSESSMENT

SITE & SURROUNDS

The subject site is located on the northern foreshore of the Parramatta River between Silverwater Road and Allura Crecent, Ermington. The site forms part of the Ermington Masterplan which extends to Broadoaks Street and has a total site area of 21.3ha (comprising 19.64ha of “Defence” land and 1.65ha owned by the Waterways Authority).

The site has been filled in the past and has a ground level fall from the north to the south, towards the river.



Shell Australia has a multi-product pipeline contained within an easement which traverses the northern part of the site to supply fuel to the Richmond Air Base.

Development in the immediate vicinity of the site includes:

- the established residential area of Ermington to the north and north east
- Parramatta River to the south, beyond which is a range of recreational and sporting facilities (Sydney Olympic Park), Wilson Park, institutional and light industrial land uses
- Stockland's Riverwalk development and the George Kendall Riverside Park to the east
- Silverwater Road to the west, beyond which is the residential area of Rydalmere and Eric Primrose Reserve on Parramatta River

A shared pedestrian path and cycleway adjoining and along Parramatta River provides access to the Rydalmere commuter ferry wharf, located approximately 800 metres to the west of the site. Rydalmere railway station is situated approximately 3km to the west of the site.



View of the subject site from the south-east (public walkway/cycleway)



View of the subject site from the Silverwater Road access

BACKGROUND

The subject site was acquired by the Commonwealth in 1943 and used for storage by the US Army during WW2. The site was used by the Royal Australian Navy as a stores depot from 1947 until it was declared surplus to the needs of the Department of Defence in 1990.

The Department of Defence prepared a Masterplan for the site in accordance with the provisions of State Environmental Planning Policy No. 56 - Sydney Harbour Foreshores and Tributaries (since repealed), which was approved by the Minister for Planning in April 2002. The Ermington Masterplan establishes the environmental capacity of the land and provides a set of controls and criteria to guide future development commensurate with that capacity. It includes an indicative road layout and land use distribution and nominates built form controls to accommodate a variety of housing types. The built form controls incorporate a range of floor space ratios which respond to the housing types proposed.

The road and superlot layout also incorporates a variety of open space areas within the wider site to provide opportunities for active and passive recreation.

Five (5) separate development applications were made by the Department of Defence and approved by the NSW Minister for Planning in respect of various aspects of the redevelopment of the site, including:

- DA 112-4-2002 for subdivision and infrastructure works on Lot 1001
- DA 113-4-2002 for subdivision and infrastructure works on Lot 1009
- DA 114-4-2002 for subdivision and infrastructure works on Lot 1006
- DA 276-9-2002 for the reconstruction of the sea wall
- DA JB/01221/03 for works in Hilder Reserve

Circa 2004, Stages 1 and 2 (Lots 1001 and 1009 in DP 1040571) were purchased and developed by Stockland. This part of the site is known as "Riverwalk" and comprises a total of 126 dwellings (mixture of detached dwellings, courtyard homes, townhouses and residential flat buildings) and was approved by the Minister for Planning under the (since repealed) Part 3A provisions of the EP&A Act.

In June 2011, Defence Housing Australia (DHA) acquired the remainder of the site from the Department of Defence.

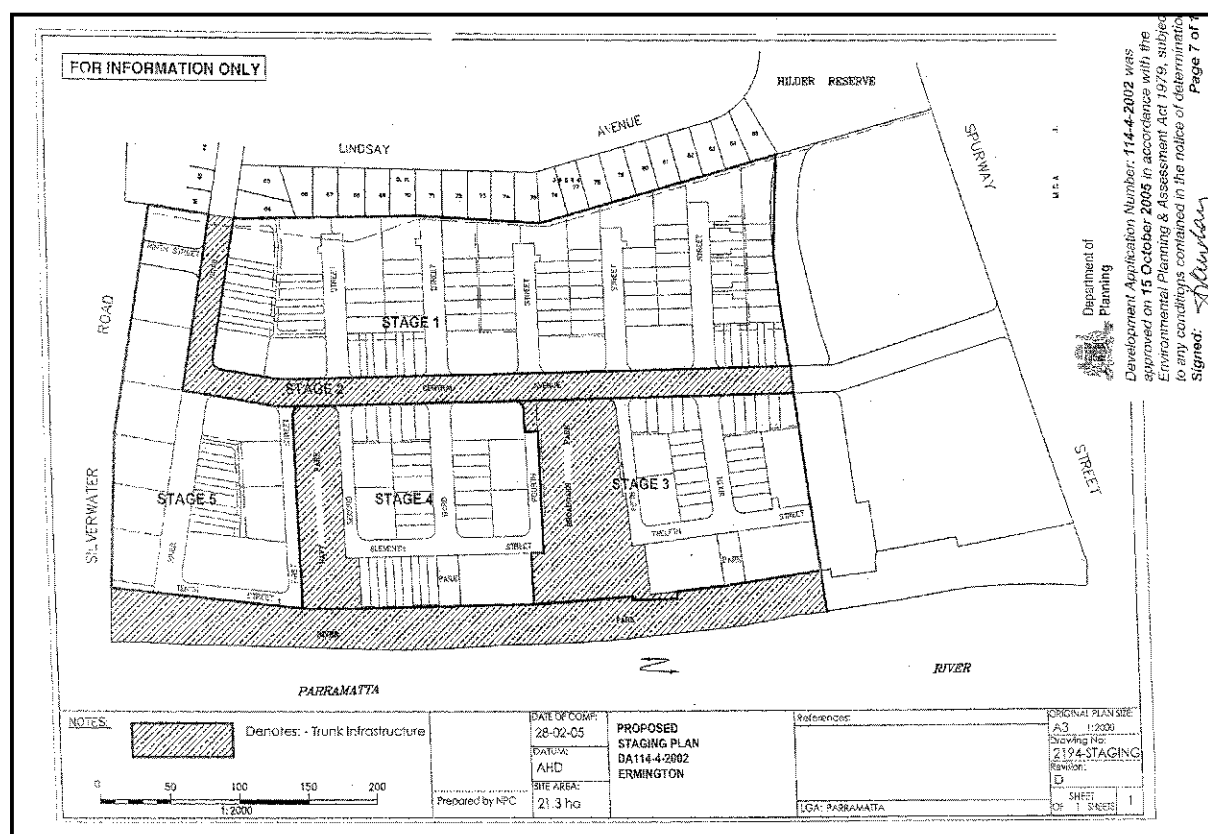
The consent issued for subdivision of that part of the site known as Stage 3 (DA 114-4-2002) is relevant to the land now owned by DHA, and to the current development application and is discussed in further detail below.

DA 114-4-2002 was approved by the Minister for Planning on 15 October 2005. The works approved within this consent include:

- Staged subdivision of lot 1006 in DP 1 040571 into 190 residential allotments
- Construction of the portion of the collector road (Central Avenue) from the extension of River Road to the western end of Creek Park
- Construction of local roads 1st, 2nd, 3rd, 4th, 5th, 6th, 9th (connecting to Silverwater Road), 10th, 11th and 12th Street

- Construction of a major stormwater system for the site incorporating water quality ponds within the proposed Navy Park;
- Construction of a large park (Broadoaks Park) for informal active and passive recreation
- Construction of three small parks (pocket parks)
- Landscaping of a small section of the foreshore park (River Park) contained within the site
- Provision of infrastructure within Stage 3 (electricity, stormwater, sewer, telecommunications)
- The following off site works:
 - Landscaping of the Silverwater Road embankment; and
 - Landscaping and drainage works to the strip park along the foreshore (River Park).

This consent incorporated staging of works throughout the development (see figure below).



DA-114-4-2002 – APPROVED STAGING PLAN

This consent has been taken up as infrastructure and subdivision works have begun on the site.

A plan of subdivision was registered at the LPI on 19 June 2012 which created separate lots for the public domain and the “residential superlots”. This subdivision, although not identical to the consent, is not inconsistent with the approved overall configuration of superlots, parks and roads.

Correspondence from the applicant dated 17 August 2012 reads inter alia:

“... DHA intends only to create the roads approved by Consent 114 but not to create any of the residential lots approved by Consent 114. Once the roads are created, DHA intends to create the residential lots only by the subdivision plan in DA 298.”

PRE-LODGEEMENT APPLICATION PL/18/2012

A pre-lodgement meeting for the proposed development was held on 4 April 2012. The main issues outlined within the meeting incorporated flooding, exception to development standards and specialist comments (detailed documentation to be submitted with the development application).

As part of the pre-lodgement assessment process, the application was reviewed by the Parramatta Design Excellence Advisory Panel. The Panel made the following comments in relation to the project:

- 1. The Panel have a number of concerns in relation to the street sub-division pattern, however the proponent advised that the layout is already approved.*
- 2. The Panel believe the Shell high-pressure oil pipeline should be excluded from private property and fenced to stop any access by residents.*
- 3. The Panel believe the cul-de-sacs proposed for the north of the site should be deleted, and a full length east-west vehicular street introduced at the northern end of the site. This would simplify access, address and parking. The Panel acknowledge the difficulties that arise with small lot widths and the minimum 2 vehicle DHA requirement.*
- 4. The Panel supports the proposal to reduce front setbacks to 2 metres (currently 4 metres). To achieve this, this zone should be very carefully designed (fencing, landscape, levels) to mediate the private residence from the public domain.*
- 5. The Panel raised concerns in relation to the provision of streets around the future apartment buildings, and the truncation of the foreshore road by the finger parks.*
- 6. The Panel encourages the proponent to increase density across the site, but should be consistent with adopted Masterplan and deemed DCP densities.*
- 7. The footpaths should be positioned adjacent to the front boundary and fence unless specific utility service requirements preclude this.*
- 8. The landscaping and in particular the street trees should be viewed as critical component of the public realm. A landscape plan is necessary to demonstrate how the trees can be utilised to add clarity to the hierarchy of public spaces.*
- 9. The lane ways in the southern most super lots should be simplified by removing the 90 degree bend and running straight through in the traditional manner.*

10. The housing should reflect the street hierarchy ie main streets should be lined with fronts of dwellings.

The majority of the concerns raised by the Panel relate to the street layout and public domain. These design matters were assessed and approved as part of the previous consent for the site, under the Part 3 application (DA 114-4-2002).

The comments made by the Parramatta Design Excellence Advisory Panel have been addressed by the applicant in the following table.

Panel Comment	Applicant Response
The Panel have a number of concerns in relation to the street sub-division pattern, however the proponent advised that the layout is already approved.	Noted. The internal road layout and distribution of land uses was determined by the approved Master Plan (2002) and confirmed by the Consent issued by the Minister in respect of DA 114-4-2002.
The Panel believe the Shell high-pressure oil pipeline should be excluded from private property and fenced to stop any access by residents.	The oil pipeline is a constraint which the existing consent places on the project. It is intended that this portion of the site is part of a community title scheme for the overall project and will be managed and maintained accordingly.
The Panel believe the cul-de-sacs proposed for the north of the site should be deleted, and a full length east-west vehicular street introduced at the northern end of the site. This would simplify access, address and parking. The Panel acknowledge the difficulties that arise with small lot widths and the minimum 2 vehicle DHA requirement.	The street network has been predetermined under the Master Plan (and subsequent consents issued by the Minister for Planning). Furthermore, construction has commenced and cannot be varied. The local community is expecting an outcome which is consistent with the Master Plan for the site and this application has been designed in line with those constraints. It is not envisaged that any amendments will be made to the Master Plan internal road network.
The Panel supports the proposal to reduce front setbacks to 2 metres (currently 4 metres). To achieve this, this zone should be very carefully designed (fencing, landscape, levels) to mediate the private residence from the public domain.	Fencing and landscape treatment have been considered to the terrace (townhouse) style dwellings. In addition, a large proportion of these dwellings have an elevated front garden (from the street). All of these aspects provide an appropriate level of privacy and amenity to the dwellings.
The Panel raised concerns in relation to the provision of streets around the future apartment buildings, and the truncation of the foreshore road by the finger parks.	The internal road layout has been approved under the Consent issued by the Minister in respect of DA 114-4-2002. Furthermore, the future development on the southern and western perimeter of the former Naval Stores site is not the subject of this application.

The Panel encourages the proponent to increase density across the site, but should be consistent with adopted Masterplan and deemed DCP densities.	The proposed density across the site is consistent with the proposed Master Plan densities and strategically placed higher densities in areas of high amenity (such as park frontages).
The footpaths should be positioned adjacent to the front boundary and fence unless specific utility service requirements preclude this.	Footpaths have been located 600mm off the front boundary which ensures there is adequate delineation of the public and private domain. This 600mm zone also allow for placement of services such as electrical pillars, street lighting etc.
The landscaping and in particular the street trees should be viewed as critical component of the public realm. A landscape plan is necessary to demonstrate how the trees can be utilised to add clarity to the hierarchy of public spaces.	The landscape treatment within the public domain (including street trees) was approved by the Minister for Planning as part of DA 114-4-2002 and will be executed in accordance with the terms of that consent.
The lane ways in the southern most super lots should be simplified by removing the 90 degree bend and running straight through in the traditional manner.	The laneways provided in the Southern portion of the development maintain a 90° bend to ensure a low speed environment is achieved. All laneways in the Southern portion of the site will be Community Title and semi-private in nature.
The housing should reflect the street hierarchy ie main streets should be lined with fronts of dwellings.	Noted. All dwellings have been oriented in line with the provisions embodied in the approved Master Plan (deemed DCP).

THE PROPOSAL

Approval is sought for tree removal, construction of 210 dwellings, supporting laneway construction, and land subdivision comprising 67 Torrens title lots and 161 Community title lots. Details of the application are as follows:

- removal of 1 tree
- minor re-shaping of the land to create level building platforms for each dwelling
- the construction of 210 dwellings (comprising 108 courtyard homes 102 townhouses)
- on-site parking for each dwelling
- private open space provision and associated landscape treatment within the private domain of each allotment
- utility service connection to each dwelling
- external finishes and materials palette
- land subdivision comprising 67 Torrens Title allotments and 161 Community Title lots.

This application also seeks approval for a minor amendment to the internal road layout. Instead of a series of conventional cul-de-sac heads to the northern end of all north-south oriented streets, as originally proposed in the Master Plan, which would provide a poor termination to the street the proposal includes a "hammer head" design which ensures housing always faces the street and provides a dwelling façade to the end of the street. The hammer heads have been designed to ensure adequate vehicular movements are possible. It should be noted that the changes to these roads have also been applied for to the Department of Planning as a modification to DA 114-4-2002 (determination still pending).

