

ASSESSMENT REPORT – SECTION 96 MODIFICATION

Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/694/2011/A
Assessment officer:	Kate Lafferty
Property:	109-113 George Street, Parramatta Lot 100 DP 1180557
Proposal:	Section 96(2) modification to an approved 19 storey mixed use development comprising retail/commercial space at ground level and 264 residential apartments over basement car parking. The modification includes internal changes to the basement and ground floor, modification of dwelling types and configuration, increase in car parking and design changes to the courtyard and recreation facilities.
Date of receipt:	21 December 2012
Applicant:	Merfad Capital Pty Ltd
Owner:	Merfad Capital Pty Ltd
Submissions received:	2 submissions received
Is the property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	None
Recommendation:	Approval

Legislative requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007

Relevant legislation/policies:	SEPP65, Parramatta LEP 2007 & Parramatta City Centre Plan DCP 2007
Variations:	Nil
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	3656m ²
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site
Heritage item:	No
In the vicinity of a heritage item:	Yes
Site History:	See 'Background' section of the report

DA history

21 December 2012	DA lodged
16 Jan 2013 to 30 Jan 2013	DA notified
24 January 2013	JRPP Briefing Meeting
7 February 2013	Applicant advised of preliminary issues: <ul style="list-style-type: none"> • Loss of community facilities (the pool and the gymnasium) • Whether the key lock apartments provide acceptable amenity to future occupants of the site under the provisions of SEPP65. • Why the estimated cost of development has been substantially reduced from the original costing • Clarification of the approved vs. proposed floor space.
20 March 2013	Applicant advised of further issue following legal advice received with respect to

development standards and Section 96 applications:

- Floor space ratio required to be reduced

12 June 2013

Additional information received

- Amended architectural plans
- Revised Statement of Support

19 June 2013

Applicant requested to provide the following:

- List of final amendments
- Justification for deletion of the pool
- Clarification of the final proposed floor space

20 June 2013

Additional information submitted

SECTION 96 ASSESSMENT

SITE & SURROUNDS

The site is located on the southern side of George Street and is a corner lot with 3 street frontages (George Street, Argus Lane & Union Street). The site contains multiple allotments of land and is legally described as Lots 10-11 & Lots 16-20 DP 1182 & Lots 12-13 DP 128929, Lots 8-9 DP 1182.

The site is irregular in shape and has a north-south orientation. The site has the following dimensions:

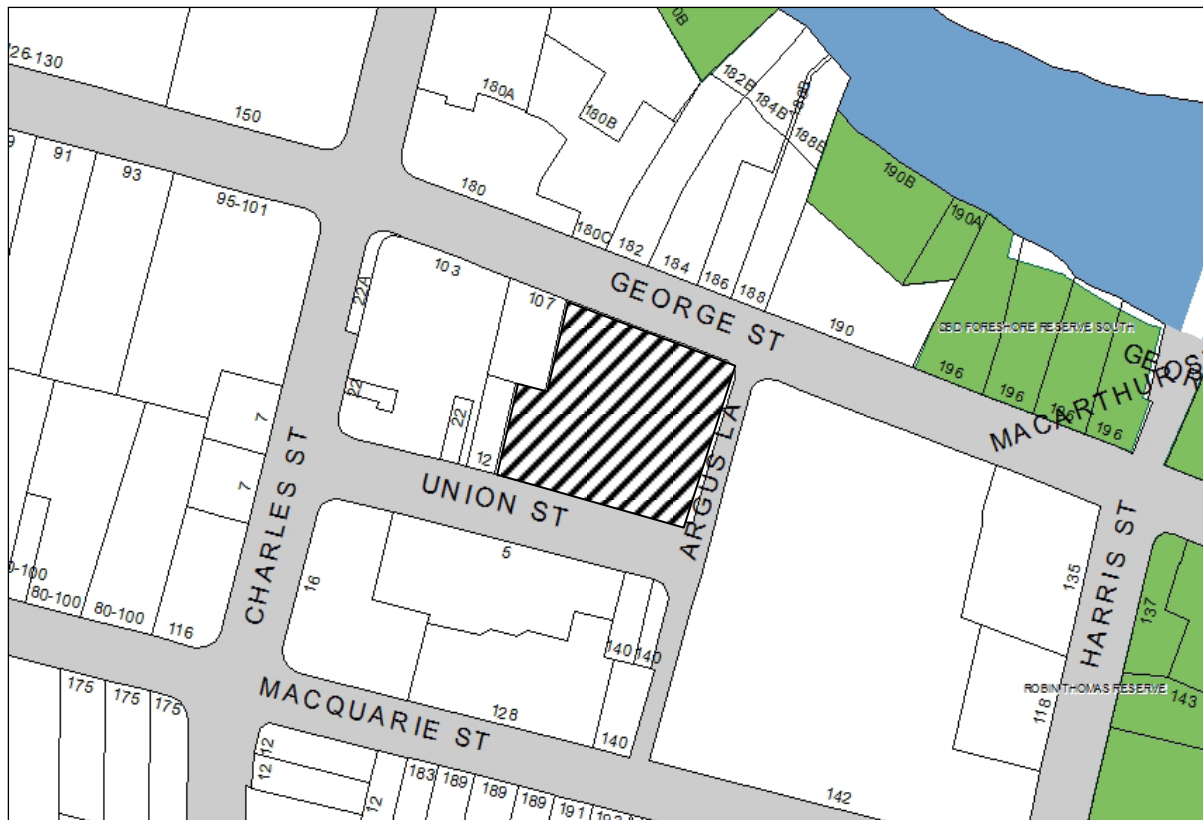
Northern boundary	George Street	57m
Eastern boundary	Argus Lane	52m
Southern boundary	Union Street	68m

The combined site area is 3656m².

The site has a slight fall from Union Street to George Street by approximately 1m.

The site is vacant. There are no significant trees on site. There is a sewer pipe traversing the site.

The site is surrounded predominantly by residential development to the south and commercial development to the north, east and west.



LOCATION MAP

BACKGROUND

Development Application DA/694/2011

DA/694/2011 for the consolidation and construction of a 19 storey mixed use development comprising retail commercial space at ground level and 264 residential apartments over basement car parking was considered and approved by the Joint Regional Planning Panel (Sydney West Region) on 17 May 2012.

