



# Attachment A

Parramatta City Council

File No: DA/634/2012

## ASSESSMENT REPORT – Seniors Living Development S79C – Environmental Planning & Assessment Act 1979

### SUMMARY

#### Application details

DA No:	DA/634/2012
Assessment Officer:	Kate Lafferty
Property:	8-12 Bungaree Road, Toongabbie NSW 2146 Lot 50 DP 35665 & Lot 51 DP 35665 & Lot 52 DP 35665
Proposal:	Demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP.
Date of receipt:	26 October 2012
Applicant:	NSW Land & Housing Corporation
Owner:	NSW Land & Housing Corporation
Submissions received:	1 submission and 1 petition with signatories from 11 households
Property owned by a Council employee or Councillor:	The site is owned by the Crown
Issues:	Seniors living
Recommendation:	Approval subject to conditions once the concurrence of the NSW Department of Housing for the imposed conditions has been received

#### Legislative requirements

Zoning:	R2 Low Density Residential
Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Parramatta Development Control Plan 2011 SEPP – Housing for Seniors and People with a Disability, BASIX SEPP, Section 94A Plan,

Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications

Variations: Building separation (on-site)

Integrated development: No

Crown development: Yes - Application made by NSW Land and Housing Corporation

### **The site**

Site Area: 1732m<sup>2</sup>

Easements/rights of way: None shown on survey plan

Heritage item: No

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: None relevant to the current application

### **DA history**

26 October 2012 DA lodged

30 October 2012 Request for additional information:

- Clarification of plans
- Privacy and overlooking
- Revised waste management plan.

7 Nov to 28 Nov 2012 Notification and advertising period

23 November 2012 Additional information submitted

22 January 2013 Request for additional information:

- Adaptable units
- Access Report
- Solar access
- Privacy issues
- Fencing materials
- Stormwater drainage.

16 February 2012 On site meeting

26 February 2013

Additional information submitted (in part)

19 March 2013

Additional information submitted (in part)

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is located on the north western corner of Bungaree Road and Willmot Avenue, Toongabbie. The site has a frontage of 43.89m to Bungaree Road and 28.750m to Willmot Avenue, with a combined site area of 1732m<sup>2</sup>. The site slopes away from Willmot Avenue with a fall of approximately 1.5m to the northeast corner of the site.

The subject site consists of 3 separate allotments of land and contains 3 dwelling houses and associated ancillary structures. The site has a frontage of 43.9m to Bungaree Road, a frontage of 28.715m to Willmot Avenue and a combined site area of 1732m<sup>2</sup>. The immediate area contains predominantly single dwelling houses. A row of neighbourhood shops is in close proximity to the site within Bungaree Road.



View of subject site at 8-12 Bungaree Road

Aerial photo of the site in context

## THE PROPOSAL

- Demolition, tree removal and construction of a 2 storey apartment building containing 10 apartments under the Seniors Living SEPP.
- The dwelling mix is as follows: 8 x 2 bedroom and 2 x 1 bedroom
- 4 car parking spaces are provided at grade
- The applicant is the NSW Land & Housing Corporation
- 100% of the dwellings will be used for housing for seniors and people with disabilities.

## PERMISSIBILITY

### Parramatta Local Environmental Plan 2011

The subject site is zoned R2 Low Density Residential under Parramatta LEP 2011.

The proposed development is defined as "seniors housing" under the provisions of Parramatta Local Environmental Plan 2011. The definition states:

***seniors housing*** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or

- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),  
and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,  
but does not include a hospital.

**Note.** Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

The proposed development is a group of self-contained dwellings which is intended to be used permanently for seniors or people who have a disability.

Seniors housing is listed as a permissible land use with Council consent under the R2 zoning applying to the land.

It is noted that the building typology of the proposed seniors housing development is consistent with the definition of a residential flat building, being:

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Although residential flat buildings are not permitted in the zone, the proposal is permissible as it is separately defined as Seniors Housing under LEP 2011 and is permissible in the zone under that definition (seniors housing).

#### **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The application is made under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Clause 4 of the SEPP outlines land to which the policy applies. The policy applies where development for dwelling-houses, residential flat buildings, hospitals, development of a kind identified in respect of land zoned for special uses, or land that is being used for the purposes of an existing registered club is permitted on the land.

The policy is applicable to the site as development for the purpose of a dwelling house is permissible on the subject site under LEP 2011.

## **REFERRALS**

### **Urban Design**

The application was referred to Council's Urban Design Team who report as follows:

*The following are the issues and concerns:*

### **Visual and Acoustic Privacy**

*All the rear balconies have visual and acoustic privacy issues, balconies should be a minimum of 12m from the balconies and habitable rooms of other units.*

- The balcony of unit 10 overlooks the backyard of the adjacent property at 6 Bungaree Road.*
- The balcony of unit 2 overlooks the backyard of the adjacent property at 21 Willmot Avenue.*
- The balcony of unit 10 is 6m from the balcony of unit 8.*
- The balcony of unit 8 is 5m from bedroom 1 of unit 10.*
- The balcony of unit 8 is 8m and 11m respectively from the balconies of unit 6 and 2.*
- The balcony of unit 6 is 8m from bedroom 1 and the balcony of unit 2.*
- The balcony of unit 6 is 3m from the balcony of unit 4.*
- The balcony of unit 4 is 6m from the balcony of unit 2.*
- The balcony of unit 2 is 11m from bedroom of unit 8.*
- The kitchen and bathroom of unit 6 are within 2m of the balcony of unit 4.*

#### Planning Comment:

The issues raised above are two fold, being internal privacy within the proposed development, and overlooking into adjoining properties. These issues are addressed as follows:

#### Internal Privacy

The proposed development generally complies with the internal separation distances between habitable rooms with no windows having direct lines of site into windows of different tenancies. It is considered that adequate measures have been taken to address the impacts of visual privacy by the inclusion of louvred privacy screens on relevant balcony sidings. It is noted that the development will be managed by the NSW Land & Housing Corporation and any issues relating to inappropriate acoustic behaviour will be managed by the housing provider.

#### External Privacy

The applicant has agreed to the imposition of a condition requiring the provision of a privacy screen on the northern side of the balcony to Unit 10 to minimise the overlooking into the adjoining property at 6 Bungaree Road.

A privacy screen is located on the western side of the balcony to Unit 2 to minimise the overlooking into the adjoining property at 21 Willmot Avenue. In addition, tree retention and new planting along this balcony will further reduce the potential for overlooking.

### **Access**

*The proposed development is for seniors living and the plans do not indicate how mobility impaired residents will access the 1<sup>st</sup> floor units.*

Planning Comment:

An application made by a social housing provider does not require a lift to be provided to the 1<sup>st</sup> floor dwellings under the provisions of the Seniors Living SEPP. The applicant has advised that NSW Land & Housing Corporation allocate housing on the upper floor to more mobile tenants and the ground floor to people requiring adaptable housing. If the situation changes for people located on the first floor, alternative accommodation is arranged.

### **Materials**

*Colorbond fencing is not an attractive material especially when viewed from the street an alternative material is recommended to soften the effect of large expanses of fencing within the street.*

Planning Comment:

The applicant has advised that open style metal fencing with a maximum height of 900mm is to be installed. This is indicated on the plans submitted. This style of fencing is consistent with existing fencing in the area which is characterised by a range of materials including metal, brick and timber. Sheet metal fencing is to be used for boundary fencing only. The proposed fencing is considered acceptable.

### **Solar Access**

*The rear terraces of ground floor units 1, 3, 5, 7 and 9 may not receive adequate solar access because of the height of the fencing and the overhang of balconies above. The elevations show semitransparent fencing this will help mitigate overshadowing.*

Planning Comment:

The applicant has submitted a Solar Access Report which demonstrates that 9 out of 10 units (90% of the development) will receive over 3 hours solar access to living areas and private open space.

## **Traffic & Transport Investigations Engineer**

The application was considered at Clearing House by Council's Traffic & Transport Investigations Engineer who raises no concerns with the proposed development subject to the imposition of appropriate conditions.

Planning Comment:

The recommended conditions of Council's Traffic & Transportation Investigations Engineer are incorporated within the Recommendation section of this report where appropriate.

