



## **ASSESSMENT REPORT –Mixed Use Development**

### **S79C – Environmental Planning & Assessment Act 1979**

#### **SUMMARY**

##### **Application details**

DA No:	DA/750/2012
Assessment Officer:	Kerry Gordon – Kerry Gordon Planning Services
Property:	Lots 1- 8 in DP 13088, Nos. 76-84 Railway Terrace and Nos. 1-3A Mombri Street, and part of the road reserve of Railway Terrace, MERRYLANDS
Proposal:	Demolition of existing structures and construction of 2 residential flat buildings and 1 mixed use building containing 97 residential flats and 1 shop over basement parking, provision of 4 on-street parking spaces, landscaping and public works
Date of receipt:	5 December 2012
Applicant:	Dyldam Developments Pty Ltd
Owner:	Tuyet Mai, Karen Curtis, Anne Shorland, Minh Truong, Cedric Robinson, Marie Robinson, Sina Azzopardi, Freddie Mariano, Carmelita Mariano, Muhieddine Ali Saad, and Parramatta City Council
Submissions received:	Nil
Property owned by a Council employee or Councillor:	No
Issues:	FSR, height, urban design, car parking, internal amenity, public works

Recommendation: Approval

## **Legislative requirements**

Current Zoning: B4 Mixed Use and R4 High Density Residential

Permissible under: Parramatta Local Environmental Plan 2011

Relevant legislation/policies: Parramatta Local Environmental Plan 2011, Parramatta Development Control Plan 2011, SEPP 65, BASIX, Section 94A Plan, Notification DCP, SEPP 55,

Variations: Height

Integrated development: No

Crown development: No

## **The site**

Site Area: 5,404.4m<sup>2</sup>

Easements/rights of way: No

Heritage item: No

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: None of relevance

## **DA history**

5.12.12 Development application lodged.

12.12.12 Letter sent to applicant requiring additional information in relation to stormwater design, owners consent, floor to ceiling heights and strata subdivision.

20.12.12 Additional information submitted by applicant responding to stormwater issues

21.12.12 Additional information submitted by applicant responding to floor to ceiling height and strata subdivision issues

21.12.12	Applicant requested to provide survey identifying setback of property from RailCorp land.
14.1.13	Applicant requested to provide detailed response to issues raised in pre-DA meeting.
15.1.13	Applicant provides information addressing pre-DA minutes.
18.1.13	Survey information provided by applicant and forwarded to RailCorp.
12.2.13	Applicant requested to provide additional information on provision of on-street parking spaces.
20.2.13	Information received from applicant in response to on-street parking issue.
4.4.13	Concerns with proposal identified in correspondence to applicant with request for amended plans.
17.5.13	Applicant provided amended plans and additional information in response to requirements of letter of 4.4.13, but did not provide amended landscape plan, public works plan or BASIX certificate.
8.7.13	Applicant provided amended landscape plan, public works plan and BASIX certificate.

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is an irregular shaped block comprised of Nos. 76-84 Railway Terrace and 1-3A Mombri Street and part of the Railway Terrace road reserve. The site is located on the southern corner of the intersection of Railway Parade and Mombri Street. Merrylands. Nos. 76-84 Railway Terrace and 1-3A Mombri Street have a combined frontage to Railway Terrace of 59.43m (with a splayed corner), to Mombri Street of 77.72m, an eastern boundary of 46.96m and an angled south-eastern boundary of 81.72m.

The portion of the road reserve that is included in the site is also irregular in shape and is the part of Railway Terrace that is directly in front of the remainder of the site. The portion of road reserve is 831m<sup>2</sup> in area, has a frontage to the site of 61.69m, a south-eastern boundary of 15.24m, an irregular north-western boundary of 63.96m and a north-eastern boundary of 13.765m. Together the site has a total area of 5,404.4m<sup>2</sup>.

The site falls from south-west to north-west (ie towards Railway Terrace), with a total fall of approximately 5m. The site is unaffected by easements, but a sewer line runs along the rear boundary of Nos. 1-3A Mombri Street and another within the existing road reserve along the front of Nos. 76-84 Railway Terrace and water and electrical servicing also run through the existing road reserve.

The site is currently developed with 8 single storey detached dwellings, 5 fronting Railway Terrace and 3 fronting Mombri Street and the portion of road reserve is occupied by an irregular shaped verge with a series of footpaths and driveways and a semi-circular road pavement, with an island containing street trees aligned with the remainder of Railway Terrace.

Surrounding development fronting Railway Terrace and Mombri Street are detached dwellings.

The portion of Mombri Street near its intersection with Railway Terrace has a raised carriageway, forming an overpass over Railway Terrace. Out the front of No. 3 Mombri Street the overpass descends to the same level as the adjoining dwellings.

## **THE PROPOSAL**

Consent is sought for the following:

- Demolition of the existing dwellings and structures on the subject site;
- Construction of 2 residential flat buildings and 1 mixed use building containing 97 residential flats and 1 shop over basement parking for 118 vehicles;
- Works to public land, including sealing of a portion of Railway Terrace, the provision of 4 on-street parking spaces, provision of turf, footpath and street trees;
- Removal of 15 trees and
- Landscape works within the subject site.

The proposed buildings are described in detail following:

### **Basement**

It is proposed to construct a single basement under all three buildings, with vehicular access from Railway Terrace, along the south-western boundary of the site. The access ramp then turns into the site to provide access to 5 parallel aisle (running roughly north-south) containing parking, connected by a single aisle (running roughly east-west. Parking is provided for 118 vehicles, being 100 residential (including 10 accessible spaces), 10 visitor (including 1 accessible space), 1 accessible retail and

7 share spaces. Storage is provided for 50 bicycles and 97 storage spaces are proposed.

The basement has a nil setback from Railway Terrace and for the first 32m of the south-western boundary. The basement has a variable setback of between 9m and 12.5m from the remainder of the south-western boundary, 6m from the south-eastern boundary and 3m from the Mombri Street frontage, providing for deep soil planting along these three sides.

### Building A

Building A is to be located adjoining Railway Terrace, with the long side of the building running parallel to that street. The building is proposed to be seven storeys and is to be residential, other than for a single shop (137.5m<sup>2</sup>) located at the Railway Terrace frontage adjacent to the Mombri Street overpass. All dwellings are generally oriented to Railway Terrace or the internal courtyard, facing either north-west or south-east. Building A contains 37 dwellings. Building A is to be constructed generally to a nil setback (to the balconies) at the northernmost portion of the new frontage with Railway Terrace and with a 3m setback (to the balconies) of the southernmost portion of the new frontage with Railway Terrace, such that the proposed ground floor shop has a nil setback to the street. Building A has a variable setback of 3m-5.5m from the Mombri Street frontage, 11.5m-13.5m from the south-western boundary and 18m from Building B. Thirty-eight parking spaces are provided for the dwellings in the basement.

### Building B

Building B is to be located in the centre of the site, with the long side of the building running parallel to Railway Terrace. The building is proposed to be seven storeys and is to be residential. All dwellings are generally oriented to the two internal courtyard, facing either north-west or south-east. Building B contains 38 dwellings. Building B is to be constructed generally with a variable setback of 2m-7m from the Mombri Street frontage, 11.5m-13.5m from the south-western boundary, 18m from Building A and 12m from Building C. Thirty-nine parking spaces are provided for the dwellings in the basement.

### Building C

Building C is to be located to the rear of the site, adjacent to the south-east boundary, with the long side of the building running parallel to Railway Terrace. The building is proposed to be four storeys and is to be residential. All dwellings are generally oriented to the internal courtyard or the south-eastern boundary, facing either north-west or south-east. Building C contains 22 dwellings. Building C is to be constructed generally with a variable setback of 4m-5m from the Mombri Street frontage, 8.5m-9m from the southern boundary, 12m from Building B and 5m-7.5m from the south-eastern boundary. Twenty three parking spaces are provided for the dwellings in the basement.

Overall the dwelling mix within the complex is 18 x 1 bedroom, 65 x 2 bedroom and 14 x 3 bedroom apartments, totalling 97 apartments, 10 of which are to be adaptable

apartments (apartments A101, A103, B102, B103, B206, B306, B406, B506, B606, C101 and C102 – being 2 x 1 bed, 5 x 2 bed and 3 x 3 bed apartments).

### Public Domain Works

The application also provides for public domain works within the portion of Railway Terrace that is not to be purchased, including provision of on-street parking spaces, footpath and street trees.

## **PERMISSIBILITY**

The site is part zoned B4 Mixed Use and part R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposal seeks approval for the erection of two residential flat buildings, one in the R4 zone and one straddling both zones and a mixed use building in the B4 zone. Residential flat buildings are permissible with consent in the R4 zone. In the B4 zone both residential flat buildings and retail premises are innominate permissible uses with consent, not being identified as either prohibited or permitted without consent.

## **INTERNAL REFERRALS**

### **Development Engineer**

The development application was referred to the development engineer who indicated the application could be supported subject to conditions.

Planners Comments: The requested conditions have been included in the recommendation.

### **Landscape/Tree Management**

The development application was referred to the landscape officer and amended landscape plans were requested addressing the proposed public works planting to Railway Terrace and requiring additional planting to the Railway Terrace frontage.

Planners Comments: The amended plans were referred to the landscape officer and the following comments were received.

