

ASSESSMENT REPORT – Affordable Rental Housing S79C – Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/116/2011
Assessment Officer:	Kate Lafferty
Property:	1-5 Chestnut Avenue & 6-8 Burke Street, Telopea Lot 101 DP 36691, Lot 102 DP 1691, Lot 103 DP 36691, Cor Lot 124 DP 36691 & Lot 123 DP 36691
Proposal:	Demolition, tree removal and construction of an affordable rental housing development under Division 1 of the Affordable Rental Housing SEPP comprising 5 buildings containing a total of 24 units, carparking for 14 vehicles and consolidation of all lots into 1 lot
Cost of works:	\$3,590,052
Date of receipt:	08 March 2011
Applicant:	NSW Department Of Housing
Owner:	NSW Department Of Housing
Submissions received:	<u>1st notification</u> 20 submissions 1 petition (45 signatories) 1 petition (25 signatories) <u>2nd notification</u> 5 submissions
Property owned by a Council employee or Councillor:	No
Issues:	Flooding (overland flow)
Recommendation:	Approval subject to conditions once the concurrence of the NSW Department of Housing for the imposed conditions has been received

Legislative requirements

Zoning:	LEP 2001 Residential 2(b) LEP 2011 Residential R3
Permissible under:	SEPP (Affordable Rental Housing) 2009
Relevant legislation/policies:	SEPP (Seniors Living), Parramatta LEP 2001, Parramatta DCP 2005, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy (Infrastructure) 2007
Variations:	Private open space (DCP2001)
Integrated development:	No
Crown development:	Yes (NSW Department of Housing)

The site

Site Area:	3484m ²
Easements/rights of way:	Yes – easement for stormwater on Lots 102 & 103 (Council stormwater pipe traverses the site)
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	No significant site history. The 5 allotments which make up the site have been used for residential purposes

DA history

8 March 2011	DA lodged with Council
10 March 2011	Additional information requested/issues identified: <ul style="list-style-type: none">➤ Driveway width➤ Overland flow➤ Waste management
23 March 2011 to 13 April 2011	DA notified

30 March 2011	Additional information submitted
12 April 2011	Amended plans received
14 April 2011	Meeting with applicant to discuss overland flow issues
7 May 2011	On-site meeting
9 May 2011	Arborist report submitted
18 May 2011	Request for additional information (Social Impact Assessment as per Council's resolution at its meeting on 9 May 2011)
25 May 2011	Advise applicant of amendments to the Affordable Rental Housing SEPP on 20 May 2011
18 July 2011	Final request for information outstanding
4 August 2011	Additional information submitted - character test
12 September 2011	Flooding information submitted
13 September 2011	Additional information submitted - Social Impact Assessment
14 September 2011	Amended plans submitted
11 October 2011	Applicant advised of outstanding flooding issues
11 November 2011	Amended stormwater/landscape plans received
16 Dec 2011 to 10 Jan 2012	Amended plans re-notified
18 January 2012	Amended stormwater plans submitted
29 March 2012	Amended plans submitted indicating corrected car parking layout

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the north eastern corner of Burke Street and Chestnut Avenue, Telopea. The site consists of 5 lots of land, being Lot 101 DP 36691, Lot 102 DP 1691 Subj De at Rear, Lot 103 DP 36691 Subj De, Cor Lot 124 DP 36691 Spl Cor, Lot 123 DP 36691.

The site has a frontage to Burke Street of 41.7m, a frontage to Chestnut Avenue of 79.9m and a splay corner of 4.8m. The site has a total area of 3484 m². The site is relatively flat and has a fall of 7.5m from the north-western corner of the site at the Burke Street frontage to the south-eastern corner of the site at the Chestnut Avenue frontage. The site contains 5 single dwelling houses and associated ancillary structures.

A number of semi-mature and mature trees are located on the site. These are a mixture of native and exotic species, with some locally-indigenous species. There are number of street trees along both street frontages of the site.

The site is flood affected by upstream overland flow which runs through the drainage easement over the lots.

The site is predominantly surrounded by low density dwelling houses.

THE PROPOSAL

Demolition, tree removal and construction of an affordable rental housing development under Division 1 of the Affordable Rental Housing SEPP comprising 5 buildings containing a total of 24 units, carparking for 14 vehicles and consolidation of all lots into 1 lot. Details of the proposal are as follows:

- Demolition of the existing dwelling houses and ancillary structures
- Removal of 54 trees
- Consolidation of the 5 lots
- Minor earthworks including excavation and filling of land
- Construction of a 2 storey residential flat building complex containing 5 separate buildings.
The development will provide for 24 dwellings, being 15 x 1 bedroom dwellings and 9 x 2 bedroom dwellings. Two dwellings are identified as adaptable units.
- At grade parking with access off Chestnut Avenue comprising the following:
 - (1) driveway to covered car space at Unit 4
 - (2) driveway to uncovered car space at Unit 8
 - (3) driveway to car parking area at the rear of the site containing 12 car spaces
- 100% of the development will be allocated for affordable housing.

PERMISSIBILITY

The site is zoned Residential 2(b) under Parramatta Local Environmental Plan 2001. The proposed works involve the construction of a 2 storey residential flat building complex containing 24 dwellings with at grade car parking.

The definition of 'residential flat building' is as follows:

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

Residential flat buildings are prohibited within a Residential 2(b) zone under PLEP 2001.

The proposal is defined as in-fill affordable housing under the ARH SEPP. At the time of lodgement, the proposed 2 storey residential flat building development as made pursuant to the provisions of the SEPP permitted residential flat buildings on a site irrespective of the zoning.

Whilst these provisions permitted residential development not otherwise permitted under another planning instrument, the proposed development was subject to further compliance with location requirements and unit mix under the SEPP. These requirements are as follows:

10 - Land to which Division applies:

- (1) This Division applies to a development site on land if the development site is within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of dwelling houses, multi-dwelling housing or residential flat buildings is permissible within the zone:*
 - (a) Zone R1 General Residential,*
 - (b) Zone R2 Low Density Residential,*
 - (c) Zone R3 Medium Density Residential,*
 - (d) Zone R4 High Density Residential.*
- (2) Despite subclause (1), this Division does not apply to a development site in the Sydney region unless all or part of the development site is within:*
 - (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or*
 - (b) 400 metres walking distance of a public entrance to a light rail station or in the case of a light rail station with no entrance, 400 metres*

walking distance of a platform of the light rail station, or

- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 18.00 each day from Monday to Friday (both days inclusive).*

- (3) Despite subclauses (1) and (2), this Division does not apply to land identified in an environmental planning instrument as being within a scenic protection area unless development with a building height of 8.5 metres or more is permitted on the land.*

- (4) In this clause:*

***walking distance** means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.*

The proposal satisfies the above clause as the subject site is located within an equivalent R3 zone, is located 323m walking distance of a bus stop with regular services and is not within a scenic protection area.

The SEPP further specifies unit mix and height requirements applicable to residential flat buildings made pursuant to the provisions of the SEPP.

These requirements are:

Clause 11 - This Division applies to the following development on land to which this Division applies:

- (a) development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings where at least 50 per cent of the dwellings in the proposed development will be used for affordable housing, but only if:*
 - (i) the development does not result in a building on the land with a building height of more than 8.5 metres, and*
 - (ii) in the case of development for the purposes of a residential flat building-residential flat buildings are not permissible on the land otherwise than because of this Policy.*

The proposal satisfies Clause 11 as the development will allocate 100% of the dwellings (24 units) as affordable rental housing and will have a maximum height of 8.5m. Accordingly, the proposed development is permissible under the SEPP.

Clause 18 of the SEPP allows subdivision with the consent of the consent authority. The application proposes the consolidation of the existing 5 allotments of land. The application does not propose the strata subdivision of the proposed development.

Amendments to the SEPP on 20 May 2011 revised the permissibility provisions of developments made under the SEPP, which now only permits residential flat buildings on sites where it would be permitted by another planning instrument.

The proposal has been submitted to Council as infill housing under State Environmental Planning Policy (Affordable Rental Housing) 2009. At the time of lodgement the provisions of the 2009 SEPP permitted residential flat buildings in a site irrespective of the zoning. However, amendments made to the SEPP on 20 May 2011 [State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011] would now prohibit the proposed infill development in the medium density zone. Clause 54A (2) - Savings and Transitional provisions enables consent authorities to retrospectively apply the prohibition clause.

REFERRALS

Urban Design

The application was referred to Council's Urban Design Team for comment. In response to the referral, the following comments were received:

SITE AND LOCAL CONTEXT REVIEW

The 3484 sqm site is located at the intersection of Chestnut Avenue and Burke Street, Telopea. There is a 79.9m frontage to Chestnut Avenue and a 41.7m frontage to Burke Street. The area is characterised predominately by single storey brick and weatherboard houses with large street front setbacks.

The site is currently zoned 2(b) under the LEP 2001 and has been zoned R3 Medium Density Residential under the draft LEP 2010 with a maximum height of 11m and a maximum allowable FSR of 0.6:1.

STREETSCAPE AND DESIGN REVIEW

To comply with DCP 2005 and DCP 2010 the front setback on both streets should be between 7-10m as these are curvilinear streets the proposed setbacks are 6m to Chestnut Avenue and 5m to Burke Street. As this area is to be zoned R3, Medium Density, reducing the setback to the street will allow this development and future developments to have more generous central courtyards and will also set a new precedent for the area.

Good street address is achieved on both streets with habitable rooms providing passive surveillance opportunities to the street. There are 9 separate entrances for pedestrians into the units this will allow excellent streetscape activation. The car parking for 14 vehicles is accessed via three driveways from Chestnut Avenue. The

scale of the development is acceptable, with modulation of the street elevation/roof form and adequate building separation between the five buildings.

The northern boundary setback of 6m is acceptable but the eastern boundary of 4.5m could be inadequate with regard to visual and acoustic privacy when in the future the properties to the east are developed.

Good residential amenity is achieved with adequately sized rooms and living areas that are well located for good solar access and natural ventilation. The private open space is very generous at the ground level but less generous for some of the first floor apartments.

DCP REVIEW

Refer 7. Issues and Concerns

URBAN DESIGN SUMMARY REVIEW

Refer - Issues and Concerns

ISSUES AND CONCERNS

Visual and Acoustic Privacy

Eastern boundary setback complies with DCP2005 and the Draft DCP2010 but could be an issue in the future when the adjacent properties are developed.

The following have issues of visual and acoustic privacy as they are less than 12m apart:

- the rear balcony of Unit 17 to the rear balcony of Unit 18*
- the rear balcony of Unit 19 to the rear balcony of Unit 21*
- the rear balcony of Unit 23 to the rear balcony of Unit 24*
- the front balcony of Unit 17 to the front balcony of Unit 19*
- the balcony and living area of Unit 17 and the kitchen of Unit 22*

Private Open Space

A number of the units have less than 10sqm of private open space.

Fences

DCP 2005 and the Draft DP 2010 require that front fences are to be a maximum of 1.2m height. The proposed site has a considerable slope on both streets it is therefore the front fences should not be greater than 1.2m in height.

Communal Open Space

The amenity of this space should be considered.

Existing and future trees

The proposal requires 54 trees to be removed there should be careful consideration of how many trees are removed and how many new trees will be planted.

RECOMMENDATIONS

It is recommended that:

- *measures are taken to mitigate any visual or acoustic privacy issues between the proposed development and any future development to the adjacent eastern property;*
- *screens are provided to the rear balconies of Units 17, 18, 19, 21, 23 and 24 to ensure visual and acoustic privacy between units;*
- *screens should be provided to the front balconies of Units 17 and 19 to ensure visual and acoustic privacy between units;*
- *hi-light windows are provided in the kitchen of Unit 22 to ensure visual privacy;*
- *a minimum of 10sqm of private open space is provided for each unit this can be achieved by enlarging the existing proposed area or by providing utility balconies in less prominent locations;*
- *the front fences on Chestnut Avenue and Burke Street are not greater than 1.2m in height;*
- *good amenity is provided in the communal open space example BBQs, seating, high quality landscaping and;*
- *as many trees as possible are retained on the site.*

Planning Comment:

The above recommendations are addressed as follows:

Privacy:	The eastern block is located a minimum distance of 4.5m from the eastern boundary. This complies with Council's side setback controls for both multi unit housing and residential flat buildings. In addition, the 1 st floor windows along this elevation have privacy screens. It is considered that no additional measures are required to mitigate acoustic and privacy issues.
Balcony screening:	A condition is included within the Recommendation section of this report requiring certain balconies to contain privacy screens. It is noted that not all of the balconies need to be screened to protect privacy between balconies.
Unit 22 kitchen:	A condition is included within the Recommendation section of this report requiring the kitchen windows to Unit 22 be highlight windows.
Private open space:	The dwellings have private open space in the form of a balcony or courtyard. The sizes vary and often where the balconies do not achieve a minimum area of 10m ² , a secondary balcony has been provided. The ARH SEPP does not stipulate the amount of private open space to be provided for affordable infill housing.
Front fences:	A front fence is proposed on both the Chestnut Avenue & Burke Street frontages. The fence is 1m in height with a

low concrete rendered block and horizontal aluminium slat infills.