## Development Engineer

The application was referred to Council's Development Engineer who raises no objection to the proposed development subject to the imposition of appropriate conditions.

Planning Comment: It is noted that the stormwater plans will require minor modification as the outlet pipe from the OSD tank is proposed to run along the property boundary within the nature strip and encroaches the tree protection zone (TPZ) of an existing street tree on the nature strip. This pipe will need to be relocated to connect to Council's existing stormwater pipe at a shortest distance (ie. at a location in front of the property).

Appropriate conditions reflecting the above modification have been incorporated within the Recommendation section of this report in addition to standard engineering conditions of consent.

## Tree Management & Landscape Officer

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

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

*Six (6) trees are proposed to be removed for this development application. Tree replenishment is included in the landscape proposal for the site.*

*Trees to be removed are (refer to Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011):*

<b>Tree No</b>	<b>Name</b>	<b>Common Name</b>	<b>Location</b>	<b>Reason</b>
3	<i>Liquidambar styraciflua</i>	<i>Liquidambar</i>	<i>Front</i>	<i>Exempt – within five (5) metres of existing dwelling</i>
5	<i>Dead Tree</i>	<i>Unknown</i>	<i>Rear</i>	<i>Already fallen</i>
6	<i>Araucaria cunninghamiana</i>	<i>Hoop Pine</i>	<i>Rear</i>	<i>Semi-mature specimen with low retention value.</i>
7	<i>Corymbia citriodora</i>	<i>Lemon Scented Gum</i>	<i>Front</i>	<i>Decay main trunk – potential hazard</i>
10	<i>Corymbia citriodora</i>	<i>Lemon Scented Gum</i>	<i>Front</i>	<i>Poorly pruned by energy authority to clear OHW. Poor form/location</i>
11	<i>Liquidambar styraciflua</i>	<i>Liquidambar</i>	<i>Front</i>	<i>Poorly pruned by energy authority to clear OHW. Poor form/location</i>

***Reason:*** *To allow appropriate development of the site.*



***Impact on adjoining trees***

*Nil*

***Landscape***

*The Landscape Plan by Susan Stratton Landscape Architect Pty Ltd (Drawing No – LA-01) dated 6 January 2012 submitted to Council has been completed in accordance with Council's relevant DCP and shall be incorporated into the development consent.*

***Earthworks (cut and fill)***

*Nil*

***Retaining Walls***

*Nil*

***DISCUSSION***

*Nil*

***REASONS SUPPORTED***

*To allow demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP.*

***CONCLUSION***

*The proposal does satisfy the requirements of Council's controls and can be supported.*

Planning Comment: The recommended conditions of Council's Tree Management & Landscape Officer are incorporated within the Recommendation section of this report.

***Waste Officer***

The application was referred to Council's Waste Management Officer who raises no concerns with the proposed development subject to the imposition of appropriate conditions.

Planning Comment: The recommended conditions of Council's Waste Management Officer are incorporated within the Recommendation section of this report.

***PUBLIC CONSULTATION***

***Notification***

In accordance with Appendix 5 of DCP2011, the application was advertised and owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 7 November 2012 and 28 November 2012. A sign was also placed on the site. In response, 1 submission and 1 petition containing signatories from 11 households was received.

The issues raised within those submissions are addressed below.

### **Isolated Site - Ownership**

Concerns are raised that the objector's property at 12 Bond Ave is the last remaining privately owned site within the block.

Planning Comment: A review of property ownership within the area reveals that there are 7 privately owned sites within the block bounded by Bungaree Road, Willmot Avenue and Bond Avenue.

### **Acquisition of Land**

Questions were raised as to the Department's intentions for privately owned property and whether property within the vicinity of the site would be acquired at market value in the future.

Planning Comment: The area contains a mixture of privately and publicly owned land. The Land and Housing Corporation have advised that there is no intention at this stage to acquire any privately owned property in the vicinity of the site.

### **Loss of Privacy**

Concern is raised with the potential loss of privacy of nearby residential properties.

Planning Comment: The 1<sup>st</sup> floor to the development contains habitable rooms and balconies which face the adjoining properties. The proposed development complies with the applicable setbacks and has addressed the impacts upon privacy to adjoining properties. Any potential for overlooking is mitigated by proposed privacy screens, window sill heights, adequate building separation and appropriate plantings.

### **Parking**

Concern is raised that there is inadequate parking provided for the proposed development.

Planning Comment: Two (2) car parking spaces are required for the development under the provisions of the Seniors Living SEPP (being 1 space/5 dwellings where the development application is made by a social housing provider). The application provides for 4 off street car parking spaces, which is in excess of the minimum required.

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

### **Density**

Concern is raised that there are too many units proposed which is out of character for the area.

#### Planning Comment:

The application proposes to demolish 3 dwelling houses and replace with 10 units. This is not considered to be a significant increase in density for the site. The proposed development is permissible within the zoning applying to the land under the SEPP ((Housing for Seniors or People with a Disability) 2004 and Parramatta Local Environmental Plan 2011. The floor space of the proposed development complies with the maximum floor space permissible on the site. It is therefore considered that the proposal has an acceptable density and will be compatible with the character of the area.

### **Garbage Bin Location**

Concern is raised as to the proposed location of the garbage bins.

#### Planning Comment:

Garbage bins will be located within the proposed garbage bin enclosures at the front of the site and taken to the street on collection day by the residents. Although the front setback is not usually the most appropriate location for the storage of bins, each individual bin enclosure only contains 2 bins and is appropriately landscaped to minimise their visual impact. In addition, consideration is to be given to the type of residents occupying the development. The location of the bins within the front setback is more accessible to the collection point on the street for seniors and people with disabilities, than if a combined bin enclosure was provided at the rear of the site.

### **Accessibility**

Concern is raised that 2 storey units with no lifts are inappropriate for seniors and people with disabilities. Concerns are raised as to whether the proposal will be used for the purposes stated.

#### Planning Comment:

The Land and Housing Corporation is exempt from the requirement to provide lift access for dwellings above the ground floor in multi storey buildings. A condition is contained within the Recommendation section of the report restricting the use of the development to occupation by seniors or people with a disability.

### **On Site Meeting**

An on-site meeting was held on 16 February 2012 with Council officers, Councillors, the applicant and residents. Details of that meeting are as follows:

**Attendees:**

Councillors: Clr Lloyd (Chair), Clr Dwyer and Clr Chowdury  
Parramatta City Council: Claire Stephens – Team Leader Development Advice  
Applicant: 2 x representatives from Land and Housing Corporation  
Objectors: Approximately 15 residents

Meeting commenced: 1:35pm

**Issues raised on site:**

- Why is a two storey building proposed for seniors and people without a disability without the provision of lifts?  
**APPLICANT'S RESPONSE:** Land and Housing Corporation allocate housing on the upper floor to more mobile tenants and ground floor to people requiring adaptable housing. If the situation changes for people located on the first floor, alternative accommodation is arranged.
- Privacy concerns raised as the units are two storeys and there are no other two storey buildings in the immediate vicinity.  
**APPLICANT'S RESPONSE:** This can be looked at.
- Concern with regards to the lack of car parking available on site.  
**APPLICANT'S RESPONSE:** The rate is based on the average car ownership for similar type developments for the Land and Housing Corporation.  
**CLR LLOYD:** Raised an issue with the rate being calculated on average for the state rather than looking at car ownership for Land and Housing developments within the Parramatta LGA, which appears to be more than surrounding LGAs.
- Concern was raised as to why the tree to the rear (adjacent to 14 Bond Ave) is being retained as the objector believes the tree to be dangerous.  
**APPLICANT'S RESPONSE:** Land and Housing are prepared to remove the tree and add an additional car parking space to this area, if Council's tree officers are acceptable to the tree being removed.  
**PCC RESPONSE:** This will be passed onto the Development Assessment Officer for consideration.
- Concern was raised as to the classification of tenants able to live in this type of development – mainly "seniors", and whether families would be housed there.  
**APPLICANT'S RESPONSE:** In accordance with the legislation, the tenants must be aged 55 or over or be disabled (or a carer living with a person with a disability). With regards to the senior's classification, these tenants are either singles or couples – not families.
- Concern was raised with regards to the number and location of the bin bays.
- Concern was raised with regard to the on-going maintenance of the existing dwellings before their demolition – including fencing off No. 8 and turning the

water off at No. 10; and eventual vacation of No. 12. Also of concern is the state of the nature strip.