### ***Impact on Site Trees***

*Trees to be removed are:*

<b><i>Tree No</i></b>	<b><i>Name</i></b>	<b><i>Common Name</i></b>	<b><i>Location</i></b>	<b><i>Condition/ Height</i></b>	<b><i>Reason</i></b>
<i>2x</i>	<i>Lophostemon confertus</i>	<i>Brush Box</i>	<i>Existing Road reserve</i>	<i>Fair/8m</i>	<i>Located within the proposed building platform</i>

3x	<i>Glochideon ferdinandii</i>	<i>Cheese Tree</i>	<i>Existing Road reserve</i>	<i>Fair/5m</i>	<i>Located within the proposed building platform</i>
1x	<i>Callistemon citrinus</i>	<i>Bottlebrush</i>	<i>Front of 80 Railway</i>	<i>Fair/5m</i>	<i>Located within the proposed building platform</i>
1x	<i>Eucalyptus nicholii</i>	<i>Narrow-leaved Peppermint</i>	<i>Front of 82 Railway</i>	<i>Poor/15m</i>	<i>Tree is in decline</i>
2x	<i>Acmena smithii</i>	<i>Lilly Pilly</i>	<i>Rear of 82 Railway</i>	<i>Fair/9m</i>	<i>Located within the proposed building platform</i>
1x	<i>Syagrus romanzoffianum</i>	<i>Cocos Palm</i>	<i>Rear of 82 Railway</i>	<i>Fair/7m</i>	<i>Exempt PCC DCP</i>
2x	<i>Eucalyptus sideroxylon</i>	<i>Ironbark</i>	<i>Rear of 82 Railway</i>	<i>Fair/10m</i>	<i>Trees display poor structure</i>
1x	<i>Archontophoenix cunninghamiana</i>	<i>Bangalow Palm</i>	<i>Rear of 3 Mombri</i>	<i>Good/5m</i>	<i>Located within the proposed building platform</i>
3x	<i>Washingtonia filifera</i>	<i>Washington Palm</i>	<i>Rear of 3 Mombri</i>	<i>Good/5-9m</i>	<i>Located within the proposed building platform</i>

## ***Landscape***

*The proposed landscape plan is considered satisfactory subject to species changes for proposed street trees and tree species selection over basement.*

Planners Comments:      The requested conditions have been included in the recommendation.

## **Waste Management**

The development application was referred to the waste management office and further information was requested from the applicant including a revised Waste Management Plan. Upon receipt of this information the waste management officer indicated the proposal could be supported subject to conditions.

Planners Comments: The requested conditions have been included in the recommendation.

## **Traffic**

The original development application was referred to the traffic engineer and the following comments were received.

*The proposed development for the construction of a part 4 and part 7 storey residential flat building containing 95 apartments and a neighbourhood shop over basement carparking at 76-84 Railway Terrace and 1-3A Mombri Street and a portion of the Railway Terrace Road reserve in front of the site **is not supported** on traffic and parking grounds in its current form for the following reasons*

- *The applicant is to be required to submit a plan showing design details of the parallel parking spaces fronting the proposed retail shop, as indicated on the ground floor plan and the driveway configuration fronting Railway Terrace*
- *The applicant is to be required to submit a defined driveway long section profile for confirmation and consistency, as the gradients indicated on the ground floor plan, ramp section plan and landscape plan are not accurate and consistent (refer to Dwg DA011 revision 1-25/7/12; Dwg DA035 – revision 1 - 25/7/12; Dwg DA001 – Issue 25/7/12 and Dwg L-01/2 – Issue 29/8).*

Planners Comments: Once amended plans were received the application was referred to the Traffic Engineer for comments and the following comments were received.

## **Proposed Development**

*The amended plans (Dwg DA010; revision B and C; 8 June 2013) for the proposed development seeks approval for construction of the following:*

- *The current apartment mix are as follows:*
  - **Block A** - 7-storey building located within the north-western portion of the site fronting Railway Terrace containing 37 apartments and a retail tenancy (137.7m<sup>2</sup> GFA);
  - **Block B** - 7-storey building located within the central portion of the site containing 32 apartments; and
  - **Block C** - 4-storey building located within the south-eastern portion of the site containing 22 apartments.
- *Total = 91 apartments (17 x 1-bedroom, 60 x 2-bedroom and 14 x 3-bedroom apartments)*
- *The three apartment buildings are proposed to be located over a basement level parking (single split level) parking area with 118 parking*

spaces (including 7 carshare spaces) and to be accessed via a single combined entry and exit driveway off Railway Terrace located on the western corner of the site.

- In addition, to the total parking spaces, there are 4 indented parallel parking spaces proposed to be provided within Railway Terrace, immediately adjoining the retail tenancy.

<b>Description/Development Control/Design Requirements</b>	<b>Proposal</b>	<b>Comments</b>	<b>Compliance</b>
<p><i>Parking - Table A – Minimum Car parking rates</i></p> <ul style="list-style-type: none"> <li>➤ 1 space per 1 and 2-bedroom units x 77 = 77 parking spaces</li> <li>➤ 1.2 spaces per 3-bedroom units x 14 = 16.8 (17) parking spaces</li> <li>➤ 0.25 spaces for visitors x 91 = 22.75 (23) parking spaces</li> <li>➤ Shop – 1 space per 30m<sup>2</sup> GFA plus 1 space per 400m<sup>2</sup> GFA for loading bay (137.7m<sup>2</sup> GFA) = 4.59 (5) parking spaces for the shop and 1 loading bay</li> <li>➤ Plus (1 bicycle space per 2 dwellings x 91 apartments) + (1 bicycle space per 200m<sup>2</sup> GFA x 137.7m<sup>2</sup> GFA retail) = 46.19 (47) bicycle spaces</li> </ul> <p><i>Total = 122 parking spaces (94 spaces for residents; 23 for visitors; 5 spaces for the retail shop) plus 1 loading bay; 47 bicycle spaces minimum plus 1 carshare parking space</i></p> <p><b>“Business and Retail Premises</b> <i>C.30 Business and retail</i></p>	<p><i>118 parking spaces in the basement level (including 13 disabled parking spaces; 10 visitor parking spaces of 1 space is marked for disabled parking space; and 7 carshare parking spaces), plus 4 indented parking spaces bays on Railway Terrace frontage outside the retail shop</i></p> <p><i>There are 50 bicycle spaces provided on-site.</i></p>	<p><i>The proposed development provides 7 carshare parking spaces, however only 1 carshare parking space is required in accordance with the Parramatta DCP 2011. If no agreement is made between the applicant and the carshare provider then this parking space will be an empty space.</i></p> <p><i>The amended DA provides an adequate number of residential spaces, but inadequate visitor parking spaces</i></p> <p><i>The proposed development was reduced by “5 x 2 bedroom and 1 x 1 bedroom apartments”, being 6 residential and 1.5 visitor parking spaces. Accordingly, the proposed development is</i></p>	<p><i>No (deficient by 4 parking spaces. However, as there 4 indented parallel parking spaces provided on Railway Terrace frontage outside the retail shop and these spaces are suitable for use by visitors to the shop. A condition in the DA Consent is to be included in this regard.</i></p> <p><i>Yes (Bicycle spaces comply with Parramatta DCP 2011)</i></p>

<p><i>premises may include any on-street unrestricted or time restricted parking on the frontage of the site in the parking calculations if supported by a traffic and parking survey. This excludes loading requirements for vehicle sales or hire premises”.</i></p> <p><u><i>Clause 3.6.1 (C.1) of Parramatta DCP 2011</i></u>  <i>Note: 1 carshare parking space is to be provided for any residential development containing more than 50 residential units and is within a 800m radial catchment of a railway station or 400m radial catchment of a bus stop with a service frequency of an average of 15 minutes or less during the morning peak (7am - 9 am) in either direction.</i></p>		<p><i>required to provide 94 residential parking spaces; 22 visitor parking spaces; 1 carshare parking space and 5 retail parking spaces (<b>total = 122 parking spaces</b>) and the site would have a deficiency of 4 parking spaces.</i></p> <p><i>There are 4 indented parallel parking spaces provided on Railway Terrace frontage outside the retail shop and are suitable for use by visitors to the shop. Accordingly, a reduction in retail parking to 1 parking space on site is reasonable. A condition requiring the reallocation of the parking spaces in this manner is recommended.</i></p> <p><i>The number of bicycle spaces provided on-site is 3 greater than the required in accordance with PDCP 2011.</i></p> <p><i>As the gross floor area of the retail shop is not considered significant and as delivery vehicles to</i></p>	
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		<p><i>be used for the shop are expected to be vans or utility vehicles, a standard parking space for loading and unloading activities is acceptable.</i></p> <p><i>The amended design for the parallel parking spaces that are provided on Council's owned land indicated 4 parallel parking spaces (2 x 6.2m long and 2 x 6.5m long). These parking spaces should be provided with wheel stops in accordance with AS 2890.1-2004.</i></p>	
<p><i>Parking Spaces – Layout and dimensions (Figures 2.2 and 2.5 of AS 2890.1-2004; AS 2890.6-2009)</i></p>	<p><i>The dimensions of the parking spaces and aisle width, as shown on the submitted DA plans = 2.4m wide x 5.4m long and 5.8m aisle width</i></p> <p><i>At blind aisle, the aisle is extended by 1.0m beyond the last parking space,</i></p> <p><i>The dimensions and configuration of the disabled parking spaces = dedicated space plus shared space (2.4m wide x 5.4m</i></p>		<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p><i>long each with a bollard installed on the shared space).</i></p> <p><i>The dimensions of the 4 x proposed parallel parking spaces fronting the shop are 2 x 6.2m long and 2 x 6.5m long</i></p>		
<i>On-site manoeuvring (AS 2890.1-2004 Clause B3; Figures B3 and B7)</i>	<i>Swept path plans for vehicle access into and out of the parking space have been submitted with the Traffic Report.</i>	<i>Turning and manoeuvring details have been checked within the basement parking area and are acceptable on traffic and parking grounds.</i>	Yes
<i>Vehicular Access Driveway entry and exit - Clause 3.2; Tables 3.1 and 3.2 of AS 2890.1-2004</i>	<p><i>6.5m wide combined entry and exit driveway between kerbs for 6m long from the property boundary (off Railway Terrace)</i></p> <p><i>Ramp access driveway to the basement level = 6.0m wide between kerbs</i></p>	<i>The proposed driveway configuration in relation to the proposed parallel parking bays fronting Railway Terrace has not been shown on the ground floor plan.</i>	<p>Yes</p> <p>Yes</p>