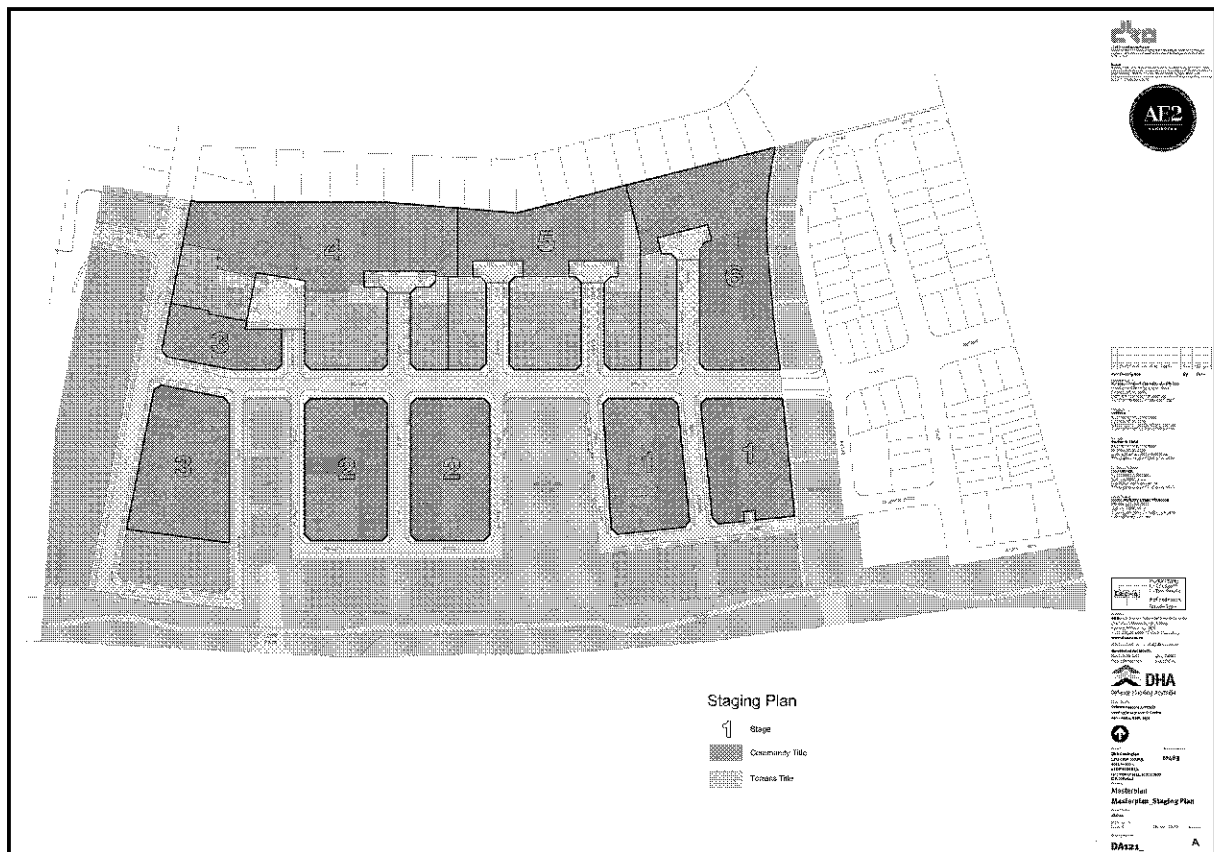
A proposed plan of subdivision documents a series of seven (7) housing "clusters", each arranged around a laneway which provides vehicular access to the rear garages of each dwelling in the cluster. These clusters, together with those lots which directly interface with the multi-product pipeline easement area, will be subdivided under the Community Land Development Act 1989 (NSW). The applicant has further advised the following:

Subdivision under the community title legislation has been selected as the most effective method to provide a regime to manage the use, insurance, maintenance and repair of the laneways in each housing cluster; and to provide a mechanism to recover the costs for doing so.

In the case of the AE2 Project:

- the laneway in each housing cluster and the open easement area associated with the multi-product pipeline will be community property*
- owners and occupiers of each dwelling in a housing cluster will have the exclusive use of the laneway in that housing cluster*
- the Lots which interface with the multi-product pipeline easement will have the limited use of, and cost of maintaining, an Open Easement Area located at the rear of those Lots*
- the Community Association will have the responsibility to insure, maintain, repair and replace all laneways in the estate*
- the costs incurred by the Community Association for insuring, maintaining, repairing and replacing the laneway relevant to each housing cluster will be recovered by the Community Association through levies.*

The works are proposed in 6 stages. These stages of development are indicated within the figure below.



CURRENT APPLICATION – PROPOSED STAGING OF WORKS PLAN

The applicant is Defence Housing Australia, whom are a Commonwealth statutory corporation created by the Commonwealth Defence Housing Australia Act 1987. DHA's primary function is to supply housing and related services to Australian Defence Force (ADF) members and their families in line with Defence operational requirements. DHA sits within the Defence portfolio and manages around 18,000 residences across Australia. The scope of works proposed as part of this development application is integral to that core function, being a public purpose of the Commonwealth of Australia.

The development is known as "AE2" which represents Australia's second submarine.

PERMISSIBILITY

The proposed development consists of the following as defined under Parramatta Local Environmental Plan 2011:

dwelling house means a building containing only one dwelling.

road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

The proposal satisfies the above definitions and all are permissible under the R4 High Density Residential zoning applying to the land.

Subdivision of the land is permissible under Clause 2.6 of Parramatta Local Environmental Plan 2011.

REFERRALS

External Referrals

Roads & Maritime Services

The application was referred to Roads and Maritime Services for comment. Correspondence received from the RMS dated 22 June 2012 reads as follows:

I refer to your letter dated 24 May 2012 (Council's Reference DA/298/2012) with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (RMS) for comment.

RMS has reviewed the application and raises no objection to the proposed development as the development is part of an approved Masterplan.

Internal Referrals

Traffic & Transportation Investigations Engineer

The application was referred to Council's Traffic & Transportation Investigations Engineer for review. The following comments were received:

Proposed Development

1. *The proposed scheme is an AE2 development consisting of residential development of 210 dwellings (108 courtyard houses and 102 townhouses). Entry and exit to the main subdivision from the west is via Silverse Street off Silverwater Road (left-in/left-out configuration) and from the east via Seamist Avenue.*

Relationship with the Existing Consents *The submitted SEE indicated that :*

2. *"The proposed development has been designed in accordance with the Ermington Master Plan 2002 and has taken into consideration the development consent issued by the Minister for Planning on 15 October 2005 for subdivision of that part of the site known as Stage 3 (DA 114-4-2002). DA 114-4-2002 allows for a range of civil works to facilitate the staged subdivision into 190 Torrens Title allotments, including the construction of associated streets, areas of (future) public open space, landscape treatment, provision of utility services, tree removal and bulk earthworks. The approved works included:*
 - *Subdivision of Lot 1006 in DP 1040571 into 190 residential allotments;*
 - *Construction of the portion of the collector road (Central Avenue) from the extension of River Road to the western end of Creek Park;*
 - *Construction of local roads 1st (now Yarramona Street), 2nd (now Haleym Street), 3rd (now Corsair Street), 4th (now Zanana Street), 5th (now Winnya Street), 6th (now Rondelle Street), 9th (connecting to Silverwater Road), 10th, 11th and 12th Street;*

- Construction of a major stormwater system for the site incorporating water quality ponds within the proposed Navy Park;
- Construction of a large park (Halverson Park) for informal active and passive recreation;
- Construction of three small parks (pocket parks);
- Landscaping of a small section of the foreshore strip park (River Park) contained within the site; and
- Provision of infrastructure within Stage 3 (electricity, stormwater, sewer, telecommunications).

The Department of Defence has completed a range of infrastructure works across the site including remediation, fill, roadworks, utility services upgrading and preliminary works associated with the construction of Navy Park. As a result of this physical commencement, DA 114~4~2002 has been activated and is a "live" consent, with some 30% of the approved works completed. DHA proposes to recommence the works approved under DA 114~4.2002 in mid~2012".

3. Density The submitted SEE stated that "The Master Plan for the site contemplates an overall yield of between 550 and 700 dwellings across the original 19.64ha former Naval Stores site. Riverwalk (the first stage release of the former Defence site) yielded 126 dwellings with a corresponding GFA of 18,071m². The proposed DHA development will result in a yield of 210 dwellings, which translates to a gross floor area of 39,902m². Having regard to the above, the ultimate development yield across the entire former Naval Stores site is expected to be between 550 and 600. This represents a moderate yield compared to the maximum contemplated by the Master Plan. This lesser yield could reasonably be expected to reduce the loads on services and facilities as well as impacts on neighbouring properties, resulting in a net gain in environmental quality and compatibility of uses".
4. With respect to traffic and transport, certain changes have been proposed for the revised AE2 scheme, as per the submitted SEE and Traffic Report (TRIM Docs D02372796 and D02372805 respectively). The main changes are set out below:
 - A turning circle is to be provided at the northern end of Haleym Street (formerly Road 2); and
 - Hammerheads are to be provided at the northern ends of Corsair Street, Zanana Street, Winnya Street and Rondelle Street (formerly Roads 3, 4, 5 and 6) to allow for service vehicles to turn around.

5. Staging of Development

The proposed development is Stage 3-5 in accordance with the submitted SEE. Condition A3, in part, of DA 114~4~2002 specified the following:

"Unless expressly and specifically stated to the contrary:

- (a) to the extent that a condition applies to a Stage, it applies to each Stage separately; and
- (b) in respect of each of Stages 1, 3, 4 and 5, where a condition of consent requires works to be carried out, a report or security provided or obtained, a

payment made or certificate or other approval to be issued for works on or for a Stage or any Stage that requirement does not apply to Stage 2 works located on that Stage. The Stage 2 works will be carried out, reported on, paid for, secured, certified and approved as part of Stage 2; and

(c) if a subdivision certificate is not required for Stage 2, a condition requiring that work be carried out or a state of affairs exists prior to a subdivision certificate being issued for Stage 2 shall be read as a requirement that the work be done in respect of an asset prior to certification of completion of that asset and any handover or dedication of the relevant asset to a public authority and prior to the issue of any Construction Certificate for any works within Stages 1, 3, 4 or 5.

Previous Consent Conditions - DA 114~4~2002 – Traffic Related Conditions (in part)

6. B4 Design of Road

For each of the following Stages prior to the issue of a Construction Certificate for the subdivision works on the relevant Stage, amended plans are to be submitted to DIPNR in respect of the matters listed in relation to each Stage. The amended plans must be to the satisfaction of the Parramatta Traffic Committee:

- Stage 1
 - 2nd Street north, 4th Street north and 6th Street north to have parking on both sides and a carriageway of 8.0 m;
 - the turning bay for 3rd Street is to be relocated 7.0 m to the north, the road pavements of 2nd and 4th Streets are to be extended by 4.0 m and the road pavement of 5th Street is to be extended by 3.0 m to allow for the truck turn manoeuvres;
- Stage 2
 - Central Avenue (which will provide for buses) to have a minimum carriageway width of 11.0 m, except adjacent to Navy Park where the carriageway width is to be narrowed to provide for vehicle slowing and to enhance the visual significance of Navy Park;
 - the width of Central Avenue adjacent to Navy Park is to be substantially the same as the width of Central Avenue as approved in the existing Construction Certificate issued by Parramatta Council for construction adjacent to Creek Park.
- Stage 3
 - 5th Street south to have parking on one side and a minimum carriageway of 6.0 m;
 - 6th Street to have parking both sides and a minimum carriage way of 8.0m;
- Stage 4
 - 2nd Street south, 4th Street south to have parking on both sides and a minimum carriageway of 6m;

- *Stage 5*
- *1st Street to have parking on one side and a minimum carriageway width of 6.0m;*
- *plans for 9th Street to be consistent with existing constructed access road”.*

7. *B9 Cycle Refuge - For each Stage on which proposed cycleways or pedestrian cycleways are to be located:*

- *a cycle refuge crossing facility shall be provided at each road intersection along the proposed cycleway or shared pedestrian/cycleway in accordance with Parramatta City Council's specifications;*
- *details of the cycle refuge crossing facilities to be provided on the Stage shall be submitted to the Certifying Authority for approval prior to the release of the Construction Certificate for the subdivision works on that Stage.*

8. *B14 Section 94 Contributions – Victoria Road and Spurway Street intersection*

In addition, for each Stage, contributions must be paid and an Acceptable Security must be provided for the proposed intersection works to Victoria Road and Spurway Street for the following amount..

Total	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
\$261,120	\$86,170	0	\$54,835	\$54,835	\$65,280

Acceptable Security means:

- (a) if the developer of the Stage is the Commonwealth of Australia, a legally binding written undertaking to pay;
- (b) if the developer of the Stage is not the Commonwealth, an unconditional bank guarantee or similar unconditional bankers undertaking, cash bond or insurance bond acceptable to the Consent Authority,

in each case for the relevant amount of money to be secured.

The Acceptable Security:

- (a) is provided as security for the contributions attributable to a stage towards the upgrade of the intersection of Victoria Road and Spurway Street; and
- (b) must be provided to Parramatta City Council prior to the release of the construction certificate for the relevant Stage; and
- (c) shall be held by Parramatta City Council until either paid to the RTA in accordance with paragraph (d), or released should the time period detailed in paragraph (d) expire;
- (d) shall be paid to or enforceable by the RTA to the extent that, prior to the date which is 5 years after the issue of the subdivision certificate for the final Stage, the upgrade of the intersection of Victoria Road and Spurway Street works are carried out by the RTA or are listed on the RTA's works programme;

For the purposes of this clause the amounts shown are to be escalated for CPI.

9. E11 Road Signage

For each Stage, road signage is to be compatible with existing signage in the surrounding area and be in compliance with the Austroad, RTA and Parramatta City Council standards. The detail of the signage is to be provided for approval by the Parramatta Traffic Committee. All road signage is to be constructed at the cost of the developer of the Stage prior to the release of the Subdivision Certificate for a Stage. Alternatively, should Parramatta City Council agree, payment can be made to Parramatta City Council to construct the signage prior to the release of the Subdivision Certificate for the Stage.

10. E12 Pedestrian/Cycleway Signage

Details of directional signage and signage in relation to the shared pedestrian/cycleway are to be in accordance with Parramatta City Council Specifications and are to be provided to the PCA for approval. In respect of each Stage within which the shared pedestrian/cycleway will be located, evidence of approval and installation of the signage in the Stage is to be provided to Council and the relevant authority prior to release of the Subdivision Certificate for the Stage. Alternatively, should Parramatta City Council agree, payment can be made to Parramatta City Council to construct the signage prior to the release of the Subdivision Certificate for the Stage.

11. E13 Parking Signage

"No Parking" signage is to be provided for a length of 20m from the head of the cul-de-sacs of 2nd, 3rd, 4th, 5th and 6th Streets to allow for turning of garbage trucks. Signage in relation to parking and "No Standing" within a Stage is to be provided in accordance with Parramatta City Council's standard signage to the satisfaction of the Parramatta Traffic Committee, at the cost of the developer of the Stage prior to the release of the Subdivision Certificate for a Stage. Alternatively, should Parramatta City Council agree, payment can be made to Parramatta City Council to construct the signage prior to the release of the Subdivision Certificate for the Stage.

Note that the "No Standing" sign restriction is no longer implemented and enforced and therefore should be changed to "No Parking".

12. E14 Bus Stops

Details of the location and design of bus stops (including seating, bins and shelters) and appropriate signage to the satisfaction of State Transit, is to be provided to the relevant authority and Council prior to the release of the Subdivision Certificate for the subdivision works on Stage 2. Bus stops are to be located such that all allotments are within a 400m walk of a bus stop, for a bus route travelling along River Road and Central Avenue. Further, the footpaths for a length of 10m adjacent to any bus stop are to be widened to 3m. The bus stops are to be constructed and signposted at the cost of the developer of the Stage prior to the release of the subdivision certificate for Stage 2.

13. Accordingly, it is recommended that the above traffic related conditions as specified in Consent DA 114~4~2002 are to be included in the conditions of consent for the proposed development should this DA be approved.

Parking Requirements

14. Parking requirements for development on the former defence site are set out in the Ermington Master Plan. Those requirements relevant to the proposed development are as follows:
- “1 space per 1 bedroom unit;
 - 1.25 spaces per 2 bedroom unit;
 - 1.5 spaces for a dwelling with three or more bedrooms;
 - Visitor parking may be accommodated on street”
15. The proposed development will provide 2 parking spaces per dwelling, which satisfies the above requirements. With regard to visitor parking, it is stated that this will be provided on street as contemplated in the Master Plan.
16. Accordingly, the parking provision for each dwelling is acceptable.