The details of that application are as follows:

- Retail/commercial floor space = 862m² at ground level (8 tenancies)
- 264 residential dwellings - 4 x studio, 57 x 1 bedroom, 187 x 2 bedroom & 16 x 3 bedroom
- 3 basements (excavation 9.8m below NGL) containing 236 x residential car parking spaces (including 14 accessible), 10 motorcycle bays and storage facilities
- Ground floor contains 9 commercial car parking spaces, 9 visitor/short term car parking spaces, bicycle storage and a loading dock
- 3 vehicular access points along Union Street (commercial parking/loading, foyer/visitor parking and basement entry to residential parking)
- A through site link has been provided between Union Street and George Street
- Communal open space is provided in the central courtyard on Level 2

Section 96 application DA/694/2011/A

This is the subject application for design changes to be considered and determined by the Joint Regional Planning Panel (Sydney West Region).

Section 96 application DA/694/2011/B

A Section 96(1A) modification to an approved 19 storey mixed used development to modify Condition No. 17 to allow for the staged payment of Section 94A contributions was approved under delegation by Council on 12 March 2013.

PROPOSED MODIFICATIONS

The application seeks to amend the approved mixed use development in the following manner:

- internal changes to the basement and ground floor
- modification of dwelling types and configuration as follows:

Approved	Proposed
4 studio + 57 x 1 bedroom	3 studio + 59 x 1 bedroom
187 x 2 bedroom	186 x 2 bedroom
16 x 3 bedroom	16 x 3 bedroom
The primary dwelling type change is that the 2 storey maisonettes have been converted to single level dwellings.	

- increase in car parking from 283 spaces to 305 spaces
- design changes to the courtyard and recreation facilities including the relocation of the gymnasium and conversion of pool into a pond.

A detailed summary of the amendments is contained within the table below.

Level	Proposed Amendments
Basement 01	<ul style="list-style-type: none">• Parking layout reconfigured to provide 92 car spaces and 8 motorbike spaces• Part basement level lowered by 300mm
Basement 02	<ul style="list-style-type: none">• Parking layout reconfigured• 98 car spaces, including nine (9) accessible spaces and ten (10) motorcycle spaces• 614m³ storage• Part basement level lowered by 300mm
Basement 03	<ul style="list-style-type: none">• Parking layout reconfigured• 98 car spaces, including nine (9) accessible and 15 motorcycle spaces• 614m³ storage• Part basement level lowered by 300mm
Ground Level	<ul style="list-style-type: none">• Entry lobby reconfigured to increase prominence• Landscape theme amended and koi ponds added

	<ul style="list-style-type: none"> • One (1) car space converted to bicycle parking
Level 02	<ul style="list-style-type: none"> • Communal pool deleted and replaced with koi pond • Gymnasium and studio deleted and replaced with two (2) x 1 bed dwellings • East facing 2 bed dwelling replaced with communal gymnasium of 92.6m2 in area • Eight (8) x 2 level dwellings become four (4) x single level dwellings • Minor revision to dwelling layouts for types 5A, 5B, 7A and 7B
Level 03	<ul style="list-style-type: none"> • Four (4) x single level dwellings added (replacing upper level of former two level dwellings) • Four (4) x two level dwellings replaced by two (2) x single level dwellings • Revised layouts for types 5C, 5D, 7C and 7D
Level 04	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Four (4) x two level dwellings replaced by two (2) x one level dwellings • Revised layouts for types 5C, 5D, 7C and 7D
Level 05	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Two (2) x 1 bed dwellings replaced with two (2) x adaptable dwellings • Four (4) x two level dwellings replaced by two (2) x single level dwellings • Revised layouts for types 5C, 5D, 7C and 7D
Level 06	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Four (4) x two level dwellings replaced by two (2) x single level dwellings • Two (2) x 1 bed dwellings replaced with two (2) x adaptable dwellings • Revised layouts for types 5C, 5D, 7C and 7D
Level 07	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Amended layout for type 9B
Level 08	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Two (2) x 1 bed dwellings replaced with two (2) adaptable dwellings
Level 09	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Amended layout for type 9B
Level 10	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Two (2) x 1 bed dwellings replaced with two (2) adaptable dwellings
Level 11	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Two (2) x 1 bed dwellings replaced with two (2) adaptable dwellings
Level 12	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Amended layout for type 9B
Level 13	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Amended layout for type 9B

Levels 14-19	<ul style="list-style-type: none"> • Recessed east facing balconies added to 3 bed dwellings • Recessed balconies added to Type 13C & 13D • Adaptable dwellings removed • Revised layouts for type 9B, 13C and 13D
--------------	--

It is also noted that air conditioning units have now been located on all residential balconies.

PERMISSIBILITY

The site is zoned Mixed Use B4 under the provisions of Parramatta LEP 2007. The proposed development is defined as follows:

“mixed use development means a building or place comprising 2 or more different land uses”

The proposal satisfies the definition of a “mixed use development” and is permissible under the B4 Mixed Use zoning applying to the land.

WESTERN SYDNEY JOINT REGIONAL PLANNING PANEL

The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$20 million.

The application was considered at the JRPP Briefing Meeting on 24 January 2013. At this meeting the JRPP panel members raised the issue with respect to the deletion of the pool and the gymnasium. Given the provision of these facilities were taken into account when considering the departure from the communal open space provisions of the Residential Flat Design Code, the applicant was requested to provide justification for the deletion of these facilities.

The applicant has amended the plans to reinstate the gymnasium. The gymnasium has been relocated to the eastern side of the building adjoining Argus Lane.

The applicant proposes to remove the community pool and replace with a koi pond. The applicant has provided the following justification for this modification:

The modification seeks to delete the approved pool from the communal outdoor space at level 2. The communal open space is instead proposed to be provided with a koi pond as part of the integral landscape treatment of the area.

The replacement of the pool with the koi pond is part of the overall theming of the development and overall landscape treatment for the development.

The replacement of the pool with the pond is part of the overall approach to make the communal open space at level 2 a more attractive passive recreation and gathering area. The treatment of the area is now more focussed as a gathering space for residents to enjoy an outdoor area that is

provided with seating areas and gathering spaces to facilitate a sense of community and interaction between residents.