**APPLICANT'S RESPONSE:** Land and Housing will advise the local office to fence off No. 8 and turn water off at No. 10.

- Query as to what is happening to the Land and Housing Corporation houses in Bond Street.

**APPLICANT'S RESPONSE:** Land and Housing are reviewing existing housing stock and their future. There is no other development plans within Toongabbie at the moment.

- There were suggestions of investigating terrace style housing rather than units from Clr Dwyer.

Meeting concluded: Approximately 2:25pm

Planning Comment:

The majority of the issues raised at the on-site meeting have been addressed above within this section of the report.

One of the concerns raised at the on-site meeting was in respect to the request to remove a tree at the rear of the site (adjacent to 14 Bond Ave) as it is alleged by an objector to be dangerous.

Council's Tree Management & Landscape Officer has reviewed the proposed development and has advised that this River Peppermint tree is in good health and worthy of retention. The application already provides for sufficient car parking and it is considered appropriate to maximise the landscaping opportunities on the site and protect significant trees which contribute to the landscape character of the area rather than increasing hard paved area when it is not required.

## Notification of Amended Plans

### Amended Plans

Yes

### Summary of amendments

- Stormwater plans amended with minor modifications
- Area of garbage storage indicated on plans

### Amended Plans re-advertised or re notified

No (see below)

### Reason amendments not renotified

In accordance with clause 5.5.9 of DCP2011 entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the

application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

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

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

### **STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

### **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 as the development does propose works within the vicinity of electricity infrastructure. In this regard, there are 2 electricity poles adjoining the site. Notwithstanding this, only minor works such as fencing and landscaping is proposed within 5m of this infrastructure. A letter was sent to Endeavour Energy on 21 January 2013 and no correspondence has been received by Council to date.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Bungaree Road and Willmot Avenue is less than 40,000 vehicles.

## STATE ENVIRONMENTAL PLANNING POLICY (Housing for Seniors or People with a Disability) 2004

SEPP 2004 applies as the proposed development as the proposal relates to a seniors living development. The application has been assessed in accordance with the provisions of SEPP 2004 as contained within the following table.

Standard	Required	Proposed	Complies
Cl.26 – Location and access to facilities	Residents to have access to the identified services (banks, shops, service providers, etc.) within 400 metres of the site or be within 400 metres from a public transport service.	The site is located within 400m of a public bus stop that is serviced by a bus meeting the identified service threshold (185m & 303m located on Fitzwilliam Street). Access is available to this bus stop via a compliant footpath.	Yes
Cl. 27- Not to be on Bushfire Prone Land	Seniors Living Development is not permitted on bushfire prone land.	The site is not identified as bushfire prone land.	Yes
Cl.28 – Water and Sewer	Consent not to be granted unless the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The site is located within the Sydney Water service area and will be required to be connected to the required services.	Yes
Cl.30 – Site Analysis	Consent is not to be granted unless a site analysis prepared by the applicant has been submitted and has formed part of the assessment.	A site analysis has been submitted with the application.	Yes
Cl.31 – Design of in-fill self-care	To be assessed in accordance with the	The application has been assessed in accordance	Yes

housing	Seniors Living Policy: Urban Design Guidelines for Infill Developments	with the guidelines. (Refer to assessment further within this report).	
Cl.32 – Design of Residential Development	To be assessed in accordance with Division 2 of the SEPP	See Below	See relevant section of this report
Cl.33 – Neighbourhood amenity and streetscape	Development is required to comply with the following list below:		
	Recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area	The proposed development incorporates a roof form and scale that is compatible with the existing street. The proposal is consistent with the two-storey desired future character of the area. The proposed buildings would, if approved, contribute to the quality and identity of the area.	Yes
	Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a Local Environmental Plan	The site is not within the vicinity of any heritage items and is not within a heritage conservation area.	N/A
	Maintain reasonable neighbourhood amenity and appropriate residential character by:  (i) providing building setbacks to reduce bulk and overshadowing, (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours	The proposal maintains setbacks and a height that are not inconsistent with development in the area. The design and orientation of the development is such that the overshadowing of neighbouring properties is minimal.  The proposal does not include any buildings on the boundary line.	Yes
	Be designed so that the front building of the development is set back in sympathy with, but not	The proposed front setback is in sympathy with the existing predominant building line in Bungaree	Yes



	necessarily the same as, the existing building line	Road and Willmot Avenue.	
	Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape	Planting proposed is in sympathy with the streetscape.	Yes
	Retain, wherever reasonable, major existing trees	The proposal has been designed to try to retain some existing trees on the site. Council's Landscape Officer raises no objection to the removal of the remaining trees.	Yes
	Be designed so that no building is constructed in a riparian zone.	No part of the site is situated within a riparian zone.	Yes
Cl. 34 – Visual and Acoustic Privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The placement of all windows and balconies are such that privacy impacts for adjoining properties will be minimised.</p> <p>The dwellings have also been designed to provide a satisfactory level of acoustic amenity to all dwellings, with bedrooms generally located away from parking areas where possible.</p> <p>The proposal has been designed in accordance with the requirements of the BCA for sound and impact transmission.</p>	Yes
Cl.35- Solar Access and Design for Climate	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar</p>	The level of solar access provided to dwellings and private open space areas is generally adequate within the constraints of the site.	Yes

	heating and lighting by locating the windows of living and dining areas in a northerly direction.		
CI.36 - Stormwater	<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposed stormwater system would minimise impacts on adjoining properties.</p> <p>The submitted stormwater plan includes on site detention which will drain to Council's street infrastructure.</p>	Yes
CI.37 – Crime Prevention	<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The design of the site sufficiently complies with the stated crime prevention standards. The driveways and access are naturally surveyed by a substantial number of dwellings, a number of entry portals are provided to reduce the number required to be located of a single entry point, and the dwellings have been designed to allow residents to see who is approaching without opening the front doors.</p>	Yes

Cl.38 – Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposal provides safe pedestrian access from the site to the local bus stop and provides an attractive environment for pedestrians and motorists.	Yes
Cl.39 – Waste Management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The site includes waste facilities that will be able to cater for recycling bins.	Yes
Cl.40 – Development Standards	Minimum site area 1000m <sup>2</sup>	The site has an area of 1732m <sup>2</sup>	Yes HOWEVER THIS CLAUSE DOES NOT APPLY TO APPLICATIONS MADE BY THE DEPARTMENT OF HOUSING
	Site frontage to be minimum 20m	43.89m (Bungaree Road ) 28.7505m (Willmot Ave)	Yes HOWEVER THIS CLAUSE DOES NOT APPLY TO APPLICATIONS MADE BY THE DEPARTMENT OF HOUSING
	Height to be 8m or less (ground to ceiling)	The buildings on the site have a maximum height of 6.5m	Yes
	A building adjacent to a boundary of the site not to be more than 2 storeys in height	All buildings have a maximum height of 2 storeys	Yes
	A building in the rear 25% of the site cannot exceed 1 storey in height.	The rear of the site is considered to be the western boundary. A 2 storey building is located within the 25% setback area.	No HOWEVER THIS CLAUSE DOES NOT APPLY TO APPLICATIONS MADE BY THE DEPARTMENT OF HOUSING
Cl.41 – Standards for self-contained dwellings	Various standards are contained within Schedule 3 that must be complied with	This has been discussed in the next section of the report	See below
Cl.50 – Standards for which consent cannot be	(a) <b>building height:</b> if all proposed buildings are 8 metres or less in height (and regardless of any other	The buildings have a maximum height of 6.5m (ground to ceiling).	Yes

refused.	standard specified by another environmental planning instrument limiting development to 2 storeys)		
	(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	Proposed FSR as calculated under the definition contained within LEP2011  = 0.48:1  (It is noted that the Statement of Environmental Effects incorrectly states that the FSR is 0.52:1, as this was not calculated under the definition within LEP2011)	Yes
	c) <b>landscaped area:</b> a minimum of 35m <sup>2</sup> per dwelling is required to be landscaped (social housing provider)  = 350m <sup>2</sup> min	600m <sup>2</sup> of the site is landscaped area	Yes
	(d) <b>Deep soil zones:</b> if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the <b>deep soil zone</b> ). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,	535m <sup>2</sup> or 30% of the site is deep soil zone.  The larger areas of deep soil are located within the front corner setback and the rear,	Yes
	(e) <b>solar access:</b> if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct	90% of the dwellings will receive at least 3 hours direct sunlight.  The application cannot be refused on the grounds of	Yes

	sunlight between 9am and 3pm in mid-winter,	solar access.	
	(f) <b>private open space for in-fill self-care housing:</b> if: (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and	Courtyard private open space for ground floor units ranges from 15.72m <sup>2</sup> to 44.7m <sup>2</sup> .	Yes
	(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area.	Private open space for 1st floor units ranges from 7m <sup>2</sup> (1 bed) to 10.83m <sup>2</sup> 2 bed).	Yes
	(h) <b>parking:</b> if at least the following is provided: 1 space/5 dwellings where the development application is made by a social housing provider.	2 car spaces required. 4 car spaces proposed.	Yes

The proposal therefore complies with the general provisions of the SEPP.