Communal open space: A central landscaped area is provided as communal open space with an area of approximately 240m². The landscape plan submitted indicates that there is high quality landscaping and seating provided within this area.

Tree retention: Fifty-four trees are proposed to be removed as part of this application. Council's Tree Management & Landscape Officer has reviewed the proposal and raises no objection to the removal of trees on site, however advises that street tree planting is to be retained (see comments under 'Referrals' section of the report).

It should be noted that the proposed landscape plan provides for numerous large growing trees (with a height 15m+) in key locations on the site and a variety of smaller trees (with a height of between 5m to 8m+) to assist in maintaining the character of the area. Conditions have also been imposed within the Recommendation section of this report which requires an additional 10 locally occurring canopy trees be incorporated within the design.

Tree Management & Landscape Officer

The application was referred to Council's Tree Management & Landscape Officer who reports as follows:

Issues

Impact on Site Trees and adjoining trees

Mr Andrew Morton of Earthscape Horticultural services has undertaken an arboricultural impact assessment on behalf of the applicant dated August 2010. This report has been referred to for assessment of the development proposal.

Mr Morton has assessed a total of 88 trees located within the site and in close proximity to the boundaries of the proposed development site none of which have been classified as remnant trees, with most likely to have been planted after 1970. The conclusions of this report are listed below;

- The proposed development will necessitate the removal of fifty-four (54) trees of low and very low retention value, none of which are considered significant or worthy of special measures to ensure their preservation. 25 of these trees are exempt from the Parramatta City Council DCP 2011. (Included within these 54 trees described by Mr Morton as low retention value are five (5) trees located within the Burke St, road reserve. While I do agree with Mr Morton that the trees are of low landscape significance it is recommended that these trees be retained in the short-term as they currently form part of a wider street tree theme for Burke Street.*

- *A further seven (7) trees not affected by the proposed works are proposed to be removed as they are considered to be an environmental weed species.*
- *The proposed development will necessitate the removal of an additional twenty-three (23) trees of moderate landscape significance. All of which are not considered significant but are in good health and condition.*
- *The proposed development will also necessitate the removal of four (4) trees of high retention value. These trees are described as having no special ecological or heritage significance and are not considered feasible to retain in this instance due to the extent of site development and position of trees within the site.*

In order to minimise the potential impact of the development works upon trees located within adjoining properties and those within the subject site to be retained, Earthscape Horticultural have prepared a detailed Tree protection specification which shall be endorsed in any consent provided.

Landscape

The proposed landscape plan is considered satisfactory in concept and can be supported subject to conditions.

Planning Comment: As mentioned earlier in this report, it should be noted that the proposed landscape plan provides for numerous large growing trees (with a height 15m+) in key locations on the site and a variety of smaller trees (with a height of between 5m to 8m+) to assist in maintaining the character of the area. Conditions have also been imposed within the Recommendation section of this report which requires an additional 10 locally occurring canopy trees be incorporated within the design. Appropriate conditions have been incorporated within the Recommendation section of this report.

Development Engineer

The application was referred to Councils Development Engineer who raised no objection to the proposed development, subject to the imposition of appropriate conditions.

Catchment Management

The application was referred to Councils Catchment Management Unit as a Council stormwater pipe traverses the site. Councils Catchment Management Unit raised no objection to the proposed development, subject to the imposition of appropriate conditions.

Traffic & Transport Investigations Engineer

The application was referred to Councils Traffic & Transport Investigations Engineer who reports as follows:

Existing Development

1. The Site is located on the corner of Chestnut Avenue and Burke Street, Telopea. This section of Chestnut Ave and Burke Street has a road width of 6.5m with unrestricted on-street parking. The Site is in close proximity to Telopea Public School.

Proposed Development

2. The proposed development (from Housing NSW Human Services) seeks approval to construct an affordable rental housing development under Division 1 of the Affordable Rental Housing SEPP 2009 comprising 5 buildings containing a total of 24 units (9 x 2-bedroom units and 15 x 1-bedroom units), carparking for 14 vehicles and consolidation of all lots into 1 lot. Vehicular access is provided off Chestnut Avenue.

Parking Requirements

3. Parking requirements according to SEPP (Affordable rental Housing) 2009:
 - 0.5 space per unit (24 Units) = 12 spaces

Traffic Generation

4. The traffic expected to be generated by the proposed development (24 units) based on RTA Guide to Traffic Generating Developments would be 10-12 vehicle trips during peak periods or 20 - 24 vehicles during the peak. However, as the proposed development is only providing 14 vehicles, the traffic generation is considered to be less than 10-12 vehicle trips during peak periods.

Parking Provision and Layout

5. The proposed development provides 12 spaces at grade level and 2 carport spaces provided separately for the adaptable units.
6. The layout of the parking spaces is considered acceptable. However, the dimensions and configuration of the disabled parking space do not comply with AS 2890.6-2009.
7. The 2 other spaces are provided within the carport for the adaptable unit with separate for each of the units. As these spaces are provided adjacent to the units the carport space for each unit is considered acceptable.

Access Arrangement

8. The proposed development provides 3 access driveways (3m wide each) off Chestnut Avenue, 1 combined entry & exit driveway through to the proposed carpark and 2 separate driveways to the adaptable units. The driveways are considered acceptable.

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Chestnut Avenue and Burke Street and the surrounding road network. The proposal can be supported on traffic & parking grounds subject to the traffic related conditions below.

Planning Comment: The applicant has amended the plans since the above referral comments were received. The carport for Unit 8 has been deleted and the spaces within the car park have been adjusted. Council's Development Engineer has assessed the parking layout and has made recommendations regarding the disabled car parking layout. The provision of 2 disabled parking spaces in the car park will result in the loss of 1 car space. This is acceptable as the proposed development still provides sufficient parking under the provisions of the ARH SEPP.

Social Outcomes

The Social Impact Assessment prepared by the applicant was referred to Council's Social Outcomes Team who reviewed the application and provided the following comments:

3.0 THE PROPOSED DEVELOPMENT DESCRIPTION

- *The proposal is submitted under the Affordable Rental Housing SEPP 2009 as in-fill affordable housing.*
- *The proposal is for the demolition of five (5) existing dwellings and the development of 24 units containing 9 x 2 bedroom and 15 x 1 bedroom self-contained dwellings. This includes three (3) adaptable units (units 4, 8 & 9).*
- *There are four (4) onsite car parking spaces, including two (2) carport spaces with width to accommodate wheelchair access.*
- *24 dwellings (100%) will be designated for affordable housing for Housing NSW clients.*

4.0 PARRAMATTA CITY COUNCIL (PCC) POLICY CONTEXT

- *The development of affordable housing accommodation is consistent with PCC's focus and aim as set out in its Affordable Housing Policy 2009:*
- *The aim of the policy is to protect existing affordable housing and to facilitate new affordable housing in Parramatta LGA to provide for social, cultural, environmental and economic sustainability.*
- *The focus of the policy is on driving actions that will:*
 - *Maintain the percentage of affordable housing*
 - *Expand the choice of dwelling type and price range*
 - *Champion investment by the private sector*

5.0 KEY STAKEHOLDERS

5.1 Consultation

- *The SIA report provides information for consultation and stakeholder engagement which occurred with key stakeholders via the Housing NSW Telopea Urban Renewal Project concept stage consultation. The methods included:*
 - *One 'Display and Discuss' session for the general Telopea community; and*

- Feedback received via the development of feedback forms and reply paid envelopes.

5.2 Key Stakeholders

Neighbouring Residents

- The SIA dated September 2011 by BBC Consulting Planners does present the profile of neighbouring residents. The report states that the area is a relatively older than the wider community, low proportions of children and young adults compared to Parramatta LGA with higher proportion of residents aged 65 years or older. This is consistent with the PCC Data profile of Telopea.

5.3 Stakeholder Objections

- Residents have made to Council outlining objections related to the proposed development. Issues raised included:
 - Privacy
 - Noise
 - Traffic
 - Lack of parking
 - Waste disposal
 - Tree preservation
 - Increased density
 - Security and safety
 - Impacts on social housing existing tenants
 - Loss of amenity
 - Impacts on property values
 - Construction impacts
- The SIA report does identify and discuss these issues.

6.0 CONNECTION WITH PLACE

(Unless otherwise specified this data has been sourced from Parramatta Community Profile and Atlas which is based on the enumerated census data)

6.1 Connection with existing suburb demographics

POPULATION INDICATORS - EXISTING SUBURB PROFILE FOR TELOPEA	
CULTURAL BACKGROUND	
<ul style="list-style-type: none"> • 38% born overseas – 32.3% of these people from a non English speaking country. • Main country of birth is China (7.9%), Korea (3.6%) and United Kingdom (2.5%). • The largest changes in country of birth between 2001 – 2006 were increases in people from China (+150). 	
Comments - PCC data indicates that tenants are likely to have a mix of cultural backgrounds with the highest demand being from members of the Chinese Community.	
CAR OWNERSHIP	
<ul style="list-style-type: none"> • 39.5% of the households owned one car (Parramatta LGA is 38.8%) • 25.4% owned two cars (Parramatta LGA is 27%) • 8.1% owned three cars or more (Parramatta LGA is 9.3%) 	

Comments - PCC data indicates that households in Telopea generally have a similar level of car ownership compared to Parramatta as a whole and that most people rely on a car for transport.

EMPLOYMENT STATUS

- 93.9% of the labour force was employed (48.9% of the population aged 15+), 6.1% unemployed (3.2% of the population aged 15+), compared with 93.3% and 6.7% respectively for City of Parramatta.
- An analysis of jobs by industry for Telopea show that the majority of residents are employed in the following 3 areas; Health Care and Social Assistance (237 persons or 11.2%), Manufacturing (204 persons or 9.6%), Retail Trade (204 persons or 9.6%)
- In comparison, City of Parramatta top three (3) areas are employed in manufacturing (10.8%); in retail trade (10.4%); and in health care and social assistance (10.8%).

Comments

The data from PCC indicates that a high percentage of the population work in manufacturing, retail and health care which is suggestive of a trend of local residents being employed in local Parramatta LGA industries.

FAMILY TYPE

- 44.5% of total families were couple families with child(ren), and 17.7% were one-parent families. Compared with 49.2% and 16.2% respectively for City of Parramatta.
- The largest change in the number of persons usually resident in a household in between 2001 – 2006 was a decrease in the number of family households (-19), an increase in lone person households (48) and a decrease in group households (-2).

Comments

PCC data indicates a slightly lower than average number of couples households in Telopea compared to Parramatta LGA, demonstrating a demand for 1 and 2 bedroom dwellings.

HOUSEHOLD SIZE

- 35.3% of households had 1 person
- 31% of households had 2 persons
- 13.5% of households had 3 persons
- 2.3% of households had 6 persons or more

Comments

The PCC data indicates a high demand for dwellings with 1 and 2 bedrooms suitable for a lone person and couple households.

HOUSING TENURE

- 25% own their dwelling, 24.2% are purchasing and 41.5% are renting.
- 21.9% are renting from a government landlord and 18.8% from another landlord.
- The largest change between 2001–2006 was an increase in homes being purchased (+126), an increase in renting (+58), drop in home ownership (-169) and drop in being purchased (-60).

Comments - PCC data indicates that between 2001-2006 Telopea has experienced an increasing number of renters and households with mortgages and a decline in those who owned their house outright. Telopea has significant public housing.

HOUSEHOLD INCOME

- 20.5% of the households earned a high income (compared with Parramatta 23.7%), and 27.5% were low income households (compared with Parramatta 19.6%).
- The most significant change in Telopea between 2001-2006 was in the Medium lowest quartile which showed an increase of 93 households.

Comments - PCC data indicates that the suburb of Telopea has higher numbers of low income earners than Parramatta.

POPULATION INDICATORS AS PRESENTED IN THE SIA

Comments - The information provided in the SIA report by BBC Consulting Planners dated September 2011 provides a reasonable level of analysis of the suburb demographics.