<p><i>Vehicular Access Driveway entry and exit - Clause 3.2; Tables 3.1 and 3.2 of AS 2890.1-2004</i></p>	<p><i>6.5m wide combined entry and exit driveway between kerbs for 6m long from the property boundary (off Railway Terrace)</i></p> <p><i>Ramp access driveway to the basement level = 6.0m wide between kerbs</i></p>	<p><i>The proposed driveway configuration in relation to the proposed parallel parking bays fronting Railway Terrace has not been shown on the ground floor plan.</i></p>	<p>Yes</p> <p>Yes</p>
<p><i>Driveway gradients - Clause 2.5 and Clause 3.3 of AS 2890.1-2004</i></p>	<p><i>The gradients from the property boundary - 1:20 (5%) for 5.8m long; 1:8 (12.5%) for 2.12m long; 1:4 (25%) for 11.3m long; 1:8 (12.5%) for 2m long; 1:19 (5.23%) for 7.23m long towards the basement level.</i></p>	<p><i>The ramp section plan has been amended and consistent with ground floor plan (Dwg DA035 – revision C - 04/6/13) and is acceptable on traffic and parking grounds.</i></p>	<p>Yes</p>
<p><i>Traffic Generation – Roads and Maritime Services (formerly RTA) Guide to Traffic Generating Developments traffic generation rates for residential development.</i></p> <p><i>Existing development = 0.85 peak hour vehicle trips per dwelling</i></p> <p><i>Proposed development –</i></p> <p><i>Residential</i></p> <ul style="list-style-type: none"> <li>➤ <i>0.4 to 0.5 weekday peak hour vehicle trips per unit for 1 or 2 bedroom units</i></li> <li>➤ <i>0.5 to 0.65 weekday peak hour vehicle trips per unit for 3 or more</i></li> </ul>		<p><i>Existing development = 4.25 weekday peak hour vehicle trips</i></p> <p><i>Proposed development:</i></p> <p><i>Residential component = 37.8 – 47.6 weekday peak hour vehicle trips</i></p> <p><i>Shop = 17.21 (18) weekday peak hour vehicle trips</i></p> <p><i>Net increase in traffic generation = 50.76 to 60.56 (61) weekday peak hour vehicle trips.</i></p> <p><i>Accordingly, it is considered that</i></p>	

<i>bedroom units</i>  <i>Shop= 12.5 peak hour trips per 100m<sup>2</sup></i>		<i>the increase in traffic to be generated by the proposed development is not expected to have a significant impact on Railway Terrace and Mombri Street and the surrounding road network.</i>	
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### **Conclusion**

*Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Railway Terrace and Mombri Street and the surrounding road network. The proposal can be supported on traffic and parking grounds provided that*

- *94 parking spaces are to be marked and allocated to the residents (including 13 disabled parking spaces for residents); 22 visitor parking spaces (including 1 disabled parking space for a visitor); 1 carshare parking space, and 1 retail parking space on site (**total = 122 parking spaces**);*
- *4 indented parallel parking spaces provided on Railway Terrace frontage outside the retail shop these spaces are suitable for use by visitors to the shop; and*
- *subject to the following traffic related conditions.*

Planners Comments:       The requested conditions have been included in the recommendation.

### **Public Art**

The development application was referred to the public art officer and the following comments were received.

*Council is supportive of the initial framework of the arts plan that proposes the potential integration of artwork in into the general history of the area. The concepts referencing the farming area and proximity to railway, brickworks, transport and farming themes and use of cast concrete to render associated objects with a highly realistic aspect is considered a reasonable thematic framework and approval is granted to further development of these concepts in line with the Arts Plan.*

*It is therefore proposed that a condition of consent be applied that will ensure completion in line with the Arts Plan submitted.*

Planners Comments: The requested conditions have been included in the recommendation.

## EXTERNAL REFERRALS

### Design Excellence Panel

The development application was referred to the design excellence panel, who considered the matter on 20 February 2013 and the following comments were received.

*The 10 design principles were considered by the Panel in discussion of the development application. These are: Context, Scale, Built Form, Density, Resource, Energy and Water Efficiency, Landscape, Amenity, Safety and Security, Social dimensions and Aesthetics.*

*The Design Excellence Advisory Panel make the following comments in relation to the project:*

- 1. The Council are in negotiation to sell a portion of public land to the proponent along Railway Terrace. The Panel believe that if this occurs, the footpath should be extended directly across the frontage, and not be deflected around indented parking bays. Parking should be provided at kerbside, as it is further along the street.*
- 2. The Panel were initially concerned about the proposed site layout (3 linear parallel forms), but following site inspection appreciated the significant noise impacts coming from Mombri Street and the raised overpass. It is better to focus apartments into the courtyards, not to Mombri Street.*
- 3. The consequence of this is that substantial deep soil provision must be made in the basement, which will require significant replanning to accommodate. The courtyards must be lush, very green spaces that provide the key amenity and outlook from the apartments.*
- 4. The northern elevations of the three buildings (facing Mombri Street overpass) provide an opportunity to create a distinctive architectural presentation and form to the street.*
- 5. The Panel felt that the plan-form of each wing could be simplified (less rebates and protrusions).*
- 6. The roof levels provide a great opportunity to make active communal open space (as opposed to passive open space on the ground).*
- 7. The Panel felt that the articulated upper level had a ponderous, heavy character that accentuates the buildings height and bulk. The 'floating' elements align with the main facades, but appear to extend out past them. They should be more recessive (form, material and colour considerations).*

8. *The Panel were unsure about solar analysis – there appears to be conflicting north points. Applicant should check and confirm correct plans back to council.*
9. *Ensure that space for waiting in front of basement lifts is provided clear of the driveway aisles.*

Planners Comments: The concerns raised by the panel (along with other concerns in relation to the design of the proposal) were raised with the applicant and amended plans were sought to address these concerns.

### **Endeavour Energy**

The development application was referred to Endeavour Energy and the following comments were received.

*The proposed 95 residential apartment development will have a significant electrical demand which cannot be supported from the existing electrical network. A new padmount substation fronting the road overbridge has been proposed on the development site plans. However, it is not apparent if Endeavour Energy staff and vehicles can access this location from a street frontage.*

*It is important that the location nominated for the padmount substation is acceptable for Endeavour Energy. Therefore, prior to Development Approval, it is essential that contact is made with Endeavour Energy's Network Connection Branch to determine the acceptance of the padmount substation location.*

Planners Comments: The applicant was asked to liaise with Endeavour Energy as requested above. The substation has been relocated further to the south-east along Mombri Street, which would allow adequate access for the employees and vehicles of Endeavour Energy.

### **Rail Corp**

The development application was referred to RailCorp and the following comments were received.

*RailCorp advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:*

- a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
  - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*In this regard, RailCorp has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application DA/750/2012 subject to Council imposing the following deferred commencement condition provided in Attachment A and operational conditions listed in Attachment B that will need to be complied with upon satisfaction of the Deferred Commencement Condition.*

Planners Comments: The requested conditions have been included in the recommendation.

## **PUBLIC CONSULTATION**

In accordance with Appendix 5 of DCP 2011, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 30 day period between 19 December 2012 and 15 January 2013. No submissions were received.

## **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. A Stage 1 Assessment was prepared that indicated the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates 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**

A BASIX Certificate has been lodged with the amended plans and a condition of consent requires compliance with the requirements of that certification.

### **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.

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 with 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. The application is subject to clause 45 of the SEPP which requires written notice to be given to the electricity supply authority of the proposal which involves removal of power poles which form part of the supply network. The referral to Endeavour Energy resulted in a request for the applicant to liaise in relation to the location of the proposed substation. This request was forwarded to the applicant.

The application is also subject to clause 86 of the SEPP which requires written notice to be given to RailCorp of the proposal which involves excavation more than 2m deep within 25m of a rail corridor. RailCorp has issued its concurrence subject to conditions which have been included in the recommendation.

Clause 87 also requires consideration of the impact of the rail corridor upon residential development and consideration must be given to noise and vibration impacts. An acoustic report has been prepared addressing both noise and vibration which contained recommendations for noise attenuation, with vibration not being experience at a level on the site which requires attenuation. As the plans have been amended since the report was prepared and as the report indicates that changes may be required to provide appropriate natural ventilation to bedrooms, a condition of consent is recommended requiring the report to be updated to include recommendations that satisfy noise attenuation and ventilation requirements and the recommendations noted on the plans prior to the release of the Construction Certificate.

## **STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT**

As the proposal is for residential flat buildings containing three or more storeys and four or more residential apartments, the provisions of *SEPP 65* and the *Residential Flat Design Code* apply to the proposal. In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics. These design principles are detailed and discussed in the following table, together with consideration of the requirements of the *Residential Flat Design Code*.