Traffic Generation

17. The overall traffic effects have been previously addressed in the assessment of the Master Plan approval for 700 dwellings. 126 dwellings (units and town houses) have been constructed on the eastern part of the site. The proposed AE2 scheme is for some 210 dwellings (108 courtyard houses and 102 town houses).
18. The RMS “Guide to Traffic Generating Developments, 2002” suggest the following rates for residential development:
- detached dwellings – 0.85 vehicles per hour per dwelling for new residential development in areas where public transport accessibility is limited; and
 - residential units – 0.4 to 0.5 vehicles per hour two way for one and two bedroom units and 0.5 to 0.65 vehicles for three bedroom units
19. Using a rate of 0.85 vehicles per hour detached dwellings and 0.5 vehicles per hour per for other dwellings, the approved Master Plan (developed to a maximum yield of 700 dwellings) would have generated some 360 vehicle per hour (two-way) in the weekday morning and afternoon peak periods.
20. Using the same rates, the proposed AE2 scheme and existing Riverwalk development would generate some 200 vehicles per hour (two-way).
21. The traffic effects of the proposed AE2 residential development are within the level of traffic generation of the approved Master Plan.

Parking Provision and Layout

22. *The proposed development provides car parking for two cars within the confines of each individual courtyard and townhouse property.*
23. *It is stated that visitor parking provision will be provided on street as contemplated in the Master Plan.*

Access Arrangement

24. *The main vehicular access is to be along the Seamist Avenue (already partially constructed). Seamist Avenue will provide access to the development site to the east from Broadoaks Street and to the west from Silverwater Road. Seamist Avenue is approximately 9.8m in width between kerbs narrowing to 7.5m at its extremities.*
25. *Access to the housing developments will be provided via a network of access streets opening onto the north and south of Seamist Avenue. The road widths of these streets vary as per the amended road design plans (TRIM Doc D02473240 and corresponding plans as shown in DA 298 Plan 1 (TRIM Doc D02478532).*
26. *Hammer Heads and a turning circle are provided at the end of access streets to the north of Seamist Avenue. The access streets to the south of Seamist Avenue loop back onto Seamist Avenue providing entry and exit points.*
27. *Turning path plans have been submitted with the development application (Drawing 040 Amdt B – TRIM Doc D02372980) showing that adequate turning movements for service vehicles and cars are provided at the hammer heads and turning circle on Haleyam Street, Corsair Street, Zanana Street, Winnya Street and Rondelle Street (north of Seamist Avenue).*

Traffic Calming Devices

28. *The geometry and alignment of Seamist Avenue indicated is of a nature that has the potential to generate high traffic speeds within a residential area. It is recommended that appropriate traffic control measures along Seamist Avenue, River Road and Silverse Street should be installed and implemented in accordance with the relevant Austroads Guide to Road Design.*
29. *In order to further enhance traffic safety within the proposed development area, it is recommended that the following traffic control devices should be installed by the applicant at no cost to Council:*
 - *Concrete median island in Silverse Street at River Road intersection;*
 - *Concrete median islands at the intersection of Seamist Avenue and River Road on the north and west side of the intersection and associated double barrier linemarking (BB lines);*
 - *Roundabout at the intersection of Seamist Avenue and Corsair Street;*
 - *Roundabout at the intersection of Seamist Avenue and Rondelle Street;*

30. As per Item 15 above and in accordance with the Condition E14 Parking Signage of DA-114-4 – 2002, the following is to be complied with:

"No Parking" signage is to be provided for a length of 20m from the head of the cul-de-sacs of 2nd, 3rd, 4th, 5th and 6th Streets to allow for turning of garbage trucks. Signage in relation to parking and "No Standing" within a Stage is to be provided in accordance with Parramatta City Council's standard signage to the satisfaction of the Parramatta Traffic Committee, at the cost of the developer of the Stage prior to the release of the Subdivision Certificate for a Stage. Alternatively, should Parramatta City Council agree, payment can be made to Parramatta City Council to construct the signage prior to the release of the Subdivision Certificate for the Stage.

These streets correspond to Haleym Street, Corsair Street, Zanana Street, Winnya Street and Rondelle Street respectively.

31. *In addition, due to the narrow road width of the streets to the south of Seamist Avenue and where parking is to be provided on 1 side of the street, it is appropriate that "No Parking" restrictions are to be installed on the other side of the street subject the Parramatta Traffic Committee approval processes. All costs associated with the supply and installation of the signs is to be paid for by the applicant at no cost to Council.*
32. *As indicated in Item 9 above, Haleym Street south (2nd) and Zanana Street south (4th) (Stage 4) are to have parking on both sides of the streets with a minimum carriageway width of 6m. Due to the narrow carriageway width, it is appropriate to provide parking only on one side of the street and "No Parking" restriction on the other side of the street similar to Yarramona Street south (1st) and Winnya Street south (5th).*
33. *It is understood that Tenth Street, Bundarra Street and Koorine Street will have a carriageway width of approximately 6m and in this regard, it is appropriate that parking is to be provided on 1 side of the street and "No Parking" restrictions are to be installed on the other side of the street, subject the Parramatta Traffic Committee approval processes.*
34. *The applicant is to be required to submit revised plans showing the recommended traffic calming devices and one-way traffic movements with parking restrictions as per Items 23 and 24 above, prior to the issue of a construction certificate, should this DA be approved.*

Bus Stops

35. *The submitted Traffic Report indicated the following:*

"With regard to the site accommodating buses, Broadoaks Street, Seamist Avenue and River Road were identified as the preferred bus route and that roads on which buses will operate should have a minimum width of six metres. On the section where the buses would operate Seamist Avenue has a width of eleven metres (which has been partly constructed under Consent 114-4-2002). Broadoaks Street has a minimum of eight metres wide and

River Road is eleven metres wide. With regard to pedestrian and cycle connections, the Master Plan shows the existing pedestrian and cycle paths (constructed under Consent 114-2-2002) connecting Eric Primrose Reserve, George Kendall Riverside Park and adjoining Silverwater Road. Thus in the future the development will be well serviced by public transport with buses operating through the site”.

36. *As per Item 15 above and in accordance with the Condition E14 Bus Stops of DA-114-4 – 2002, the following is to be complied with:*

Details of the location and design of bus stops (including seating, bins and shelters) and appropriate signage to the satisfaction of State Transit, is to be provided to the relevant authority and Council prior to the release of the Subdivision Certificate for the subdivision works on Stage 2. Bus stops are to be located such that all allotments are within a 400m walk of a bus stop, for a bus route travelling along River Road and Central Avenue. Further, the footpaths for a length of 10m adjacent to any bus stop are to be widened to 3m. The bus stops are to be constructed and signposted at the cost of the developer of the Stage prior to the release of the subdivision certificate for Stage 2.

37. *Accordingly, the applicant in consultation with the bus operator and RMS, should identify bus stop locations in Broadoaks Street, Seamist Avenue and River Road, prior to the issue of a construction certificate, should this DA be approved.*
38. *In addition, subject to the approval of the bus operator within this area, a bus stop (with bus shelter and seat) and concrete footpath from Silverse Street are to be provided by the applicant at no cost to Council and the Roads and Maritime Services on the eastern side of Silverwater Road, north of Silverse Street, Ermington.*

Note that the footpath is to connect the pedestrian footpath network within the area.

Conclusion

Based on the analysis and information submitted by the applicant, the traffic impact of the proposed development within the surrounding road network is expected to be within the level of traffic generation of the approved Master Plan. The approved Master Plan (developed to a maximum yield of 700 dwellings) would have generated some 360 vehicle per hour (two-way) in the weekday morning and afternoon peak periods. The proposed development (AE2 scheme) and existing Riverwalk development would generate some 200 vehicles per hour (two-way).

The proposal can be supported on traffic and parking grounds provided that:

- 1. The following traffic related conditions as specified in the previous DA Consent (DA114-4-2002) Items 9-15 above are included in the DA Consent, should this DA be approved.*

II. *The following traffic facilities are installed by the applicant at no cost to Council, in accordance with the relevant Austroads Guide to Road Design:*

- *Concrete median island in Silverse Street at River Road intersection;*
- *Concrete median islands at the intersection of Seamist Avenue and River Road on the north and west side of the intersection and associated double barrier linemarking (BB lines);*
- *Roundabout at the intersection of Seamist Avenue and Corsair Street;*
- *Roundabout at the intersection of Seamist Avenue and Rondelle Street;*
- *Bus stops (with bus shelter and seat) on Silverwater Road, eastern side, north of Silverse Street).*
- *Locations of bus stops in Broadoaks Street, Seamist Avenue and River Road are to be identified as indicated in the submitted Traffic Report.*

III. *Due to the narrow road width (6m) of the streets to the south of Seamist Avenue and where parking is to be provided on 1 side of the street, "No Parking" restrictions are to be installed on the other side of the street subject the Parramatta Traffic Committee approval processes. These streets will also include Haleyam Street south (2nd) and Zanana Street south (4th), Tenth Street, Bundarra Street and Koorine Street. All costs associated with the supply and installation of the signs is to be paid for by the applicant at no cost to Council.*

IV. *Subject to the following traffic related conditions below.*

NOTE: These conditions have not been included in this section of the assessment report but are included within the Recommendation section of the report.

In addition, the following comments were provided regarding the laneway assessment:

1. *The turning and manoeuvring of vehicles within the proposed laneways, as per submitted DA plans, have been checked using the turning templates in accordance with Figures B3, B5, B7 and B8 of AS 2890.1-2004.*
2. *Vehicular access along the laneways with varying widths between 3.0m and 5.4m will be able to access into and out of the garage using 3 - 4 point turns. All other vehicular access using the laneways have been provided with adequate lane widths from 6m wide to 6.5m, as shown on the DA plans.*
3. *Rear doors in the garage of the following Lots are to be relocated or changed to open 'out' instead of open 'in' to the garage because a vehicle parked in the garage will encroach on to the garage (roller) door:*
 - *Laneway between Haleyam Street and River Road - Lot Nos. 103, 107 and 108.*
 - *Laneway between Koorine Street and Seamist Avenue - Lot No. 011*
 - *Laneway between Bundarra Street and Seamist Avenue - Lot Nos. 044, 043 and 040*

- *Laneway off Bundarra between Haleym Street and Corsair Street - Lot Nos. 064, 066, 071 and 073*
- *Laneway off Seamist Avenue between River Road and Yarramona Street - Lot Nos. 092, 094, 098, 090 and 081*

Planning Comment:

Given that the applicant will need to comply with all of the requirements of the previous consent (DA 114-4-2002) before the issue of any Occupation Certificate for the proposed development, it is not considered necessary to impose specific conditions of the previous consent. All other conditions have been incorporated within the Recommendation section of this report.

It is noted that following the receipt of the above comments, the applicant has been negotiating the details of the proposed traffic facilities with Council's Traffic Section. As such, the condition requiring the provision of the traffic facilities has been worded in a manner to enable alternative designs to be considered by Council and the applicant.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer for review. The following comments were received:

Land Contamination

The Site Audit Statement indicates that the site is suitable for residential use. However pockets of contamination may be present in untested areas. Therefore the following condition is recommended:

The discovery of any unusual buried materials is to be dealt with in accordance with URS Australia Pty Ltd (December 2007a) Site Management Plan Stage 2 Sale Area Department of Defence Ermington NSW.

Reason: To ensure any land contaminants are dealt with in an appropriate manner.

Acid Sulphate Soil

The following condition is recommended:

Any earth related works to the site that could affect the condition of potential acid sulphate soils shall be undertaken in accordance with the Acid Sulphate Soils Management Plan, former Defence Naval Stores Ermington NSW (URS July 2002).

Reason: To ensure acid sulphate soils are dealt with in an appropriate manner.

Noise

The recommendations of RFA Acoustic Design's report No. S246-01 November 1999 are to be incorporated in to the development.

Reason: To minimise noise nuisances to the residents.

Planning Comment: The conditions regarding contamination and acid sulphate soils have been incorporated into the Recommendation section of this report.

The acoustic report is dated November 1999 and primarily recommends the provision of an acoustic wall along the Silverwater Road frontage, insulation measures for dwellings and on-site shielding by buildings. Given this proposed development is to be located behind future residential flat building development on Silverwater Road and the proposed lots are approximately 50-60m from Silverwater Road, it is considered that the proposed acoustic barrier is not warranted by this proposal. In this regard, the applicant responds as follows:

RMS has not constructed an acoustic wall along its embankment.

Acoustic treatment would be the subject of future DAs in respect of Lot 306 adjoining the western boundary of the land.

The ameliorative measure of 'on-site shielding by buildings' via Lot 306 is likely to provide the most effective measure noting that noise barriers along Silverwater Rd edge can't be continuous.

It is considered that the proposed dwellings be constructed in accordance with AS/NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors and EPA Environmental Criteria for Road Traffic Noise. A condition requiring this is incorporated within the Recommendation section of this report.

Waste Management Officer

Council's Waste Management Officer has reviewed the application and raised the following issues:

- The waste management plan does not adequately cover on-going waste management

Planning Comment: Details of on-going waste is not required for dwelling houses. Council will be responsible for collecting the domestic waste and will provide the appropriate bins for such usage.

- Council trucks may have difficulty negotiating the roads within the cul-de-sacs.

Planning Comment: The road network has already been approved vide DA 114-4-2002 issued by the Department of Planning (with the exception of the cul-de-sac heads).

Notwithstanding the above, the accessibility of the road network has been assessed by Council's Traffic & Transport Investigations Officer who raises no issues with the proposed road layout.

The details of the proposed roadworks have also been assessed and endorsed by Council's City Assets Unit.

- An endorsement from a specialist in strata & community title insurance covering Council's contractor against any damage should be submitted for access to any part of the property which is community title.

Planning Comment: This requirement has been incorporated within the Recommendation section of this report.

Catchment Management

The application was referred to Council's Catchment Management Team for review as the site is identified as being flood prone.

Planning Comment: Council's Catchment Management Team raised issues with respect to flooding, overland flow and the lack of information demonstrating compliance with Council's floodplain management policy. These issues have been reviewed by Council's Development Engineer and found to be satisfactory. This is discussed further below.

Development Engineer

The application was referred to Council's Development Engineer for review. The following comments were received:

Flood Related and Overland Flow Related Discussion:

According to the various correspondence and past history of the site, the development site is currently not technically affected by mainstream flooding. It is however in a location adjacent to Parramatta River, where mainstream flooding occurs. The Department of Planning approved the site specific Master Plan for the development site in 2002. The adopted design flood levels were based on the 1986 Lower Parramatta Flood Study Report prepared by Willing and Partners. The flood levels were as follows:

- *1 in 20 ARI1.4 m AHD (Upstream), 1.1 m (Downstream) & 1.2 m (Middle)*
- *1 in 100 ARI1.8 m AHD (Upstream), 1.5 m (Downstream) & 1.5 m (Middle)*
- *PMFLevels were not considered at this stage.*

A Flood Impact Assessment Report was requested at the pre lodgement meeting, based on the old ground level details of Council's records and the current flood map. The subject site was identified as flood prone and within the High Hazard Risk area. However, the applicant's response in terms of these issues clearly shed some light to the reality of the site under the present situation. It was recommended that the land is no longer flood prone as a result of the filling undertaken by the Commonwealth.

Filling of the site has taken place under approvals granted by the Minister for Planning in 2002 and as a consequence, the site is no longer in a High Hydraulic Hazard precinct, as depicted in Council's Flood Plan Map. Furthermore, it was clarified that the consent issued by the Minister for Planning, in respect of DA/114 – 4 2002 delivered the urban infrastructure and established the levels for the built form.