In addition the statistical data provided by BBC Consulting Planners correlates with PCC Community Profile data enumerated from ABS Census information.

TARGET MARKET OF THE PROPOSED DEVELOPMENT AS PRESENTED IN THE SIA

Comments - The SIA by BBC Consulting Planners identifies its target population for its dwellings as intended for Housing NSW clients and future residents will be allocated according to current Housing NSW's waiting lists. The resident type identified by Housing NSW are single and couple families with low to very low incomes.

6.2 Connection with existing suburb housing profile

a. Site Context

- Telopea is an established residential area with a high number of Housing NSW dwellings, some retail and one primary school.
- The existing area contains a mix of separate house, followed by medium density and high density dwellings.
- The area has a number of redevelopment sites due to the Telopea Renewal Project being undertaken by Housing NSW.
- Chestnut Avenue has a mix of single story cottages opposite and adjacent to the development site.

b. Dwelling Profile

Proposed Development	Existing Suburb	Comment
<ul style="list-style-type: none"> • Medium density • Two (2) storey development. • The proposal is for the erection of 24 units containing 9 x 2 bedroom and 15 x 1 bedroom self-contained dwellings. This includes three (3) adaptable units (units 4, 8 & 9). 14 onsite car parking spaces, including two (2) carport spaces with width to accommodate wheelchair access. 	<ul style="list-style-type: none"> • The majority of households occupy a separate house (46.2%), followed by medium density dwelling (23.5%); and occupied high density (23.9%). • Between 2001 and 2006 there were no numerically significant changes in Telopea's dwellings data. • The Telopea Redevelopment Plan will see significant growth in the number of dwellings and density over the short to medium term. 	<ul style="list-style-type: none"> • Chestnut Avenue has single storey dwelling density and land use for the street. • The proposed development is similar in dwelling type to surrounding suburb • The proposed development is dissimilar in dwelling type to immediate neighbourhood.

6.3 Community Infrastructure

- Comprehensive information on local community infrastructure such as schools, medical/ health services, child care or recreational facilities were supplied by BBC Consultant Planners as part of their SIA report.
- Access to Parramatta CBD
 - Location of development from Parramatta CBD is in the region of 5.5 kilometres.
- Access to Transport Infrastructure
 - The nearest Rail station - Telopea Railway Station is 780 metres from the proposed development, however the walk has an incline which would be difficult for older people and people with disabilities.
 - Nearest Bus Service - The site has accessible transport within a 400 metre radius from the site is the local bus service which runs along Kissing Point Road. Sydney Buses (Route 545, 550, 513 and 521) a seven (7) day service operates regularly during peak hours to Parramatta, Eastwood, Chatswood, Carlingford and Meadowbank Wharf. This service runs roughly on a half hour basis Monday to Friday commencing at 5am and the final service is approximately 9.30pm. Frequency on weekends is restricted especially on Sunday.
- Access to Community Infrastructure
 - Nearest commercial shopping hub – is Waratah Shopping Centre located in Benaud Place approximately 600 metres away with 16 retail shops including; Franklins, chemist, newsagent, post office, bakery and take away shop. Carlingford shopping centre is located approximately 4 kilometres away.
 - Nearest medical practitioner- The nearest doctors and dentist are located approximately 600 metres away from the proposed development site.
 - Telopea Primary School is located approximately 200 metres away.
 - The Library is located approximately 500 metres away.

7.0 CONSIDERATION OF SOCIAL IMPACTS

7.1 Potential benefits to the community from the development

Development Target Market	<ul style="list-style-type: none">• Provides an opportunity to minimise housing stress for some low to medium income family households.• Easily accessible employment hub and located in close proximity to a number of specialised industrial retail centres located at Carlingford, Parramatta and Rydalmere.• Easily accessible public transport – within 800 metres walk to Telopea Railway Station and 400 metres to regular buses services.• Easily accessible community infrastructure – within easy walk to a shops, doctor, dentist, chemist and library.
Wider Community	<ul style="list-style-type: none">• Increases affordable housing supply in the LGA• Contributes to maintaining a diverse socio-economic mix in the community through the provision of accommodation that is affordable to people on very low to low incomes.• Contributes to the provision of 1 and 2 bedroom dwellings which are in need.• Economic benefits to surrounding shops are not discernable in relation to the individual development in isolation but are relevant when considered on a cumulative basis.• Economic benefits to the local bus service through increased patronage.

7.2 Potential negative impacts to the community from the development

	Potential Impacts	Reported Mitigation Plan	Comment on Mitigation Plan
Development Target Market	<p>Consultant reported the following:</p> <p>Large numbers of Housing NSW tenants (24 units) may experience prejudice from surrounding neighbours and community who may have certain perceptions about Housing NSW tenants.</p> <p>Relocation and dislocation of residents of the five existing dwellings.</p>	<p>Report states: where possible, care taken in choosing applicants who will best fit with existing community i.e. mature couples or singles.</p> <p>Report states: Rehousing in local areas if possible, support to be provided with moving and rehousing costs, information and welcome packs provided about the new area and arrangement organised with changes for community services.</p>	<p>The area is to be redeveloped by Housing NSW who reported a dwelling mix of 70% private, 20 social housing and 10% affordable housing.</p>
Wider Community	<p>Short term disruption to local neighbours during construction.</p> <p>Residents raised concerns related parking, traffic, safety, loss of residential amenity regarding privacy.</p> <p>Demand on Community Services and Facilities</p>	<p>Report states: On-site meeting between HNSW/Councillors/Council officers and neighbours to discuss measures to reduce impacts.</p> <p>Report states: Traffic and on-street parking in the area should be examined by Council.</p> <p>Report states: Normal budgetary increases in funding will cover this increase.</p>	<p>Council has guidelines around construction</p> <p>Addressed in Traffic and Engineering Report 24th March 20011 and in Urban Design Report 23rd March 2011.</p> <p>Possible that a number of tenants will have high support needs and regularly utilise community services. Future funding increases are in line with growing population.</p>

			Discussions to continue between Council and Housing NSW about development contributions.
	Change of character of the area and loss of trees and wildlife.	Report states: Review of existing vegetation to assess the potential for retaining trees and protect neighbour vegetation during construction.	
	Loss of sense of community	Report states: Community development activities will assist e.g. welcome barbecue for new tenants and neighbours. No data to confirm who will be responsible for this or how it will be done.	
	Concerns about possible negative impacts on local neighbourhood character.		<p>The neighbourhood already has an established mix of low and medium density development.</p> <p>The suburb already supports a diverse cultural and socio - demographic mix of residents.</p> <p>The suburb will undergo an extensive change process as the result of the Telopea Redevelopment Plans.</p>

8.0 SOCIAL OUTCOMES SUMMARY

The information provided in the SIA report by BBC Consulting Planners, dated September 2011 is a comprehensive social impact assessment with clear methodology, resident profiles, demographic descriptions and mitigation procedures.

The potential positive benefits of the development include affordable housing for Housing NSW clients, replacement of old stock which is now reaching the end of economic life and improvement to Housing NSW stock.

Many of the concerns raised by residents such as parking, traffic and noise will be assessed in line with the relevant standards as outlined by Parramatta City Council's urban design, engineering, traffic and transport teams.

Traffic and parking for this 24 unit complex with only 14 car spaces and two (2) carport spaces to accommodate wheelchair access was raised in a number of submissions which will be dealt with in Council's Traffic guidelines. PCC data indicates that households in Telopea generally have a similar level of car ownership compared to Parramatta as a whole and that most people rely on a car for transport. However this development is close to public transport.

The public transport services are regular for buses and trains, however the nearest Rail station - Telopea Railway Station is 780 metres from the proposed development and the walk is up hill, which would be difficult for older people and people with disabilities.

There potentially could be a negative impact for existing Housing NSW tenants who are being relocated due to the redevelopment. The SIA raised a number of strategies to minimise the dislocation and stress of moving for the tenants. These include:

- Covering rehousing costs, such as moving expenses, utility reconnection fees and establishment expenses in new property.*
- Consideration to be given to return to property after redevelopment if desired by tenant.*
- Relocating the tenants as close as possible to the area where support structures are in place.*
- Provide an application of a two offer policy for choice of new dwelling.*

The character of the street will be changed with this development however the character of Telopea overall is changing in line with Telopea Housing Precinct redevelopment which reports allocation of 70% private, 20% social housing and 10% affordable housing for the area. Housing NSW needs to carefully select tenants for this complex to minimise negative impacts and include actions to encourage community belonging as part of changing community with this development.

Recommendations:

That Housing NSW:

- Allocate the 24 dwellings as follows; 70% private, 20% social and 10% affordable housing. This matches the approach Housing NSW is taking with the Telopea Redevelopment Plan.*
- Provide home purchase options to the existing social housing tenants within the new development.*
- Provide existing tenants the opportunity to stay with current leasing arrangements when they are transferred.*
- Cover rehousing costs of existing tenants, such as moving expenses, utility reconnection fees and establishment expenses in new property.*
- Support existing tenants to return new development if desired.*
- Relocate existing tenants as close as possible to the suburb where their support structures are already in place.*
- Provide the existing tenants a choice of two (2) new dwellings when being relocated, rather than the current one (1) offer policy on the site.*
- Increase parking to at least ten (10) spaces and incorporate one (1) extra wheelchair spaces to a total of three (3) in the complex, to provide each adaptable unit an individual accessible space for vehicle.*

Planning Comment:

The application proposes 100% of the dwellings be for affordable housing. The application has been assessed based upon this provision under the ARH SEPP. Council cannot dictate the provisional terms of the housing stock within the proposed development.

Some of the issues raised above relate to the relocation of displaced tenants from the development site. The NSW Department of Housing have provided the following information from the Community Housing Division, which reads inter alia:

"There is a process in place for relocation of the tenants. The tenant is interviewed by the relocations officer and their needs discussed and assessed. The following options are available:

- They can return to the redeveloped site providing it meets their needs and they meet the criteria i.e. seniors living, general housing etc*
- They can be allocated housing in the same area if appropriate housing can be found, or, if there are no properties in the area of their choice, after further discussion, offered housing in adjoining suburbs*
- they can be allocated housing in the suburb of their choice which may not be their current location."*

It is considered that some of the issues raised above can be presented to Housing NSW as advisory notes within any consent granted.

The application proposes the provision of 14 car parking spaces. Three of these spaces will need to be provided as disabled parking spaces.

PUBLIC CONSULTATION

Notification

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 23 March 2011 and 13 April 2011. In response, 20 submissions and 1 petition with 45 signatories were received. In addition, another petition was submitted containing 25 signatories. This 2nd petition raises issues with the State legislation and is aimed at the State Government.

On Site Meeting

An on site meeting was held on 7 May 2011 with Council officers, Councillors, the applicant and residents. Details of that meeting are as follows:

Attendees:

Councillors: Councillor Wearne, Councillor Wilson, Councillor Barber

Council Officers: Bradley Delapierre (Team Leader, Development Assessment Team) and Kate Lafferty (Senior Development Assessment Officer, Development Assessment Team)

Applicant: NSW Housing representatives:

- Daniel Ouma-Machio, Manager Planning Services
- Abhay Dave, Project Manager
- Humair Ahmad, A/Manager Operational Programs

Residents: Approximately 30 residents

Discussions:

The following main issues were raised at the on site meeting:

- Access – whether footpaths will be provided
- Character of the area
- Social impacts of the proposal and the type of tenants likely to reside (impacts upon the safety of the area)
- Car parking and traffic implications
- Displacement of existing residents

Notification of Amended Plans

Amended Plans **Yes**

Summary of amendments

1. Increase in floor levels of Units 7 and 19 by 560 mm.
2. Increase in floor levels of Units 8 and 20 by 1.06m.
3. Increase in floor levels of Units 9 and 21 by 610 mm.
4. Common car park reduced from 12 spaces to 6 spaces.

Amended Plans re-advertised or re notified **Yes**

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties were given notice of the amended application for a 14 day period between 16 December 2011 and 10 January 2012. In response, 5 submissions were received.

In total, submissions from 44 households were received.

The issues raised within the submissions from both notification periods as well as the on-site meeting are discussed below.

Overlooking

Concern is raised with overlooking into neighbouring properties.

Planning Comment: The 1st floor to the development contains habitable rooms and balconies which face the adjoining properties. The NW block contains windows and balconies facing the adjoining properties, however this block has greater setbacks to the boundaries and dense screen planting. These balconies also have privacy screens attached.