The koi pond will assist in providing an ambience for the area that assists in making it an attractive place in which to gather and relax.

The focus of this area as a passive recreation area is equally valid to the provision of a pool, however the configuration now proposed is more likely to be attractive to and used by a greater number of residents.

Planning Comment: It is considered that the deletion of the pool and replacement with a koi pond is acceptable as the communal area will retain the same amount of outdoor open space and will be used for passive recreation rather than active recreation. The gymnasium has been reinstated and will be used for active recreation, which seems to balance the recreational facilities on the site. The deletion of the pool also provides improved acoustic privacy for the dwellings facing the communal area.

EXTERNAL REFERRALS

Roads & Maritime Services (RMS)

The application was referred to the Roads and Maritime Services (RMS) who comment as follows:

RMS has reviewed the development application and raises no objection to the proposed modifications as they would have minimal traffic impact on the state road network.

INTERNAL REFERRALS

Traffic & Transport Investigations Engineer

The application was referred to Council's Traffic & Transport Investigations Engineer who reports as follows:

I refer to the above proposal and wish to advise of the following comments:

Approved Development	Proposed Modifications	Comment	Compliance
<i>Residential component (264 apartments – 4 x studio units; 57 x 1-bedroom units; 187 x 2-bedroom units; 16 x 3-bedroom units)</i>	<i>Residential component (264 apartments – 3 x studio units; 59 x 1-bedroom units; 186 x 2-bedroom units; 16 x 3-bedroom units)</i>	<i>Total number of apartments remain unchanged</i>	

<i>Retail/Commercial component – 861m² GFA</i>	<i>Retail/Commercial component – 861m² GFA</i>	<i>Area of retail/commercial tenancies remain unchanged</i>	
<p><i>Parking provision = 283 parking spaces (including 18 spaces at ground level); Bicycle parking – 62 spaces; Motorcycle parking – 21 spaces</i></p> <p><i>Note: Of the total parking provision of 283 spaces, the approved scheme included 9 spaces for the retail/commercial tenancies (and delivery/refuse vehicle area) at grade and accessed via a combined ENTRY/EXIT driveway on Union Street.</i></p> <p><i>A further 9 parking spaces were to be provided along a Shared Zone configured roadway which functions in a one-way (northerly) direction between Union Street and George Street</i></p>	<p><i>Parking provision = 288 parking spaces (including 26 Disabled Parking spaces) in basement level; Motorcycle parking = 33 spaces in basement level; At Grade (Ground Floor Level) parking spaces = 17 (including one 1 disabled parking space); Bicycle parking = 96 spaces including 82 for residents in the basement level</i></p>	<p><i>Parking rates in accordance with the Parramatta City Centre LEP 2007: Residential – 1 space per dwelling plus 1 space per 5 dwellings for visitors; Commercial – 1 space per 100m² GFA. Parking requirements based on proposed modifications: Residential = 316.8 (316) spaces (264 spaces for residents and 58 spaces for visitors); plus Commercial = 8.61 (8) spaces Total = 324 parking spaces maximum</i></p>	<p><i>Yes - Parking provision on-site = 305 parking spaces (288 for residents and visitors plus 17 at grade parking spaces) does not exceed maximum number of parking spaces required to be provided on-site</i></p>
<i>Parking layout – considered satisfactory</i>	<i>Minor changes to parking layout – considered satisfactory</i>	<i>All shared areas adjacent to dedicated disabled parking space are to be provided with a bollard in accordance with AS 2890.6-2009</i>	<i>Yes</i>
<p><i>3 vehicular access points off Union Street, as follows:</i></p> <ul style="list-style-type: none"> ➤ <i>Combined entry and exit driveway on the western end of the property close to Argus</i> 	<i>No change</i>		<i>Yes</i>

<p>Lane (7m wide with 300mm clearance both sides between kerbs) to the commercial/retail areas and loading dock. The access driveway to the parking area is 5.6m wide.</p> <p>➤ An entry only driveway (3.5m wide with 300mm clearance both sides between kerbs) 'One-Way traffic in a northerly direction' via a private laneway 'Shared Zone' near the eastern end of the property. Exit on to George Street frontage.</p> <p>➤ Combined entry and exit driveway (5.5m wide with 300mm clearance both sides between kerbs) on the eastern end of the property to the basement level parking areas.</p>			
--	--	--	--

Conclusion

Based on the analysis and information submitted by the applicant, the proposed modifications to the approved development application is not expected to have a significant traffic impact on George Street, Union Street and Argus Lane and the surrounding road network. The proposal can be supported on traffic & parking grounds provided that:

- *bollards are to be installed in each 'shared area' adjacent to a 'dedicated area' for disabled parking in accordance with AS 2890.6-2009; and*
- *subject to the following traffic related conditions.*

Recommendation

If this DA is to be approved, then the following traffic related conditions should be included in the conditions of consent:

1. Condition No. 14(a) to 14(c) of the DA Consent issued on 13 June 2012 are to be changed as follows:

- a) 305 off street parking spaces (including 26 disabled parking spaces and 262 for residents and visitors in the basement levels; 8 at grade parking spaces for commercial tenancies; 9 at grade parking spaces along 'Shared Zone' in a 'One-Way' roadway - northerly direction between Union Street and George Street) are to be provided, permanently marked on the pavement and used accordingly, as shown on the modified DA plans (Drawing Nos. DA-D-001; DA-D-101; DA-D-102; DA-D-103 – Issue 10 – 29 November 2012). The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).
- b) The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space), as shown on the modified DA plans (Drawing Nos. DA-D-001; DA-D-101; DA-D-102; DA-D-103 – Issue 10 – 29 November 2012). Bollards are to be installed in each shared area adjacent to a 'dedicated area' for disabled parking in accordance with AS 2890.6-2009.
- c) 96 bicycle spaces and 33 motorcycle parking spaces are to be provided as shown on the modified DA plans and to be used accordingly.

2. Conditions Nos. 10, 12, and 14(d) to 14(p) of the DA Consent issued on 13 June 2012 are to remain unchanged.

Planning Comment: The modified conditions are incorporated within the Recommendation section of this report.