Council's current flood mapping was based on the 2005 Lower Parramatta River Flood Study Review and old navel site natural ground level details available to Council. It is noted that the Master Plan (Ermington Defence Redevelopment Master Plan) for this overall development site was prepared well in advance of the DA submission to the Department of Planning in 2002.

Based on the above details, the Master Plan was prepared and the land was formed for subdivision. The land is no longer flood prone as a result of the filling undertaken by the Commonwealth.

The current flood levels based on 2005 Lower Parramatta River Flood Study Review are:

- 1 in 20 year Flood Levels = RL 2.49 & 2.06m AHD (upstream & downstream)
- 1 in 100 year Flood Levels = RL 2.98 & 2.48m AHD
- PMF Flood Levels = RL 5.18 & 4.41m AHD

The site's current levels are significantly higher than those which were used for the 2005 flood modelling and based on the current levels almost all the subject site is above the 100 year flood plan. However, most of the site will remain flood prone in the PMF event.

However under the current flooding circumstances the applicant's consulting engineers have determined that the minimum floor level for 18 of the 210 proposed dwellings need to be increased in order to achieve the required 500mm free board relative to the 100 year flood level.

There were three (3) flood related final issues raised by Council appointed Bewsher Consulting:

1. Response to Parramatta DCP Flood Plan Matrix

A flood plain matrix, in terms of planning considerations was submitted. This matrix also included flood evacuation requirements. In order to stipulate these requirements Council's standard condition relating to Effective Evacuation Report will be imposed in the DA conditions of consent, with this application.

2. Details of how the Up – Catchment flow is dealt with

Extensive studies and analysis to determine and design the proposed overland flow paths has been carried out.

Based on the upstream catchment analysis, three separate locations have been chosen to ideally locate the overland flow paths. Two (2) of them are proposed closer to the north west corner of the development site, closer to River Road extension. Both of these overland flow paths are 5m wide and will be associated with a swale to capture the overland flows from upstream. One of the 2 paths is provided over the existing trunk drainage system, which collects a certain section of upstream Lindsay Avenue road drainage system. As this trunk drainage system has a 1050mm diameter pipe and a substantial catchment area drains through, an additional overland flow path has been provided within the close proximity. Both these overland flow paths are directed to the proposed new road Haleyam Street and continued to follow the river outfall, as it intended due to its magnitude. The road had been designed to cater for this flow paths.

It should be noted that most of the trunk drainage systems within the development site are draining into the WSUD already constructed from site during the installation of the trunk drainage systems. The pipe systems are designed for 1 in 20 year storm event and the overland flow paths are designed for 1 in 100 year storms event. The pipe systems within the development site also incorporated with 4 separate Gross Pollutant Traps (GPTS). It should also be noted that the previous Stage 1 of the development site consisted several GPTS, in addition to WSUD facilities.

The third overland flow path is located on the north east corner of the development site closer to the Creek Park which is already constructed within stage 1 of the development site. This overland flow path is 8m wide and will be associated with a swale to capture the overland flow from upstream. Similar to the other two overland flow paths, this path will be provided over the existing trunk drainage system already constructed along the proposed Randelle Street.

All the proposed new roads will be dedicated to council as public roads. In this regard there will be no need to create the easements for the overland flow paths. However, the overland flow paths have to traverse through 6 residential lots before they reach the public roads. For this reason appropriate conditions will be imposed to create an easement for the overland flows over the affected lots. In addition to this a restriction will also be imposed in the condition for the flow paths located within the lots. The restriction is to have the effect of preventing any ground level changes on the construction of any structures that would hinder overland flow within path.

3. Request for how 2100 climate change impacts are considered.

The applicant responded with the following comments:

“We understand that Council has not adopted a 2100 climate change policy in respect of flooding, accordingly this is not dealt with, however, we note the observations made by Dr. Brett Phillips in the Cardno Flood report sent to Council on 4 September 2012 that proposes a sensible approach.”

Easements: There are no existing drainage easements within the development site. However, the trunk drainage pipe systems are located along the proposed roads, which are going to be dedicated to Council as public roads. The existing drainage easements will be extinguished in terms of the public roads. However, new easements will be created over the proposed overland flow paths with relevant restrictions on use and appropriate condition has been included in the DA consent.

DISCUSSION IN TERMS OF STORMWATER DISPOSAL

The stormwater management strategy for the overall development has already been approved by the Minister for Planning. The stage 1 development has already been completed with drainage and road works.

The Master plan had several objectives with the following strategies:

- To transfer runoff entering from upstream areas safely through Defence land.
- To minimise the runoff from the development site as possible
- Capture up to 20 years run off from the defence land into the site trunk drainage system
- Safely convey flows in excess of the 20 year ARI through the Defence land through overland flow paths with adequate freeboards to habitable floor levels
- Treat run off from upstream areas and the site to remove gross solids, nutrients, sediments and bacteria so that there is no net increase in the load discharge to Parramatta river
- Provide multiple use drainage corridors which enhance the visual recreation and ecological character of the development.

The overall trunk drainage systems have already been installed on site and work as executed plans have also been submitted to Council. The drainage systems within the development site have also been incorporated with gross pollutant traps and water pollution control ponds.

The remaining local road drainage systems still yet to be constructed and completed. All major drainage network systems are in place and only the side street drainage systems have to be completed.

All future dwellings will be able to discharge individually into their respective street gutters. Therefore, drainage is not a problem to any new dwellings.

There will be no on-site stormwater detention systems for any of the dwellings within the development site. Since the entire development site is directly backing on to the Parramatta River, it may have been agreed by Council at the early Master Plan stage, that OSD will not be required for this development site. None of the stage 1 development site had any OSD system. However, adequate Gross pollutant traps and series of water pollution control ponds have been installed through out the development site to treat the runoff and also to slow down the flows into Parramatta River. Due to the presence of various massive water pollution control ponds, there is a tendency for the stormwater runoff to slow down before reaching the Parramatta River. This could be the main reason that OSD was considered inappropriate.

CONCLUSION & REASONS

During my assessment process I have come across various correspondence between Council's officers & the development consultants, in terms of various issues relating to flood issues and drainage issues. We should not forget the facts that the Stormwater Management Strategy and the flood issues have already been determined at the Master Plan stage. The overall development and the Public Domain Works in the vicinity have already been addressed and approved by the Minister for Planning pursuant to development consent issued in respect of DA / 112-4-2002, DA/113-4-2002 and DA/ 114-4-2002. Appropriate modifications have been made in terms of the latest flood details.

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

Planning Comment: The conditions of the Development Engineer have been incorporated within the Recommendation section of this report.

Tree Management & Landscape Officer

The application was referred to Council's Tree Management & Landscape Officer for review. The following comments were received:

Issues

Impact on Site Trees

One tree located within proposed lot 119 is proposed to be removed. A significant amount of trees, shrubs and groundcovers will be planted as part of the proposed development.

The trees to be removed is:

Tree No	Name	Common Name	Location	Condition/ Height	Reason
94	<i>Corymbia maculata</i>	Spotted Gum	Located within proposed Lot 119	Fair/18m	Located within the proposed building platform. Single specimen in a large masterplan site.

Impact on adjoining trees

There are trees located within the rear setback of the properties which front Lindsay Avenue, however these trees are unlikely to impact by the works proposed due to the significant setback required to the existing oil pipeline located along the northern boundary of the subject site.

Landscape

The proposed landscape plans are considered satisfactory in concept and should be included within the stamped documentation.

Works within the public domain and public open space has been approved as part of DA/114-4/2002. No additional information regarding these areas has been submitted as part of this application.

Planning Comment: Council's Tree Management & Landscape Officer has also recommended a revised plant schedule to address the following requirements to ensure that appropriate landscaping is implemented.

:

- a) The replacement of *Sollya heterophylla* with *Pandorea pandorana* or *Hardenbergia violacea*
- b) The replacement of *Convolvulus* sp. with *Kennedia rubicunda*
- c) The deletion of proposed *Tradescantia* sp. and *Alternanthera dentata*

The conditions of Council's Tree Management & Landscape Officer have been incorporated within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's notification procedures contained within Appendix 5 of DCP2011, the proposal was advertised and owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 6 June 2012 to 27 June 2012. A site notice was also placed on site. In response, 4 submissions were received.

The issues raised within the submissions are addressed below. It is noted that the applicant provided a written response to these issues, some of which is incorporated within the comments below.

Submission 1

Owner of property 2-8 Broadoaks Street – Ermington

Increase in population

Concern was raised with the increase in population in the area – more shops will be required to be provided.

Planning Comment: The applicant has estimated that the additional population generated by the proposed development is approximately 1,175 people for the entire site (including the superlots along the southern and western edges of the site which are to be the subject of separate applications for residential flat buildings).

The neighbourhood shopping centre in Betty Cuthbert Avenue (located approximately 800m from the western end of the site and 1 km from the eastern end of the site) provides a range of facilities including a Woolworths Supermarket, newsagent, chemist, medical centre, fast food/takeaway food premises and liquor outlet. The wider area is host to a variety of regional facilities and services, including several large shopping complexes at Rhodes, Top Ryde and Parramatta.

It is considered that there is adequate access to shopping facilities within the area and the need for additional shopping facilities in the locality will be determined by market demand.

Lack of parking

Concern was raised with the lack of parking available in Broadoaks Street (due to the usage of Kendall Reserve especially on the weekends). Residents often cannot find a place to park.

Planning Comment: Given the walking distance between the development site and parking within Broadoaks Street, it is unlikely that visitors or residents of the AE2 development will exacerbate parking conditions on Broadoaks Street.

The proposed development provides for 2 off street car parking spaces per dwelling (irrespective of the size of the dwellings) which complies with the parking requirements of the Ermington Master Plan. On street parking has also been provided throughout the site to cater for visitor parking.

Submission 2

10 Broadoaks Street – Ermington

Through traffic

Concern was raised with the through traffic. Broadoaks Street is a very narrow street which is barely wide enough for 2 way traffic. If the new entrance is going to be introduced to Silverwater Road via Seamist Avenue, this would be devastating for Riverwalk residents. This is a highly secured community because of its no-through traffic condition.

Planning Comment: The form and configuration of the internal road network and its connections to the external road system (at Broadoaks Street and River Road) was established under the Master Plan. The connections to the external road network have been approved under the Consent issued by the Minister for Planning in respect of DA114-4-2002 on 15 October 2005.

The through-site connection between Silverwater Road and Broadoaks Street is also required to facilitate any

future extension of local bus routes through the area - which will benefit both the new population arising from the AE2 development as well as those existing residents of the Riverwalk development.

Submission 3

Owner of 13 Nordica Street & 5 Allura Crescent – Ermington

Traffic Concerns

Concern was raised with respect to the following traffic related matters:

- Concern is raised with the traffic volume and traffic flow into and out of the area.
- Already have difficulty driving down Broadoaks Street – it becomes single lane when parked out.
- Believe that the development MUST have additional/improved vehicular access to eliminate the potential for accidents due to congestion.
- Objector questions what in depth traffic modelling has been done and by whom.
- The traffic will be disruptive to the quiet enjoyment of the area.

Planning Comment:

The applicant has submitted that the dwelling yield for AE2 is approx. 40% less than the maximum contemplated under the Master Plan (deemed DCP). Based upon the RTA Guidelines for Traffic generating Development, the approved Master Plan would have generated some 360 vehicles per hour (two-way) in the weekday morning and afternoon peak periods. In applying the same rates, the proposed AE2 scheme would generate some 200 vehicles per hour two-way, which is considerably less than the traffic generation originally contemplated by the Master Plan.

The proposed development will have three (3) points of vehicular access to the external road network:

- Seamist Avenue via Spurway Street and Broadoaks Street;
- River Road extension; and
- left-in, left out at Silverwater Road.

These access points to the external road network have been approved under the Consent issued by the Minister for Planning in respect of DA114-4-2002 on 15 October 2005.

A traffic report has been submitted with the application prepared by Colston Budd Hunt & Kafes Pty Ltd that indicates the development will not unacceptably increase traffic congestion in the locality.

In addition, the current application was referred to the Roads and Maritime Services and Council's Traffic & Transport Investigations Officer who raise no objection to the proposed development.

Submission 4

46 Broadoaks Street – Ermington

General

The submission notes that there is no objection to the construction of the project.

Traffic Concerns

Concern was raised with respect to the through traffic associated with the development. Details of the concerns raised are as follows:

- Currently this area around Broadoaks Street Ermington is a quiet and no through path area which keeps local residents family and kids safe from the busy traffic. However with the new dwelling house project being built, which will open an exit to Silverwater Road and make Seamist Avenue connected from Broadoaks Street to Silverwater Road, this will create a significantly large amount of traffic through this area (as people will use this road as a short path if they come from West Ryde/Meadowbank direction and want to go to Silverwater Road or opposite way & this will get worse in peak hour when people rush to work). This will create possible threat to the local people, especially kids who live in Broadoaks Street/Allura Cr/Nordica St area.
- Objecting to connection of Seamist Ave from the new project to the current Riverwalk residential area & suggestion to make a road block/gate on the bridge on Seamist Ave to achieve that. Families living in this new project can use Silverwater Road as the main entrance and this will not only benefit the current residents, but also make the new residents living in a more safe and quiet area.

Planning Comment:

As mentioned above, the form and configuration of the internal road network and its connections to the external road system (at Broadoaks Street and River Road) was established under the Master Plan. The connections to the external road network have been approved under the Consent issued by the Minister for Planning in respect of DA114-4-2002 on 15 October 2005.

Seamist Avenue has been designed as the primary through-route to service the future residential development on the site. The provision of a "road block or gate" on the bridge on Seamist Avenue would have the effect of creating a residential enclave at Riverwalk and the AE2 development, which is contrary to much recent urban design, health and social research which has highlighted the problems of gated communities and residential enclaves.

The provision of a single entry road for a large site with a large future population is undesirable as it will restrict vehicular access to and from the proposed development. Furthermore such an arrangement will preclude any possibility of an extension of existing bus services through the site to serve the future (and existing) population.

Amended Plans

Yes

Summary of amendments

Yes

Amended plans were submitted which rectified a minor error on some of the road layout drawings. This minor error involved the inclusion of a “nib” on the following roads:

- Corner of Haleym and Bundurra Streets,
- Corner of Zanana and Bundurra Street, and
- Corner of Winnya and Koorine Streets.

Amended Plans re-advertised or re notified

No

Reason amended plans were not re-advertised or re notified:

In accordance with the notification procedures contained within Clause 5.5.9 of DCP2011 entitled “*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*”, the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

ENVIRONMENTAL PLANNING INSTRUMENTS**STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

The provisions of SEPP No. 55 have been considered in the assessment of the development application.

The site was formerly used for defence storage purposes. The Department of Defence completed extensive remediation of the site as part of its works prior to the land being sold for development.

A Site Audit Statement (Reference No. M60038837-SAS2008.2 dated 7 March 2008) has been issued by a site auditor accredited by the NSW Environment Protection Authority under the NSW Contaminated Land Management Act 1997. The Site Audit Statement confirms that the land is suitable for to be used for residential purposes for the following land use category:

- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry.

This land-use certification is compatible with the proposed residential development without the need for any further contamination investigation or remediation.

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 the dwelling house development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX

certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

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

Aims

The proposal is consistent with the aims of the SREP in that:

- it will provide for a healthy, sustainable environment on the site
- it will achieve a high quality and ecologically sustainable development on the site through its architectural design and environmental initiatives
- public access to the foreshore of the Parramatta River has been created and embellished as a direct result of the Ermington Master Plan.