There are no balconies on the eastern block facing adjoining properties. The majority of these windows have privacy screens.

Overshadowing

Concern is raised with respect to the overshadowing impacts of the proposed development.

Planning Comment: Shadows diagrams submitted with the application indicate that the proposed development will not impact upon neighbouring properties for the majority of the day. A small section on the western front setback at No. 7 Chestnut will be overshadowed at 3pm during the Winter Solstice.

Character of the Area

Concern is raised that the proposed development is not in character with the area.

Planning Comment: A detailed character test was carried out to consider whether the proposed development is compatible with the local area. Taking into account the elements that are consistent with the character of the area, and that the elements that are not in character have little physical impact, it is considered that the proposed development is in harmony with the surrounding development. In this regard, it is considered to be visually compatible with its context, and contains and responds to the essential elements that make up the character of the surrounding environment. Details of this assessment are discussed further within the report.

Property Values

Concern is raised that the property values of the surrounding properties will be negatively affected by the proposed development.

Planning Comment: The potential loss of property values is not a matter for consideration under Section 79C of the Act.

Insufficient car parking

Concern is raised that the proposed development does not provide for sufficient car parking.

Planning Comment:

Upon lodgement of the application, the ARH SEPP required 0.5 parking spaces per unit. Accordingly, the minimum number of car parking for the proposed 24 dwelling development is 12 spaces. The proposal provides for 14 parking spaces which is in excess of that required under the ARH SEPP. It should be noted that amended plans were re-notified indicating the reduction in car parking to 6 spaces. This was an error on the applicant's plans submitted and the car parking has been reinstated as per the original proposal. Given that 2 disabled spaces will need to be provided in the car park, their design will result in the loss of 1 car parking space. The development will therefore provide for 13 car parking spaces which still complies with the requirements of the ARH SEPP.

It is additionally noted pursuant to the SEPP that the application cannot be refused based on parking provision as the proposal satisfies the on-site parking rates under the SEPP.

Increased traffic

Concern is raised that the proposed development will result in increased traffic.

Planning Comment:

The additional volume of traffic upon Chestnut Avenue and Burke Street is not considered to be significant. Council's Traffic & Transport Investigations Engineer advises that the traffic generation is likely to be 10-12 vehicle trips during peak periods and did not consider the development to unreasonably contribute to an increase in traffic generation on the local streets.

Social Impacts

Concern is raised that the proposed development will result in "an undesirable element" being introduced into the area (and drug/alcohol related activities). Concern is raised over the safety of residents and children and the social character of the area.

Planning Comment:

Council's Social Outcomes Unit reviewed the Social Impact Assessment that was submitted with the development application and supported the proposed development subject to conditions. Further, it is not legally possible to condition the type of tenant beyond what is required to meet the requirements of the SEPP (ARH) 2009.

Car Park Impacts

Concern is raised that the car park will be unsafe.

Planning Comment: No access is provided between the proposed car park and any adjoining property. The car park will be provided with adequate lighting and is sufficiently overlooked by the dwellings on site to deter any criminal activity.

Intensification of Use

Concern is raised that the proposed development will increase noise, pollution and litter in the area. There will be overcrowding in the area.

Planning Comment: Irrespective of the application being lodged under the provisions of the ARH SEPP, the subject site is located within an area which is zoned for medium density development. As the older housing stock is gradually replaced with new multi dwelling development, the population of the area will increase. This is consistent with the zoning objectives of the area.

The proposed development has been designed in a manner which minimises the impact upon adjoining properties, complies with the minimum side setbacks to minimise impacts on acoustic privacy and provides for adequate waste facilities.

Density

Concern is raised that the density is excessive.

Planning Comment: The proposed development has a floor space of 0.53:1, which is well below the maximum 0.75:1 permitted under the ARH SEPP and the maximum 0.6:1 permitted under Parramatta Local Environmental Plan 2001 and Parramatta Local Environmental Plan 2011. The density is considered acceptable for the local area.

Insufficient open space for occupants

Concern is raised that there is insufficient open space for residents.

Planning comment: The ARH SEPP does not stipulate the amount of private open space to be provided for affordable infill housing. As a guide, open space should be provided in accordance with DCP2005, which requires 10m² open space per dwelling and a communal open space equivalent to 10m²/dwelling. The proposed dwellings have private open space in the form of a balcony or courtyard. The sizes vary and often where the balconies do not achieve a minimum area of 10m², a secondary balcony has been provided. In addition, a central communal open space

with 240m² has been provided within the development. This is considered to satisfy the communal open space provisions of DCP2005.

Displacement of existing residents

Concern is raised with the displacement of the existing tenants on the development site.

Planning comment:

The Social Impact Assessment submitted with the application discusses the displacement of tenants. The SIA states that although each tenant's situation is different, NSW Housing can provide the following assistance:

- Rehousing costs, including moving expenses, utility reconnection fees, or establishment expenses in the new property
- Reimbursement for approved improvements made to the tenant's current property
- Moving approved improvements from the tenant's current property to their new property and reinstalling them
- Consideration of return to the property after redevelopment if desired by the tenant.
- Application of a two offer policy for choice of new dwelling
- Assessment of housing needs (e.g. disability modifications) in allocating new housing.

Impact upon adjoining trees

Concern is raised with the potential impacts upon neighbouring trees along the northern boundary.

Planning comment:

An arborist report was submitted with the application. This report considered, amongst other matters, the impact of the proposed development on the large trees on the adjoining properties along the northern boundary. Council's Tree Management & Landscape Officer has reviewed the arborist report and proposed development and advise that In order to minimise the potential impact of the development works upon trees located within adjoining properties and those within the subject site to be retained, a detailed tree protection specification is contained within the arborist report which shall be endorsed in any consent provided.

Footpaths

Concern is raised that there will be no footpaths provided with the development.

Planning comment: Council's Development Engineer has recommended that a 1.2m wide footpath be constructed along the frontages of Chestnut Avenue and Burke Street. This has been incorporated within the Recommendation section of the report.

Feral animals

Concern is raised that the population of feral cats and dogs will increase with the proposed development.

Planning comment: There is no evidence that the feral population of cats and dogs will increase as a result of this development. This is an management issue that would be dealt with by NSW Housing.

Demolition/Waste Production/Non-Preservation of Heritage

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

Planning comment: The waste generated by the demolition of the existing improvements on the subject site will not be significant. A satisfactory waste management plan has been submitted to Council.

The subject site is not listed as a heritage item and is not in the vicinity of the any heritage items.

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

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

Planning comment: Council's Landscape Officer has raised no concern with the removal of the existing vegetation on the site. Additional planting will be carried out as part of the new proposal.

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

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

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

Planning comment: The application proposes the construction of 24 new dwellings. It is considered that the minor increase in density will not overburden existing utilities. The proposed

development incorporates the principles of crime prevention through environmental design and it is unlikely the development will result in an increased opportunity for crime to occur.

Section 96 Applications

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

Planning comment: This issue is not relevant to this application.

Modified Hours and Noise Generation

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

Planning comment: This issue is not relevant to this application.

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

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for the proposed development has been accompanied by 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.

STATE ENVIRONMENTAL PLANNING POLICY 1 – DEVELOPMENT STANDARDS (SEPP1)

The application does not seek any variations to development standards contained within environmental planning instruments.

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

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

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

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

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 – Impacts on Electricity Transmission or Distribution

The application is not subject to Clause 45 of the SEPP as the development is not adjacent to an easement for electricity purposes, immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line. Although there is an electricity power pole/line in the Burke Street and Chestnut Avenue road reserves in front of the site, all primary building works are located more than 5m from this infrastructure.

Clause 101 – Frontage to a Classified Road

The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to Clause 102 of the SEPP as the average daily traffic volumes of Chestnut Avenue and Burke Street are less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

This policy was gazetted on 31 July 2009 and in relation to residential flat buildings was introduced to allow this development type to be established on land zoned residential, thereby preventing consent authorities from refusing an application based on the grounds of failure to comply with the zoning tables relevant to those zones.

The former NSW Premier's media release on 1 August 2009 stated in part, that the objective of the SEPP is to streamline approvals for affordable housing and to make them easier to approve in residential areas and some business zones, as well as to provide incentives for their development.

The following table outlines the assessment of the proposed development under the provisions of the original SEPP as was applicable at the time of lodgement. For the purpose of this assessment, these provisions have been applied. The SEPP was amended on 20 May 2011 and discussion regarding these amendments and implications of the amended SEPP follows the table.

The relevant standards of the original SEPP are addressed in the following table:

Development Standard	YES/NO	COMPLIANCE
CI 14 – Standards that cannot be used to refuse consent		
CI 14(1)(a)(ii) – Floor Space Ratio – Maximum 0.75:1	YES	0.53:1
CI 14(1)(b) – Site Area – Minimum 450m ² .	YES	Site Area – 3484m ²
CI 14(1)(c) – Landscaped Area – min 35m ² per dwg (housing provider)	YES	The proposed development is provided with 1221m ² of landscaping which equates to 50.8m ² per dwelling.
CI 14(1)(d) – Deep Soil Zones (15% of site with minimum dimensions of 3 metres and 2/3 located to the rear)	YES	A calculation of the proposed deep soil zones indicates that approximately 1063m ² of the land will be deep soil. This equates to approximately 31% The deep soil is reasonably spread around the site.
CI 14(1)(e) – Solar Access If living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm)	YES	Given the living areas and private balconies/courtyards are orientated to the north, the majority of the dwellings (75%) will receive a minimum of 3 hours solar access to living rooms and private open space. equates to 100% of the dwellings.
CI 14(2)(a)(ii) – Parking (0.5 spaces per dwelling)	YES	Required – 12 spaces Proposed – 14 spaces
CI 14(2)(b) – Dwelling size (Bedsitter or studio – 35m ² , 1 bed – 50m ² , 2 bed – 70m ² and 3+ bed – 95m ²)	YES	1 bed = 57m ² (min) 2 bed = 74.5m ² (min)
CI 15 – Design requirements Consideration under Seniors Living Policy: Urban Design Guidelines for Infill Development <i>Note: If the application falls under SEPP65, then this clause does</i>	YES	An assessment against the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development has been undertaken (see assessment below).

<i>not apply</i>		
CI 16 – SEPP 65 Consideration of SEPP 65 – Design Quality of Residential Flat Development <i>Note: If the application falls under SEPP65, then this clause applies</i>	N/A	SEPP 65 does not apply to this development as the proposal involves a 2 storey building
CI 16A – Character of Local Area (amendment made 20 May 2011 for all existing applications)	YES	See Character Test below
CI 17 – Must be used for affordable housing for 10 years	N/A	This clause is not relevant as the application is made by NSW Housing (refer Clause 17(2)).
CI 18 – Subdivision Council may approve subdivision	N/A	No subdivision is proposed under the subject application.

Amended SEPP

The SEPP was modified on 20 May 2011 to tighten the requirements for development forms that would not otherwise be permitted in a zone by another planning instrument. A savings clause was inserted that indicates that existing applications may be assessed against the previous requirements of the SEPP with the exception of needing to satisfy a local character test. The drafting of the savings clause is unusual in that it allows discretion by the consent authority to choose whether the SEPP as amended or as originally gazetted applies to qualifying development applications.

Notwithstanding the above, Clause 54A(1)(a) states that the original requirements of the SEPP continue to apply to development on land that is owned by the Land and Housing Corporation. Clause 54A(3) still requires the consent authority to take into consideration whether the development is compatible with the area. This application is therefore not subject to the amended SEPP requirements, except for the character test.

Clause 15 – Design requirements

Pursuant to Clause 15, in determining a development application to carry out development for the purpose of in-fill affordable housing, a consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources dated March 2004.

The provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* have been taken into consideration in the assessment in the following table:

1. Responding to context

The new two storey development is compatible with the existing and likely desired future character of the area.

The proposed development provides for future landscaping consistent with Council controls which is critical in establishing the particular character of a neighbourhood or street.

The proposed development complies with the ARH SEPP and generally complies with Council's planning controls for this type of development. The proposal provides for sufficient setbacks, landscaping and common open space and minimises the impacts upon neighbouring properties. In this regard, the proposed development identifies the key elements that contribute to its future character.

2. Site Planning and Design

The site design is driven by the need to optimise internal amenity and minimise impacts on neighbours. In this regard, all dwellings receive ample solar access and cross flow ventilation and minimise impacts upon neighbours.

The proposal provides for a mix of dwelling sizes and the provision of adaptable dwellings assists in catering for the broad range of needs of potential residents. The dwellings comply with the minimum unit size and car parking requirements under the ARH SEPP.