COMPLIANCE TABLE – SEPP 65 PRINCIPLES		
Development standard	Compliance	Discussion
<p><b>Context:</b> Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	Yes	<p>The area is undergoing change from a low density residential area with old dwelling stock to a higher density residential area with mixed use buildings to take advantage of the proximity to the railway station.</p> <p>The design is generally consistent with the desired future character of the area.</p>
<p><b>Scale:</b> Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	Yes	<p>The scale of the development is generally consistent with the desired future character of the area, but breaches the height control to some degree. The breaches of the height controls do not result in any significant increase in bulk or scale.</p>
<p><b>Built Form:</b> Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook</p>	Yes	<p>The proposed built form is considered to be generally appropriate, with reasonable levels of articulation to the facades facing Railway Terrace and Mombri Street in order to break the bulk of the proposed buildings.</p>
<p><b>Density:</b> Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p>	No	<p>The proposed density is beyond that which is permitted on surrounding properties and as such is excessive having regard to the desired future character of the area (see further discussion in relation to merit assessment of FSR).</p>

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.		
<b>Resource, Energy and Water Efficiency:</b> Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.	In part	<p>Energy efficiency is appropriately addressed by the BASIX certificate requirements and by proposed conditions of consent.</p> <p>The passive solar design of the proposal is considered to be compromised by the density of development sought as is discussed later and conditions are recommended to improve solar access.</p>

<p><b>Landscape:</b> Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>		<p>The landscape design is generally considered to be appropriate, providing extensive internal planting in the courtyards between the buildings to provide for an attractive outlook from the apartments. However, the proposed height of the trees to Railway Terrace and Mombri Street is considered inadequate in relation to the height of the proposed buildings. Accordingly, a condition of consent will require the height of the trees to be increased to a minimum of 10m in front of Building B, 12m in front of Building A (Mombri Street frontage) and the street trees to Railway Terrace to 15m.</p>
<p><b>Amenity:</b> Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>In part</p>	<p>The amenity of the apartments is compromised in terms of solar access by the density of the development (which has been addressed previously). The cross ventilation and privacy of the apartments is satisfactory. The level of amenity afforded by well designed and executed landscaping in the courtyard areas is critical to the amenity of the apartments.</p>

<p><b>Safety and Security:</b> Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.</p>	In part	<p>The communal open space and streets have a suitable level of casual surveillance. Access paths are well defined and overlooked.</p> <p>The only concern is the location of the shared parking spaces within the basement. This would mean that either the spaces were not accessible at all times or the security of the building would be compromised (see further discussion in parking assessment).</p>
<p><b>Social Dimensions and Housing Affordability:</b> Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p> <p>New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.</p>	Yes	<p>The site is well located near a railway station and a variety of apartment sizes and designs are proposed.</p>
<p><b>Aesthetics:</b> Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.</p>	Yes	<p>The amended design provides for a more balanced approach between horizontal and vertical articulation to the facades (particularly to Railway Terrace) and reduces the visual prominence of the top floors, resulting in an acceptable visual impact upon Railway Terrace and Mombri Street.</p>

<b>COMPLIANCE TABLE – RESIDENTIAL FLAT DESIGN CODE</b>		
<b>Development standard</b>	<b>Yes/No</b>	<b>Compliance</b>
Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	Yes Yes Yes	Building A – 17m Building A – 17m Building A – 17m
Building Separation Up to 4 storey - 12m between habitable rooms/balconies 5 to 8 storey - 18m between habitable rooms/balconies	Yes Yes	Separation between Buildings A & B (7 storey) - 18m Buildings B & C (4-7 storey) – 12m
Single-aspect apartments should be limited in depth to 8metres from a window	No Yes	Single aspect apartments have the following depths C102 – 8.5m A202, 205, 302, 305, 402, 405, 602, 605, B202, 205, 302, 305, 402, 405, 602 & 605 – 6m C202, 302 & 402 – 6.5m As the variation is for one apartment only and is small, the variation is supported.
The back of a kitchen should be no more than 8metres from a window	No	C102 has a depth of 8.5m, whilst all other apartments are compliant. As the variation is for one apartment only and is small, the variation is supported
Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	An appropriately sized area of each primary balcony has a minimum depth of 2m.
The ground floor retail and commercial spaces and first floor spaces (regardless of use) should have a clear ceiling height of 3.3 m.	Yes	The ground floor retail unit has a floor to ceiling height of 3.6m.
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	All habitable rooms have a minimum floor to ceiling height of 2.7m.

<p>Accessible storage to apartments:  One bed = 10m<sup>3</sup>  Two bed = 10m<sup>3</sup>  Three bed = 10m<sup>3</sup>  Minimum 50% in apartment</p>	No	<p>All apartments comply with the minimum requirement, with the exception of A504, however all storage is provided in the basement. A condition of consent requiring apartment A504 to be provided with a minimum of 8m<sup>2</sup> of storage is recommended and subject to this condition the storage levels are adequate notwithstanding there is not 50% provisions within the apartment.</p>
<p>Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable</p>	No No	<p>61/97 apartments (62.9%) have 3 hours solar access to the living rooms and 56/97 (57.7%) have solar access to their areas of private open space.  This level of solar access is unacceptably poor and is a direct result of the excessive density proposed. If the height of Building B was reduced by 1 storey, a window was provided in the north-eastern kitchen wall of apartments A204, 304, 404, 504 and 604 and the balcony of those apartments was wrapped around the north-eastern façade, the solar access compliance would significantly improve to the following.  64/91 apartments (70.3%) have 3 hours solar access to the living rooms and 59/91 (64.8%) have solar access to their areas of private open space.  Whilst the private open space areas will still not comply, there is good solar access to areas of the communal open space and such an outcome would be reasonable. A condition to this consent is recommended.</p>
<p>Limit single-aspect apartments with southerly aspect to 10%</p>	Yes	<p>No single aspect southerly apartments.</p>
<p>60% of residential units should be naturally cross ventilated.</p>	Yes	<p>71/97 apartments (73.2%) have natural cross ventilation.</p>
<p>25% of kitchen of development should have natural ventilation</p>	Yes	<p>The majority of kitchens have natural ventilation.</p>

Minimum 20 percent of dwellings in the development have barrier free access.	Yes	All apartments have barrier free access.
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## PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – R4 High Density Residential Zone	Yes	Applies to Nos. 1-3A Mombri Street. Residential flat buildings permissible with consent
Objectives of Zone <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a high density residential environment.</li> <li>To provide a variety of housing types within a high density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.</li> <li>To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.</li> </ul>	Yes  Yes  N/A  Yes  N/A	The proposed residential flat buildings will provide for the housing needs of the community.  The design provides for a variety of apartment types and sizes.  N/A  The site is close to Merrylands railway station.  N/A

Land Use Table – B4 Mixed Use Zone	Yes	Applies to Nos. 76-84 Railway Terrace and the road reserve of Railway Terrace. Residential flat buildings and mixed use buildings are innominate permissible uses with consent, not being nominated as permissible without consent or prohibited.
Objectives of Zone <ul style="list-style-type: none"> <li>To provide a mixture of compatible land use.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>To encourage development that contributes to an active, vibrant and sustainable neighbourhood.</li> </ul>	Yes  Yes          Yes	The proposal provides a mix of residential and retail uses. The site is in an accessible location and provides for a mix of residential and retail use.          The provision of the retail suite on the corner of Railway Terrace and Mombri Street will assist in the activation of the area.
4.3 Height of Buildings The height of building map sets a maximum height of 21m for Nos. 76-84 Railway Terrace and 14m for Nos. 1-3A Mombri Street. The road reserve of Railway Terrace has no height control.	No/merit       No       Yes	Building A is located largely on the road reserve which has no height limit, however the maximum height of the building is 22.15m (front of roof), and the maximum height of the component on the B4 land is 20.99m, complying with the control. Building B is located wholly on the B4 land and the maximum height of the building is 20.93m to the ridge of the angled roof with clerestory complying with the control. Building C is located wholly on the R4 land and the maximum height of the building is 13.42m to the ridge of the angled roof with clerestory window, complying with the control.

<p>4.4 Floor Space Ratio</p> <p>Does the development exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map?</p> <p>The FSR map sets a maximum FSR of 2:1 for Nos. 76-84 Railway Terrace and 1.1:1 for Nos. 1-3A Mombri Street. The road reserve of Railway Terrace has no FSR control.</p>	<p>Merit</p> <p>Yes</p> <p>Yes</p>	<p>Area of site within road reserve 2,781.85m<sup>2</sup> FSR 3.35:1</p> <p>Area of site zoned B4 (excluding road reserve) 4,713.75m<sup>2</sup> FSR 1.81:1</p> <p>Area of site zoned R4 2,170.85m<sup>2</sup> Total floor space/FSR on B4 land 7,495.6m<sup>2</sup>/2.18:1 Total floor space/FSR on site 9,665.6m<sup>2</sup>/1.79:1</p>
<p>4.6 Exceptions to development standards</p>	<p>Yes</p>	<p>The application seeks to vary the height controls contained in clause 4.3 related to the height of Buildings A and B.</p>
<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	<p>N/A</p>	<p>The proposal does not contain any architectural roof features.</p>
<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	<p>N/A</p>	<p>The proposal is not for the development of land that is covered by tidal waters.</p>
<p>5.9 Preservation of trees.</p>	<p>N/A</p>	<p>No significant vegetation is impacted by the proposal</p>
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p> <p>If yes does the development satisfy clause 5.10.4 (effect of proposed development on heritage significance)?</p>	<p>N/A</p>	<p>N/A</p>

5.10.8 Aboriginal Places of Heritage significance What is the identified Aboriginal significance of the site? (refer pathways or parramapper for significance level) If of high significance has an Aboriginal Heritage Impact statement been submitted and notification of local Aboriginal Communities occurred?	Yes	Low sensitivity
6.1 Acid sulfate soils What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains? Is an Acid Sulfate Soils Management Plan Required?	Yes	The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared.
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	The proposal involves earthworks for the excavation of the large basement car park. The level of excavation proposed is appropriate to the form of development and is not likely to result in detrimental impacts upon drainage patterns or soil stability in the area. The proposed excavation is generally located a good distance from adjoining properties, with the exception being the ramp to the basement. A condition of consent will require a dilapidation report to be prepared for the property adjoining the ramp to ensure any damage to that property will be documented and can be rectified by the developer.
6.3 Flood planning Is the site flood prone?	N/A	The site is not identified by council as being flood prone.
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	N/A	The site is not identified on this map.
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	N/A	The site is not identified on this map.