Planning Principles

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

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

The proposed development is considered to be consistent with the planning principles having regard to the following:

- the design of the approved infrastructure for the site (under DA 114-4-2002) has been undertaken in accordance with Water Sensitive Urban Design principles and will ensure that the built form of the residential development proposed will not adversely impact on the water quality of the River
- will have a positive visual impact and will significantly improve the appearance of the site as viewed from adjacent residential areas and from the River and beyond
- will enhance and improve the landscape of the site, thereby increasing its compatibility with existing development in the vicinity
- will make a positive contribution to ecological sustainability by implementing a range of ESD initiatives
- represents a positive overall contribution to the environment in the locality.

Matters for Consideration

The matters for consideration have been taken into account in the assessment of this application and are discussed below.

Biodiversity, ecology & environment

The proposed development will have a positive impact in relation to biodiversity, ecology and

	<p>protection of the environment of the locality, having regard to the following:</p> <ul style="list-style-type: none"> • the design of the approved infrastructure for the site (under DA 114-4-2002) has been undertaken in accordance with Water Sensitive Urban Design principles and will ensure that the built form of the residential development now proposed will not adversely impact on the water quality of the River • the land to which this application applies does not have a direct interface with the River and therefore will not have any physical impact on aquatic vegetation. Furthermore it is noted that there are no identified areas of wetlands immediately adjacent to the DHA site • there is no existing terrestrial vegetation communities on the land to which this application applies.
Public access to & use of foreshores & waterways	<p>The land to which this application applies does not have direct access to the foreshore of the River, however the development will:</p> <ul style="list-style-type: none"> • facilitate public access to the River through both open space connections and public roads, cycle ways and footpaths (all of which have been previously approved and partially constructed • the open spaces on the former Naval Stores site (Navy Park, River Park, Creek Park and Broadoaks Park) will be dedicated to Council as public open space.
Maintenance of a working harbour	Not applicable.
Interrelationship of waterway and foreshore uses	The proposed development is not directly located on the foreshore. The proposed development will not compromise or inhibit existing use of the adjacent waterway.
Foreshore and waterways scenic quality	<p>The proposed development has been designed in accordance with the approved Master Plan for the site which was developed in cognisance of the need to preserve the scenic qualities of the foreshore and waterways. In this regard, it is considered that the proposed development:</p> <ul style="list-style-type: none"> • will have a positive visual impact and will significantly improve the appearance of the site as viewed from adjacent residential areas and from the River and beyond • will enhance and improve the landscape of the site, thereby increasing its compatibility with existing development in the vicinity

- will make a positive contribution to ecological sustainability by implementing a range of ESD initiatives
- represents a positive overall contribution to the environment in the locality.

Maintenance, protection and enhancement of views

The approved internal road network around which the proposed development has been designed:

- to provide a legible street network that facilitates accessibility and permeability through the site and creates strong physical and visual connections to the River
- optimise views from the public domain (along the streets) to the River.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. The development is consistent with the controls contained within the deemed SEPP.

Strategic Foreshore Site

The subject property is a Strategic Foreshore Site under SREP (SHC) 2005.

Part 4 of SREP (SHC) 2005 discusses Strategic Foreshore Sites.

Clause 41(1) of the SREP (SHC) 2005 states the following:

- (1) *Development consent must not be granted for the carrying out of development on a strategic foreshore site unless:*
- (a) *there is a master plan for the site, and*
 - (b) *the consent authority has taken the master plan into consideration.*

Consent may be granted to the proposed development as the Ermington Masterplan was adopted for the site on 9 April 2002 (and is currently a deemed DCP) and the contents of that masterplan have been taken into consideration in the assessment of the application. A detailed assessment under the provisions of the Ermington Masterplan are discussed further within this report.

Note: The application is not required to be referred to the Foreshores & Waterways Planning Development Advisory Committee as works listed under Schedule 2 or Clause 29 as it is not being carried out within the Waterways Area (W2).

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Complies Yes/No	Compliance/Comment
4.1 Minimum Subdivision Lot Size	NO	<p>The minimum allotment size for dwelling houses is 550m².</p> <p>The development contains a variety of allotment sizes ranging from 146.53m² to 572.9m². Only 2 of the proposed lots comply with the required minimum lot sizes.</p> <p>A Clause 4.6 variation has been submitted and is discussed further within this report</p>
4.3 Height of Buildings Does the building exceed the maximum building height shown for the land on the Height of Buildings Map?	Yes	<p>The Height of the Buildings Map indicates that buildings on this site can be a maximum height of 13m above existing natural ground level.</p> <p>The proposed buildings have a maximum height of 7.41m.</p>
4.4 Floor Space Ratio Does the development exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map? Note: Car parking to meet any requirements of the consent authority (including access to that car parking) is excluded from gross floor area calculations.	NO	<p>The Floor Space Ratio Map indicates that buildings on site can achieve a maximum floor space ratio of 0.6:1.</p> <p>The proposed floor space ratio for dwellings range from 0.3:1 to 0.87:1. A total of 77 dwellings exceed the 0.6:1 FSR which represents approximately 37% of the development.</p> <p>A Clause 4.6 variation has been submitted and is discussed further within this report</p>

<p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	N/A	The site is not identified on this map.
<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	Yes	The development complies with Council's height controls and does not contain an architectural roof feature which exceeds Council's height standards.
<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	Yes	The proposal is not for the development of land that is covered by tidal waters.
<p>5.9 Preservation of trees.</p>	Yes	Council's Tree Management & Landscape Officer has not raised objection to the proposed tree removal. See previous discussion in the 'Referrals' section of this report.
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p> <p>If yes does the development satisfy clause 5.10.4 (effect of proposed development on heritage significance)?</p>	Yes	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.

<p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site?</p>	Yes	<p>The site is identified as being of NO significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.</p> <p>It should be noted that a detailed investigation of aboriginal archaeology was undertaken as part of the work associated with the Masterplan in 2002. Test excavations concluded that the investigated area was not considered to be archaeologically sensitive.</p>
<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	Yes	<p>Class 3 and Class 5</p> <p>An Acid Sulfate Soils Management Plan was prepared in 2002 and approved as part of DA 114-4-2002 approved by the Minister. Council's Environmental Health Officer has reviewed this documentation and raises no concerns. A condition is to be imposed requiring compliance with this plan.</p>
<p>6.2 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>	Yes	<p>The earthworks are minor in nature to create appropriate building platforms on the site.</p> <p>Council's Development Engineer has reviewed the application including the proposed amount of excavation and considers that the proposed earthworks are satisfactory.</p>
<p>6.3 Flood planning</p> <p>Is the site flood prone?</p>	Yes (in part)	<p>The site is identified as being flood prone. See detailed discussion by Council's Development Engineer under the 'Referrals' section of this report.</p>

6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources –Biodiversity Map'?	N/A	The site is not identified on this map.
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	N/A	The site is not identified on this map.
6.6 Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	The site is not identified on this map.
6.7 Affected by a Foreshore Building Line Is the site affected by the foreshore building line?	N/A	The proposed development is not located within the foreshore building line.

Zone Objectives

The objectives of the R4 High Density Residential zone include:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

The proposed development is consistent with the aims and objectives of the R4 High Density Residential zoning applying to the land as the works provide for the housing needs of the community and provide a variety of housing types close to transport nodes, services and employment opportunities within a high density environment.

Clause 4.6 – Exceptions to Development Standards

The proposed development does not comply with the minimum subdivision lot sizes of Clause 4.1 and floor space ratio requirements of Clause 4.4 of Parramatta Local Environmental Plan 2011.

Clause 4.6 of Parramatta Local Environmental Plan 2011 allows for development to be granted even though the development would contravene a development standard contained within it. The objectives of this clause are to:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6(3) and Clause 4.6(4)(a) state:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The applicant has submitted a written request for the variations to the minimum subdivision allotment size and floor space ratio requirements of Parramatta Local Environmental Plan 2011. These are discussed in detail below.

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 of Parramatta Local Environmental Plan 2011 requires a minimum allotment size for dwelling houses to ensure that new subdivision reflects characteristic lot sizes and patterns within the area. The Lot Size Map indicates that development within the subject site must have a minimum allotment size of 550m². The proposed allotment sizes range from 146.53m² to 572.9m². Only 2 of the proposed lots comply with the required minimum lot sizes.

The applicant has submitted the following written request to vary the development standard:

This request is made pursuant to Clause 4.6 of Parramatta LEP 2011 to allow a variation in the minimum subdivision lot size in 194 instances across the site, as detailed in the Area Schedule / Compliance Table prepared by dKO and included at Appendix 5 [of the submitted Statement of Environmental Effects].

The variation is requested on the basis that the proposed allotment sizes are consistent with the minimum lot sizes specified for each housing typology in the Ermington Master Plan. The Master Plan was the result of comprehensive investigations and site analysis to determine the environmental capacity of the land and was approved by the Minister for Planning in 2002 pursuant to the (since repealed) State Environmental Planning Policy No. 56. The Master Plan provides for a range of lot sizes as follows (those relevant to this application shown bold):

Building Type	Min Lot Size (m²)
Freestanding house	350
Courtyard house	250
Townhouse with side parking	180
Townhouse with rear parking	130
Combination buildings (apartments and semi-detached houses)	780
Apartment building	950
Waterfront terraced apartment building	1,300

This variation pursuant to Clause 4.6 requires the consent authority to consider the merit of the proposal, and the reasoning and justification for contravening the minimum subdivision lot size as outlined in the following sections and approve the variation to the development standard.

The variation to the minimum subdivision lot size is considered to be justified for the following reasons:

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

The Master Plan for the former Naval Stores site was the result of extensive investigations and site analysis to determine the environmental capacity of the land. It was approved by the Minister for Planning and the development controls embodied in the Master Plan are considered to be appropriate in this context and in line with Stage government objectives and policies for the provision of new housing in the greater Sydney region.

There are sufficient environmental planning grounds to justify contravening the development standard.

Despite the non-compliance with the minimum lot size standard, the development will have a positive overall impact on the Ermington locality and is justified, based on the following environmental planning grounds:

Compatible Character and Scale

The proposed development reflects the vision enshrined in the Ermington Master Plan, to revitalize and renew this site. The development controls set out in the Master Plan (adopted by Council as the relevant Development Control Plan applicable to the subject site) allow for smaller allotment sizes and greater density of development than the existing development within the established suburbs of Ermington and Melrose Park.

Public Domain

The allotment sizes proposed as part of the suite of development controls embodied in the Master Plan for the site were developed in cognisance of the environmental capacity of the land. It is noted that the internal road design, areas of public open space and utility services capacity have been designed specifically to accommodate the density of development proposed as part of the AE2 Project.

Privacy and Visual Amenity

The different dwelling typologies have been carefully selected to maximise privacy, both between the proposed dwellings within AE2 and the existing dwellings to the north and east of the site. Each house has been considered in terms of its relationship with adjoining dwellings in all facets of privacy and design.

It is considered that the house types as proposed have been selected appropriately. Window arrangements and sizes have also been reviewed to maximise the privacy between existing and proposed dwellings, without detracting from the architectural integrity and living quality of the proposed houses.

Furthermore, the dwellings comply with the setback requirements embodied in the Master Plan.

Shadow Impact

The shadow diagrams prepared by dKO Architects for 21 June demonstrate that all dwellings receive in excess of 2 hours to the private open space and in excess of 3 hours to living areas in mid Winter. Therefore the reduced allotment sizes will not compromise solar access / amenity.

The proposed development is consistent with the objectives of the minimum subdivision lot size standard.

The stated objective of the Minimum Subdivision Lot standard is to ensure that new subdivisions reflect characteristic lot sizes and patterns of the area.

The adjacent Riverwalk development is the product of the application of the development controls embodied in the Master Plan and establishes the character, lot sizes and subdivision pattern for this brownfields site.

On this basis the AE2 Project will be consistent with the adjacent contemporary development, thereby being consistent with the objectives of the standard in this instance.

The proposed development is consistent with the objectives for development within the R4 High Density Residential Zone.

The stated objectives of the R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*
- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

The AE2 development is consistent with the objectives of the R4 zone as it will:

- (i) Provide for the housing needs of Defence personnel and their families;*
- (ii) Provide a range of housing types within an environmentally responsible framework;*
- (iii) Provide housing with good access to public transport, with future opportunities to extend existing bus routes through the site;*
- (iv) The design of the dwellings are sufficiently flexible to potentially accommodate home offices or other occupations.*

Planning Comment:

The Clause 4.6 variation is considered acceptable for the following reasons:

- The proposal is the result of extensive investigations to determine the environmental capacity of the land
- The application demonstrates that the allotments can be developed in a manner which provides for adequate amenity to the future occupants of the site
- The allotment sizes are generally consistent with those envisaged within the Ermington Masterplan
- The proposal satisfies the objectives of the development standard as the lots are being created as part of a new community based site envisaged under the Ermington Masterplan and are comparable to the lot sizes within the adjoining "Riverwalk" development.
- The proposal satisfies the objectives of the R4 zoning applying to the land as the works provide for the housing needs of the community and provide a variety of housing types close to transport nodes, services and employment opportunities within a high density environment.

It is therefore considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development will be in the public interest because it is consistent with the objectives of the minimum lot size standard and the objectives of the R4 zoning applying to the land.

Clause 4.4 Floor Space Ratio

Clause 4.4 of Parramatta Local Environmental Plan 2011 restricts the maximum floor space ratio on land for the following reasons:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic
- (b) to provide a transition in built form and land use intensity within the area covered by this Plan
- (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings
- (d) to reinforce and respect the existing character and scale of low density residential areas.

The Floor Space Ratio Map indicates that development within the subject site must have a maximum floor space ratio of 0.6:1. The proposed floor space ratio for dwellings range from 0.3:1 to 0.87:1. A total of 77 dwellings exceed the 0.6:1 FSR which represents approximately 37% of the development.

The applicant has submitted the following written request to vary the development standard:

This request is made pursuant to Clause 4.6 of Parramatta LEP 2011 to allow a variation in the maximum permissible FSR in a total of 73 instances across the site, as detailed in the Area Schedule / Compliance Table prepared by dKO and included at Appendix 5.

The variation is requested on the basis that the proposed FSRs are consistent with those specified for each housing typology in the Ermington Master Plan. The Master Plan was the result of comprehensive investigations and site analysis to determine the environmental capacity of the land and was approved by the Minister for Planning in 2002 pursuant to the (since repealed) State Environmental Planning Policy No. 56. The Master Plan provides for a range of lot sizes as follows:

Building Type	FSR	Relevance
Freestanding house	0.5:1	N/A
Courtyard house	0.5:1	√
Townhouse with side parking	0.6:1	√
Townhouse with rear parking	0.7:1	√
Combination buildings (apartments and semi-detached houses)	1.0:1	N/A
Apartment building	1.1:1	N/A
Waterfront terraced apartment building	1.3:1	N/A

This variation pursuant to Clause 4.6 requires the consent authority to consider the merit of the proposal, and the reasoning and justification for contravening the maximum permissible FSR as outlined in the following sections and approve the variation to the development standard.

The variation to the maximum permissible FSR standard is considered to be justified in this instance for the following reasons:

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

The Master Plan for the former Naval Stores site was the result of extensive investigations and site analysis to determine the environmental capacity of the land. It was approved by the Minister for Planning and the development controls embodied in the Master Plan are considered to be appropriate in this context and in line with Stage government objectives and policies for the provision of new housing in the greater Sydney region.

There are sufficient environmental planning grounds to justify contravening the development standard.