3. Impact on Streetscape

The proposed development is not out of character with development contained within the identified local area given the various housing types that exist. A range of low and medium density development exists in the form of dwelling houses, dual occupancies and multi unit housing. As the proposed development reads as a 2 storey townhouse development from the street, it is compatible with the likely future medium density development within the area.

4. Impact on Neighbours

Impacts to neighbouring properties have been minimised by the location of adequately screened windows on the 1st floor and reasonable setbacks to neighbouring properties. Pedestrian access to the dwellings has also been designed to mitigate acoustic impacts upon the neighbouring residential properties. Sufficient solar access has also been maintained to the adjoining properties.

5. Internal site amenity

The dwellings have been designed to maximise solar access to living areas and private open spaces.

The majority of dwellings have been provided with individual identity along the street elevation with planting devices used to create physical barriers. These entries are

viewable from the street and benefit from internal natural surveillance from habitable windows. Large uninterrupted areas of hard surface (driveways, garages, walls) are avoided and small areas of planting break up and soften their 'hard edge' appearance.

The proposed parking is located at grade and cannot be easily viewed from the street. The driveway is located on one street frontage only to reduce the visual impact.

Clause 16A – Character of the Local Area

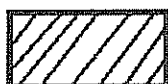
CHARACTER TEST

Clause 16A of the SEPP states *"A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area."*

To assess whether this development is compatible with the character of the local area the following assessment was undertaken.

1. Identify "the local area".

The local area for the purposes of this application is outlined in the map below.



The Subject Site



The Local area

2. Determine the character of the local area.

Element	Existing at time of lodgement	Future Potential (LEP2011)	Proposed	Comply with Existing	Comply with Future Potential
Permissibility	Residential flat buildings are prohibited under LEP2001. The proposal is permissible under the ARH SEPP.	Residential flat buildings are prohibited on land zoned R3 Medium Density Residential.	Residential flat building (under LEP definitions)	No (LEP2001) Yes (ARH SEPP)	No (LEP2011) No (ARH SEPP)
Building Form	Predominantly	The future potential	2 storey	Yes	Yes

	single dwellings within the immediate vicinity with scattered dual occupancy development. There are various multi unit dwellings in Manson Street, Winter Street, Adderton Road and Kissing Point Road.	development of the area is for 2 storey medium density residential building forms.	residential flat building		
Site amalgamation	The dominant allotment pattern in the immediate area is single allotments. There are multi unit housing developments within the local area that have consolidated lots.	The proposal consolidates land which is not uncharacteristic to the local area.	There is proposed amalgamation of sites.	Yes	Yes Due to the current R3 Medium Density Residential zoning of the site, amalgamation of sites in the future is expected.
Building Frontage	The width of buildings within the local area varies dependent on development sites, however generally range on average between 6m-12m in the immediate vicinity of the subject site.	As a consequence of the future zoning of the site as R3 Medium Density Residential, the potential development on surrounding sites will allow for greater building frontages. The width of future buildings on the standard lot sizes is unlikely to differ significantly from the existing.	The proposed building has varied building frontages of 11m to 15m.	Yes The proposal has similar building frontages to the prevailing buildings within the area as the development has been broken up into 5 separate buildings	Yes The proposal has a similar building frontage than the potential future buildings within the area
Unit mix	Typical dwelling houses predominantly 3 bedroom It is acknowledged that some multi unit may contain 1 and 2 bedroom dwellings.	The percentage of 2 bedroom households in the area is likely to increase as the majority of future redevelopments will be for multi unit housing.	9 x 2 bedroom units and 15 x 1 bedroom unit	No This development contains mostly 1 bedroom units which is not consistent with development existing within the area.	No This development contains mostly 1 bedroom units and is not consistent with the likely future character of the area.
Occupancy type (if known)	A Social Impact Assessment was submitted and reviewed by Council's Social Outcomes Officer. In the review, demographic details were provided. 49% of the population in	The percentage of owner occupied and rental dwellings are likely to remain stable in the short term until redevelopment of higher density housing occurs.	100% of the units are to be allocated for the purposes of affordable rental housing.	No 100% of the development will be rented	No 100% of the development will be rented

	Telopea are owners/purchasers and 41% are renters.				
Architectural style: - Roof form - Fenestration - Materials	The dominant roof style in the area is pitched and tiled, however some multi unit development contains metal roofing. Materials of residential construction in the area include face brick, fibro and fibro clad.	Council's planning controls encourages roof forms and materials to be sympathetic with the prevailing theme in the area.	The proposed development has a pitched roof and proposes a material schedule consisting of brickwork and rendered brickwork.	Yes The proposed rendered brickwork and pitched metal roof is compatible with the existing architectural style of the area.	Yes The proposed rendered brickwork and metal pitched roof is compatible with the potential future architectural style of the area.
Height	The area contains a mixture of building heights but is predominantly single storey within the immediate vicinity of the subject site. Two storey development also exists within the area.	LEP2011 allows for development in the local area to have a height up to 11m.	The proposed building has a maximum height of 8.5 metres.	Yes The height is compatible with the single and 2 storey heights within the local area. The height is also permissible under LEP2001.	Yes The height is compatible with the likely future heights within the local area. The height is also permissible under LEP2011.
FSR	The dominant FSR of the residential area is 0.5:1 or less. This FSR is applicable to the existing dwelling houses. Existing townhouse development would be a maximum 0.6:1.	LEP2011 dictates that the FSR of the subject site area is to be a maximum of 0.6:1.	The proposed development has an FSR of 0.53:1.	Yes The development will have an FSR of 0.53:1 which is consistent and compatible with the FSR of existing buildings in the area.	Yes The development will have an FSR of 0.53:1 and although is lower than that permissible under LEP2011, remains compatible with the likely FSR of buildings in the local area.
Front setback	The area has a range of setbacks, with a setback of between 7m – 13m common for older stock residential properties in the area.	New residential developments are likely to have setbacks of between 5 -9m.	The proposal provides a 5m front setback to Burke Street and a 6m setback to Chestnut Ave.	No The proposed setback is slightly forward of the typical building lines within the immediate area.	Yes The proposed setback is consistent with the likely future setbacks of adjoining and nearby properties.
Side setback	The locality contains a mixture of side setbacks. The majority of residential properties are setback between	New higher density residential developments are likely to have side setbacks of between 3m and 4.5m.	The proposal provides a minimum 4.5m setback to the eastern boundary and a 6.5m setback to	No The proposed setbacks provide a significant gap between dwellings which is generally	Yes The large setbacks are likely to be consistent with future adjoining developments

	900mm and 3m from side boundaries.		the northern boundary	greater than the setbacks of adjoining properties and therefore disrupts the rhythm & spacing of the development within the immediate vicinity. It is compatible with development as a whole within the local area.	given that the local area will permit medium and high density developments with a setbacks between 3m and 4.5m.
Rear setback	N/A – corner site				
Landscaped areas	The majority of residential buildings in this area have landscaped areas to the front and rear of the buildings.	LEP2011 and DCP2011 will ensure that buildings maintain landscape areas to the front and rear of buildings on the site.	The proposed development is provided with sufficient landscaped areas at the front and within the site.	Yes The development provides for appropriate landscaping with This is consistent with the landscaping features of the character area.	Yes This development provides sufficient landscaped area (under the SEPP) with a majority of the landscaped area located around the periphery of the development. This is mainly due to its location as a corner site.
Location of primary internal living areas	The majority of residential developments have their internal living areas on the ground floor.	Given that future developments within the immediate area are multi dwelling housing (R3 zone) it is likely that many living areas will primarily be located on the ground floor.	The proposed building provides primary living areas on the ground and 1st floors	No There are primary living areas are on the 1st floor	No It is likely that many living areas will primarily be located on the ground floor.
Location of primary outdoor living areas	The majority of residential buildings in the area have primary outdoor living areas to the rear of buildings on the ground floor. Multi unit developments also have ground floor outdoor living areas	Given that future developments within the immediate area are multi dwelling housing (R3 zone) it is likely that many outdoor living areas will primarily be located on ground floors.	The proposed building provides primary outdoor living areas on the ground and 1 st floors	No There are primary outdoor living areas are on the 1st floor	No It is likely that outdoor living areas will primarily be located on the ground floor.
Car parking	The majority of parking in the area, is provided off site and at grade. Multi unit developments within the local area have basement parking.	Given the medium density zoning within the area, it is likely that basement carparking will be provided for future residential development.	The proposed building provides at grade parking.	Yes The majority of existing developments within the area have parking at grade.	In part Given the medium density zoning within the area, it is likely that basement carparking will be provided for future residential development. Some

					development may still provide at grade parking.
Visual bulk from neighbours	Adjoining properties contain single dwellings with large rear setbacks.	Likely future buildings will have 15% rear setbacks.	There is no rear setback for the proposed development. The 2 storey element will project beyond adjoining setbacks	No The length of the development contributes to visual bulk to adjoining neighbours which is inconsistent with existing development	Yes Likely future buildings will have 15% rear setbacks.
Overlooking opportunities	The majority of buildings that are 2 storeys in height in the area have overlooking opportunities from secondary habitable areas (generally low usage bedrooms) on the first floor.	The predominant building form in the immediate vicinity is likely to be in the form of multi dwelling housing, which are likely to have low usage rooms on the 1 st floor	Two storeys with primary living room areas located on the ground floor and first floors.	No Although some primary living areas are located on the 1 st floor, overlooking opportunities are minimised due to setbacks and landscaping.	No The predominant building form in the immediate vicinity is likely to be in the form of multi dwelling housing, which are likely to have low usage rooms on the 1 st floor
Overshadowing opportunities	Overshadowing varies depending on the orientation of allotments. Overshadowing opportunities are generally restricted by the side setbacks and length of the building. The majority of the housing stock is single storey which has minor overshadowing implications on adjoining properties.	Overshadowing opportunities will increase as older stock is redeveloped into higher density housing forms.	Adjoining properties will receive ample solar access.	Yes	Yes

3. Determine whether the development is compatible with the character of the local area.

Developments need not be "the same" however should be able to be in harmony with surrounding development. It should be acknowledged that as the differences in the essential characteristics/attributes of an area increase, harmony is harder to achieve.

There are 2 major aspects to consider:

- *Physical impacts (overlooking, overshadowing, constraints on the development). Are the physical impacts acceptable?*

- *Is the proposal's appearance in harmony with the surrounding development? In this regard, to be visually compatible with its context, it should contain (and at least respond to) the essential elements that make up the character of the surrounding environment.*

Consideration should also be given to the typical building form that could be otherwise built on the site.

The local area contains a mix of development types, including low density residential (dwelling houses and dual occupancy), medium density residential (townhouses), a school and a church. The predominant building type within the immediate area to the subject site is low density single storey dwelling houses.

The subject site and immediate area was previously zoned Residential 2(b) under LEP2001 and is currently zoned Residential R3 under LEP2011, however little redevelopment has occurred within this area.

The proposed development for the residential flat building is not out of character with development contained within the identified local area given the various land uses that exist. Given that the majority of properties within the immediate vicinity have not as yet been redeveloped for higher density residential, the proposed development contains a number of elements that are not consistent with these existing development types (for example, living and outdoor areas located on the 1st floor). Notwithstanding these elements that are not typical within the area, the proposed development has a floor space ratio, height, setbacks, landscaping and deep soil which is compatible with both the existing character and the future potential character of the area. The bulk and scale of the development is considered to be in harmony with the wider built form in the area but not necessarily in the immediate vicinity of the site, where blocks contain single dwellings.

Due to the development forms within the local area and likely future character of the area, the development is considered to be compatible with the local context.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2001

The application was lodged under the provisions of Parramatta Local Environmental Plan 2001. The relevant matters to be considered under Parramatta Local Environmental Plan 2001 for the proposed development are outlined below. It should be noted that the application is assessed as a "residential flat building" as defined under the provisions of LEP 2001.