Development Engineer

The application was considered by Council's Development Engineer who reports as follows:

No changes have been prepared or included for the drainage disposal system approved at the original DA stage. The proposed Section 96 modification will not have any significant effect on the previously approved drainage system. However, the following condition shall be included with the Section 96 approval, to ensure that the layout variations can be reflected in the final CC plans submitted for approval.

Condition:

The final drainage plans submitted for the construction certificate application shall reflect all the layout modifications and variations approved with the Section 96 application as appropriate.

Reason: To ensure the Section 96 modifications are reflected in the final construction drawings as appropriate.

Planning Comment: The above condition is incorporated within the Recommendation section of this report.

Urban Design

The application was referred to Council's Urban Design Team who report on the final amended plans as follows:

The proposal appears to have been amended slightly from the previous submission so that:

- *the function room on the second floor has been converted to a gym; and*
- *additional doors have been included to some two bedroom units linking bedrooms to the living areas.*

The provision of the gym provides active communal open space and is supported, particularly given that the swimming pool is to be converted into a koi pond.

An additional door has been proposed to the self-contained bedrooms (with ensuites) of the 2 bedroom units that had previously been described as dual key. This does not significantly alter the floor plans of those apartments, which can still function as dual key units (where one bedroom is designed to be self-contained with an ensuite and a small kitchenette). This is not necessarily an issue, provided they are retained within single ownership and are not subdivided in the future.

There is still concern for the acoustic and visual privacy of the south facing bedrooms of apartment types 1A and 1B on the 2nd and 3rd floors, which has not been addressed.

The south facing type 13B apartments (south western corner of levels 14-19) could have an additional window along the southern façade servicing the second bedroom to improve its amenity.

Planning Comment: Concern is raised with the acoustic and visual privacy of south facing bedroom windows to Unit Type 1A & 1B on the 2nd & 3rd floors. This issue has arisen as the previous maisonettes have been converted to single dwellings

These windows could be treated in order to reduce the impacts upon internal amenity by either providing openable highlight windows or providing standard windows with louvred screening which would improve visual and acoustic privacy whilst maintaining light access and ventilation. The applicant has agreed to provide either of these options. A condition has been incorporated within the Recommendation section of this report.

Concern is raised with the level of amenity for the south facing bedroom windows to Unit Type 13B on Levels 14 to 19.

It is considered that an additional window is not required to be provided to these bedroom windows as the adjoining balconies will provide adequate light and ventilation to these rooms. The applicant has agreed to provide glazing to the walls between the balconies and the bedroom. A condition has been incorporated within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, owners and occupiers of surrounding properties were given notice of the application for between 16 January 2013 to 30 January 2013. In response 2 submissions were received. These submissions are detailed below.

SUBMISSION 1

12 Union Street Parramatta

This submission reads as follows:

For the record, I am only concerned that the rear community facility and the other retail shops along Union St are not changed then I have no real objection.

Planning Comment: There are no proposed changes to the spaces or external appearance approved along Union Street.

SUBMISSION 2

22 Charles Street Parramatta

This submission reads as follows:

I write to you as a resident and owner of 22 Charles St Parramatta in response to the proposed modifications to the above development at 109-113 George Street, Parramatta.

As our apartment is facing directly towards the direction of the proposed development site, we are very concerned about any modifications to the design of this development that would lead to loss of privacy to our building, loss of natural light and loss of views to the city skyline that will ultimately diminish our enjoyment of the property and devalue the property. Of particular concern would be any proposed modifications to the 3 level facade design facing the George St side, any increase

beyond this height will cause a significant loss of view and natural light. We are also concerned about any proposed windows and/or balconies on the east side of the building given the proximity of the site to our building which will lead to a significant loss of privacy compared to the status quo.

Planning Comment:

There are no proposed changes to the approved building envelope of the mixed use development, and as such there are no additional impacts with respect to overshadowing or view loss.

As the objector's property is located to the west of the subject site, it is presumed that concerns are raised with any additional windows or balconies located to the western elevation (not the eastern side of the building as stated within the submission).

The application proposes additional balconies on the western elevation. These balconies are recessed into the building and do not encroach beyond the approved building envelope. These balconies measure 1m x 5m and are secondary balconies to the Type 13C dwellings. They are adjoining bedrooms which are low usage rooms and unlikely to be used for primary outdoor living. These balconies are located approximately 27m from the boundary with 22 Charles Street. Given the likely low usage of these balconies and the significant separation distance with the building at 22 Charles Street, it is considered that there will not be any significant impacts on overlooking into this nearby property.

Amended Plans

Yes

Summary of amendments

The application was amended to reconfigure the dwellings to reconfigure a number of apartments, reinstate the gymnasium and reduce the floor space.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with clause M entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" of Council's Notification Development Control Plan the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

SECTION 96 MATTERS OF CONSIDERATION

Has the consent lapsed? No

Section 96(2) Modification

Substantially the same development

The proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates as the minor amendments do not change the nature of the original approval, being the construction of a mixed use development. The building envelope and number of dwellings and commercial tenancies remain the same.

Consultation with Minister, public authority or approval body

Not applicable. Consultation has not been carried out with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body.

Notification & Submissions

The application has been notified in accordance with Council's Notification DCP. Two submissions were received and the issues raised within these submissions have been addressed within this report. The proposal is not contrary to the public interest.

Threatened Species

The modification does not relate to development consent referred to in section 79B (3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

Section 79C Assessment

The proposed modifications have been assessed in accordance with the relevant matters for consideration under Section 79C of the EP&A Act, 1979. This assessment includes the following matters.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The modification application for the mixed use development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

General

The proposal primarily involves minor changes to the internal reconfiguration of the basement and residential levels of the building. The dwelling layouts generally remain the same, with the exception of the conversion of maisonette dwellings to

single levels dwellings. Some minor recessed balconies have been added to rooms to improve the internal amenity of the occupants.

A SEPP65 Design Verification Statement has been submitted by Phillip Rossington (Registration No. 7151) with the application stating that the design quality principles of SEPP 65 are achieved for the redevelopment of the site. These design principles are discussed below:

Context

The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta City Centre LEP 2007 and DCP 2007. No changes are proposed that alter the context of the development.