Despite the non-compliance with the maximum FSR on individual allotments within the AE2 development, it is expected to have a positive overall impact on the Ermington locality and is justified, based on the following environmental planning grounds:

Compatible Character and Scale

The proposed development reflects the vision enshrined in the Ermington Master Plan, to revitalize and renew this site. The development controls set out in the Master Plan (adopted by Council as the relevant Development Control Plan applicable to the subject site) allow for smaller allotment sizes and greater density of development than the existing development within the established suburbs of Ermington and Melrose Park.

The adjacent Riverwalk development represents the outcome of the application of the Master Plan controls and therefore establishes the contemporary character, scale and context for the AE2 Project.

Public Domain

The allotment sizes proposed as part of the suite of development controls embodied in the Master Plan for the site were developed in cognisance of the environmental capacity of the land. It is noted that the internal road design, areas of public open space and utility services capacity have been designed specifically to accommodate the density of development proposed as part of the AE2 Project.

Privacy and Visual Amenity

The different dwelling typologies have been carefully selected to maximise privacy, both between the proposed dwellings within AE2 and the existing dwellings to the north and east of the site. Each house has been considered in terms of its relationship with adjoining dwellings in all facets of privacy and design.

It is considered that the house types as proposed have been selected appropriately. Window arrangements and sizes have also been reviewed to maximise the privacy between existing and proposed dwellings, without detracting from the architectural integrity and living quality of the proposed houses.

Furthermore, the dwellings comply with the setback requirements embodied in the Master Plan.

Shadow Impact

The shadow diagrams prepared by dKO Architects for 21 June (refer Appendix 11) demonstrate that all dwellings receive in excess of 2 hours to the private open space and in excess of 3 hours to living areas in mid Winter. Therefore the reduced allotment sizes will not compromise solar access/amenity.

The proposed development is consistent with the objectives of the FSR standard.

The stated objective of the Floor Space Ratio standard is:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,
- (b) to provide a transition in built form and land use intensity within the area covered by this Plan,
- (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,
- (d) to reinforce and respect the existing character and scale of low density residential areas.

As indicated above, the 2002 Master Plan was the result of comprehensive investigations and site analysis to determine the environmental capacity of the land. Accordingly, the internal road design, areas of public open space and utility services capacity have been designed specifically to accommodate the density of development proposed as part of the AE2 Project.

Whilst the established residential areas of Ermington exhibit a different character in terms of density and lot sizes, it would be inappropriate and environmentally irresponsible to apply the same suite of controls for low density housing on an integrated residential development such as the AE2 Project.

The adjacent Riverwalk development is the product of the application of the development controls embodied in the Master Plan and establishes the character and density of development for this brownfields site.

On this basis the AE2 Project will be consistent with the adjacent contemporary development, thereby being consistent with the objectives of the standard in this instance.

The proposed development is consistent with the objectives for development within the R4 High Density Residential Zone.

The stated objectives of the R4 zone are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.

- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

The AE2 development is consistent with the objectives of the R4 zone as it will:

- (i) Provide for the housing needs of Defence personnel and their families;*
- (ii) Provide a range of housing types within an environmentally responsible framework;*
- (iii) Provide housing with good access to public transport, with future opportunities to extend existing bus routes through the site;*
- (vi) The design of the dwellings are sufficiently flexible to potentially accommodate home offices or other occupations.*

Planning Comment:

The Clause 4.6 variation is considered acceptable for the following reasons:

- The proposal is the result of extensive investigations to determine the environmental capacity of the land
- The application demonstrates that the allotments can be developed in a manner which provides for adequate amenity to the future occupants of the site
- The allotment sizes are generally consistent with those envisaged within the Ermington Masterplan
- The proposal satisfies the objectives of the development standard as it regulates the density of development, provides a transition in built form with adjoining areas and respects the existing character of low density residential
- The proposal satisfies the objectives of the R4 zoning applying to the land as the works provide for the housing needs of the community and provide a variety of housing types close to transport nodes, services and employment opportunities within a high density environment.

It should be noted that the site has an R4 zoning applying to the land. This zoning throughout the LGA would ordinarily have a FSR of 0.8:1. The subject site has a FSR of 0.6:1 which was transferred from the FSR contained within the Ermington Masterplan. This 0.6:1 was based upon the entire Defence Housing site area of 19.64ha which yielded a total allowable floor space of 117,840m². This scenario did not take into account the area required for public domain works, including the roads and parks. It is therefore now difficult to achieve the envisaged floor space upon the developable residential sites within a FSR of 0.6:1.

It is therefore considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposed development will be in the public interest because it is consistent with the objectives of the minimum lot size standard and the objectives of the R4 zoning applying to the land.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

This DCP does not apply to the site.

ERMINGTON MASTERPLAN (ERMINGTON NAVAL STORES)

The Ermington Master Plan was prepared pursuant to the requirements of the (since repealed) State Environmental Planning Policy No. 56 - Sydney and Middle Harbours and was approved by the Minister for Planning in April 2002.

The Ermington Naval Stores is recognised as a deemed DCP under Clause 1.3 of DCP2011.

The Ermington Masterplan is divided into the following 5 sections:

- Part A Introduction
(background and planning context)
- Part B The Masterplan
(aims, objectives, principles, controls and provisions)
- Part C Indicative Development Scenario
(indicative building designs)
- Part D Complementary Development
(development adjacent to the site)
- Part E Issues to be taken into account at the Development Application Stage
(specific issues to be taken into consideration with an application)

Whilst Parts A,C,D and E are intended to assist in an understanding of Part B, they do not form part of the Masterplan adopted by the Minister in accordance with the provisions of SEPP56.

The application has been assessed against the relevant controls within Part B of the Ermington Masterplan. These controls are contained under Section 9 - Private Domain Development Controls which discussed within the table below.

9.1 Land Use & Density Objectives		
Control	Proposal & Discussion	Comply
Overall max. floor space of 0.6:1	0.45:1 This incorporates floor space from Stage 1,2 & part of Stage 3	Yes
High quality public domain	N/A Applies to foreshore & open space areas	N/A
Active & passive waterfront parkland	N/A Applies to foreshore & open space areas	N/A
Mix of medium density residential	Courtyard houses & townhouses proposed Residential flat buildings will form the	Yes

uses (courtyard houses, townhouses & RFBs)	remainder of the site. Complies with objective.									
Range of opportunities to encourage affordable housing	Defence Housing is considered to provide affordable housing	Yes								
9.2 Land Use Areas										
Land is to be allocated for parks, streets & buildings	<p>The public open space and a clearly defined internal road network, including the connections to the external road network were approved by the Minister for Planning under the consent issued in respect of DA 114-4-2002.</p> <p>The proposed residential development is located on the areas allocated for buildings</p>	Yes								
9.3 Dwelling Types, Numbers & Mix										
Building type breakdowns (min & max numbers)	<p>The application proposes the following:</p> <table><tr><td>Building Type</td><td>Number of Dwellings</td></tr><tr><td>Freestanding houses</td><td>9</td></tr><tr><td>Courtyard house & Townhouse</td><td>201</td></tr><tr><td>Total</td><td>210</td></tr></table>	Building Type	Number of Dwellings	Freestanding houses	9	Courtyard house & Townhouse	201	Total	210	Yes
Building Type	Number of Dwellings									
Freestanding houses	9									
Courtyard house & Townhouse	201									
Total	210									
9.4 Distribution of Building Types										
Building types to be distributed throughout the site.	<p>The application does not distribute the building types exactly within the required configuration. The Masterplan provides for RFBs to be scattered throughout the development site. The proposed development is purely for single dwellings (in a medium density form) whilst the RFBs and Waterfront apartments are to be relocated to the west and south of the site.</p> <p>The variation is considered acceptable as the redistribution provides a more coherent streetscape design and reduces impacts created when RFBs (particularly living rooms above ground floor) are situated adjoining single dwellings.</p>	No								
9.5 Total Number of Dwellings										
Min. 500 dwellings Max. 700 dwellings	<p>Riverwalk = 126 dwellings AE2 = 210 dwellings Total (actual + proposed) = 336 dwellings</p> <p>The site was divided into 7 precincts.</p> <p>The yields (actual +proposed + estimated future) in each Precinct fall within the range identified in the Master Plan, with the exception of Precinct F. Part of the reason</p>	In part								

	<p>for this numerical non-compliance is that the Master Plan did not contemplate the physical impact of the multi-product pipeline and its associated easement (or the required 14 metre setback). The combined impact of these factors is the land take associated with the pipeline reduces the developable area by more than 8,200m², which has a significant impact on achievable yields.</p> <p>Precinct F no longer contains apartment buildings which also has an impact upon the yield within this precinct.</p>	
9.6 Density – Floor Space Ratio		
Maximum floor space permitted is 0.6:1 = 117,840m ² (individual building types may be greater or lesser than 0.6:1)	<p>Riverwalk Floor Space = 18,071m² AE2 Floor Space = 39,902m² Total (actual + proposed) = 57,973m²</p> <p>The floor space and FSR complies with the Masterplan controls.</p> <p>The proposed FSR does not comply with the LEP2011 requirements and has been discussed in detail within the Parramatta Local Environmental Plan 2011 section of this report (Clause 4.6 variations).</p>	Yes
Minimum lot size and maximum FSR are provided for each building type	<p>The proposal is generally consistent with the minimum lot sizes and floor space ratios. On a lot by lot basis, the dwellings do not always comply with the FSR controls contained in the Masterplan but do comply with amenity controls (solar access, deep soil landscaping, building separation etc).</p> <p>The Master Plan did not contemplate the physical impact of the multi-product pipeline and its associated easement (or the required 14 metre setback to the pipeline) The outcome is that the proposed residential lots in the northern precinct (generally north of Seamist Avenue) are well under the lot specific controls, whilst lots to the south consistently breach the density controls.</p>	In part
Floor space excluded from FSR calculations	The calculation of floor space in accordance with the definitions of floor space have been adhered to.	Yes
9.7 Building Height		
Maximum building heights		Yes

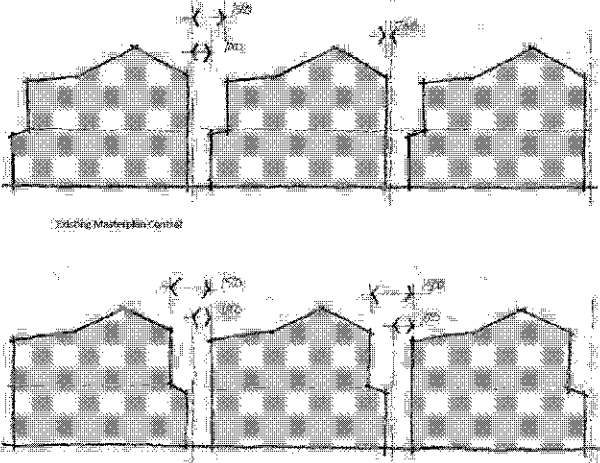
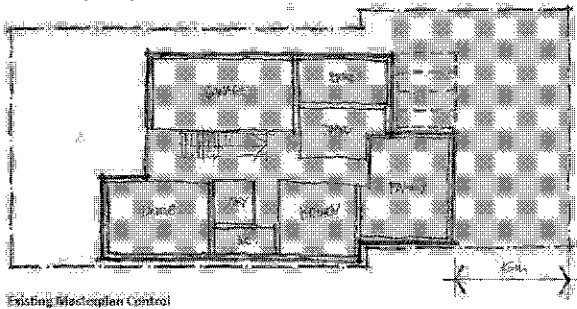
<u>Eaves</u> (all) = 6m	<u>Eaves</u> = 5.48m for all	
<u>Ridge Height</u> Freestanding = 8m Courtyard = 8m Townhouse = 9m	<u>Ridge/Parapet Height</u> Freestanding = 7.35m Courtyard = 7.41m Townhouse = 6.75m	
Storey and clerestory definitions	Noted and adhered to.	Yes
Building height calculations	Noted and adhered to.	Yes
Ground floor – all dwellings without basement to be within 1m of finished ground level.	No buildings are located more than 1m above finished ground level. Dwellings are generally less than 500mm below natural ground level.	Yes
Height of buildings – 3 storey on lots facing Broadoak Park	The height of the housing located around Broadoak Park (townhouses) is two storeys. The design of these townhouses creates a prominent frontage to the park edge, with the addition of a parapet to the front roof facade. The proposal will still achieve the “enclosure” of Braadoaks Park.	No
Height of buildings facing Parramatta River being restricted	Not applicable. None of the housing proposed as part of this development application addresses the Parramatta River.	N/A
9.8 Variety of Built Form & Character		
High quality design	The proposal provides for a high quality design through high internal amenity indoor/outdoor living and external appearance. In addition, the application was considered by the Design Excellence Advisory Panel who raised no concerns with the quality of design.	Yes
Buildings designed by architects	The proposed development was designed by qualified architects	Yes
Individual design of significant buildings along River Park and Silverwater Road	Not applicable. None of the housing proposed as part of this development application addresses River Park or Silverwater Road.	Yes
Limit to repetition – courtyard houses & townhouses limited to 6 identical in a row	The dwelling designs have been well integrated into the development site. There is minimal repetition of building types in a row	Yes
Limit to building length	There is only one instance where a row of townhouses is longer than 32m. This occurs in Superlot 11, with a row of townhouses	In part

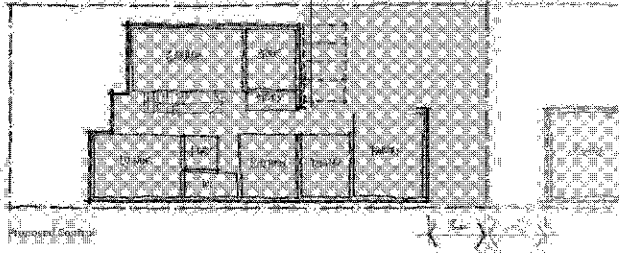
	with a length of 33.24m. This was due to the lot configuration, and occurs adjacent to one of the future apartment sites, which necessitates an increased side setback. No objection is raised to this departure.	
Buildings are to provide visual interest	The buildings provide visual interest in the use of building form, overhangs, articulation, awnings, windows and openings, and varying colours/materials	Yes
Building designs should blend architecturally with existing neighbourhoods	The architectural language of the proposed development is consistent with the existing Riverwalk development at the former Naval Stores site at Ermington. The proposed low scale development also integrates with the development located to the north within the established housing environment.	Yes
Dwellings along Spurway to front Spurway Street	Not applicable. The subject site does not have frontage to Spurway Street.	N/A
Exterior wall colouring to be generally light in colour with bright/dark colours limited to architectural features and trims	Exterior walls are general light or mid-tone in colour with bright colours occurring on architectural features only.	Yes
Exterior wall finishes painted or coloured render. Any face brickwork to be less than 50% of elevation	Face brick covers less than half the area of the building's exterior wall.	Yes
Ceiling heights to be a minimum of 2.7m	All ground floor ceiling heights are a minimum of 2.7m. First floor areas generally comprise secondary living areas such as bedrooms which ordinarily would only require 2.4m under DCP2011. Adequate cross flow ventilation is provided to the 1 st floors of dwellings	In part
Storage space A minimum of 10m ³ storage space is required for each dwelling	Each dwelling has a minimum of 10m ³ storage space	Yes
Bedroom size – min 3m x 3m	All bedrooms have a minimum of 3m x 3m.	Yes
Design Standards Schedule – colours and finishes to be submitted	Colour Schemes along with Planting and Materials Palettes have been included in the package of information which accompanies the application.	Yes