(a) General Requirements

Development standard	Comment	Discussion
CI 16 Permissible within zone?	No	At the time of lodgement the site was zoned Residential 2(b) under LEP2001. Residential flat buildings are prohibited under the Res 2(b) zoning
CI 20 Affected by rail/road noise and/or vibration	No	Not required
CI 21 Is the site flood affected? If yes will the development satisfy CI 2 (a)-(e)?	No	-
CI 30 Is the site subject to a masterplan?	No	-
CI 31 Is the site adjacent to the Parramatta River foreshore	No	-
CI 32 Affected by a Foreshore Building Line	No	-
CI 34 Will the proposal have any impact on Acid Sulphate Soils?	No	-
CI 47 Does the land abut Zone 7 or 9(d)?	No	-
CI 48 Is the land along or adjoining a public transport corridor?	No	-

(b) Specific Requirements for Residential Flat Buildings

Development Standard	Proposal	Compliance
Clause 39 Maximum height RFB = 3 storeys	 RFB = 2 storeys	 Yes
Clause 40 Maximum FSR RFB = 0.8:1	 FSR = 0.53:1	 Yes

Aims and objectives - residential zones

The proposed development is not ordinarily permissible under LEP2001. The proposal is partially inconsistent with the relevant objectives of the 2(b) zone as it provides a higher density residential development form than that envisaged in the

zoning applying to the land. Although this particular form of development, being a residential flat building, is not consistent with the zoning, the height and floor space are well within the maximum permissible development standards for the medium density zoning applying to the land. In addition, it is consistent with other objectives of the zone as the proposed works are considered to be suitably located and represents a development which is not incompatible with the likely future character of the area.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 1996 (HERITAGE & CONSERVATION)

The site is not listed as a heritage item and is not located within the vicinity of a heritage item.

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

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

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

LEP 2011 was gazetted by the Minister on 7 October 2011. The LEP includes a savings provisions in the form of clause 1.8A as follows:

1.8A Savings provisions relating to development applications

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

This provision enables the application to be determined, regardless of whether LEP 2011 is made at the time of determining the subject application.

The subject site is zoned Residential R3 under Parramatta LEP 2011. The proposed new 2 storey development is defined as a residential flat building under Parramatta LEP 2011 and is a prohibited land use in the zone. The proposal is partially inconsistent with the relevant objectives of the R3 zone as it provides a high density residential development form rather than a medium density development form. Although this particular form of development, being a residential flat building, is not consistent with the zoning, the height and floor space are well within the maximum permissible development standards for the medium density zoning applying to the land. Notwithstanding this, the development is permissible under the ARH SEPP, which is the prevailing legislative document.

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

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – R3 Medium Density Residential.	No	Residential flat buildings are prohibited in the zone (the proposal is however permissible under the ARH SEPP)
4.1 Minimum subdivision lot size. Lot size map shows that the minimum lots size to be subdivided is 550m ² .	Yes	The site area is 3484m ² .
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 11 metres.	Yes	The proposal has a maximum height of 8.5 metres.
4.4 Floor Space Ratio Floor Space Ratio map shows that the maximum FSR of new developments for the subject site is 0.6:1.	Yes	FSR – 0.53:1
CI 5.6 Architectural roof features	Yes	The overall height of the proposed development is below the maximum height of 11m
CI 5.7 Development below mean high water mark.	N/A	
CI 5.9 Preservation of trees.	N/A	There are numerous trees to be removed on the site. An arborist report has been submitted and assessed by Council's Tree Management & Landscape Officer. See 'Referrals' section of the report.
CI 5.10 Heritage Conservation	Yes	The subject site is not a heritage item and is not in the vicinity of any heritage items.
CI 6.4 Affected by a Foreshore Building Line	N/A	Not affected

CI 6.5 Is the site flood affected? If yes will the development satisfy CI 3 (a)-(f)?	N/A	Not affected
CI 6.6 Will the proposal have any impact on Acid Sulphate Soils?	N/A	Not affected
CI 6.7 Land Sensitivity - Is the site identified as land that is geotechnical instable and a potential land slip risk?	N/A	Not affected
CI 6.9 Environmental Protection	N/A	The subject site is not identified as being riparian land or land that abuts a waterway.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2005

Residential Flat Buildings:

Development Control	Proposal	Compliance
Preliminary Building Envelope		
Site Frontage		
Minimum 24 metres	Chestnut Ave = 79.9m Burke Street = 41.7m	Yes
Height		
Maximum of 2 storeys where adjoining existing single storey dwelling houses/dual occupancy developments in Residential 2A or 2E Zones unless the third storey has a further setback of 6 metres.	2 storeys	Yes
Street Setback		
Is to be consistent with the prevailing setback along the street within the range of 5 – 9 metres.	6m to Chestnut Avenue	Yes

Secondary 5-7m	5m to Burke Street Although both frontages are slightly forward of the building lines in both Chestnut Ave & Burke Street, this is considered acceptable for a large corner block and given the potential redevelopment of adjoining sites in the future.	Yes
Basement car parks are not to extend beyond the building envelope into the front setback.	No basement is proposed	N/A
Rear Setback Minimum 15% length of the site	Not applicable – this is a corner site	N/A
Side Setback Minimum = 4.5 metres	East = 4.5m (min) North = 6.5m (min)	Yes
Site Planning		
Views and Vistas Does the development preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 3.	The development will not obstruct any significant views.	Yes
Does the building design, location and landscaping encourage view sharing between properties?	There are no views to be shared.	Yes
Water Management Flooding or Grey Area Is the site flood affected or within a grey area?	The subject site is not within a Grey Area. The site is affected by flooding (overland flow).	Yes

Stormwater Disposal Is stormwater to be directed to Council's stormwater network? If not, where is it directed?	Council's Development Engineer has reviewed the application and raised no objections to the proposal. See 'Referrals' section.	Yes
BASIX Meets BASIX certificate requirements with regard to rainwater tanks, native vegetation etc.	BASIX certificate submitted and commitments shown on the plans	Yes
Soil Management Are there adequate erosion control measures?	Sufficient sediment control measures will be adopted to ensure the management of soil and silt during any construction works.	Yes
Development on Sloping Land Does the design of the dwelling respond to the slope of the site? <i>(Generally speaking FFL should not exceed 500mm above existing NGL)</i>	The site has a fall from the rear from the NW to SE by approximately 5m. The majority of the development is positioned close to natural ground level and steps with the land. The dwellings in the eastern block (7, 8 & 9) have been raised between 0.7m and 1m above natural ground level. This was required due to the overland flow path associated with the Council stormwater pipe traversing this section of the site.	Yes
Land Contamination Is the site contaminated?	The site is not contaminated nor is there any previous history that may have caused contamination.	Yes
If land abuts Zone 7, has a 6 metre setback for all	N/A	N/A

<p>structures been provided? (C147 PLEP 2001)</p> <p>If no a SEPP 1 is required.</p> <p>Note: Council will require the submission of a Statement of Flora/Fauna Impact (SFFI) for all development in or adjacent to bush land with respect to the impact on biodiversity.</p>		
<p>Biodiversity</p> <p>Does the proposal minimise impact on indigenous vegetation and naturally occurring soils? Is there additional native vegetation to be planted?</p>		N/A
<p>Landscaping</p> <p>Are natural features on the site, such as existing trees, rock outcrops, cliffs, ledges, indigenous species and vegetation communities retained and incorporated into the design of development?</p> <p>Are trees planted at the front and rear of the site to encourage tree canopy to soften the built environment, to encourage the continuity of the landscape pattern and to minimise overlooking opportunities between properties?</p>	<p>The proposed Landscape Plan has the endorsement of Council's Tree Management Officer subject to conditions of consent.</p> <p>Refer to Referrals section of this report.</p> <p>Natural features such as new vegetation species and turf are incorporated into the design of the proposed development.</p>	<p>Yes</p> <p>Yes</p>
<p>Deep Soil Zone</p> <p>Does the proposal provide for a 30% deep soil zone? (a minimum of 50% is to be located at the rear of the site with a minimum of 15% to be located at the front of the site).</p>	<p>Required – 1045m² Provided – 1290m² = 37%</p>	<p>Yes</p>

<p>Note: The minimum dimensions for a deep soil zone are 4m x 4m.</p>		
<p>Landscaped Area</p> <p>Is a minimum of 40% of the site is to be landscaped? (Note: Swimming pools can be included in landscape area calculations)</p>	<p>Required – 1394m² Provided – 1490m² = 43%</p>	<p>Yes</p>
<p>Isolated Sites</p> <p>Development is not to result in the creation of isolated sites.</p> <p>Documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site shall be submitted.</p> <p>If amalgamation is not feasible, applicants are required to demonstrate that orderly and economic use of the separate sites can be achieved.</p>	<p>The development of the site will not result in the creation of any isolated sites.</p>	<p>Yes</p>
<p>Waste Management</p>	<p>A satisfactory waste management plan has been submitted with the application.</p> <p>Waste areas have been provided adjoining main entry points to the development</p>	<p>Yes</p>
<p>Building Elements</p>		
<p>Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale</p> <p>Has the development been designed to integrate with</p>	<p>See 'Character Test' Section for further discussion.</p>	<p>Yes</p> <p>Yes</p>

Landscaped Area

Required – 1394m²
 Provided – 1490m²
 = 43%

Isolated Sites

The development of the site will not result in the creation of any isolated sites.

Documentary evidence to demonstrate that a genuine and reasonable attempt has been made to purchase an isolated site shall be submitted.

Waste Management

Waste areas have been provided adjoining main entry points to the development

Building Elements

Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale

Yes

Yes

the built and natural elements defining the streetscape, including the regular street layout and building pattern and the landscape elements contributing to the streetscape, including street trees and front gardens?		
Garage Dominance Is a basement proposed?	No basement parking is proposed.	Yes
Fences Is the front fence a maximum height of 1.2m? Are front fences a common element in the locality? Is sheet metal fencing proposed to be used forward of the building line or on boundaries that have an interface with the public domain?	 A front fence is proposed on both the Chestnut Avenue & Burke Street frontages. The fence is 1m in height with a low concrete rendered block and horizontal aluminium slat infills. There are several existing properties with front fences in the vicinity of the subject site. No sheet metal fencing is proposed	 Yes Yes Yes
Building Form and Massing Is the height, bulk and scale of the proposed building consistent with the building patterns in the street?	See 'Character Test' Section for further discussion.	Yes
Attics Is the attic floor area greater than 25m²? Does the attic comply with the definition of attic contain in PLEP 2001?	No attics within the new development are proposed.	N/A
Building Façade and Articulation Are the building facades	See 'Character Test' Section	Yes

<p>modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> <p>Does the building exceed the building envelope?</p> <p>If yes, by more than:</p> <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows 	for further discussion.	
<p>Roof Design</p> <p>Roofs should respond to local context and minimise the appearance of bulk and scale of a building. Roofs are not to have a pitch of greater than 32 degrees.</p>	A low roof pitch is proposed which improves the appearance of bulk and scale of the development.	Yes
Environmental Amenity		
<p>Private Open Space</p> <p>Is a minimum of 10m² of private open space per unit provided?</p> <p>A minimum of 10m² of communal open space per dwelling.</p>	<p>The dwellings have private open space in the form of a balcony or courtyard. The sizes vary and often where the balconies do not achieve a minimum area of 10m², a secondary balcony has been provided.</p> <p>A central landscaped area is provided as communal open space with an area of approximately 240m²</p>	<p>In part (this is not an ARH requirement)</p> <p>Yes</p>
<p>Visual Privacy</p> <p>Are windows, balconies and decks designed to minimise overlooking of living areas and private open spaces of adjoining dwellings?</p>	<p>See 'Character Test' Section for further discussion.</p> <p>The 1st floor to the development contains habitable rooms and balconies which face the adjoining</p>	Yes