Under Schedule 3 of the SEPP, the following additional detailed **development standards** apply to development proposals for self-contained dwellings:

Standard	Required	Proposed	Complies
Wheel Chair Access  15-20	If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. (2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair	Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).  Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal complies with these	N/A

	<p>access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</p> <p>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</p> <p><b>Note.</b> For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.</p>	requirements.	
Common Areas	Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development	All common areas have reasonable access with regards to AS 1428.1.	Yes
Security	<p>Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p>	Pathway lighting will meet the requirement outlined.	Yes
Letter Boxes	<p>Letterboxes:</p> <p>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p>	<p>All letter boxes are situated on a hard stand area and accessed via a continuous path of travel.</p> <p>These will (according to the statement) be lockable.</p> <p>The letter boxes are generally provided at the entry point to each dwelling to increase accessibility.</p>	Yes

Private Car Accommodation	<p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p> <p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>	<p>The provided car parking spaces have all been designed to be able to be used by persons with a disability as required.</p> <p>All spaces are capable of being widened.</p> <p>No garage doors are proposed.</p>	Yes
Accessible Entry	Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	All entries comply with the requirement.	Yes
Interior General	<p>(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.</p> <p>(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</p> <p>(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.</p>	<p>Does not apply to an application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.</p>	N/A
Bedrooms	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p>	<p>Does not apply to an application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal complies</p>	N/A

	<p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	with these requirements.	
Bathrooms	<p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>Does not apply to an application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal complies with these requirements.</p>	N/A
Toilet	A dwelling must have at least	Does not apply to an	N/A



	one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.	<p>application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.</p>	
Surface Finishes	<p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p><b>Note.</b> Advice regarding finishes may be obtained from AS 1428.1.</p>	<p>Does not apply to an application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.</p>	N/A
Door Hardware	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	<p>Does not apply to an application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.</p>	N/A
Ancillary Items	Switches and power points must be provided in accordance with AS 4299.	<p>Does not apply to an application by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally</p>	N/A

		complies with these requirements.	
Living Room and Dining Room	<p>(1) A living room in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</p>	<p>Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.</p>	N/A
Kitchen	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and</p> <p>(b) a circulation space at door approaches that complies with AS 1428.1, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:</p> <p>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</p>	<p>Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).</p> <p>Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.</p>	N/A

Access to Kitchen, main bedroom, bathroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).  There are no multi storey self-contained units. They are all single storey units	N/A
Lifts in multi-storey buildings	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i> .	Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).  No lifts are provided.	N/A
Laundry	A self-contained dwelling must have a laundry that has: (a) a circulation space at door approaches that complies with AS 1428.1, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.	Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).  Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.	N/A
Storage for linen	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	Does not apply to Developments by a social housing provider (under Cl.41 (2) of the SEPP).  Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements.	N/A
Garbage Storage	A garbage storage area must be provided in an accessible location.	The garbage storage areas are situated in accessible locations.	Yes

The proposal therefore complies with the requirements outlined as development standards contained within Schedule 3 of the SEPP where they apply to a development application lodged by a social housing provider (being the NSW Land and Housing Corporation). Notwithstanding the above, the applicant has submitted an Access Report indicating the proposal generally complies with these requirements although many of the requirements do not legislatively apply.

### **Clause 15 – Design Requirements**

Pursuant to Clause 31 of the SEPP, in determining a development application to carry out development for the purpose of in-fill multi-unit housing, a consent authority must take into consideration the provisions of the '*Seniors Living Policy: Urban Design Guidelines for Infill Development*' published by the Department of Planning in March 2004.

The provisions of the '*Seniors Living Policy: Urban Design Guidelines for infill Development*' have been taken into consideration in the assessment of the proposal as indicated in the following table:

<b>Assessment Criteria &amp; Comment</b>		<b>Compliance</b>
<b>1. RESPONDING TO CONTEXT</b>		
<b>Analysis of neighbourhood character</b>	<b>Street layout &amp; hierarchy:</b> The legibility of a neighbourhood is related to the layout and hierarchy of the streets and the clarity with which these can be 'read'. New development should therefore be of an appropriate scale and character to reinforce these existing patterns.  <u>Comment:</u> The proposed development is of a scale and character that reinforces the existing pattern of the street.	Yes
	<b>Block &amp; lots:</b> Land subdivision has resulted in blocks and lots configured for particular uses and building types. When new building types are introduced with a different relationship to the block and lot they may have negative impacts.  <u>Comment:</u> The proposed building will have a similar relationship to the block when compared with existing development on the site.	Yes
	<b>Built Environment:</b> Residential neighbourhoods are often consistent in terms of built form. This includes not only the size and shape of buildings but the spaces between them. It is important that new built form, as far as possible, follows these patterns.  <u>Comment:</u> The built form of the proposed buildings will generally be setback from the sides and front of the site in a similar way to existing development in the area.	Yes

	<p><b>Trees:</b> Trees and vegetation are critical in establishing the particular character of a neighbourhood or street. Distinctive patterns of planting can often compensate for fragmented or undistinguished built form.</p> <p><u>Comment:</u> The development will not provide for fragmented or undistinguished building form, but the planting scheme will be consistent with that in the street and Council's future desired landscape form.</p>	Yes
	<p><b>Policy Environment:</b> Council's own LEPs or DCPs may describe the character of an area or identify the key elements that contribute to its unique character.</p> <p><u>Comment:</u> The proposal is complimentary with the proposed future character of the area as the proposal is limited to two storeys in height and will appear from the street as low to medium density residential in character.</p>	Yes
<b>2. SITE PLANNING AND DESIGN</b>		
<b>Design principles and better practice</b>	<p><b>General:</b></p> <ol style="list-style-type: none"> <li>1. Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield.</li> </ol> <p><u>Comment</u> The site provides a reasonable level of amenity for occupants and for neighbours of adjoining properties. <ol style="list-style-type: none"> <li>2. Cater for the broad range of needs from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car parking. This can also provide variety in massing and scale of built form within the development.</li> </ol> <p><u>Comment:</u> The proposed development provides a mix of single and two bedroom, ground and first floor apartments providing a mix of dwelling sizes.</p> </p>	Yes
	<p><b>Built Form:</b></p> <ul style="list-style-type: none"> <li>- Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a public street.</li> <li>- Parts of the development towards the rear of the site should be more modest in scale to limit the impacts on adjoining properties.</li> <li>- Design and orient dwellings to respond to environmental conditions.</li> </ul>	Yes