9.9 Safety and Security		
Living room windows are to face streets	Living room windows face streets	Yes
Living spaces of dwellings above ground floor in multiple residence buildings to face the street	Not applicable. Single dwellings only.	Yes
Corner buildings to address street and park frontages	Corner buildings address street and park frontages	Yes
9.10 Open Space and Landscaping		
Outdoor spaces to be designed by a qualified landscape architect	Landscape plans have been provided and have been designed by a qualified landscape architect	Yes
All ground floor dwellings to have minimum 20m ² private open space	All dwellings have at least 20m ² with a minimum dimension of 4m which is directly accessible from indoor living area.	Yes
Front yard fences to be provided to all lots	<p>The majority of dwellings have front fences which comply with the requirement. Some of the dwellings do not have front fences however this is justified for the following reasons:</p> <ul style="list-style-type: none"> • All private open space is provided to the rear of the building line to the street. • Privacy to all glazed areas in the street elevation is provided through the implementation of landscape • screen planting. • Clear demarcation between the private and public domain is created by the footpath, landscape • treatments and other public elements. • Fences are always provided adjacent to the areas of public open space. 	In part
Chain mesh or sheet metal is prohibited adjoining the public domain	No chain mesh or sheet metal is proposed.	Yes
Side & rear fences - dividing fences are to be a maximum of 1.8m high	1.8m high fences will be installed around the private courtyard and service yard areas of each dwelling to preserve the privacy of residents and to clearly delineate these spaces as private.	Yes
Balconies – every dwelling above the ground is to have a	Not applicable. Single dwellings only.	Yes

10m ² balcony		
Soft landscaping Freestanding = 40% Courtyard = 30% Townhouse = 20%	All dwellings comply with the minimum soft landscaping requirements	Yes
9.11 Vehicular Access and Car Parking		
Driveway crossings to be a maximum of 3m in width	Driveway crossings are a maximum of 3m in width	Yes
Car parking to be provided on site: 1 bed = 1 space 2 bed = 1.25 space > 2 bed = 1.5 space	2 parking spaces are provided for each dwelling - either as a double garage or a single garage with an additional off-street car space provided in the front setback	Yes
Visitor parking is not required due to the high proportion of road infrastructure	No dwellings provide for visitor parking	Yes
Visual impact of basement car parking areas to be minimised	Not applicable. No basement parking is proposed.	N/A
Garage width not to exceed 50% of the building frontage	Garage widths are less than 50% of street frontage of all buildings.	Yes
Garages are to be set back a minimum of 500mm behind the building line	All garages are set back a minimum of 500mm behind the building line	Yes
Garages facing lanes may be built to the lot boundary	The majority of garages facing lanes are built to the lot boundary	Yes
Detached garages facing a secondary street are to be set back 3m from front boundary	The only case where a detached garage faces a different street to that of the dwelling is Lot 110. This garage is setback 1.2m from the boundary. In this instance the garage has a 4 th bedroom over, and provides passive surveillance for the surrounding area.	In part
Garages fronting Spurway Street are to be mixed in design	Not applicable. No garages front Spurway Street.	Yes
9.12 Setbacks		
Setback plan to be prepared in accordance with Masterplan	A setback plan has not been provided however the details of setback compliance have been adequately addressed within the Statement of Environmental Effects.	No

<p>Front setbacks to be between 4m-6m from the street</p>	<p>The Master Plan provides for a minimum of 4 metres, with an average of 5 metres.</p> <p>The courtyard houses generally comply with this requirement.</p> <p>It is proposed that the townhouse dwelling typology will observe a minimum setback of 2 metres from the front (street) property boundary. The applicant has provided the following justification for the non-compliance:</p> <ul style="list-style-type: none"> • The townhouses have generally been located on the site in areas of high amenity or where the provision • of private open space at the rear will be of greater benefit to future residents. • A 4m wide setback to townhouses is onerous and front gardens become a maintenance issue. • More useful and consolidated private open space can be provided behind the building line. • Block depths are tight and detailed planning and site analysis indicates that the most efficient and • beneficial arrangement is the creation of space between the buildings. • The existing setback control does not contemplate secondary street setbacks. • Visual privacy is maintained using a combination of front fencing and landscape screen planting. <p>The variation is considered acceptable as the proposed setback provides a semi-public space, space for substantial vegetation, and consistency in the building alignment without strict uniformity. These lots contain the garages at the rear which enable a different housing façade to be provided without the need for increased street setbacks to enable the parking of vehicles. In addition, it should be noted that the Parramatta Design Excellence Advisory Panel supported the reduction in front setbacks to 2m.</p>	<p>In part</p>
<p>Side setbacks to be as follows:</p>	<p>The ground floor setbacks comply with the requirements.</p>	<p>In part</p>

<p>Freestanding houses 1.0m at ground floor and 1.5m at upper floor (both sides)</p> <p>Courtyard houses 1.0m increasing to 1.5m at the upper floor on one side and nil on the other, with 1.0m to the side street both levels</p> <p>Townhouses Nil to both sides</p>	<p>It is proposed to provide a minimum of 1.5m separation at the upper level (not lot specific setbacks), as illustrated below.</p>  <p>The applicant has provided the following justification for the non-compliance:</p> <ul style="list-style-type: none"> • Numerical setback is not required to be lot specific, given that all houses are have been designed to • include adequate separation. • The physical separation of 1.5 metres is still achieved and therefore the amenity objectives are satisfied. • Provides greater flexibility in achieving the same principles. <p>The variation is considered acceptable as the dwellings will receive adequate light and ventilation.</p>	
<p>Rear setbacks as follows:</p> <p>Freestanding houses = 6m</p> <p>Courtyard houses = 5m</p> <p>Townhouses with side garages = 4m</p> <p>Townhouses with rear garages = 10m</p>	<p><u>Courtyard Houses</u></p> <p>It is proposed to reduce the rear setback in the Courtyard Houses (East / West facing Courtyard Houses only) to 3 metres. The figure below illustrates the comparison between the existing Master Plan control and the proposed variation to same.</p> 	<p>In part</p>



The applicant has provided the following justification for the non-compliance:

- Provide greater amenity to internal living areas by achieving more North facing glazing.
- Provide physical area in a northern orientation.
- Substantial vegetation relates to free un-built upon area, and this has still been provided in the proposed amendment.
- Visual and acoustic privacy has been provided by ensuring living rooms orient away from each other.

Townhouses with Rear Garages

It is proposed to reduce the rear setback in a number of the townhouses to 7 metres.

The applicant has provided the following justification for the non-compliance:

- The proposed variation to this control will provide a consolidated area of private open space in a northern orientation.
- The rearrangement of the private open space and rear garages will provide greater amenity to internal living areas by achieving more North facing glazing.
- Substantial vegetation relates to deep soil zones, and this is still achieved under the proposed rationalisation.
- Space provided still meets all amenity controls.
- Block depth (created by the approved internal road network) necessitates an alternate approach to rear loaded garaging.

The variations are considered acceptable as

	substantial vegetation and adequate private open space can be maintained within the rear setback.	
<p>Separation distances (windows & balconies)</p> <p>Living to living = 12m Living to bedroom = 9m Bedroom to bedroom</p>	Separation distances comply with the requirements. It is noted that distances may be under the minimum if screened by solid or translucent permanently fixed materials	Yes
9.13 Acoustic Privacy		
As a minimum, all dwellings are to be designed in accordance with AS2107:Acoustics – recommended design sound levels and reverberation times for building interiors.	<p>The applicant has advised that all dwellings will comply with this requirement.</p> <p>A condition to comply with the above has been included within the Recommendation section of this report.</p>	Yes
Acoustic requirements for buildings near Silverwater Road	Not applicable. No buildings are proposed adjoining Silverwater Road	N/A
9.14 Solar Access		
Each dwelling to receive minimum 3 hours sunlight to primary windows of living areas	The shadow diagrams submitted demonstrate that all dwellings receive in excess of 2 hours to the private open space and in excess of 3 hours to living areas in mid Winter.	Yes
9.15 Dwellings for People with Disabilities		
A minimum of 5% of dwellings in an apartment building are to be adaptable	Not applicable. The application proposes single dwellings only.	N/A
9.16 Energy Efficient Buildings		
There are a variety of specific controls to ensure that energy efficiency is maximised	<p>The applicant has not specifically addressed all of the requirements of this section, however has addressed the main issues which are contained below this section.</p> <p>Notwithstanding this, a condition has been incorporated within the Recommendation section of this report requiring compliance with Section 9.16 of the Masterplan.</p>	In part
Energy	<ul style="list-style-type: none"> • Solar passive design principles utilised in the master plan and house plans • Energy efficient lighting incorporated 	

	<ul style="list-style-type: none"> • Gas utilised for cooking and water heating • Provide external clothes drying areas <p>NatHERs – N/A Basic Certificates were provided for the proposed dwelling houses</p>	
Water	<ul style="list-style-type: none"> • Roof water is collected in water storage tanks and provides water for toilet flushing, watering gardens and clothes washing • Average 4 star plumbing fittings selected • Selection of drought hardy plant species 	
Thermal Performance	<ul style="list-style-type: none"> • Insulation levels varied to match house type and orientation • Draft excluders proposed to external doorways to minimise air leakage 	
Materials Selection	Careful selection of building materials to minimise impact on the environment and home occupants.	
Ecology & Construction Management	Building on previously developed land	
Waste	The submitted waste management plan indicates that the majority of construction waste will be re-used or recycled	Yes
9.17 Home Based Businesses		
Home businesses will be permitted	Not applicable. Not applied for at this stage of development. The design of the proposed dwellings reflects contemporary market expectations and does not preclude their use for home business activities.	N/A
9.18 Housing Choice		
Self contained accommodation (in conjunction with smaller dwellings are to be contained within 3% of the Masterplan site)	<p>The application indicates ancillary self-contained accommodation located above garages facing lanes or corner lots. Details of the intention of these spaces has not been submitted to Council.</p> <p>A condition is incorporated within the Recommendation section of this report requiring the rooms above the garages to be used solely in association with the dwelling houses located on the same lot.</p>	In part
Smaller dwellings (in conjunction with self contained dwellings are to be contained within 3% of the Masterplan site)	<p>There are no small dwellings as part of this development. It is assumed that this is due to the specific design criteria that the DHA have for housing the Australian Defence Force (ADF) members and their families in line with Defence operational requirements.</p> <p>It is noted that small dwellings are likely to</p>	No

	be incorporated within the future residential flat buildings on the site.	
Smaller dwellings shall be supplied as affordable housing	<p>Not applicable. There are no smaller dwellings proposed.</p> <p>Notwithstanding the above, the applicant has stated the following with respect to the provision of affordable housing:</p> <p><i>The AE2 development will provide in the order of 210 dwellings for Defence personnel, which can be described as "key workers". Currently 57% of Defence tenants are of a Lieutenant or lower rank, and required to pay between \$183 and \$259 per week towards their rent. In recognition of the fact that housing for these lower ranked staff is most in demand, the AE2 development is planned to deliver accommodation predominantly for Defence Force members in these lower ranks, with more than 75%, or 162 of the total 209 DHA dwellings being designed for this group. Base salaries for these lower ranked Defence personnel are on average expected to be in the range of \$40,000 to 90,500.</i></p> <p><i>Moderate income households can be defined as earning between approximately \$59,000 and \$88,600 annually. Notwithstanding that some DHA households will earn additional income through Defence allowances and potential spouse incomes, the majority of DHA tenants are expected to fall within this moderate income affordable housing target group. Similarly, one of the three target groups for Parramatta's affordable housing provision is couples with young children, who are expected to make up over a third of the DHA residents.</i></p> <p><i>DHA housing in AE2 is also anticipated to be utilised for a 10 to 15 year period, providing housing for these key workers. This practice is comparable with the National Rental Affordability Scheme (NRAS) and the NSW State Environmental Planning Policy for Affordable Housing which requires affordable rental housing to continue to be available for such purpose for a minimum period of 10 years.</i></p>	N/A

9.19 Local Shops		
Controls provided for local shops	Not applicable. Not applied for at this stage of development.	N/A
9.20 Heritage and Archaeological Assessment		
An Aboriginal Heritage & Archaeological Assessment report to be prepared prior to assessment of DA	<p>It should be noted that a detailed investigation of aboriginal archaeology was undertaken as part of the work associated with the Masterplan in 2002. Test excavations concluded that the investigated area was not considered to be archaeologically sensitive.</p> <p>The site is identified as being of NO significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.</p>	Yes

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

The proposal would ordinarily require the payment of S94A development contributions (1% levy) based upon the estimated cost of works.

Condition B14 of the consent issued by the Minister for Planning in respect of DA 114-4-2002 outlines the relevant Section 94 contributions payable for the respective stages of the approved development, calculated on the basis of 190 residential allotments.

The contribution (determined by the Department of Planning as part of its assessment of the development application, taking into consideration Council's submission) took into account the range of works undertaken by the Department of Defence, which included:

- road works
- reconstruction of the seawall
- provision of approx. 2.6 ha of local open space (Creek Park, Navy Park and Halverson Park) including embellishment works
- embellishment works to Hilder Reserve and River Park.

Correspondence from the applicant dated 17 August 2012 reads inter alia:

"... DHA intends only to create the roads approved by Consent 114 but not to create any of the residential lots approved by Consent 114. Once the roads are created, DHA intends to create the residential lots only by the subdivision plan in DA 298."

On 23 August 2012, DHA paid \$452,379.62 to Council, being the Section 94 payment required under DA-114-4-2002 approved by the Minister.

As DHA are intending to create the subdivision under this current application, the Section 94 contributions already paid can in essence be "credited" to this development. Given the difference in allotment numbers between that approved and

that proposed is 20 dwellings, a Section 94A contribution may be imposed on the cost of these additional 20 dwellings. In this regard, the payment of a Section 94A Contribution of \$50,285.70 will be imposed as a condition of consent for this application.

PARRAMATTA CITY COUNCIL 2012/2013 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

In accordance with Council's 2012/2013 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. As the development has a value of works in excess of \$50,000, the applicant will be required to pay a Security Bond of **\$20,000** prior to the release of a Construction Certificate.

The application will not require the installation of hoardings, and there are no street trees located adjacent to the site.

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

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Compliance with Building Code of Australia

Regulation 98(1)(a) requires prescribed conditions in relation to a development consent for development that involves any building work, being that the work must be carried out in accordance with the requirements of the Building Code of Australia.

Regulation 98(1)(b) requires prescribed conditions in relation to a development consent for development in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

The above conditions have been incorporated within the Recommendation section of this report.

Condition relating to shoring and adequacy of adjoining property

Regulation 98E requires prescribed conditions if the development involves an 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 person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and

- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition has been incorporated within the Recommendation section of this report.

COASTAL ZONE MANAGEMENT PLAN

There are no Coastal Zone Management Plans applicable to the site.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The proposed development is compatible with the surrounding development and does not result in any adverse impacts on the amenity of the adjoining properties. The proposal will not have a detrimental impact on the locality. 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

Four submissions were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta LEP2011 and the Ermington Masterplan.
- The development will have positive social and economic benefits in terms of creating additional resident population to support local businesses and services and will provide greater housing choice within the City of Parramatta.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

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

APPROVAL SUBJECT TO CONDITIONS

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

That the Western Sydney Joint Regional Planning Panel as the consent authority is of the opinion that the following variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* are supportable:

- (i) minimum subdivision size under Clause 4.1 of Parramatta Local Environmental Plan 2011
- (ii) floor space ratio under Clause 4.4 of Parramatta Local Environmental Plan 2011

That the Western Sydney Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality.