	<p>properties. The NW block contains windows and balconies facing the adjoining properties, however this block has greater setbacks to the boundaries and dense screen planting. These balconies also have privacy screens attached.</p> <p>There are no balconies on the eastern block facing adjoining properties. The majority of these windows have privacy screens.</p>	
<p>Acoustic Privacy</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p>	<p>The subject site is not located in close proximity to a major road.</p>	<p>N/A</p>
<p>Solar Access</p> <p>Does each dwelling receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as</p>	<p>Each dwelling will receive a minimum of 3 hours solar access</p> <p>Shadows diagrams submitted with the application indicate that the proposed development will not impact upon neighbouring properties for the majority of the day. A small section on the western front setback at No. 7 Chestnut will be overshadowed at 3pm during the Winter Solstice.</p> <p>Due to the orientation of the site, the proposal has been designed so that the majority of the dwellings have a northerly aspect.</p>	<p>Yes</p> <p>Yes</p> <p>In part</p>

laundries and bathrooms to the south or west?		
Cross Ventilation Is the minimum floor to ceiling height 2.7m on the ground floor and 2.4m on the first floor?	Ground Floor – 2.7 metres First floor – 2.7 metres	Yes
Waste Management Is the waste management plan satisfactory?	The Waste Management Plan is satisfactory, detailing the accumulation of waste and the methods for removal at the demolition, excavation, construction and on-going management stages.	Yes
Social Amenity		
Safety and Security Have the principles of CPTED been satisfied within the design?	Various ESD principles have been incorporated in the design of the development to deter anti-social behaviour. These include doors, windows and balconies which face the street to increase passive surveillance to the public domain and within the development. Accordingly, the proposal is considered appropriate in this regard.	Yes
Housing Diversity and Choice One adaptable dwelling per 10 dwellings. All ground floor buildings must be visitable by people with a disability.	2 units have been nominated as adaptable units. The ground floor of the majority of the new development can be accessed by people with a disability. The dwellings in the eastern block	No (condition 3 units required) In part

	have had to be raised due to overland flow so cannot provide access for people with disabilities.	
Movement & Circulation		
Parking and Vehicular Access		
<p>Is adequate carparking provided to meet demand generated?</p> <p>1 space per 1 bedroom unit 1.25 spaces per 2 bedroom 1.5 spaces per 3 bedroom 2 spaces per 4 bedroom</p> <p>plus 0.25 space per dwelling for visitors.</p> <p>If carparking is in the form of a basement do slope conditions require a basement?</p>	<p>These controls require the provision of 27 spaces for residential purposes and 6 additional spaces for visitors.</p> <p>The proposal provides 14 residential spaces.</p> <p>No basement car parking is proposed</p>	<p>No</p> <p>However, the application is made under the ARH SEPP, where car parking provisions override the DCP controls.</p> <p>N/A</p>
Accessibility and Connectivity.		
<p>Development on large sites should incorporate through site links where appropriate.</p>	<p>A through site link is not proposed.</p>	<p>N/A</p> <p>The location of the site and the size of the development does not warrant the provision of a through site link.</p>
Residential Subdivision		
<p>Does the proposal reflect existing subdivision patterns and built form?</p>	<p>The application seeks approval for consolidation only. The creation of larger allotments of land is typical of future developments within the area.</p>	<p>Yes</p>
Special Character Areas		
<p>Is the site within a Special Character Area?</p>	<p>No</p>	<p>N/A</p>

Is the proposal consistent with the controls in Part 5 of the DCP?	N/A	
Is the proposal within a Neighbourhood Character Area?	No	N/A
Is the proposal consistent with the controls in Appendix 4 of the DCP?	N/A	

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

The proposal would ordinarily require payment of S94A development contributions as the value of works exceeds \$100,000.

Council received correspondence from the Department of Planning on 2 November 2010 regarding the ability to levy Section 94A contributions for developments subject to the SEPP (Affordable Rental Housing) 2009. This letter states that *"where a component of the development is 'affordable housing' then that component should be excluded from the working out of the development costs for a section 94A contribution under clause 25J of the Regulations."*

In accordance with the advice received from the Department of Planning, Section 94A contributions cannot be levied as the entire development comprises affordable housing.

PLANNING AGREEMENTS

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

REGULATIONS

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

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

Submissions were received from a total of 44 households in response to the notification of the application. The issues raised within the submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. As the application has been made by a Crown authority, the concurrence of the NSW Department of Housing is required before the application can be approved.

Recommendation

APPROVAL

That Council grant consent to Development Application No. DA/116/2011 subject to the following conditions once the concurrence of the NSW Department of Housing for the imposed conditions has been received.

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
Site/External Works Sheet 5 of 18	8 March 2012
Ground Floor Plan Sheet 6 of 18	8 March 2012
First Floor Plan Sheet 7 of 18	8 March 2012
Roof Plan Sheet 8 of 18	8 March 2012
Elevations Sheet 12 of 18	8 March 2012
Sections Sheet 13 of 18	8 March 2012
Perspectives	

Drawing No	Dated
Sheet 14 of 18	8 March 2012
Colours & Materials Sheet 15 of 18	8 March 2012
Fence Plan Sheet 16 of 18	8 March 2012
Demolition Plan Sheet 17 of 18	8 March 2012
Landscape Plan – Sheet 1 of 4 – Revision C prepared by Christine Murphy Landscape Architect (approved subject to further modifications – see Condition 17)	18/10/2011
"Site Stormwater Drainage Layout Plan", 10030-C01E, Sheet C01, Revision "F" (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).	22/10/2011
"Stormwater Details", 10030-C02B, Sheet C02, Revision "B" (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).	22/10/2011
"Stormwater Details", 10030-C03A Sheet C03, Revision "A" (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).	25/07/2010

Document(s)	Dated
BASIX Certificate 329814M	28/10/2010
Waste Management Plan	Undated
Development Impact Assessment Report prepared by Earthscape Horticultural Services	Aug 2010

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

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

- All 24 dwellings within the development are to be used as affordable rental housing under the provisions of the SEPP (Affordable Rental Housing) 2009.

Reason: To confirm the details of the application.

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

Reason: To ensure appropriate demolition practices occur.

5. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1-3	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Burke Street Road reserve	380	3.1
4	<i>Callistemon citrinus</i>	Bottlebrush	Burke Street Road reserve	290	2.4
5	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Burke Street Road reserve	380	3.1
17	<i>Jacaranda mimosifolia</i>	Jacaranda	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	350	3.6
59	<i>Castenospermum australe</i>	Blackbean	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	750	6.1
76	<i>Liquidambar styraciflua</i>	Liquidambar	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	450	4.6
77	<i>Liquidambar styraciflua</i>	Liquidambar	As per Appendix 7 and 8 of the arborist report prepared by Earthscape Horticultural Services dated 19/8/2010	750	6.1

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

6. Trees numbered 6-16, 18-58, 60-75a and 78-88 within Appendix 5 of the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated August 2010 are to be removed.
Note: Please refer to the attached appendices of this report for identification and location of the subject trees.
Reason: To confirm the trees that may be removed.
7. Occupation of any part of the 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.
8. 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.
9. Retaining wall for excavation shall be constructed when cut or fill exceeds 600mm. Where necessary to prevent damage to the adjoining properties all approved retaining walls associated with the approved development are to be constructed to the construction of the ground floor.
Reason: To prevent damage to the adjoining properties.
10. The stormwater system shall be constructed as per the Approved Stormwater Plan addressing the issues and incorporating all the notes and comments annotated on the plan. The Approved stormwater plan consists of the following amended plans with the text "Approved Stormwater Plan" stamped on the them together with the comments, notes and rectification requirements as annotated thereon and approved with this consent.
- a. "Site Stormwater Drainage Layout Plan", no Drawing #, File # 10030-C01E, Sheet C01, Revision "F" dated 22/10/2011 (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).
 - b. "Stormwater Details", no Drawing #, File # 10030-C02B, Sheet C02, Revision "B" dated 22/10/2011 (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).
 - c. "Stormwater Details", no Drawing #, File # 10030-C03A Sheet C03, Revision "A" dated 25/07/2010 (subject to change upon amendment) prepared by Michael Ell consulting Engineers (1 Sheet).
- Reason:** To ensure satisfactory storm water disposal.
11. The provision of gates over the driveway to the adaptable units (via Units 4 & 8) are to be deleted.
Reason: To enable satisfactory disabled access.

12. No portion of the proposed structure, whether over-hanging or underground, including the building structure, carport, car park etc, shall encroach onto the existing drainage easement.

Note: The stormwater plan submitted indicates encroachments on the north-eastern portion of the car park (i.e. the aisle end and the rear left corner of car space #12). These encroachments will need to be rectified.

Reason: To ensure that the easement is free of any building encroachment and those other structures.

13. The foundation at around the north-eastern (rear left) corner of Unit #9 building, which is proposed adjacent to the existing drainage easement (i.e. at the rear yard of #5 Chestnut Avenue), is likely to impact on the stormwater pipe within the easement. The foundation around the area shall be designed by a qualified practicing structural/geotechnical engineer constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements and constructed accordingly. Upon completion of the work the engineer shall certify the construction work. A copy of the certificate shall be submitted to council prior to occupation of the site.

Reason: To ensure that the easement is free of any building encroachment and that other structures are erected in accordance with the approval granted and Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements.

14. The overland flow path as shown on Figure 7 of the "Flood Study & Drainage Assessment Report for Housing NSW at 6-8 Burke St & 1-5 Chestnut Ave, Telopea" dated 22/08/2011 prepared by Jones Nicholson Pty Ltd) shall be kept free of the any obstruction whether temporary or permanent at the entry point, exit point and within the subject site. Further:

- a. No obstruction of the overland flow at the entry and exit point (i.e. rear property boundary of #3 Chestnut Avenue where the overland flow enters and front and right-side property boundary of #5 Chestnut Avenue where the flow exits) is permitted. The unobstructed entry and exit shall be maintained/ managed by providing clear openings of at least 400mm deep, or 150mm freeboard plus the depth of flow, whichever is larger, at the bottom of the boundary fence/wall for a length of 14m at the entry as well as at the exit point of the site (measured from the western edge of the flood extent), clearing the full width of the flood at the property boundaries as shown on the figure 7 of the flood study report.
- b. The overland flow path within the subject site i.e. area affected by the overland flow/flood, as shown on the figure 7 of "Flood Study Report shall be kept clear off any obstruction such as inter-allotment fence/wall or any other structures, whether temporary or permanent. Any obstructions such as fence/wall or any other structures that encroach into the overland flow path and/or alter the flow characteristics shall be the either deleted or rectified to make a provision for clear openings of at least **400mm** deep, or **150mm** freeboard plus the depth of flow, whichever is larger, at the bottom

of the obstruction (i.e. fence/wall etc) for the full width of the flood extent, creating clear opening, to allow free flow of flood water

Reason: To prevent obstruction and allow free flow of overland flow.

BEFORE THE COMMENCEMENT OF WORKS:

15. Revised plans indicating the following design modifications be submitted and approved by the NSW Department of Housing before the commencement of works:

- (a) privacy screens being located on the following balconies:
 - (i) the eastern balcony wall adjoining the living area of Unit 17
 - (ii) the eastern balcony wall adjoining the living area of Unit 18
 - (iii) the western balcony wall adjoining the bedroom of Unit 19
 - (iv) the southern balcony wall adjoining the living area of Unit 21
- (b) openable highlight windows be provided the kitchen of Unit 22.

Reason: To improve internal privacy between dwellings.

16. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the NSW Department of Housing before the commencement of works:

- a) A minimum of 11 off-street parking spaces (including 3 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width within the carpark area are to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum).
- b) A combined entry & exit driveway (3m wide with 300mm clearance both sides between kerbs) and 2 separate driveways for each of the adaptable units to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
- c) Driveway gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- d) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
- e) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- f) 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.

Reason: To ensure appropriate access is provided.

17. The submission of a final Landscape Plan to the satisfaction of the NSW Department of Housing before the commencement of works. The final Landscape Plan shall address the following requirements:
- (a) Provision of a minimum of 10 locally occurring canopy trees within the subject site.
 - (b) A revised plant schedule is required to be submitted which indicates low water use, indigenous/endemic plant species be used in preference to exotic species, reflecting the vegetation communities of the locality.
 - (d) A proposed plant schedule indicating planting locations, mature dimensions, plant numbers and the size of the containers at planting.
 - (e) Revision of the plan to indicate retention of trees within the Burke Street road reserve.
 - (f) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.
- Reason:** To ensure that appropriate landscaping is implemented.
18. A minimum of 3 dwellings are to be constructed in accordance with the requirements of AS 4299 so as to be adaptable. These details are to be submitted to the satisfaction of the NSW Department of Housing prior to the commencement of works.
- Reason:** To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time in accordance with Section 4.4.3 of PDGP 2005.
19. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.
- Reason:** To ensure the quality built form of the development.
20. 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 commencement of work. 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.
21. An Environmental Enforcement Service Charge is to be paid to Council prior to the commencement of work. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.
- Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

22. An Infrastructure and Restoration Administration Fee is to be paid to Council prior to the commencement of work. The fee to be paid is to be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

24. The required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be paid before the commencement of works.

Reason: To ensure that the levy is paid.

25. Prior to the commencement of works, details are to be submitted to the NSW Department of Housing that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -*Western Sydney Salinity Code of Practice 2003*.

Reason: To ensure appropriate safeguards against salinity.

26. Prior to the commencement of works, a further report including accompanying plans shall be submitted to the satisfaction of the NSW Department of Housing that provides details regarding the cleaning of waste bins, access to water and discharge of wastewater from the garbage storage area. A copy of this report and accompanying plans is required to be provided to Council.

Reason: To provide for the appropriate cleaning of bins and bin storage area within the proposed development whilst minimising the impact of the development upon adjoining residents.