Scale

No issues arise in terms of the scale of the proposal. The scale of the building in itself is considered suitable within its locality and is envisaged by the prevailing planning controls. No changes are proposed that alter the scale of the development.

Built form

The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements. The non-residential function of the ground floor of the building better defines the public domain, contributes to the character of the future streetscape, and provides internal amenity and outlook. No changes are proposed that alter the built form of the development.

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality. No changes are proposed that significantly alter the density of the development.

Resource, energy and water efficiency

The development provides opportunities in this regard, as reflected within the submitted amended Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.

Landscape

The landscaping solutions depicted in the originally approved plans are considered to be of high quality. There are minor changes to the landscaping on Level 2 to reflect the conversion of the pool into a koi pond. The quality of landscaping remains unchanged.

Amenity

The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. In addition to the (as yet) unknown uses of the ground floor spaces, this level of the building features pedestrian and vehicle access to the building and is generally satisfactory in terms of perceived safety in the public domain.

A security roller door is provided to the basement and security doors to the residential lobby is provided in order to enhance occupant and visitor safety.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing to the desired future character of the area. No changes are proposed that alter the aesthetics of the development.

Residential Flat Code

The modification has been assessed against the provisions of the Residential Flat Code. The following table highlights the controls relevant to this proposal:

PARAMETER	CONTROL	APPROVED	S96	COMPLIANCE
Building Depth	Depth should be between 10-18m	10m – 22m	No change	N/A
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Not applicable to adjoining sites as there are no adjoining residential buildings On site – separation between buildings	No change	N/A

		8.1m (min)		
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	Separate storage areas are provided for each unit within the basement and comply	Minor changes in basement layout but remains compliant	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have balconies with a minimum depth of 2m	No change to primary balcony provision of sizes	N/A
Residential Ceiling heights	Minimum 2.7m	2.7m	No change	N/A
Min. Apartment size	Studio 38.5m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	Studio = 44m ² min 1 bed = 51.5m ² min 2 bed = 69.3m ² – 93.8m ² 3 bed = 112.3m ² min	No change in minimum apartment sizes	N/A
Open Space	The area of communal open space should be between 25-30% of the site area (25%=914m ²)	Communal open space is provided on Level 2. The area of communal open space is 773m ² or 21% of the site.	The area of communal open space remains unchanged There are changes to the recreation facilities and this is discussed elsewhere within this report.	N/A (see further comments elsewhere)
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (25%=229m ²).	30% or 276m ²	There are no changes to the areas of deep soil provided	N/A
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	7 units	No change	N/A
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 2	53% to living rooms 75% to private open space	No change	N/A

	hours direct solar access on winter solstice (if in a dense urban environment)			
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	Only 7% of apartments have a south facing aspect	There is a slight change to the number of south facing units due to the swapping of the gym and the 2 bedroom Type 12 unit. This results in 8% of the apartments having a south facing aspect	Yes
Natural ventilation	60% of units should be naturally cross ventilated	64%	The number of units has been slightly reduced to 60% due to changes to the internal reconfiguration of some units	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	14%	There is a slight decrease to 13% due to changes to the internal reconfiguration of some units. It is noted however that open plan kitchens has now been increased from 80% to 83%.	NO Minor 1% variation to that previously approved.
Natural ventilation	The back of a kitchen should be no more than 8m from a window	The majority of kitchens are within 8m from a window	No significant change	N/A

Communal Open Space

The RDFC recommends that a minimum area equivalent to 25% of the site area should be allocated as communal open space. The area of communal open space provided is 772.8m² on Level 2, being 21% of the site area. This minor variation to the 'rule of thumb' was considered acceptable in the original application, particularly

as the development also provided for a communal gymnasium with a floor space of 117.2m² and a community display room with a floor space of 78.2m².

The application proposes to relocate the gymnasium to the east section of the building with direct access to the outdoor terrace area, which is a more favourable area in the vicinity of the other communal facilities. The area of the gymnasium has been reduced to 92.6m² (a reduction in area of 24.6m²) however remains a satisfactory size for the purpose of the recreation facility.

The applicant proposes to remove the community pool and replace with a koi pond. It is considered that the deletion of the pool and replacement with a koi pond is acceptable as the communal area will retain the same amount of outdoor open space and will be used for passive recreation rather than active recreation. The gymnasium has been relocated to within close proximity and will be used for active recreation, which seems to balance the recreational facilities on the site. The deletion of the pool also provides improved acoustic privacy for the dwellings facing the communal area.

The proposed changes to the communal facilities and provision of communal open space is therefore considered acceptable.

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

Parramatta City Centre Local Environmental Plan 2007 was gazetted on 21 December 2007. The relevant sections as they relate to the proposed development are addressed as follows:

Requirement	Proposal	Comply
Aims and Objectives	The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land. The proposal provides a mixture of compatible land use, integrates suitable business and residential activities in accessible locations to maximise the use of public transport, creates opportunities to improve the public domain and supports the higher order Commercial Core Zone.	Yes
Height of Buildings Clause 21 restricts the height of the building to a maximum height limit of 59.4m (including the 10% bonus awarded through the Architectural Design Competition)	<u>Original approved</u> 59m There are no proposed changes to the height of the building.	Yes
Architectural Roof Features Clause 21A allows architectural roof features to extend beyond the	There are no proposed changes to the architectural roof features of the development.	Yes

height limit prescribed by Clause 21.		
Floor Space Ratio The maximum permissible floor space ratio as prescribed in Clause 22(2) is 6.6:1 (including the 10% bonus awarded through the Architectural Design Competition).	<u>Original approved</u> 24,022m ² or 6.57:1 There are minor changes to the floor space. The increase is primarily a result of deleting the two (2) level dwellings which excluded the external stair voids from calculation as GFA. Other minor design changes such as the provision of recessed balconies has altered the floor space. The proposed floor space is now 24,103m ² with a FSR of 6.59:1.	Yes
Minimum Building Street Frontage Clause 22 requires a minimum street frontage of 20m to at least one street frontage.	No change proposed.	N/A
Design Excellence Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence.	The proposal maintains a high standard of design, materials and detailing	Yes
Car Parking Clause 22C restricts the maximum car parking permissible for developments within the City Centre. Under the City Centre LEP a maximum of 324 spaces are permitted on the site	The application proposes 305 car parking spaces. This complies with the maximum provisions of LEP 2007.	Yes
Building Separation Clause 22D requires the proposed development to have certain building separation to the side and rear boundaries.	No change.	N/A
Ecologically Sustainable Development Clause 22E requires the consent authority have regard to the principles of ecologically sustainable development.	No change.	N/A
Special Areas Clause 22G requires the consent authority to have regard to the	The subject site is located within the City East Special Area. The	Yes