6.6	Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	The site is not identified on this map.
6.7	Affected by a Foreshore Building Line	No	The site is not located in the foreshore area.

As such the proposal is compliant with the controls of LEP 2011. A merit assessment is required for the proposed FSR and height on the Railway Terrace road reserve land as no controls apply.

#### Height Merit Assessment

The proposal is compliant with the height controls on the land zoned R4 and zoned B4 where such controls apply, but no height control applies to the B4 zoned land which is part of the existing Railway Terrace road reserve. A logical application of a merit height assessment would apply the same height to this land as that on the adjoining B4 zoned land and as such a 21m height would apply. Based on this the proposal would breach the height requirement by up to 1.15m for a small clerestory window component of the roof. This component would not be discernible from the Railway Terrace due to its setback and would be seen as an interesting element from Mombri Street which was complimentary to the design of the building. Accordingly, on a merit basis the height proposed for the clerestory window element is supported.

#### FSR Merit Assessment

The proposal is compliant with the FSR control when the R4 land and the land zoned B4 (other than the road reserve) are considered in relation to their respective FSR controls. In this regard the land zoned R4 is to contain development to the maximum floor space permissible and the B4 land (other than the road reserve) is to contain development well under the maximum floor space as most of Building A is located on the road reserve land. There is no FSR control on the road reserve land, presumably as when the LEP was prepared it was not considered that the road reserve would be developed. It is therefore appropriate that the density proposed on the road reserve be considered on its merit.

When considering the appropriate FSR on the road reserve portion of the site it is most appropriate to consider the maximum FSR for surrounding land of the same zoning. In this case the surrounding B4 land has a maximum FSR of 2:1. This approach is appropriate as it would result in development having the same density, and similar bulk and scale to other development in the vicinity. The proposal provides for development on the road reserve portion of the site with a FSR of 3.35:1, which is significantly in excess of what would be permitted on adjoining land. This is because Building A is almost wholly located on the road reserve. It would therefore be more appropriate to consider the combined FSR of the entire portion of the site zoned B4 having regard to the 2:1 control. When this is considered the FSR is 2.18:1, which would be a breach of 633.8m<sup>2</sup> were the 2:1 FSR applied to the whole of the B4 zoned land, and would exceed the control by 9%.

Such a breach (if the control were applied) would equate to more than a storey on either Building A or B. A development which exceeds the density of surrounding development to such an extent (i.e. by an entire storey) is not considered appropriate on the site based on a merit assessment of the application. It is noted that the excessive density appears to result in substandard solar access to both living rooms and private open space areas, which could be improved with a reduction in density and improvements to design.

The excessive density also appears to result in the reliance upon shared parking spaces to achieve a suitable level of onsite parking. As those spaces would compromise the security of residents using the basement parking area, such spaces cannot be supported in the basement and the parking provision is accordingly deficient. This level of deficiency could be significantly reduced by a reduction in density on the site.

Accordingly, it is considered appropriate that the density of the development, within the B4 zoned land, be reduced and an appropriate method of doing this would be to delete one storey within Building B. This would, in conjunction with some other design changes, largely improve solar access to the development and significantly improve compliance with the parking requirements. Further, the deletion of one floor would reduce the FSR for the B4 zoned portion of the site to 2.02:1 which is commensurate with the density control of surrounding B4 zoned properties.

Finally, the reduction in the height of Building B would also provide a more appropriate visual transition between the B4 and R4 zones, providing for a step down in height of the buildings on the site, whereas the current design will have the visual appearance of Building B stepping up from Building A, and then down to Building C. A condition of consent is recommended requiring amended plans to be provided deleting one storey of Building B.

## **DEVELOPMENT CONTROL PLANS**

### **PARRAMATTA DEVELOPMENT CONTROL PLAN 2011**

The following table addresses the compliance of the proposal with the relevant controls of DCP 2011.

<b>Development Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Site Considerations</b>		
2.4.1 Views and Vistas Development is to 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 2 Views and Vistas.	The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area.	Yes

2.4.2.1 Flooding Is the site flood affected by local or mainstream flooding? If yes refer to section 2.4.2 of DCP 2011 for detailed controls.	The site is not identified in Council database as being flood prone.	Yes
2.4.2.2 Protection of Waterways Does the site adjoin a waterway? If yes does proposed landscaping comprise of local indigenous species?	The site doesn't adjoin a waterway	Yes
2.4.2.3 Protection of Groundwater Is a basement carpark proposed? If yes does the site require dewatering to facilitate this?	Council's development engineer is satisfied with the drainage for the site	Yes
2.4.3.1 Soil Management Are there adequate erosion control measures?	An erosion and sedimentation plan has not been submitted with the application.	No To be addressed by conditions of consent.
2.4.3.2 Acid sulphate soils	Refer to LEP table above	Yes
2.4.3.3 Salinity Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'? If yes, have investigations been undertaken in accordance with the Western Sydney Salinity Code of Practice 2003? If yes, does landscaping comprise of low water use species and are irrigation systems low water usage?	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development.	Yes
2.4.4 Land Contamination Is the site identified as or likely to be contaminated? If yes have the requirements of SEPP 55 been satisfied?	The site is not contaminated nor is there any previous history that may have caused contamination.	Yes
2.4.5 Air Quality Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?	Standard conditions of consent are recommended	Yes
2.4.6 Development on Sloping Land Does the design of the dwelling respond to the slope of the site? (Generally speaking FFL should not exceed 500mm above existing NGL)	The site is not significantly sloping	Yes

2.4.7 Biodiversity Is vegetation removal appropriate? Does the landscape plan incorporate indigenous planting listed in Appendix 3? If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?	The site does not contain any significant vegetation and is not in proximity to bushland.	Yes
2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone Does the site adjoin land zoned E2 or W1?	The site does not adjoin land zoned E2 or W1.	Yes
<b>3. Preliminary Building Envelope</b>		
Height Maximum height 4 storeys (R4 zone)	Proposed height 4 storeys	Yes
Minimum site frontage (R4 zone) 24m for frontage	Frontage to Mombri Street – 77.7m	Yes
Minimum site frontage (B4 zone) 18m for frontage	Frontage to Railway Terrace 59.43m	Yes
Front Setback (R4 zone) Primary frontage 5-9m	Setback to Mombri Street for Building C – 5m-8m to wall	Yes
Front Setback (B4 zone) 3m unless otherwise specified in Part 4	Setback to Railway Terrace – 0m-3m Setback to Mombri Street for Buildings A & C – 3m – 7.6m to wall	No Yes
Side Setback (R4 zone) Minimum 4.5m	Side setback from south-eastern boundary 5.5m-6m to balcony	Yes
Side Setback (B4 zone) Dependent upon the amenity of adjoining development	The side setbacks are a minimum of 13.4m to the wall and 11.325m to the balconies which is sufficient to ensure appropriate solar access and privacy to the adjoining future development in Railway Terrace. It is noted that the amenity of the adjoining existing development will also be	Yes

	reasonably protected by this separation distance.	
<p>Rear Setback (R4 zone) Minimum 15% of length of site The portion of the site zoned R4 has an average length 54m, requiring an 8.1m setback</p> <p>Rear Setback (B4 zone) Minimum 15% of length of site for residential component or where boundary adjoins a residential development</p>	<p>The R4 zoned portion of the site has a 9m setback</p> <p>The B4 zoned portion of the site fronts Railway Terrace and as such its rear setback is contained within the subject site and is almost nil to the end of the B4 zone.</p>	<p>Yes</p> <p>No The setback is not compliant if considered within the B4 zoned portion of the site only, but the separation to the RFB on the R4 zoned part of the site is 12m and will provide for a suitable level of separation between the buildings on the site. As such on a merit basis the rear setback of the B4 zoned part of the site is appropriate.</p>
<p>Deep Soil Zone (R4 zone) Minimum 30%, including at least 50% at the rear of the site Minimum dimensions not less than 4m x 4m The R4 zoned land has an area of 1,973.5m<sup>2</sup>, requiring a deep soil area of 592m<sup>2</sup>, of which 296m<sup>2</sup> needs to be in the rear of the site.</p> <p>Deep Soil Zone (B4 zone) The rear setback area is to be deep soil landscaped area if in the B4 one there is residential development at ground level.</p>	<p>The R4 zoned portion of the site has a deep soil area of 633m<sup>2</sup> (32%) of which 477m<sup>2</sup> (75%) is located at the rear of the site.</p> <p>The technical rear of the B4 zoned land is adjacent to the boundary of the R4 zoned land on the subject site and this area is occupied by Building B</p>	<p>Yes</p> <p>No Provision of a deep soil rear setback would preclude the development of Building B which would not be reasonable.</p>