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

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

28. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to the commencement of work.

Reason: Statutory requirement.

29. The proponent shall submit to the NSW Department of Housing and Council, a Construction Noise Management Plan prior to the commencement of work, 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

30. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person approving the detailed stormwater plan shall ensure that:
- a. The final stormwater plans are consistent with, and address and incorporate all the notes/issues marked on the Approved Stormwater Plans i.e. the following plans, with the text "Approved Stormwater Plan" stamped on the plan together with the comments, notes and rectification

requirements annotated *thereon*, and approved with the Development Consent.

- i. **"Site Stormwater Drainage Layout Plan"**, no Drawing #, File # 10030-C01E, Sheet C01, Revision **"F"** dated 22/10/2011 **(subject to change upon amendment)** prepared by Michael Ell consulting Engineers (1 Sheet).
- ii. **"Stormwater Details"**, no Drawing #, File # 10030-C02B, Sheet C02, Revision **"B"** dated 22/10/2011 **(subject to change upon amendment)** prepared by Michael Ell consulting Engineers (1 Sheet).
- iii. **"Stormwater Details"**, no Drawing #, File # 10030-C03A, Sheet C03, Revision **"A"** dated 25/07/2010 **(subject to change upon amendment)** prepared by Michael Ell consulting Engineers (1 Sheet).

Note: The approved Stormwater Plans are concept in nature only for the DA approval and shall not be used for construction purposes as the construction plan (drawing). Separate Rectified Plan addressing the issues and incorporating all notes marked on this plan shall be submitted to and approval obtained from the Principal Certifying Authority (PCA) prior to commencement of works.

- b. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design of OSD system should achieve, a Site Storage Requirement of **330m³/ha** and a Permissible Site Discharge of **130 L/s/ha** (as per 3rd edition of UPRCT's handbook) for undrowned orifice condition and **520 m³/ha** for drowned orifice condition with the basin storage capacities of at least **120m³**.
- d. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.

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

31. The underground OSD tank structures shall be designed by a Certified Practicing Structural Engineer, taking into account of the live loads and the structural loads from the above and surrounding areas/structures, which exert load on the tank structures. Upon completion of construction, the work shall be certified by a Certified Practicing Structural Engineer to the satisfaction of the principal certifying authority. The principal certifying authority shall ensure that the designer has taken account of all the loads (live as well as the dead loads) exerted on the tank structures, and that the construction works duly certified by a practicing certified Structural Engineer

Reason: To ensure that the structural stability of the underground OSD tank structure.

32. An emergency overflow escape route from the access opening of the control pit to the nearest downstream street Stormwater system shall be provided and be maintained by removing any obstruction within the emergency over escape route/flow path as shown on the Approved Stormwater plan.

Reason: To provide controlled emergency escape route.

33. Prior to the commencement of work, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway(s) to the car park/car port, starting from the centreline of the frontage street carriageway to the proposed car park/ carport floor levels. The civil/traffic engineer shall provide specific written certification on the plans that

- Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.
- The grade of the driveway shall be NOT more than max 5% at the property line. Grade Transition with transition length of at least 2m shall be provided where the grade change is 12.5% or more for the Summit grade change and 15% or more for the Sag grade change.

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

34. Heavy-duty vehicular crossings at access driveway to the property shall be constructed in accordance with Council's **Standard Plan # DS9 & DS10**. Details shall be submitted to the satisfaction of Principal Certifying Authority and approval obtained prior to commencement of the construction work. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing for construction of the vehicular crossing.

Reason: To ensure appropriate vehicular access is provided.

35. Prior to the commencement of work, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with **Standard Drawings DS1** (Kerbs & Laybacks); **DS7** (Standard Passenger Car Clearance Profile); **DS8** (Standard Vehicular Crossing); and **DS10** (Vehicular Crossing Profiles).

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

Note: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or

driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

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

36. The designated disabled car spaces shall have minimum dimensions of 2.4m wide with a dedicated 2.4m wide shared area or 3.8m wide x 5.5m. The disabled car space shall have a minimum of 2.5m clearance height at the entry and within the parking space and comply with the provision made under AS 2890.6-2009. Further, the car space for the adaptable unit #9 shall be a dedicated disabled car space with a provision of 2.4m wide dedicated shared zone adjacent to it as shown on the approved stormwater plan.

Reason: To improve access to the car parking space.

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

Reason: To ensure adequate facilities are provided.

38. Prior to the commencement of works 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.
39. Should any proposed work be undertaken where it is likely to disturb or impact upon a public utility installation (e.g. power pole, Telstra pit sewer pipeline, water main etc) written confirmation from the affected utility provider (e.g. Integral Energy / Telstra) that they have agreed to the proposed works shall be submitted to the NSW Department of Housing, prior to the commencement

of works. The arrangements and costs associated with any adjustment to a public utility installation shall be borne in full by the applicant/developer.

Note: Details, such as utility type, exact location(s), size, and depths below the ground surface (or reduced level in m AHD) etc. shall be obtained from the respective authority or investigated in the field and confirmed by the authority.

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

40. No encroachment into the Tree Protection Zone (TPZ) of existing Trees is permitted by any structure such as pits & pipes. If any of the proposed structures such as pits & pipes, driveway, including the any retaining walls, section of structural wall, and its foundation that encroach TPZ of the existing trees, they shall be relocated away from the TPZ or suitable design measures shall be taken to prevent the encroachment.

Reason: To ensure protection of existing trees.

41. No shrubs, trees is shall be planted or raised garden beds to be built within the drainage easement that will obstruct free flow of overland stormwater through the drainage easement. The proposed trees/shrubs raised garden beds within drainage easement cause obstruction, and are in conflict with the provision of overland flow path and/or the existing stormwater pipe. Hence they should be deleted or relocated away from drainage easement to prevent obstruction to overland flow and/or intrusion by the tree roots.

Further, the trees/shrubs, which are proposed to be planted adjacent to the drainage easement, which are likely to intrude the stormwater pipe by their root system, should be relocated away from the drainage easement to a distance that will ensure no root intrusion occurs.

Reason: To prevent stormwater pipe being damaged by tree roots

42. The connection to Council's stormwater system shall be made at the existing pit in front of the property. If required the stormwater shall be modified or an access pit shall be constructed at the point of connection to Council's stormwater drainage system. This pit is to be constructed in accordance with Council's Standard Drawing DS29. A notation to this affect is to be included on the drawing. Drawings showing cross-section and connections details shall be submitted and get approved by Council's City Infrastructure Unit prior to commencement of the work.

Reason: To ensure appropriate drainage connection to the council pipe system

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

reinstated to its original state to the satisfaction of Council and the cost shall be borne by the applicant.

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

44. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council documentary evidence including photographic evidence of any existing damage to the neighbouring properties and Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits etc. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

Reason: To ensure that the applicant bears the cost of all restoration works to the neighbouring properties and the Council's property damaged during the course of this development.

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

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

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

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

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

Reason: To protect the amenity of the area.

48. 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.

49. 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.

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

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

51. 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.

52. Prior to any excavation the applicant must, at least 7 days before excavating the neighbouring driveway on an adjoining downstream 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 driveway and to keep the driveway crossing operating on a daily basis. Rectification of the affected driveway crossing shall be to the cost of the developer including the construction work extending within the affected property to provide an effective functioning driveway complying with the requirements of AS2890.1:2004 and to the satisfaction of Council.

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.

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

53. 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.
 - (vii) Pedestrian safety and access along footpath.
 - (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.

54. 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.

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

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

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

Reason: To prevent any damage to underground utility services.

DURING WORKS:

57. 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.

58. Noise emissions and vibration must be minimised and work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities shall not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: to maintain appropriate amenity to nearby occupants.

59. 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.

60. 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.

61. 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.

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

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

Such circumstances where extended hours may be permitted include:

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

Reason: To protect the amenity of the area.

63. 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.

64. 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.

65. 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.

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

66. 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 be site works commence.

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

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

68. Foundations adjacent to the drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements".
Reason: To ensure Council's assets are not damaged.
69. A **200mm** wide grated drain, with heavy-duty removable galvanised grates is to be located within the site at the intersection of the driveway and the property boundary/Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the main drainage system /street system, either separately or via the main site outlet as shown on the approved stormwater plan.
Reason: Stormwater control & runoff management.
70. Construction of a **1.2 m** wide by **80mm** thick concrete footpath across the **Chestnut Avenue and Burke Street** property frontage within the road reserve in accordance with Council's Standard Plan **#DS3**. Details of the proposed footpath works shall be submitted to and approved by Council prior to commencement of footpath works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to occupation of the site. All costs are to be borne by the applicant.
Reason: To provide pedestrian passage.
71. Construction of a Standard Kerb Ramp in accordance with Council Plan No. **DS4** in the kerb at the intersection of **Chestnut Avenue and Burke Street**. Details of the proposed works shall be resubmitted to and be approved by Council prior to commencement of works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to the occupation of the site. All costs are to be borne by the applicant.
Reason: To provide adequate access.
72. 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.

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

Reason: To protect public infrastructure and maintain public safety.

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

Reason: To provide satisfactory drainage.

75. 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

76. 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.

77. The following trees are to be supplied in (a) 45L container and be a minimum height of 1.5m at the time of planting. All street trees are to be setback 3 m from any driveway and 12 m from any intersection and are to be maintained at all times. All trees are to be grown and planted in accordance with Natspec – Clarke .R, *Specifying Trees: A guide to the assessment of tree quality, 2003*.

Tree No.	Name	Location
7x	<i>Lophostemon confertus</i> (Brush Box)	Chestnut Avenue frontage

Reason: To ensure restoration of environmental amenity.

78. 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.
79. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the Tree Management Plan contained within the arborist report prepared by Earthscape Horticultural dated August, 2010 and the relevant conditions of this consent.
Reason: To ensure the protection of the tree(s) to be retained on the site.
80. Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.
Reason: To protect the environmental amenity of the area.
81. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.
Reason: To ensure the protection of the tree(s) to be retained.
82. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.
Reason: Protection of existing environmental infrastructure and community assets.
83. 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
84. No service, structure, conduit or the like shall be fixed or, attached to any tree.
Reason: To ensure the protection of the tree(s).
85. 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.
86. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

Reason: To ensure restoration of environmental amenity.

PRIOR TO OCCUPATION OF THE SITE:

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

Reason: To ensure a visible house number is provided.

88. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the occupation of the site.

Reason: To ensure provision of appropriately located telecommunication facilities

89. 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.

90. Works-As-Executed stormwater plans shall be submitted to the NSW Department of Housing prior to the occupation of the site, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The following documentation is to be completed and submitted:

- Stormwater system including On-Site Detention systems, and the dish/swale drain channel & pipelines within the drainage easement over the downstream properties have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued for the construction of works and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (in incremental depth verses segmental area and volume table) and certified by the registered surveyor.
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook - Form B11 Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.

- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

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

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

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

92. The existing drainage easement along the south-eastern (right side) side property boundary shall be widened to additional **1.5m wide**, towards the west at the front property line and reducing to null (i.e. tapering to 9m) for a length of **15m** upstream to cover the Council's existing stormwater pipe and registration of the easement with the NSW Department of Lands shall be completed prior to the occupation of the site.

Reason: To ensure an appropriate easement is in place.

93. 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 Department of Housing. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

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

- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.

A copy of this report shall be forwarded to Council.

Reason: To establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

94. 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 NSW Department of Housing prior to occupation of the development.

Reason: Statutory requirement.

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

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

96. All titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to the occupation of the site.

Reason: To comply with the *Conveyancing Act 1919*.

THE USE OF THE SITE:

97. 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.

98. 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

99. No air-conditioning condensers/units are to be located on any of the balconies.

Reason: To ensure the amenity of the units and visual amenity of the building.

100. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for each building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.

Reason: To ensure the amenity of the area.

Advisory Note:

There could potentially be a negative impact for existing NSW Department of Housing tenants who are being relocated due to the redevelopment. In this regard, Council recommends that the NSW Department of Housing give strong consideration to the following:

- Provide home purchase options to the existing social housing tenants within the new development.
- Provide existing tenants the opportunity to stay with current leasing arrangements when they are transferred.
- Cover rehousing costs of existing tenants, such as moving expenses, utility reconnection fees and establishment expenses in new property.
- Support existing tenants to return new development if desired.
- Relocate existing tenants as close as possible to the suburb where their support structures are already in place.
- Provide the existing tenants a choice of two (2) new dwellings when being relocated, rather than the current one (1) offer policy on the site.