	<p><u>Comment:</u> The bulk of the development is situated towards the street. Reasonable setbacks are provided to side boundaries and to the rear.</p>	
	<p><b>Trees, landscaping &amp; deep soil zones:</b></p> <ol style="list-style-type: none"> <li>1. Maintain existing patterns and character of gardens and trees.</li> <li>2. Improve amenity by increasing the proportion of the site that is landscaped area.</li> <li>3. Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees.</li> <li>4. Minimise the impact of higher site cover on stormwater runoff.</li> </ol> <p><u>Comment:</u> A number of existing trees will be retained and a reasonable portion of the site has been dedicated to landscaping, and deep soil zones have been provided as per the SEPP requirements.</p>	Yes
	<p><b>Parking, garaging &amp; vehicle circulation:</b></p> <ol style="list-style-type: none"> <li>1. Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages.</li> <li>2. Where possible maintain existing crossing and driveway locations on the street.</li> </ol> <p><u>Comment:</u> Car parking has been provided generally in a central courtyard with only one space provided elsewhere. Two driveway crossings will be maintained at the front of the site.</p>	Yes
	<b>3. IMPACT ON STREETScape</b>	
Design principles and better practice	<p><b>General:</b></p> <ol style="list-style-type: none"> <li>1. Respond to the desired streetscape character.</li> </ol> <p><u>Comment:</u> The proposed development is compatible with the character of the streetscape.</p>	Yes
	<p><b>Built form:</b></p> <ol style="list-style-type: none"> <li>1. Reduce the visual bulk of a development.</li> </ol> <p><u>Comment:</u> The development has been so designed as to reduce its visual bulk by providing an articulated building form with a 2 storey height limit.</p>	Yes
	<p><b>Trees, landscaping &amp; deep soil zones:</b></p> <ol style="list-style-type: none"> <li>1. Retain existing trees and planting in front and rear setbacks and the road reserve.</li> </ol> <p><u>Comment:</u> Deep soil areas have been provided at the front and rear of the site.</p>	Yes

	<b>Residential amenity:</b> <ol style="list-style-type: none"> <li>1. Clearly design open space in front setbacks as either private or communal open space.</li> <li>2. Define the threshold between public and private space, for example by level change, change in materials, fencing, planting and/or signage</li> <li>3. Design dwellings at the front of the site to address the street,</li> <li>4. Provide a high quality transition between public and private domains.</li> </ol> <p><u>Comment:</u> Private and communal open spaces are clearly defined, as are thresholds between public and private space.</p> <p>The front dwellings address the street and a high quality transition has been provided between public and private domains..</p>	Yes
	<b>Parking, garaging &amp; vehicular circulation:</b> <ol style="list-style-type: none"> <li>1. Avoid unrelieved, long, straight driveways that are visually dominant.</li> <li>2. Minimise the impact of driveways on streetscape.</li> <li>3. Where basement parking is used minimise the impact of the entry.</li> <li>4. Locate or screen all parking to minimise visibility from the street.</li> </ol> <p><u>Comment:</u> The site does contain a long straight driveway, necessary by the layout of the site. Adequate landscaping is provided around this driveway and associated parking to soften its impact on the streetscape.</p> <p>Only one car space is visible from the street and this is in the form of a carport.</p>	Yes
<b>4. IMPACTS ON NEIGHBOURS</b>		
<b>Design principles and better practice</b>	<b>Built Form:</b> <ol style="list-style-type: none"> <li>1. Design the relationship between buildings and open space to be consistent with the existing patterns in the block.</li> <li>2. Protect neighbours' amenity by carefully designing the bulk and scale of the new development to relate to the existing residential character, for example by setting upper storeys back behind the side or rear building line.</li> <li>3. Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure.</li> </ol>	Yes

	<p>4. Design second storeys to reduce overlooking of neighbouring properties.</p> <p>5. Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks.</p> <p><u>Comment:</u></p> <p>1. The relationship between buildings and open space has been designed so as to appear compatible with the existing buildings in the same block.</p> <p>2. The bulk and scale has been, as much as possible, designed to be compatible with the existing character of the area.</p> <p>3. The visual bulk of the structure is broken up by articulation of the development and a separated roof form.</p> <p>4. Reasonable side setbacks are provided on the ground and first floor, and screen planting provided.</p> <p>5. The development is broken up by stepping.</p>	
	<p><b>Trees, Landscaping &amp; deep soil zones:</b></p> <p>1. Use vegetation and mature planting to provide a buffer between new and existing dwellings.</p> <p>2. Locate deep soil zones where they will provide privacy between new and existing dwellings.</p> <p>3. Planting in side and rear setbacks can provide privacy and shade for adjacent dwellings.</p> <p>4. For new planting, if possible, use species that are characteristic of the local area.</p> <p><u>Comment:</u></p> <p>The proposed planting has been reviewed by Council's Tree Management &amp; Landscape Officer and found to be satisfactory. The application proposes retention of existing trees on site and embellishment with new plantings appropriate for its setting.</p>	
	<p><b>Residential amenity:</b></p> <p>1. Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation.</p> <p>2. Design dwellings so that they do not overlook neighbours' private open space or look into existing dwellings.</p> <p>3. When providing new private open space minimise negative impacts on neighbours.</p> <p>4. Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation.</p> <p><u>Comment:</u></p> <p>Sun access and ventilation to living areas of adjoining properties are reasonably ensured by the proposal.</p>	Yes



	<p>The dwellings do not provide close and direct views into adjoining properties.</p> <p>The open space areas will not have a significant impact on neighbours.</p> <p>The side setbacks are sufficient to provide private open space and are suitably landscaped.</p>	
	<p><b>Parking, garaging &amp; vehicular circulation:</b></p> <ol style="list-style-type: none"> <li>1. Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts.</li> <li>2. Position driveways so as to be a buffer between new and existing adjacent dwellings.</li> </ol> <p><u>Comment:</u> Planting is proposed between the driveway and the side setbacks. The driveway is located so as to be a buffer between new and the existing adjacent dwellings on both the Bungaree Road and Willmot Avenue frontages.</p>	Yes
<b>5. INTERNAL SITE AMENITY</b>		
<b>Design principles and better practice</b>	<p><b>Built form:</b></p> <ol style="list-style-type: none"> <li>1. Design dwellings to maximise solar access to living areas and private open spaces.</li> <li>2. In villa or townhouse style developments, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation.</li> <li>3. Design dwelling entries so that they are clear and identifiable from the street or driveway.</li> </ol> <p><u>Comment:</u> The dual aspect design of the majority of dwellings and their internal layouts maximises solar access to living areas and private open space areas. The dwellings have clearly identifiable entrances from street or driveway.</p>	Yes
	<p><b>Parking, garaging &amp; vehicular circulation:</b></p> <ol style="list-style-type: none"> <li>1. Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths (where this is not possible use physical separation, planting. Screening devices or louvres to achieve adequate privacy).</li> <li>2. Avoid large uninterrupted areas of hard surface (driveways, garages, walls). Small areas of planting can break these up and soften their 'hard edge' appearance.</li> <li>3. Screen parking from views and outlooks from dwellings.</li> </ol>	Yes

	<p>4. Reduce the dominance of areas for vehicular circulation and parking.</p> <p><u>Comment:</u> Bedrooms have been located away from vehicular and pedestrian access points to the site where possible. No large uninterrupted areas of hard surface are proposed except the driveways. Parking has been screened where possible from dwellings. The parking areas are not dominant.</p>	
	<p><b>Residential amenity:</b></p> <ol style="list-style-type: none"> <li>1. Provide distinct and separate pedestrian and vehicular circulation on the site.</li> <li>2. Ensure that adequate consideration is given to safety and security.</li> <li>3. Provide private open space that is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen).</li> <li>4. Provide communal open space that is clearly and easily accessible to all residents and easy to maintain.</li> <li>5. Site and/or street common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any private or communal open space</li> </ol> <p><u>Comment:</u> The development provides distinct and separate pedestrian and vehicular circulation on the site. Adequate consideration has been given to safety and security in the design. Private open space areas are compliant and are located adjacent to the main living areas. Communal open space is provided at the rear of the site and is accessible to all residents. The services have been so located to minimise their visual impact.</p>	Yes

The proposal therefore achieves a reasonable design with regards to the *Seniors Living Policy: Urban Design Guidelines for Infill Development*.