		The intention of the requirement on this site is satisfied by the provision of deep soil landscaped areas adjacent to the south-western and south-eastern boundaries.
<p>Landscaped Area</p> <p>Minimum 40% of site</p> <p>The R4 zoned land has an area of 1,973.5m<sup>2</sup>, requiring a landscaped area of 789.4m<sup>2</sup></p>	<p>The R4 zoned portion of the site has a landscaped area of 811.8m<sup>2</sup> (41.1%)</p>	Yes
<b>3.2. Building Elements</b>		
<p><b>3.2.1 Building Form and Massing</b></p> <p>Buildings are to be of a height that responds to the topography and shape of the land</p> <p>The proportion and massing is to relate to the existing and proposed patterns in the street.</p> <p>Building height and mass should not result in unreasonable loss of amenity to adjoining properties or public domain.</p> <p>The form and massing is to provide a transition between adjoining land uses and zones.</p>	<p>The proportion and massing of Building A will respond appropriately to future development in Railway Terrace. The proportion and massing of Building C will also respond appropriately to future development in Mombri Street. The form and massing of Building B does not provide a suitable transition between the two zones and given the excessive FSR proposed it is appropriate to reduce Building B by one level to provide a better transition, scale and massing.</p>	In part
<p><b>3.2.2 Building Façade and Articulation</b></p> <p>Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p>	<p>The proposed building facades provide a suitable balance of horizontal and vertical articulation elements, resulting in a well</p>	Yes

<p>Does the building exceed the building envelope? If yes, by more than:</p> <ul style="list-style-type: none"> <li>• 800mm for balconies and eaves:</li> <li>• 600mm for Juliet balconies and bay windows</li> </ul> <p>Multiple stair/lift cores should be provided to encourage multiple street entries</p>	<p>modulated façade.</p> <p>Balconies do not project more than 800mm into the setback areas.</p> <p>One lift/stair core is proposed for each building which is appropriate given the maximum of 6 dwellings per floor</p>	<p>Yes</p> <p>Yes</p>
<p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p>	<p>The roof forms are minimal and ensure that the upper level is appropriately recessive.</p> <p>Given the area is undergoing change, a mix of roof forms is appropriate.</p>	<p>Yes</p> <p>Yes</p>
<p>3.2.5 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>The ground floor frontage of mixed use buildings is to provide for active</p>	<p>The proposed design will be appropriate in the future context of the area as viewed from Railway Terrace.</p> <p>A reduction in the height of Building B will assist in ensuring an appropriate transition between the B4 and R4 zones as viewed from Mombri Street.</p> <p>As retail space is provided where a nil setback is proposed and the residential unit will have reasonable amenity due to the front landscaped area this variation is supported.</p> <p>At grade access will be conditioned.</p> <p>The ground floor frontage of the mixed</p>	<p>In part</p> <p>Yes</p> <p>Yes</p>

<p>non-residential uses with at grade pedestrian access.</p> <p>Ground floor retail and business shopfronts are to have minimal solid walls.</p> <p>Where buildings align with the front boundary continuous awnings are to be provided.</p>	<p>use building is partially activated by the proposed shop.</p> <p>The proposed shop has an appropriate level of glazing</p> <p>The retail portion of the building has an awning as it has a nil setback</p>	<p>Yes</p>
<b>3.3 Environmental Amenity</b>		
<p><b>3.3.1 Landscaping</b></p> <p>Where basement parking extends beyond the building envelope a minimum soil depth of 1m shall be provided</p>	<p>The basement extends beyond the envelope</p>	<p>Yes. The plans show a depth of 1m of soil in the planter boxes.</p>
<p><b>3.3.2 Private Open Space</b></p> <p>Is a minimum of 10m<sup>2</sup> of private open space, with a minimum dimension of 2.5m is required for each dwelling.</p> <p>A minimum 10m<sup>2</sup> of communal open space is required per dwelling.</p> <p>With 97 units proposed a minimum of 970m<sup>2</sup> of communal open space is required.</p>	<p>All primary balconies/courtyards meet the minimum 10m<sup>2</sup> requirement, however a number of balconies do not appear to provide a minimum 2.5m dimension (not dimensioned).</p> <p>2119m<sup>2</sup> of communal open space is proposed.</p>	<p>In part</p> <p>A condition of consent will require the primary balcony to have a minimum dimension of 2.5m for a minimum area of 10m<sup>2</sup>.</p> <p>Yes</p>
<p><b>3.3.3 Visual and Acoustic Privacy</b></p> <p>Are windows, balconies and decks designed to minimise overlooking of living areas and private open spaces of adjoining dwellings?</p>	<p>The buildings have sufficient separation distance (12m or more) to ensure reasonable visual privacy.</p>	<p>Yes</p>
<p><b>3.3.4 Acoustic Amenity</b></p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to achieve internal noise levels of no</p>	<p>This has been addressed in the SEPP Infrastructure section of the report.</p>	<p>Yes</p> <p>Subject to conditions</p>

greater than 50dBA.?		
3.3.5 Solar Access and Cross Ventilation Does this 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? 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?  Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?	Passive solar design has been addressed in the SEPP 65 section of this report.	No Conditions of consent required to make solar access reasonable
Cross Ventilation Is the minimum floor to ceiling height 2.7m on the ground floor and 2.4m on the first floor? 80% of dwellings are to be naturally cross ventilated	The minimum floor to ceiling height is 2.7m for all dwellings.  73.2% of dwellings are naturally ventilated	Yes  No However as the proposal is compliant with SEPP 65 rules of thumb the variation is considered reasonable
3.3.6 Water Sensitive Urban Design Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?	Council's Development Engineer is satisfied with the proposed design of the drainage system. The site is not flood prone	Yes
3.3.7 Waste Management Is the waste management plan satisfactory?	The Waste Management Plan is satisfactory.	Yes
3.4 Social Amenity		
3.4.1 Cultural and Public Art Developments on sites > 5000m <sup>2</sup> are to provide an arts plan	An arts plan has been prepared	Yes
3.4.4 Safety and Security Has the development been designed in accordance with crime prevention	The design is appropriate with habitable rooms and	Yes

<p>principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p>	<p>balconies facing the street.</p>	
<p>3.4.5 Housing Diversity and Choice</p> <p>Residential flat buildings and the residential component of mixed use buildings are to contain a mix of dwelling sizes as follows as well as providing 10% of units as adaptable units.</p> <p>3 bed – 10-20%</p> <p>2 bed – 60-75%</p> <p>1 bed – 10-20%</p>	<p>The proposal includes</p> <p>3 bed - 14/97 – 14%</p> <p>2 bed - 65/97 – 67%</p> <p>1 bed – 18/97 – 19%</p> <p>Adaptable – 10/97 – 10%</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.6.1 Sustainable Transport</p> <p>1 car share space is to be provided for residential developments containing 50 or more units within 800m of a railway station.</p> <p>Carshare spaces are to be publicly accessible at all times.</p> <p>One carshare space can be provided in lieu of 3 parking spaces.</p> <p>Written evidence is to be provided that a carshare provided will service the space.</p>	<p>The proposal provides 7 carshare spaces.</p> <p>The spaces can only be publicly accessible if no security is provided to the car park, which is unacceptable.</p> <p>6 additional carshare spaces are proposed in lieu of parking provision for visitors and the retail use. This is not supported as the public accessibility of such spaces would compromise security.</p> <p>No evidence has been provided.</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p>
<p>3.6.2 Parking and Vehicular Access</p> <p>Bicycle parking is to be provided at the rate of 1 space/2 dwellings and 1 space/200m<sup>2</sup> of retail floor space. This results in a requirement for 50 bicycle spaces.</p> <p>Car parking is to be provided (for sites within 400m of a railway station) at a rate of</p> <p>3 bed unit – 1.2 spaces</p> <p>1-2 bed unit – 1 space</p>	<p>The development proposes</p> <p>100 residential space</p> <p>10 visitor spaces</p> <p>1 retail space</p> <p>7 share spaces</p>	<p>No</p> <p>Use of car share spaces not supported in lieu of parking provision.</p>

<p>Visitors – 0.25 space per unit  Retail – 1 space per 30m<sup>2</sup>.  Plus a car wash bay which may be a visitor space</p> <p>This results in a requirement of 100 residential spaces (including 10 accessible spaces)  24 visitor spaces (including 1 accessible space and 1 carwash)  5 retail spaces</p> <p>It is noted that 1 share space can be provided in lieu of 3 parking spaces</p>		
<p>4.1.8 Merrylands Precinct  Front setback to Railway Terrace is to be 3m.</p> <p>Site with frontage to Railway Terrace are to provide address to Railway Terrace as primary frontage.</p>	<p>The proposal provides for a 0m-3m setback. This variation is discussed below.</p> <p>The development is provided with an address to Railway Terrace with the vehicular entry and main pedestrian entry facing that street.</p>	<p>No</p> <p>Yes</p>

As such the proposal is reasonably compliant with the controls of DCP 2011 with the exception of the car parking control which is discussed below, together with a discussion of the variation proposed to the front setback on Railway Terrace.

#### Front Setback

The variation to the front setback (Railway Terrace) from 3m to 0m is supported in this case due to the irregular shape of the front boundary of the site due to Council retaining part of the road reserve to allow for the provision of 4 on-street parking spaces. If the component of the building adjacent to this area were to be setback 3m from the irregular boundary it would result in a poor urban design outcome, where the building had two different setbacks, which would be inconsistent with the desired future character of the area. For this reason the variation to the setback control for Railway Terrace is supported in this instance.