objectives of the identified Special Areas within the City Centre precinct.	proposed development is consistent with the objectives of this clause as the development in and around Special Areas is compatible with the particular character and significance of each Special Area and reinforces the specific attributes and qualities of the built form of each Special Area.	
Exceptions to development standards	Not applicable. The application is not subject to a Clause 24 variation in respect of any development standards.	N/A
Outdoor Advertising and Signage Clause 29A requires the consent authority to be satisfied of certain matters before granting consent to signage.	No signage is proposed as part of this application.	N/A
Classified Road Clause 30 requires the consent authority to consider the impacts of the development on a classified road and whether the traffic noise and emissions will impact upon the sensitive land use.	No change. There is no proposed increase in residential dwellings.	N/A
Development in Proximity to a Rail Corridor Clause 31 requires the consent authority to ensure that development for the purpose of residential accommodation in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.	The site is not within proximity to a rail corridor.	N/A
Development on Flood Prone Land Clause 33A requires the consent authority to consider development on flood prone land.	The subject site is identified as being affected by the Probable Maximum Flood. There are no proposed changes to the approved ground floor levels.	Yes
Acid Sulphate Soils Clause 33B requires the consent authority ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is identified as containing class 5 Acid Sulfate Soil. There are minor proposed changes to the original approved depth of the basement which would not have any significant impact upon acid sulfate soils. This issue has been addressed within the original application.	N/A

Preservation of Trees Clause 34 seeks to preserve the amenity of the area through the preservation of trees and other vegetation.	The application does not involve the removal of any tree or other vegetation.	N/A
Heritage Conservation	The subject site is not identified as a heritage item. The site is located within the vicinity of a heritage item at 182 George Street. There are no proposed external changes that would impact upon the heritage significance of the nearby heritage item.	Yes
Archaeological Sites Clause 35(6) requires the consent authority before granting consent to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the <u>Heritage Act 1977</u> has been granted.	This matter was addressed as part of the original application. There are no proposed works that would impact upon the archaeological significance of the site.	Yes
Places of Aboriginal Heritage Significance Clause 35(6) requires the consent authority to consider certain matters before granting consent to the carrying out of development in a place of Aboriginal heritage significance.	The site is identified as having high sensitivity under the Aboriginal Pleistocene Study. This matter was addressed as part of the original application. Notwithstanding this, there are no proposed changes that would impact upon the Aboriginal significance of the site.	Yes
Historic View Corridors Clause 35A requires the consent authority to consider the impact that the development may have on any historic view corridor identified within the LEP2007.	The site is not located on an historic view corridor.	N/A

PARRAMATTA CITY CENTRE PLAN DEVELOPMENT CONTROL PLAN

The relevant sections of Parramatta City Centre DCP 2007 as they relate to the proposed development are addressed below. It is noted that compliance with the majority of controls contained within the DCP is unchanged from the original design.

Building Form

There are no proposed changes to the design that impact upon the approved street alignment and street frontage type controls. There are no changes to the approved above ground floor levels.

Deep Soil and Landscaping

Although there are minor changes to the landscaping and communal open space areas, there is no loss in deep soil proposed and sufficient landscaping areas are retained. As the landscaping has been slightly modified, amended Landscape Plans will need to be submitted before the issue of the Construction Certificate which are consistent in quality with the original approved plans.

Pedestrian Amenity

There are no proposed changes that impact upon the pedestrian amenity controls. There are no proposed changes to the approved pedestrian link through the site or activation of street frontages.

Safety and Security

The development is considered acceptable from a CPTED perspective, as the proposed development retains natural surveillance over the public domain, access control and guardianship of semi public areas. The relocation of the gymnasium adjoining the outdoor terrace area strengthens the community use and sense of ownership within the common open space on Level 2.

Building Exteriors

There are minor changes to the external appearance of the building, with recessed balconies added to levels 14 to 19 on all elevations. This has little impact on the aesthetic appearance of the development which still contributes positively to the streetscape by providing quality and robust materials and finishes. The building also provides a richness in detail with differing design elements and use of articulation to complement the existing and future streetscape.

There are no proposed changes to the external finishes.

It is noted that the Section 96 application indicates the provision of air conditioning units on the balconies of residential dwellings. No objection is raised with the provision of these air conditioning units on the balconies as they are to be located on the balcony floors and will not be visible from the street or other units. Condition 97 of the original consent requiring compliance of external plant equipment with noise levels will be retained and Condition 103 prohibiting the location of air conditioning units on balconies will need to be modified to reflect these changes.

Access, Parking & Servicing

There are no changes to the proposed vehicular access to the site. The application incorporates internal configuration changes to the ground floor parking/servicing area and basements to enable increased car parking and compliance with the Australian Standards. Council's Traffic & Transportation Investigation Engineer has reviewed

the proposed development and is satisfied with the proposed parking and access arrangements.

Environmental Management

There are no proposed changes that impact upon the environmental management controls.

Residential Development Controls

Housing Choice, Affordability & Mix

The unit mix is shown in the following table.

Apartment Size	DCP 2007	Approved	Proposed
Studio & 1 bedroom	min 10% max 25%	4 studio + 57 x 1 bedroom = 23.5%	3 studio + 59 x 1 bedroom = 23.5%
2 bedroom	max 75%	187 x 2 bedroom = 70.5%	186 x 2 bedroom = 70.5%
3 bedroom	min 10%	16 x 3 bedroom = 6%	16 x 3 bedroom = 6%

There are minor changes to the apartment sizes however the overall proposed unit mix remains unchanged from that originally approved.