#### 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	Proposal	Compliance
Land Use Table – R2 Low Density Residential Zone	The subject site is zoned R2 under LEP 2011	Yes

4.3 Height of Buildings  Height Map shows that the maximum height of new developments for the subject site is 9 metres.	The proposed development has a maximum height of 8.5m	Yes
4.4 Floor Space Ratio  Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 0.5:1:1.  Note: Car parking to meet any requirements of the consent authority (including access to that car parking) is excluded from gross floor area in the LEP.	0.48:1	Yes
4.6 Exceptions to development standards	The application does not seek any variations to development standards contained within LEP 2011.	Yes
5.6 Architectural roof features	The architectural roof feature has a maximum height of 8.5m.  The architectural roof feature is a minor encroachment into the height restrictions and is considered acceptable.	Yes
5.7 Development below mean high water mark.	The proposal is not for the development of land that is covered by tidal waters.	N/A
5.9 Preservation of trees	Council's Tree Management & Landscape Officer has not raised objection to the proposed tree removal. See previous discussion in the 'Referrals' section of this report.	Yes
5.10 Heritage Conservation	According to the heritage item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area	Yes
5.10.8 Aboriginal Places of Heritage significance	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity	Yes

What is the identified Aboriginal significance of the site?	Database. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.	
6.1 Acid sulfate soils	The Acid Sulphate Soil map designates no classification or risk for the site	Yes
6.2 Earthworks	There are no significant earthworks proposed. All development is proposed at grade.	Yes
6.3 Flood planning	The subject site is not identified as being located in flood prone land.	Yes
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	The subject site is not identified on this map	N/A
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	The subject site is not identified on this map	N/A
6.6 Development on landslide risk land	The site is not identified as landslide risk land	N/A
6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.	N/A

The proposal therefore complies with the relevant provisions of LEP 2011.

### Zone Objectives

The objectives of the R2 Low Density Residential zone include:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.
- To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.

The proposed development is consistent with the aims and objectives of the R2 Low Density Residential zoning applying to the land as the proposed works are suitably located, and are of a bulk and scale that maintains suitable residential amenity for adjoining sites. The proposal will also provide for the housing needs of a specific sector of the community where there is great demand.

## DEVELOPMENT CONTROL PLANS

### PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The application has been assessed in accordance with the provisions of DCP2011 as contained within the following table.

Note: Notwithstanding that the proposal is for seniors living development, the proposal has the building typology of a residential flat building and as such, has been assessed as a residential flat building.

Development Control	Proposal	Compliance
<b>Site Considerations</b>		
<b>2.4.1 Views and Vistas</b>  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. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.  Are views to and from public domain areas protected?	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
<b>2.4.2.1 Flooding</b> 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
<b>2.4.2.2 Protection of Waterways</b>  Does the site adjoin a waterway?  If yes does the proposed landscaping comprise of local indigenous species?	N/A	Yes
<b>2.4.2.3 Protection of Groundwater</b>  Is a basement carpark proposed?  If yes does the site require dewatering to facilitate this?	The development does not incorporate a basement carpark and is unlikely to impact on groundwater quality	Yes
<b>2.4.3.1 Soil Management</b>  Are there adequate erosion control measures?	An erosion and sedimentation plan has been submitted with the application and conditions have been	Yes

	imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.	
2.4.3.2 Acid sulphate soils	Refer to LEP table above	See LEP table
<p>2.4.3.3 Salinity</p> <p>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'?</p> <p>If yes, have investigations been undertaken in accordance with the Western Sydney Salinity Code of Practice 2003?</p> <p>If yes, does landscaping comprise of low water use species and are irrigation systems low water usage?</p>	<p>The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions to ensure that appropriate construction techniques are utilised to ensure the structural integrity of building work is not compromised.</p>	Yes (Condition)
<p>2.4.4 Land Contamination</p> <p>Is the site identified as or likely to be contaminated? If yes have the requirements of SEPP 55 been satisfied?</p>	<p>The site is not contaminated nor is there any previous history that may have caused contamination.</p>	N/A
<p>2.4.5 Air Quality</p> <p>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?</p>	<p>Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.</p>	Yes (Condition)
<p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p>	<p>The site responds to the modest slope of the land in an appropriate manner.</p>	Yes
<p>2.4.7 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p>	<p>Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate and the landscape plan is appropriate.</p>	Yes

If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?		
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?  If yes, does the development satisfy the design principles?	The site does not adjoin land zoned E2 or W1.	N/A
2.4.8 Public Domain  Does the building appropriately address the public domain?  Does the development provide appropriate passive surveillance opportunities?  Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?	The development appropriately addresses the public domain.  The development provides appropriate passive surveillance opportunities. The development will provide for the construction of a new foot path and significant site landscaping to improve the public domain.	
<b>3. Preliminary Building Envelope</b>		
Frontage Minimum 24m	43.89m (Bungaree Rd ) 28.7505m (Willmot Ave)	Yes
Height  Does the proposal exceed the Maximum height as shown on the Parramatta LEP 2011 Height of Buildings Map? – 9m  Does the proposal exceed the number of storeys outlined in the DCP height table?	The development has a maximum height of 8.5m.  As residential flat buildings are not permissible in the R2 zone, no storey number is identified. However, the maximum number of storeys for development permitted in the R2 zone is 2. As the proposal satisfies	Yes

	this, it is considered acceptable.	
<b>Front Setback</b> Is the setback consistent with the prevailing setback along the street and within the range of 5-9m?	Bungaree Rd = 7.1m Willmot Ave = 5.16m	Yes
<b>Side Setback</b> Minimum 4.5m	4.5m	Yes
<b>Rear Setback</b> Minimum 15% of the length of site for mid block sites.	This is a corner site which does not have an identified rear setback. Notwithstanding this, if the western boundary was considered to be the rear (which follows the street block), there is a setback of 47% to the building fronting Bungaree Road.	Yes
<b>Deep Soil zone</b> Minimum 30%, including at least 50% at the rear of the site and dimensions not less than 4m x 4m	Note: SEPP 2004 overrides DCP control with respect to deep soil zones. The proposal complies with the SEPP requirement.  Notwithstanding the above, the proposal achieves 31% deep soil on the site which would comply with the DCP requirements.	Overruled by SEPP – see SEPP 2004 assessment above.
<b>Minimum 40% Landscaped Area</b> (including deep soil zone)  Is the landscaped area in accordance with the definition contained in the DCP glossary and outlined below?	Note: SEPP 2004 overrides DCP control with respect to landscaped area. The proposal complies with the SEPP requirement.  Notwithstanding the above, the proposal achieves 35% landscaping on the site which would not comply with the DCP requirements.	Overruled by SEPP – see SEPP 2004 assessment above.



<p>Special Precincts?</p> <p>Is the site located within a <b>town or neighbourhood centre</b> where site specific controls contained in section 4.1 have been prepared?</p> <p>Is the site located in a <b>special character area</b> where area specific controls contained in section 4.2 have been prepared?</p> <p>Is the site located in <b>strategic precinct</b> where area specific controls contained in section 4.3 have been prepared?</p>	<p>The site is not located in an area identified as being a special precinct by section 4 of DCP 2011.</p>	<p>N/A</p>
<p><b>3.2. Building Elements</b></p>		
<p>3.2.1 Building Form and Massing</p> <p>Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p>	<p>The height, bulk, and scale of the development are compatible with the existing street.</p>	<p>Yes</p>
<p>3.2.2 Building Façade and Articulation</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>Does the building exceed the building envelope?</p> <p>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>Are multiple stair lift/cores provided to encourage multiple street entries?</p>	<p>The provided facades are appropriately modulated and serve to reduce the appearance of building bulk and express the buildings architecture.</p> <p>There is no exceedance of the building envelope</p> <p>3 separate entrances have been provided.</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><u>Attics</u></p> <p>Does the development include an attic?</p>	<p>The roof form minimises the bulk and scale of the building, and responds well to the local context.</p> <p>The development does not incorporate an attic.</p>	<p>Yes</p> <p>N/A</p>