#### Car Parking

The variation to the car parking provision with additional share parking spaces provided in lieu is not supported. The proposal provides an adequate number of residential spaces, but inadequate visitor and retail spaces, relying upon share spaces to comply with the control. As these spaces could not be publicly accessible without impacting the security of the car park, the share spaces are not accepted and the parking is deficient.

The parking deficiency is also evidence that the density for the site is excessive. If one level of Building B is deleted (as recommended previously), the parking requirement would be reduced by 5 x 2 bedroom and 1 x 1 bedroom apartments, being 6 residential and 1.5 visitor spaces. This would result in a need for 94 residential, 23 visitor spaces and 5 retail spaces, a total of 122 and the site would have a deficit of 4 spaces. As 4 spaces are provided on-street that are suitable for use by visitors to the shop, a reduction in retail parking to 1 space is reasonable. A condition requiring the reallocation of the parking spaces in this manner is recommended.

## **PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008**

The proposal requires payment of S94A development contributions and a condition to this effect is recommended.

### **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 proposed development is generally reasonable for the subject site, subject to a reduction in FSR, improvements to solar access and rearrangement of the parking allocation. These matters can appropriately be addressed by conditions of consent.

### **SUBMISSIONS & PUBLIC INTEREST**

No submissions were received in response to the notification of the application.

## **Conclusion**

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

## **Recommendation**

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

### **APPROVAL SUBJECT TO CONDITIONS**

**That** Council as the consent authority grant development consent to Development Application No. 750/2012 for the demolition of existing structures and construction of 2 residential flat buildings and 1 mixed use building containing residential flats and 1 shop over basement parking, provision of 4 on-street parking spaces, landscaping and public works subject to the following conditions:

#### **Deferred Commencement Conditions**

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from RailCorp as to the following matters and the approval/certification has been forwarded to the Council:

- DC1 The Applicant shall prepare and provide to RailCorp for approval/certification the following items:
- (a) Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
  - (b) Final Construction methodology with construction details pertaining to structural support during excavation.
  - (c) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
  - (d) Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure.
  - (e) If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of RailCorp's approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Upon written confirmation from RailCorp (copy to be provided to Council) that the above condition has been satisfied, Council will issue a letter confirming that the consent is operable subject to the following conditions.

## **General Matters**

### **Plans and Documents**

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

<b>Drawing N°</b>	<b>Dated</b>
DA006, Rev 1, prepared by Dyldam	25.07.12
DA000-001, 011, 013-017 & 060, Rev B, prepared by Dyldam	08.05.13
DA010, Rev C, prepared by Dyldam	08.05.13
DA012, Rev C, prepared by Dyldam	08.05.13
DA018, Rev A, prepared by Dyldam	25.07.12
DA031-35, Rev C, prepared by Dyldam	04.06.13
Landscape plans – L-01/2 & L-02/2, Rev B, prepared by RFA Landscape Architects	3.07.13
WMP – Demolition Stage plan	

<b>Document(s)</b>	<b>Dated</b>
Statement of Environmental Effects, prepared by Brown Smart Consulting	November 2012
Acoustic Report, prepared by PKA Acoustic Consulting	October 2012
Traffic Impact Assessment, prepared by Thompson Stanbury Associates	September 2012
Stage 1 Environmental Site Assessment, prepared by Environmental Investigations	27 August 2012
Stormwater Quality Management Plan, prepared by HKMA Engineers	September 2012
Public Art Concept Proposal, prepared by Site Image Landscape Architects	August 2012
Waste Management Plan	03/12/12

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

### **Demolition work carried out in accordance with Australian Standards**

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

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

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

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

### **Encroachments**

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

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

### **Footings and walls near boundaries**

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

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

### **Roof Water**

6. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.

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

### **Retaining Walls**

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

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

### **Parking**

8. Parking in the basement is to be provided as follows:

- 94 residential spaces (including at least 9 accessible spaces);
- 1 retail space (accessible); and
- 23 visitor spaces (including at least 1 accessible space), 1 of which is to be a car wash space with appropriate provision of a cold water tap and drainage.

Any future strata subdivision of the buildings is to provide parking based on the above provision level.

**Reason:** To ensure appropriate parking provision onsite.

## Tree Removal

9. Trees to be removed are:

Tree No	Name	Common Name	Location
2x	Lophostemon confertus	Brush Box	Existing Road reserve
3x	Glochideon ferdinandii	Cheese Tree	Existing Road reserve
1x	Callistemon citrinus	Bottlebrush	Front of 80 Railway
1x	Eucalyptus nicholii	Narrow-leaved Peppermint	Front of 82 Railway
2x	Acmena smithii	Lilly Pilly	Rear of 82 Railway
1x	Syagrus romanzoffianum	Cocos Palm	Rear of 82 Railway
2x	Eucalyptus sideroxylon	Ironbark	Rear of 82 Railway
1x	Archontophoenix cunninghamiana	Bangalow Palm	Rear of 3 Mombri
3x	Washingtonia filifera	Washington Palm	Rear of 3 Mombri

## Prior to Issue of a Construction Certificate

### Amended Architectural Plans

10. Amended architectural plans are to be prepared for approval prior to the release of the construction certificate showing the following changes to the design:
- The deletion of level 2 of Building B such that it becomes a six storey building of the same design (ie loss of 5 x 2 bed and 1 x 1 bed units – total of 92 units);
  - Providing a minimum of 8m<sup>2</sup> of storage for apartment A504;
  - A window is to be provided in the north-eastern façade to the kitchens of apartments A204, 304, 404, 504 and 604;
  - The balcony of apartments A204, 304, 404, 504 and 604 is to be extended such that it wraps around the north-eastern façade of those apartments; and
  - The primary balcony for each unit (ie off the living room) is to contain at least one area having minimum dimensions of 2.5m and an area of 10m<sup>2</sup>.

**Reason:** To ensure appropriate amenity to the proposed dwellings.

### **Amended Landscape Plans**

11. Amended landscape plans are to be prepared for approval prior to the release of the construction certificate showing the following changes to the design:

- a) Provision of trees to a minimum maturity height of 10m between Building B and the Mombri Street frontage;
- b) Provision of trees to a minimum maturity height of 12m between Building A and the Mombri Street frontage;
- c) The replacement of all proposed *Corymbia maculata* (Spotted Gum) where planted over basement carparking with *Corymbia* 'Summer Red' or similar growing to a maximum height of 8m.
- d) Provision of street trees to the satisfaction of Council's open Space Team

**Reason:** To ensure appropriate amenity to the proposed dwellings.

### **Public Domain and Alignment Plan**

- 11A. An amended alignment plan and a public domain plan must be submitted to the satisfaction of Council that provides for the appropriate treatment of Council's Road Reserve.

**Reason:** To ensure the establishment of appropriate public domain works.

### **Amended Acoustic Report**

12. Due to the changes to the design of the proposal since the preparation of the Acoustic Report, prepared by PKA Acoustic Consulting, dated October 2012, and as required by conditions of this consent, an amended report is to be provided addressing the amended plans. The report is to include recommendations that satisfy noise attenuation and ventilation requirements and the recommendations are to be noted on the plans prior to the release of the Construction Certificate.

**Reason:** To ensure appropriate amenity to the proposed dwellings.

### **Car Parking**

13. Parking spaces are to be provided in accordance AS 2890.1, AS2890.2 and AS 2890.6 and with the approved plans referenced in condition 1, except that 94 parking spaces are to be marked and allocated to the residents (including 13 disabled parking spaces for residents); 22 visitor parking spaces (including 1 disabled parking space for a visitor) ; 1 carshare parking space and 1 retail parking space, which are to comply with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Council's parking requirements and Australian Standards.

### **Layout of Basement**

14. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement car park not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure appropriate vehicular manoeuvring is provided

### **Splay Corner**

15. 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 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

**Reason:** To comply with Australian Standards and ensure pedestrian safety.

### **Location of plant (residential flat buildings)**

16. Prior to the issue of a Construction certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air condition equipment) is located within the basement.

**Note:** Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

**Reason:** To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

### **Noise from plant in residential zone**

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

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

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

### **No external service ducts for multi-unit developments and above**

18. 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.

### Single master TV antenna

19. A single master TV antenna must be installed on each building to service the development and provision made for connection to each dwelling unit within the development. A statement or annotations on the plan must be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate. The antenna is not to protrude beyond 3 m above the roof level.  
**Reason:** To protect the visual amenity of the area.

### Integral Energy requirements for dual occupancies and above

20. Documentary evidence confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the developments is to be provided to the Principal certifying authority, prior to the issuing of any Construction certificates.  
**Reason:** To ensure adequate electricity supply to the development.

### Consolidation of lots

21. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the Construction Certificate.  
**Reason:** To ensure consolidation occurs.

### Section 94A Contribution – Outside the City Centre (Lodged after September 1 2009)

22. A monetary contribution comprising **\$213832.90** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a **construction certificate**.

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 2) can be viewed on Council's website at:  
[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

**Reason:** To comply with legislative requirements. Garbage disposal by commercial contractor for mixed use, RFBs etc

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

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

### **Recyclable Waste**

24. 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.

### **Separate Waste Storage**

25. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. The facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

**Reason:** To ensure waste is adequately separated and managed in mixed use developments.

### **Outdoor lighting**

26. All outdoor lighting shall comply with, where relevant, AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

### **Disabled access for residential developments**

27. Access for people with disabilities to and from and between the public domain, residential units, the retail unit and all common open space areas is to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 'Access for People with Disabilities', provisions of the Disability Discrimination Act, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

### **Bicycle storage & parking**

28. The bicycle storage are shall accommodate a minimum of 47 bicycles, and a parking bicycle rail shall be provided. The bicycle storage areas and bicycle rail to be designed in accordance with AS 2890. Details demonstrating compliance are to be submitted with the Construction Certificate.