AND

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* is supportable and that granting consent to Development Application DA/298/2012 is consistent with the aims of the LEP, grant consent to Development Application No. DA/298/2012 for the tree removal, construction of 210 dwellings, laneway construction, and land subdivision comprising 67 Torrens title lots and 161 Community title lots on land at 2B Broadoaks Street, Ermington as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

General Matters:

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

Drawing No	Dated
Architectural Plans Coverpage Project No. 10483 Drawing No. DA001 – Issue A Compliance Table Project No. 10483 Drawing No. DA103 – Issue A Site Analysis Project No. 10483 Drawing No. DA110 – Issue A Masterplan Drawings Project No. 10483 Drawing No. DA120 to DA123 – Issue A	18/05/2012

Drawing No	Dated
Superlot Drawings Project No. 10483 Drawing No. DA130 to DA151 – Issue A Streetscapes & Street Views Project No. 10483 Drawing No. DA166 to DA168 – Issue A Context Project No. 10483 Drawing No. DA170 – Issue A Colour Schemes Project No. 10483 Drawing No. DA171 to DA172 – Issue A Courtyard House Type Drawings Project No. 10483 Drawing No. DA200/01-05 to DA225/01-05 – Issue A Townhouse Type Drawings Project No. 10483 Drawing No. DA226/01-05 to DA235– Issue A	
Landscape/Materials Plans Typical Plans: Drawing L01 to L07 – Issue A Planting Palette: Drawing L01 – L02 – Issue ADV Materials Palette: Drawing L03 – Issue ADV	18/05/2012 04/05/2012 04/05/2012
Stormwater/Engineering Plans <ul style="list-style-type: none"> Proposed Road and Drainage Works. Plans prepared by Indesco Consult Australia. <p><i>Drawing Schedule: (All drawings dated 21-05-12, Issue B)</i></p> <ul style="list-style-type: none"> Cover Sheet General Notes and Legend – Drawing No. 001 Key Plan - Drawing No. 002 Engineering Plans (9 Sheets) – Drawing Nos. 010 to 018 Longitudinal Sections (2 Sheets) – Drawing Nos. 30 & 31 <p>As amended by</p> <ol style="list-style-type: none"> Key Plan by Indesco Project No 54962-DA Dwg No 002 amendment C Engineering Plan by Indesco sheet 4 of 9 Project No 54962-DA Dwg No 013 amendment C Engineering Plan by Indesco sheet 7 of 9 Project No 54962-DA Dwg No 016 amendment C 	
Concept Subdivision Plan Sheets 1 of 23 to 23 of 23 inclusive	Undated
Erosion & Sedimentation Control Plan Project S4962-DA Drawing 050 & 051 – Amendment C	21/05/2012

Document(s)	Dated
Basix Certificate 428510M	17/05/2012
Preliminary Exterior Finishes – Scheme A and Scheme B	Undated
Site Audit Statement No. M60038837-SAS2008.2	07/03/2008

Document(s)	Dated
Acid Sulfate Soil Management Plan Reference No. 12343\205\0602\R001.DOC	8 July 2002
Landscape Report	May 2012
Community Management Statement	Undated

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

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

2. For the purposes of this condition each "Stage" (which does not include "Stage 2") shall be all of the proposed dwellings approved in this consent in a single street block.

Provided that full compliance with the infrastructure staging condition (Condition 30 of this consent) is first achieved, construction of each Stage may be carried out in any order or sequence and in any combination of Stages concurrently in accordance with all relevant conditions contained within this consent.

Reason: To provide the applicant flexibility in construction works and to confirm the details of the application.

3. 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.

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

Reason: To ensure compliance with legislative requirements.

5. 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.

6. 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.

7. The tree to be removed is:

Tree No	Name	Common Name	Location
94	<i>Corymbia maculata</i>	Spotted Gum	Located within proposed Lot 119

Reason: To allow appropriate development of the site.

8. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To comply with Council requirements.

9. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To comply with Council requirements.

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

Reason: To minimise impact on adjoining properties.

Prior to the issue of the Construction Certificate:

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

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

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

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

13. A monetary contribution comprising **\$50,285.70** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate.

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

Reason: To comply with Council's S94A Development Contributions Plan.

14. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/298/2012;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Nature strip and roadway \$20,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

15. The dwellings shall incorporate the energy efficient measures contained within Section 9.16 of the Ermington Masterplan (adopted 9 April 2002), in accordance with details to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To ensure compliance with the energy efficient measures contained within the Ermington Masterplan.

16. The dwellings are to be designed and constructed in accordance with AS/NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors and EPA Environmental Criteria for Road Traffic Noise, in accordance with details to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.
Reason: To ensure the adequate acoustic performance of the buildings.
17. Prior to the issue of a Construction Certificate, the applicant shall submit revised plans to Council's Manager Traffic Services satisfaction indicating the following traffic related matters:
- (a) Concrete median island in Silverse Street at River Road intersection
 - (b) Concrete median islands at the intersection of Seamist Avenue and River Road on the north and west side of the intersection and associated double barrier linemarking (BB lines)
 - (c) Roundabout at the intersection of Seamist Avenue and Corsair Street
 - (d) Roundabout at the intersection of Seamist Avenue and Rondelle Street
 - (e) Bus stop (with bus shelter and seat) on Silverwater Road, eastern side, north of Silverse Street) and footpath from Silverse Street to the bus stop location. Note that footpaths for a length of 10m adjacent to any bus stop are to be widened to 3m.
 - (f) Locations of bus stops in Broadoaks Street, Seamist Avenue and River Road are to be identified as indicated in the submitted Traffic Report.
 - (g) Due to the narrow road width (6m) of the streets to the south of Seamist Avenue and where parking is to be provided on 1 side of the street, "No Parking" restrictions are to be installed on the other side of the street subject the Parramatta Traffic Committee approval processes. These streets will also include Haleym Street south (2nd) and Zanana Street south (4th), Tenth Street, Bundarra Street and Koorine Street. All costs associated with the supply and installation of the appropriate parking signs are to be paid for by the applicant at no cost to Council.
 - (h) Sight distance to pedestrians exiting the property is to 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.
 - (i) Rear pedestrian doors in the garage of the following lots are to be relocated or changed to open 'out' instead of open 'in' to the garage as a vehicle parked in the garage will encroach on to the garage (roller) door:
 - Laneway between Haleym Street and River Road - Lot Nos. 103,107 and 108.
 - Laneway between Koorine Street and Seamist Avenue - Lot No. 011
 - Laneway between Bundarra Street and Seamist Avenue - Lot Nos. 044, 043 and 040
 - Laneway off Bundarra between Haleym Street and Corsair Street - Lot Nos. 064, 066, 071 and 073

- Laneway off Seamist Avenue between River Road and Yarramona Street - Lot Nos. 092, 094, 098, 090 and 081

Notes: Traffic facilities (including line marking within the main access way) to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.

The above traffic facilities are to be installed by the applicant at no cost to Council, in accordance with the relevant Austroads Guide to Road Design.

Reason: To ensure appropriate traffic facilities and access is provided.

18. The submission of a final Plant Schedule to the Principal Certifying Authority, prior to the release of the Construction Certificate. The revised plant schedule shall address the following requirements:

- (a) The replacement of *Agapanthus* with *Crinum pedunculatum*
- (b) The replacement of *Sollya heterophylla* with *Pandorea pandorana* or *Hardenbergia violacea*
- (c) The replacement of *Convovulus sp.* with *Kennedia rubicunda*
- (d) The deletion of proposed *Tradescantia sp.* and *Alternanthera dentata*

Reason: To ensure that appropriate landscaping is implemented.

19. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

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

Reason: To ensure that the levy is paid.

21. 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. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council.

22. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

- Identification of nearby residences and other sensitive land uses
- Assessment of expected noise impacts
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes

Reason: To prevent loss of amenity to the area

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 approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, storm water drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

The PCA must ensure that the plans have been appropriately stamped prior to the issue of any construction Certificate.

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

Advisory note:

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.

24. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated

with any adjustment to a utility installation shall be borne in full by the applicant/developer.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

25. Prior to the issue of the Construction Certificate, the applicant is to provide evidence that appropriate provision is required and has been made to accommodate broadband access to the development. The applicant is to liaise with Telstra or another telecommunications provider to determine and make provision for any relevant infrastructure at no cost to Council.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

NOTE: For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email newdevelopments@nbnco.com.au

Web www.nbnco.com.au/NewDevelopments

26. A standard vehicular crossing shall be constructed to the proposed dwellings in accordance with Council's Standard Drawing No. DS8 & DS10. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

27. No work shall start on the storm water system of the proposed dwellings, until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- The final drainage plans are adequate to drain the roof water and the surface water to the street drainage system.
- Any Rainwater Tank requirements as per the basix standards have been incorporated in the drainage system and the overflow is directed to the street drainage system.

Reason: To ensure adequate stormwater disposal systems are in place.

28. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 "Off street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

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

Prior to Works Commencing:

30. Construction of the dwellings permitted by this consent shall not commence on-site until:
- (a) construction of Stage 2 has been completed
 - (b) Lot 1011 in DP 1080642 has been dedicated as a public road
 - (c) Lot 1018 in DP 1080642 and Lot 1023 in DP 1101488 have been dedicated as public reserves
- at no cost Parramatta City Council. To avoid any doubt, this condition is not intended to prevent or delay the issue of any relevant construction certificate. Details of compliance with the above is to be submitted to the Principal Certifying Authority and the Council before works commence.

Note: For the purposes of this condition "Stage 2" means Stage 2 as defined in Condition A3 Staging of the consent issued by the Minister for Planning on 15 October 2005 in respect of DA 114-4-2002 with the following amendments:

- (a) Stage 2 shall not include the culvert over the multi-product pipeline required by Condition E21 of the aforementioned Consent.

Reason: To ensure adequate infrastructure is in place before construction commences.

31. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
 - (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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

Reason: To comply with legislative requirements.

32. 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.
33. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.
Reason: To ensure public safety.
34. 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.
35. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site
A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (iii) The locations of proposed Work Zones in the egress frontage roadways,
 - (iv) Location of any proposed crane standing areas,
 - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,

- (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) Traffic Control Plan(s) for the site:
 - (i) All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
 - (iii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.
 - (iv) Where applicable, the plan must address the following:
 - (v) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - (vi) 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.
 - (vii) 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.

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

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

37. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural

condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

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

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

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

Reason: Management of records.

38. 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.

39. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To prevent any damage to underground utility services.

40. All appointed waste contractors for the construction works are to be advised to Council in writing before the commencement of works. Any amendments to the submitted waste plan are to be advised in writing to Council.
Reason: To ensure appropriate waste disposal.
41. 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.

During Works:

42. The discovery of any unusual buried materials is to be dealt with in accordance with URS Australia Pty Ltd (December 2007a) Site Management Plan Stage 2 Sale Area Department of Defence Ermington NSW.
Reason: To ensure any land contaminants are dealt with in an appropriate manner.
43. Any earth related works to the site that could affect the condition of potential acid sulphate soils shall be undertaken in accordance with the Acid Sulphate Soils Management Plan, former Defence Naval Stores Ermington NSW (URS July 2002).
Reason: To ensure acid sulphate soils are dealt with in an appropriate manner.
44. 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.
45. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009 and the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
46. 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.

47. 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.
48. 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.
49. 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.
Reason: To protect the amenity of the area.
50. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

51. 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.
52. 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.

53. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.
Reason: To ensure soil and water management controls are in place before site works commence.
54. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.
Reason: To protect public safety.
55. 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.
56. 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.

57. 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.

58. All approved 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. The developer is responsible for all tree removal and stump grinding.

Reason: To ensure works are carried out in accordance with Tree Work Draft Code of Practice 2007.

59. 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.

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

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

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

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

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

Reason: To ensure appropriate planting.

Prior to Occupation/Issue of Occupation Certificate:

63. An Occupation Certificate shall not be issued for any of the dwellings permitted by this consent until all of the works approved and conditions contained within the consent DA 114-4-2002 issued by the Minister for Planning on 15 October 2005 has been completed.

Note: For the purposes of this condition, it is acknowledged that the residential lot subdivision approved within the consent issued by the Minister for Planning on 15 October 2005 in respect of DA 114-4-2002 will not form part of the approval. Specific conditions relating to this part of the approval are therefore not considered relevant to satisfy this condition.

Reason: To ensure all infrastructure works for the site are complete before the occupation of the dwellings.

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

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

Reason: To comply with legislative requirements. .

65. 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.

Reason: To comply with legislative requirements. .

66. An application for street numbering shall be lodged with Council for approval prior to the issue of an Occupation Certificate.

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.

67. An endorsement from a specialist in strata and community title insurance covering Council's contractor against any damage shall be submitted to Council for access to any part of the property which is community title before the issue of an Occupation Certificate.
Reason: To ensure Council's waste contractors are indemnified whilst using community title land.
68. Street numbers are to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.
Reason: To ensure a visible house number is provided.
69. 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. 428510M will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
70. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.
Reason: To ensure provision of appropriately located telecommunication facilities
71. Submission of a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.
Reason: To ensure appropriate electricity services are provided.
72. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
 - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- A copy of this report is to be forwarded to Council.
Reason: To establish the condition of adjoining properties prior building work and any damage as a result of the building works.
73. 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.

Reason: Statutory requirement.

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

Reason: To ensure restoration of environmental amenity.

75. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

Advisory Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

76. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with a telecommunications provider have been made and implemented where required at no cost to Council for the provision of broadband access to the development.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

NOTE: For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email newdevelopments@nbnco.com.au

Web www.nbnco.com.au/NewDevelopments

77. Prior to the issue of the Occupation Certificate for the 150th dwelling, the following shall be complied with:

- (a) the traffic infrastructure required by Condition 17(a) to 17(g) inclusive shall be installed.
- (b) all parks approved under the consent issued by the Minister for Planning on 15 October 2005 in respect of DA 114-4-2002 are to be

dedicated to Council. All parks are to be embellished and maintained to Council's satisfaction at the time of dedication.

Reason: To ensure the appropriate construction of the traffic facilities.

78. Prior to issue of the Subdivision Certificate the applicant must create an easement over the affected properties, along the proposed overland flow paths. In addition to this, a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the properties affected by the overland flows and benefitting Council shall also be created, advising that the overland flow path has to be maintained at all times without any alterations to the land or encroachments with structures. The 88B Instrument can be incorporated with the Subdivision Linen Plans submitted with the Subdivision Certificate application. Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

Reason: To ensure the proposed overland flow paths are maintained and protected at all times.

79. An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events. Suitable warning signs with evacuation routes lift access restrictions and other flood warning systems shall be installed for the basement levels to warn and prevent people from going into basements in the event that water starts to overtop the ramp threshold and flood the basement.

Reason: For the property to ensure future property owners are made aware of the procedure in the case of flood.

Prior to the Issue of the Subdivision Certificate:

80. A separate application must be made to Council to obtain approval of the plan of subdivision under Part 4A of the *Environmental Planning and Assessment Act 1979*.

Prior to the issue of the Part 4A (Subdivision Certificate) the applicant shall submit an original plan of subdivision plus 1 digital disc (eg. CD ROM) for Council's endorsement. The following information shall also be submitted:

- (a) Evidence that all conditions of the Development Consent have been satisfied (including required utility provider certificates etc).
- (b) Evidence of payment of all relevant fees.
- (c) The 88B/E instrument (if required).
- (d) A copy of the final Occupation Certificate issued for the development.
- (e) All surveyors or engineers' certification if required by the development consent

Reason: To comply with the *Environmental Planning & Assessment Act 1979*

The Use of the Site:

81. 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.
82. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
Reason: To ensure the removal of graffiti
83. The rooms located above the garages (where applicable) are to be used solely in conjunction with the dwelling house located on the same land, and not used as a separate dwelling.
Reason: To ensure the rooms are used as part of the dwelling house.