<p><b>3.2.5 Streetscape</b></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>Do Garages and parking structures dominate the building façade and front setback?</p> <p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and deliverers?</p>	<p>The development responds reasonably to the existing character and urban context of its area.</p> <p>The development has been so designed that parking structures do not dominate the façade and front setback.</p> <p>The mail boxes have been incorporated into the general design of the proposal.</p> <p>Mail boxes are well located for convenient access for residents and deliverers.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>3.2.6 Fences</b></p> <p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p>	<p>The front fence is 900mm high.</p> <p>Front fences are reasonably common in the locality.</p>	<p>Yes</p>
<p><b>3.3 Environmental Amenity</b></p>		
<p><b>3.3.1 Landscaping</b></p> <p>Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?</p>	<p>Some existing trees are to be retained on site to enhance the new development</p>	<p>Yes</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 minimum dimensions of 2.5m?</p>	<p>Note: SEPP 2004 overrides DCP control with respect to private open space. The proposal complies with the SEPP requirement.</p> <p>Notwithstanding the above, the proposal provides the following:  <b>Ground Floor POS</b>  15.72m<sup>2</sup> - 44.7m<sup>2</sup></p>	<p>Overruled by SEPP – see SEPP 2004 assessment above.</p>

[illegible]

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?	Adjoining properties receive a level of solar access compliant with the requirement.	Yes
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?	Where possible, living areas have been oriented to face the northern side of dwellings.	Yes
Cross Ventilation		Yes
Is the minimum floor to ceiling height 2.7m?	<i>Ground Floor</i> 2.9m <i>First Floor</i> 2.7m	
Are 80% of dwellings naturally cross ventilated?	All dwellings can be naturally cross ventilated.	
Are single aspect apartments limited in depth to 8m from a window?	No single aspect apartments provided.	
Does the building have a maximum depth of 18m?	Building depth is 11m max.	
3.3.6 Water Sensitive Urban Design		Yes
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 has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.	
Does the development contain more than 5 dwellings?		
If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?		
3.3.7 Waste Management		Yes
Is the waste management plan satisfactory?	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.	
Is the bin room appropriately sized for the number of bins required?		
If in a basement can the bins be transported to the kerb via a 1:14 grade		

ramp?  (If not is their room for a bin trolley trailer to be stored to facilitate transport to the kerb)	Garbage bins are located at grade and close to the street for accessibility for the occupants.	
<b>3.4 Social Amenity</b>		
<b>3.4.1 Public Art</b>		
Is an arts plan required?  Note: Arts plans are required if the site is over 5000m2	The site is not of a size or type to warrant an arts plan.	N/A
<b>3.4.4 Safety and Security</b>		
Has the development been designed in accordance with crime prevention principles?  Are the building entries orientated to the street?  Are habitable rooms located at the front of dwellings?	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The front entry doors for both dwellings face towards the street, promoting natural surveillance from within the units to the front setback and public domain.	Yes
<b>3.4.5 Housing Diversity and Choice</b>		
Is the unit mix in accordance with the following:  The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments: <input type="checkbox"/> 3 bedroom 10% - 20% <input type="checkbox"/> 2 bedroom 60% - 75% <input type="checkbox"/> 1 bedroom 10% - 20%  Have adaptable dwellings been provided in accordance with the following ratio:  Total no. of dwellings in development No. of adaptable dwellings required Less than 10 = 1 10-20 = 2 more than 20 = 10%	All 5 ground floor units provided will be adaptable (termed 'universal' by NSW Land and Housing Corporation).  The unit mix is as follows: 8 x 2 bed = 80% 2 x 1bed = 20%. This mix is acceptable given the area is dominated by dwelling houses and dual occupancies containing predominantly more than 2 bedrooms, and given all ground floor units will be adaptable.	No – but acceptable given location and future intended type of occupancy.

3.5 Heritage & Part 4 Special Precincts		
<p>Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.</p> <p>Does the site contain a heritage item?</p> <p>Is the site within a heritage conservation area?</p> <p>Is the development near a heritage item?</p>	<p>The site does not contain a heritage item, is not in the vicinity of a heritage item, and is not in a heritage conservation area.</p>	N/A
<p>3.5.2 Archaeology</p> <p>Is excavation proposed?</p> <p>If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)?</p>	<p>The site is not within the PHALMS area. The site is considered to have minimal archeological potential.</p>	N/A
<p>3.5.3 Aboriginal Cultural Heritage</p>	<p>The site is identified as being of low sensitivity and there is no evidence to suggest any cultural heritage with respect to the site.</p>	N/A
<p>3.6.2 Sustainable Transport</p> <p>If the development contains more than 50 apartments and is located within 800m of a railway station/ 400m of a bus stop with a service frequency of an average of 15minutes or less between 7am and 9am is a car share parking space provided?</p>	<p>The development contains less than 50 apartments.</p>	N/A
3.6 Parking Provision		
<p>If the site is not within 400m walking distance of a railway station or a transitway bus stop with a service frequency of 10minutes or less between 7am and 9am weekdays is parking provided within a basement at the following minimum rate:</p> <p>0.6 spaces per studio apartment 1 space per 1 bedroom unit 1.25 spaces per 2 bedroom unit 1.5 spaces per 3 bedroom unit</p>	<p>As the application is subject to SEPP 2004, the parking rates contained in that document override those in DCP 2011.</p>	<p>Overruled by SEPP – see SEPP 2004 assessment above.</p>

<p>2 spaces per 4 bedroom unit Plus 0.25 space per dwelling for visitor parking A car wash bay which may also be a visitor space</p> <p>Note: Carparking numbers are to be rounded up.</p> <p>Is 1 bicycle parking space provided per 2 units?</p>	<p>5 spaces required. None shown on plans however sufficient room is provided for bicycle storage on site if required. Given the nature of the future occupants of the site, full compliance with the bicycle provision requirements are not considered necessary.</p>	<p>Yes</p>
<p><b>3.6.3 Accessibility and Connectivity</b></p> <p>If the development is a large site with a street pattern that limits pedestrian movements is it appropriate for pedestrian through link with a minimum width of 3m to be provided?</p>	<p>The development will not limit pedestrian movement. No through site link is required.</p>	<p>N/A</p>
<p><b>3.7.2 Site consolidation and isolation</b></p>		
<p>Does the proposal result in adjoining sites being isolated?</p>	<p>The proposal does not result in the isolation of any adjoining properties</p>	<p>N/A</p>

## PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

A Ministerial Direction under Section 94E of the Environmental Planning and Assessment Act currently exists in relation to the imposition of contributions made by a housing provider. The Direction dated 14 September 2007 directs consent authorities that no contributions under Division 6 Part 4 of the Act may be imposed on seniors housing as defined under the SEPP 2004 if the application is made by a social housing provider.

As the applicant is NSW Land & Housing Corporation, no Section 94A contributions may be imposed on this development application in accordance with the Ministerial Direction.

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

In accordance with Council's 2012/2013 Schedule of Fees and Charges, the developer should be obliged to pay Security Bonds to ensure the protection of civil

infrastructure located in the public domain adjacent to the site. As the development is a development with value of works in excess of \$500,000.00, the applicant would ordinarily be required to pay a Security Bond of \$10,000 prior to the commencement of works.

The NSW Land & Housing Corporation have not provided concurrence to the imposition of a security bond on recent applications considered by Council. Given that the applicant is the Crown, it is not considered appropriate or necessary to impose the payment of security bonds. It is considered that the requirement to submit a dilapidation report both prior to works commencing and following completion is sufficient in this instance.

A condition will be incorporated in the consent to this effect.

## **PLANNING AGREEMENTS**

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

## **REGULATIONS**

### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

#### **Additional matters a consent authority must take into consideration**

Regulation 92(1)(b) requires that the provisions of AS2601 must be taken into consideration in the case of an application for the demolition of a building.

Note: "AS 2601" means the document entitled Australian Standard AS 2601-1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

Conditions have been incorporated within the Recommendation section of this report requiring compliance with AS2601 for any demolition works.

#### **Compliance with Building Code of Australia**

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

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



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

#### **Condition relating to shoring and adequacy of adjoining property**

Regulation 98E requires prescribed conditions if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

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

### **COASTAL ZONE MANAGEMENT PLAN**

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

### **LIKELY IMPACTS**

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

### **SUITABILITY OF THE SITE**

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

### **SUBMISSIONS & PUBLIC INTEREST**

One submission and one petition containing signatories from 11 households were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

### **Conclusion**

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

It is noted that the concurrence of the NSW Land and Housing Corporation will be required prior to the formal adoption of the outlined conditions given its status as a Crown Authority.