**Reason:** To promote and provide facilities for alternative forms of transport.

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

29. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with 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.

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

30. 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.

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

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

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

### **Section 73 Compliance Certificate**

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

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

**Reason:** Statutory requirement.

### **Disabled parking**

33. A minimum of **11** car-parking spaces for disabled persons shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 and AS1428.4.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

### **Stormwater Discharge Pipe**

34. Site stormwater discharge pipe shall be piped to the existing drainage system in the street. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 and the Building Code of Australia and to Council's satisfaction.

**Reason:** To protect the environment.

### **Stormwater Pump-out System**

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

- (a) A holding tank (minimum 5.0m<sup>3</sup>) capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
- (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - The permissible site discharge (PSD) rate; or
  - The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

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

### **Stormwater Management**

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

- a. The final drainage plans are consistent with the Concept Drainage Plans Dwg No. 04MB1284/ D01 - D05 Issue B dated 5/10/12 prepared by United Consulting Engineers, approved with the Development Consent.
- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design achieves
  - The design achieves a Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook).

Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

### **Nomination of Engineering Works Supervisor**

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

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - i) all relevant statutory requirements,
  - ii) all relevant conditions of development consent
  - iii) construction requirements detailed in the above Specification, and
  - iv) 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

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

38. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Integral Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

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

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

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

### **Driveway Crossing Application**

40. Prior to the issue of a Construction Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee of \$166.30

Note: This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

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

### **Impact on Existing Utility Installations**

41. Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. Integral Energy / Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

**Reason:** To ensure the appropriate location of vehicular crossings.

### **Illumination of Basement Parking**

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

**Reason:** To protect public safety.

## **Waste Storage Room**

43. A waste storage room(s) is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan 2011, including:
- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
  - b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, covered at all intersections with walls;
  - c) The walls being cement rendered to a smooth, even surface and covered at all intersections;
  - d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

**Reason:** To ensure provision of adequate waste storage arrangements.

## **Security Bonds Required**

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

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

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA [750/2013](#);
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows

Hoarding \$ 5,000

Nature strip and roadway \$ 40,000

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

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

#### **EB40 Sydney Water Quick check**

45. 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.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

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

**Advisory note:** For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

#### **Prior to the Commencement of Works**

##### **Construction Certificate**

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

**Reason:** To ensure compliance with legislative requirements.

##### **Appointment of PCA**

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

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

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

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

### **Notification of demolition works**

- 48. 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.

### **Toilet facilities on site**

- 49. 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.

### **Site Sign**

- 50. 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.

### **Public liability insurance**

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

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

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

### **Construction and Traffic Management Plan**

52. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site

A plan view of the entire site and frontage roadways indicating:

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas,
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

(b) Traffic Control Plan(s) for the site:

- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication *'Traffic Control Worksite Manual'* and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- a. 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.
- b. Where applicable, the plan must address the following:
  - i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - ii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - iii. Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

### **Shoring for adjoining Council property**

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

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

## **Erosion and Sediment Control measures**

54. 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.

## **Road Occupancy Permit**

55. 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 demolition or construction 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 any works.

**Reason:** To ensure protection of Council assets

## **Oversize Vehicle Access Permit**

56. Oversize vehicles using local road 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 road within Parramatta LGA

**Reason:** To protect Council assets and public safety.

## **Support for neighbouring buildings**

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

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

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

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

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

### **Road Opening Permits (**

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

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

### **Dilapidation survey and report**

59. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence', including the dwelling at No. 86 Railway Terrace, of the required excavation face to twice the excavation depth.

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

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

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

**Reason:** Management of records.

## Demolition Work Method Statement

60. Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the statement must also be submitted to the WorkCover Authority.

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

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

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

**Reason:** To provide a Work Method Statement.

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

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

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

### **Erection of hoardings outside City Centre LEP area**

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

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

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

### **Damage to public infrastructure**

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

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

### **Dial Before you Dig Service**

64. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive 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.

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

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

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

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

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

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

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

### **Geotechnical report**

67. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).

- The existing groundwater levels in relation to the basement structure, where influenced.
- The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

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

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

### **Site Maintenance**

68. 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.

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

#### **Construction Noise**

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

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

#### **Copy of development consent**

70. 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.

#### **Damage to Parks/Road Reserves/etc**

71. Any damage to Council assets which impact on public safety, that occurs during the demolition or construction works, is to be rectified immediately by the applicant.

**Reason:** To protect public safety.

## **Dust Control**

72. 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.

## **Materials on footpath**

73. 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.

## **Plant and equipment kept within site**

74. 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.

## **Work hours (including demolition) for dual occupancies, townhouses, RFB commercial industrial developments etc.**

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

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

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

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

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

## **Removal of trees by an arborist**

77. All approved tree removals shall be supervised by an AQF level 3 Arborist and conform to the provisions of the Tree Work Draft Code of Practice 2007.  
**Reason:** To ensure works are carried out in accordance with Tree Work Draft Code of Practice 2007.

### **Material storage and trees**

78. No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.

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

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

### **Waste data file**

80. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.  
**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

### **Importation of clean fill**

81. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.  
**Reason:** To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

### **Survey Report**

82. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.  
**Reason:** To ensure the development is being built as per the approved plans.

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

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

### **Special Permits**

84. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

(a) On-street mobile plant:

Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(b) Storage of building materials and building waste containers (skips) on Council's property.

(c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(d) Kerbside restrictions, construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

**Reason:** Proper management of public land.

## **Reinstatement**

85. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

**Reason:** To provide satisfactory drainage.

## **On-Street Parking**

86. Four (4) indented parallel parking spaces are to be provided on Railway Terrace frontage outside the retail shop and these spaces are to be available for use by visitors to the shop.

**Reason:** To comply with Council's parking requirements and Australian Standards.

## **Bicycle Parking**

87. Fifty (50) bicycle spaces/racks are to be provided on-site and used accordingly, as shown on the amended DA plan (Dwg DA010; revision B and C; 8 June 2013).

**Reason:** To comply with Council's parking requirements.

## **Use of Footpath**

88. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) 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 ensure proper management of Council assets.

## **Oversized Vehicles**

89. 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 ensure maintenance of Council's assets.

## **Prior to Release of the Occupation Certificate/Occupation**

### **Occupation Certificate**

90. Occupation or use, either in part or full, is not permitted until an Occupation certificate has been issued by Council. For information regarding an occupation certificate application please contact Council on 9806 5000.  
**Reason:** To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

### **Certification from an acoustic consultant**

91. The measures required by the acoustic report(s) Acoustic Report, prepared by PKA Acoustic Consulting, dated October 2012 (as required to be updated by condition 11) submitted with the development application (and Construction Certificate if applicable) shall be implemented prior to issue of any Occupation Certificate.  
**Reason:** To minimise the impact of noise.

### **BASIX Compliance**

92. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. [444183M\\_02](#) will be complied with prior to occupation.  
**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.

### **Telecommunications services**

93. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.  
**Reason:** To ensure provision of appropriately located telecommunication facilities

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

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

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;

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

### **Provision of Integral Energy services**

95. 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.

### **Garage Access**

96. Prior to the issue of any Occupation certificate access to the basement garage is to be secured by a roller shutter, with entry permitted only by use of pass card or the like. An intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to final completion of the development.

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

### **Convex Mirror**

97. Prior to the issue of the occupation certificate, a convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

**Reason:** To ensure safety of drivers.

### **Schedule of street numbering**

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

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

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

99. 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.

## **Arts and Cultural Plan implementation**

100. The artworks shall be installed in accordance with the approved arts plan.  
**Reason:** To ensure the appropriate implementation of the approved public art plan.

## **Occupation of Retail Unit**

101. Prior to the initial occupation of the retail unit in Building A development consent is to be obtained.  
**Reason:** To ensure amenity if protected

## **Post-construction dilapidation report**

102. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
  - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- A copy of this report is to be forwarded to Council.  
**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

## **Section 73 Compliance**

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

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

## **Work-as-Executed Plan**

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

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

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

#### **Positive covenant for OSD**

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

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

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

#### **Trees planted on the nature strip**

106. The following street trees are to be supplied in (a) 45L container and be a minimum height of 1.5m at the time of planting. The distance between tree-trunks is to be 5m. 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
5x	Lagerstroemia indica (Crepe Myrtle)	Railway Tce Road Reserve
3x	Tristanopsis laurina (Watergum)	Mombri Street Road Reserve

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

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

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

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

### **The Release of Bond(s)**

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

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

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

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

### **Ongoing Use of the Site**

#### **Waste Removal**

109. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

**Reason:** To ensure provision of adequate waste disposal arrangements.

#### **Waste Storage**

110. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the content are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

**Reason:** To ensure waste is adequately stored within the premises.

## **Shopfront appearance**

111. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.

**Reason:** To provide an appropriate streetscape appearance.

## **RailCorp Concurrence Conditions**

- If required by RailCorp, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- If required by RailCorp, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition

has been satisfied.

- If required by RailCorp, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

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**Report prepared by:**

***Kerry Gordon***  
***Kerry Gordon Planning Services***

A handwritten signature in blue ink, appearing to be 'Kerry Gordon', with a long horizontal stroke extending to the right.

**Signature:**

**Date:** 19 July 2013