The application maintains the provision of 26 adaptable units, representing 10% of the entire residential component, which complies with the requirements of DCP2007. The adaptable units have been amended from 26 x 2 bedroom units to 12 x 1 bedroom and 14 x 2 bedroom which offers a greater unit choice. Adequate parking facilities and access for people with disabilities have also been provided within the amended plans.

Noise, Vibration & Electrolysis

The subject site is not located within close proximity to a main road or railway corridor.

Special Areas

The subject site is located within the City East Special Area.

The City East area adjoins the Robin Thomas Reserve. It is envisaged that the future development in the area will address the significance of the locality and park location with complimentary buildings and high quality architecture.

The proposed development complies with the objectives of the City East Special Area as it assists in establishing a mixed-use precinct with a positive built address to Robin Thomas Reserve; it provides a good connection to the river foreshore, promotes a public domain that encourages increased activity in the evenings and at weekends.

There are no proposed changes that impact upon compliance with the controls of the City East Special area as the development continues to activate the street edge with multiple pedestrian entries, flexible ground and first floor spaces and provides for retail on the corners of the site. It also provides a through block connection to a system of pedestrian oriented spaces that link to the open space network, the river foreshore and the ferry wharf.

SECTION 94A CONTRIBUTIONS

A revised cost estimate was submitted with the amended Section 96 application. This cost estimate indicated a reduction of the cost by \$4,433,586. The applicant was requested to provide justification as to why the estimated cost of development had been substantially reduced from the original costing. This issue was not addressed by the applicant. Given the proposed modifications would not substantially change the original cost of works, and the application did not request modification to the Section 94A contributions, no change to the condition requiring the payment of Section 94A contributions is recommended as part of this report.

Notwithstanding this, it should be noted that DA/694/2011/B was recently determined which staged the payment of the Section 94A contribution payments based upon the original cost of development.

OTHER MATTERS

It is noted that the description of the proposed development was incorrect on the notice of determination. The description currently reads:

Consolidation and construction of a 19 storey mixed use development comprising retail commercial space at ground level and 265 residential apartments above over basement carparking and strata subdivision.

There are only 264 dwellings proposed (as opposed to 265 dwellings) as part of both the original and modified development. It is recommended that this error be corrected in the amended consent.

Conclusion

After consideration of the development against the relevant statutory and policy provisions, the proposed modification to the approved mixed use development is acceptable and is not contrary to the public interest. Therefore, it is recommended that the application be approved.

Recommendation

Approval

That the Western Sydney Joint Regional Planning Panel as the consent authority, modify development consent to Development Application No. DA/694/2011 for the modification of an approved mixed use development including internal changes to the basement and ground floor, modification of dwelling types and configuration,

increase in car parking and design changes to the courtyard and recreation facilities on land at 109-113 George Street, Parramatta as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination for physical commencement to occur subject to the following modifications:

A. THE DESCRIPTION OF THE DEVELOPMENT being modified to read as follows:

Consolidation and construction of a 19 storey mixed use development comprising retail/commercial space at ground level and 264 residential apartments over basement carparking and strata subdivision.

B. CONDITION 1 being modified to read as follows:

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

Drawing N^o	Dated
Cover Sheet Drawing No. DA-A-001 – Issue 11	30/05/2013
Site Plan Drawing No. DA-A-002 – Issue 11	30/05/2013
Site Analysis Drawing No. DA-A-003 – Issue 11	30/05/2013
Ground Floor Plan Drawing No. DA-D-001 – Issue 11	30/05/2013
Level 2 Drawing No. DA-D-002 – Issue 11	30/05/2013
Level 3 Drawing No. DA-D-003 – Issue 11	30/05/2013
Level 4 Drawing No. DA-D-004 – Issue 11	30/05/2013
Level 5 Drawing No. DA-D-005 – Issue 11	30/05/2013
Level 6 Drawing No. DA-D-006 – Issue 11	30/05/2013
Level 7 Drawing No. DA-D-007 – Issue 11	30/05/2013
Level 8, 10, 11 Typical Plan Drawing No. DA-D-008 – Issue 11	30/05/2013
Level 09, 12, 13 Typical Plan Drawing No. DA-D-009 – Issue 11	30/05/2013
Level 14-19 Typical Plan Drawing No. DA-D-014 – Issue 11	30/05/2013
Adaptable Apartment Type 19 Drawing No. DA-D-019 – Issue 11	30/05/2013

Drawing N^o	Dated
Roof Plan Drawing No. DA-D-020 – Issue 11	30/05/2013
Basement Level 01 Plan Drawing No. DA-D-101 – Issue 11	30/05/2013
Basement Level 02 Plan Drawing No. DA-D-102 – Issue 11	30/05/2013
Basement Level 03 Plan Drawing No. DA-D-103 – Issue 11	30/05/2013
North Elevation Drawing No. DA-E-001 – Issue 11	30/05/2013
East Elevation Drawing No. DA-E-002 – Issue 11	30/05/2013
South Elevation Drawing No. DA-E-003 – Issue 11	30/05/2013
West Elevation Drawing No. DA-E-004 – Issue 11	30/05/2013
Section AA Drawing No. DA-F-001 – Issue 11	30/05/2013
Section BB Drawing No. DA-F-002 – Issue 11	30/05/2013
Materials Selection Drawing No. DA-Z-005 – Issue 11	30/05/2013
Landscaping Drawings Ground Level 01 – Revision D Level 02 – Revision C Level Two Section 03 – Revision C Ground Level – Deep Soil Zones 04 – Revision B Level Two – Deep Soil Zones 05 – Revision A <u>Note:</u> The Level 02 Landscape Drawing will need to be amended as per Condition 46(c).	Undated
General Alignment Plan Job No. C0090190 Drawing C2-00 Revision D Job No. C0090190 Drawing C3-40 Revision B	06/03/2012 06/03/2012
Engineering Plans Drawing List, General Notes & Locality Plan, Drawing No. C0-00, Revision B, prepared by Smart Civil Pty Ltd (Engineering Consultant). On – Site Stormwater Detention Tank Details, Drawing No. C4-30, Revision A, prepared by Smart Civil Pty Ltd. Erosion & Sediment Control Plan, Drawing No. C1-10, Revision B, prepared by Smart Civil Pty Ltd. Civil Works Details, Drawing No. C3-80, Revision B, prepared by Smart Civil Pty Ltd.	21/09/2011 21/09/2011 21/09/2011 21/09/2011

Document N ^o	Dated
Access Review Report prepared by Morris-Goding Accessibility Consulting – Final V4	26/09/2011
Waste Management Plan prepared by JD Macdonald	Sept 2011
Basix Certificate No. 390452M	29/09/2011
Wind Assessment – CPP Project:6186 prepared by Cermak Peterka Petersen	Sept 2011
Noise Assessment Report Document No. 20110794.1/2208A/R0/JZ – Revision 0 prepared by Acoustic Logic dated.	22/08/2011

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

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

C. CONDITION 14 being modified to read as follows:

14. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:

- a) 305 off street parking spaces (including 26 disabled parking spaces and 262 for residents and visitors in the basement levels; 8 at grade parking spaces for commercial tenancies; 9 at grade parking spaces along 'Shared Zone' in a 'One-Way' roadway - northerly direction between Union Street and George Street) are to be provided, permanently marked on the pavement and used accordingly, as shown on the modified DA plans (Drawing Nos. DA-D-001; DA-D-101; DA-D-102; DA-D-103 – Issue 10 – 29 November 2012). The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).
- b) The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space), as shown on the modified DA plans (Drawing Nos. DA-D-001; DA-D-101; DA-D-102; DA-D-103 – Issue 10 – 29 November 2012). Bollards are to be installed in each shared area adjacent to a 'dedicated area' for disabled parking in accordance with AS 2890.6-2009.
- c) 96 bicycle spaces and 33 motorcycle parking spaces are to be provided as shown on the modified DA plans and to be used accordingly.

- d) The 2 parking spaces marked as 'small car bay' are acceptable provided that these spaces will be marked as such on the pavement.
- e) All traffic within the basement level parking areas is to be marked on the pavement by directional arrows.
- f) Loading and unloading activities are to be carried on site with the largest delivery vehicle being a medium rigid vehicle.
- g) Access into and out of the site is provided off Union Street via 3 driveways are to be provided and constructed according to AS 2890.1-2004 and Council's specification as follows:
 - Combined entry and exit driveway on the western end of the property close to Argus Lane (7m wide with 300mm clearance both sides between kerbs) to the commercial/retail areas and loading dock. The access driveway to the parking area is 5.6m wide.
 - An entry only driveway (3.5m wide with 300mm clearance both sides between kerbs) 'One-Way traffic in a northerly direction' via a private laneway 'Shared Zone' near the eastern end of the property.
 - Combined entry and exit driveway (5.5m wide with 300mm clearance both sides between kerbs) on the eastern end of the property to the basement level parking areas.
- h) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- i) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8) and Heavy Duty Vehicular Crossing plan (DS9).
- j) "Shared zone speed limit signs' in accordance with the Roads and Traffic Authority and Austroads Guide to Traffic Management are to be installed and approved by the RTA. The applicant is to submit an application to the Roads and Traffic Authority for approval to install "Shared Zone Limit " signs along the private laneway.
- k) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
- l) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- m) Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
- n) Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
- o) The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel

paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.

- p) A convex mirror is to be installed within the ramp access at each basement level (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 appropriate access is provided.

D. CONDITION 26 being modified to read as follows:

26. 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 following approved drainage related concept plans:

- Drawing List, General Notes & Locality Plan, Drawing No. C0-00, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd (Engineering Consultant).
- On – Site Stormwater Detention Tank Details, Drawing No. C4-30, Revision A, dated 21/09/2011, prepared by Smart Civil Pty Ltd.
- General Arrangement Plan, Drawing No. C2-00, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd, prepared by Smart Civil Pty Ltd.
- Erosion & Sediment Control Plan, Drawing No. C1-10, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd.
- Civil Works Details, Drawing No. C3-80, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd.

Notes: (i) The DA approved Concept drainage Plans are concept in nature only and not to be used as construction drawings).
(ii) The final drainage plans submitted for the construction certificate application shall reflect all the layout modifications and variations approved with the Section 96 application (DA/694/2011/A) as appropriate.

- b. The proposed On-Site Detention (OSD) Systems have 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. Detailed drainage plans with cross sectional details of OSD storage tank in relation to the rainwater tank; pits, connections etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet for the detention system are submitted. Consideration is also given to

provide adequate cross ventilation facilities to the OSD tank. In this regard the proposed sealed access covers may be converted into open grated covers. All access covers to the OSD / rainwater tanks are secured with child proof locking devices.

- d. Structural details and a Certificate of Structural Compliance of the proposed underground tank, cover slab and the rain water tank associated with the development and OSD system shall be included with the final drawings submitted with the Construction Certificate application.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding. Also to ensure the underground tank and associated cover slabs and walls are structurally adequate.

E. CONDITIONS 46(b) and 46(c) being added to read as follows:

46(b). The following design amendments are to be carried out to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate:

- (i) The south facing bedroom windows to Unit Type 1A & 1B on the 2nd and 3rd floors are to be adequately designed to provide for improved visual and acoustic amenity as follows:
- The bedroom window is to be replaced with an openable highlight window; or
 - The bedroom window is to be provided with externally fixed louvred screening.
- (ii) The northern and eastern walls/doors adjoining the south facing balconies to Unit Type 13B on Levels 14 to 19 shall contain full height clear glazing.

Reason: To improve the internal amenity for the future occupants of the site.

46(c). An amended landscape plan reflecting the modifications contained within the modified application DA/694/2011/A is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate. This plan is to replicate the quality, design materials, plant selection and planting details of the approved landscape plan referenced in Condition 1 of this consent.

Reason: To improve the amenity for future occupants of the site and ensure the landscaping reflects the modified plans.

F. CONDITION 82 being modified to read as follows:

82. 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. 390452M_02 dated 6 December 2012 will be complied with prior to occupation.

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

G. CONDITION 103 being modified to read as follows:

103. Any air-conditioning condensers/units located on the balconies are to be placed at floor level.

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