## Recommendation

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

### APPROVAL SUBJECT TO CONDITIONS

**THAT** the development application DA/634/2012 for the demolition, tree removal and construction of a two storey apartment building containing 10 apartments under the Seniors Living SEPP at 8-12 Bungaree Road, Toongabbie be **DEFERRED** and the following course of action be adopted by the Council:

- (a) **THAT** the applicant be advised that the application is acceptable to Council subject to the imposition of the conditions listed below.
- (b) **THAT** the applicant be requested to advise Council in writing of their agreement to the imposition of the conditions listed below (subject to minor change if appropriate) within a period of one (1) month from the date of Council's notification.
- (c) **THAT** upon receipt by the Council of the written agreement of the applicant, delegated authority be granted to the Manager, Development & Traffic Services to determine the application. The consent shall be granted for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination.

### General Matters:

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 <sup>o</sup>	Dated
<b>Block Analysis/Demolition Plan/Site Analysis</b> Project No. BG506 – Drawing 1 of 7 – Rev A	04/09/2012
<b>Site/Ground Floor Plan</b> Project No. BG506 – Drawing 2 of 7 – Rev A	04/09/2012
<b>First Floor Plan</b> Project No. BG506 – Drawing 3 of 7 – Rev A	04/09/2012
<b>Roof Plan</b> Project No. BG506 – Drawing 4 of 7 – Rev A	04/09/2012
<b>Elevations &amp; Section</b> Project No. BG506 – Drawing 5 of 7 – Rev A	04/09/2012
<b>Colour Schedule</b> Project No. BG506 – Drawing 7 of 7 – Rev A	04/09/2012
<b>Garbage Store Areas</b>	04/09/2012

Drawing N <sup>o</sup>	Dated
Project No. BG506 – Drawing 1 of 7 – Rev A	
<b>Stormwater Plans</b>	
Project No. BG506 – Drawing 1 of 5 – Rev D	07/02/2013
Project No. BG506 – Drawing 2 of 5 – Rev C	07/02/2013
Project No. BG506 – Drawing 3 of 5 – Rev C	07/02/2013
Project No. BG506 – Drawing 5 of 5 – Rev B	07/02/2013
<b>Landscape Plan</b> Drawing No. LA-01 & LA-02 prepared by Susan Stratton Landscape Architect Pty Ltd	6 January 2012

Document(s)	Dated
Arboricultural Impact Assessment Reference 6021 prepared by Redgum Horticultural Consultants	10 Feb 2011
Waste Management Plan	9 October 2012
BASIX Certificate No.351434M_02	17 October 2012
Access Report prepared by Accessibility Solutions	15 February 2013
Statement of Environmental Effects prepared by the Land and Housing Corporation	September 2012

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

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

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

**Reason:** To ensure appropriate demolition practices occur.

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

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

- 4 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.

- 5 All footings and walls adjacent to a boundary must be set out by a registered surveyor.

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

- 6 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.

- 7 Trees to be retained are (refer to Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011):

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1	<i>Lophostemon confertus</i>	Brushbox	Street	300	3.6
2	<i>Callistemon salignus</i>	Paperbark Bottlebrush	Street	300	3.6
4	<i>Eucalyptus elata</i>	River Peppermint	Rear	490	5.3
8	<i>Lophostemon confertus</i>	Brushbox	Street	300	3.6
9	<i>Lophostemon confertus</i>	Brushbox	Street	290	3.5
12	<i>Chamaecyparis obtusa</i> 'Crippsii'	Hinoki Cypress	Adjacent property in Willmot Avenue.	250	3.5

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

- 8 Trees to be removed are (refer to Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011):

Tree No	Name	Common Name	Location
3	Liquidambar styraciflua	Liquidambar	Front
5	Dead Tree	Unknown	Rear
6	Araucaria cunninghamiana	Hoop Pine	Rear
7	Corymbia citriodora	Lemon Scented Gum	Front
10	Corymbia citriodora	Lemon Scented Gum	Front
11	Liquidambar styraciflua	Liquidambar	Front

**Reason:** To allow appropriate development of the site.

- 9 Appropriate investigation shall be carried out at the location where the proposed stormwater pipeline crosses any existing services (such as the existing sewer service line and water main etc). Drawings showing the cross-sectional details of the proposed structures at the crossing shall be submitted to the NSW land & Housing Corporation to ensure that the proposed

structure(s) are not in conflict with any existing services such as sewer pipe line etc.

**Reason:** To ensure that the proposed structure(s) are not in conflict with any existing services.

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

- 10 An *Environmental Enforcement Service Charge* is to be paid to Council prior to the commencement of works. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
- 11 An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the commencement of works. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.  
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.  
**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
- 12 Works are not to commence unless 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.
- 13 Revised plans indicating the following design modifications be submitted and approved by the NSW Land & Housing Corporation before the commencement of works:
  - (a) a 1.6m high privacy screen be installed to the northern face of the balcony to Unit 10
  - (b) The sill heights of the bathroom and kitchen windows of Unit 6 be a minimum of 1.6m above finished floor level
  - (c) The bathroom window to Unit 6 be fitted with translucent glazing.**Reason:** To improve internal privacy between dwellings and prevent overlooking into the adjoining dwelling house.
- 14 No construction works shall start on the stormwater system until the detailed final storm water plans have been prepared by a qualified Practicing Hydraulic Engineer to the satisfaction of the NSW Land & Housing Corporation. The NSW Land & Housing Corporation shall ensure that:
  - a. The final stormwater plans are in general consistent with the stormwater plan, i.e. "**Stormwater Site Drainage Layout Plan**" (sheet 1) and "**Stormwater Details**"(sheet 2 & 3) Project # BG506, Revision "**D**" dated 07/02/2013 prepared by Michael Ell consulting Engineers Pty Ltd and address all the relevant issues

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

- b. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design achieves, based on the 4<sup>th</sup> edition of Upper Parramatta River Catchment Trust's (UPRCT's) handbook as adopted by the applicant, the Site Reference Discharge (Lower Storage),  $SRD_L$  of 40 l/s/ha with Site Storage Requirement (Lower Storage)  $SSR_L$  of 300m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage),  $SRD_U$  of 150 l/s/ha with Site Storage Requirement (Total)  $SSR_T$  of 455m<sup>3</sup>/ha for undrowned orifice condition with the OSD storage volumes not less than 52m<sup>3</sup> for Extended Detention Storage, and 26m<sup>3</sup> for Flood Detention Storage with Total Storage of at least 79m<sup>3</sup>
- d. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- e. A calculation table for available storage volume with pyramid volume calculation method has been provided.
- f. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.

The stormwater plans should be amended (if required) to comply with the above requirements prior to commencement of works.

The NSW Land & Housing Corporation shall ensure that upon completion of the construction works, the stormwater system has been inspected and certified by a qualified practicing engineer/engineering work supervisor. A copy of the certificate shall be forwarded to Council for its record.

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

- 15. The underground tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above and the surrounding areas/structures, which exert load on the tank structures. The NSW Land & Housing Corporation shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate

The NSW Land & Housing Corporation shall ensure that the construction works are duly certified by a qualified practicing engineer/ engineering work supervisor upon completion of the works.

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

- 16 The site stormwater shall be discharged into the council's Stormwater Pipe system. The connection to Council's stormwater system shall be made by construction of a new kerb inlet pit at the connection point in front of the subject property. The connection into Council's stormwater drainage system shall be made in accordance with Council's **Standard Drawing DS29 (Sheet #2)**. Drawings showing cross-section and connections details shall be submitted to the satisfaction of Council's City Infrastructure Unit for approval. No stormwater related work within the public domain shall commence prior to obtaining such approval from Council's City Infrastructure Unit.

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

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

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

- 18 Prior to any works commencing on the driveway crossover and prior to the occupation of the site, 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 (e.g. **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 a fee in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Note 1:** 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.

**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

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

- 19 Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to Land and Housing Corporation and a copy provided to Council by the builder. The following matters must be specifically addressed in the Plan:

Construction Management Plan for the Site indicating:

- I. Dedicated construction site entrances and exits.
- II. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- III. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- IV. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- V. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- VI. 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).

**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.

- 20 The proponent shall submit to the NSW Land and Housing Corporation and Council, a Construction Noise Management Plan prior to the commencement of works as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

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



**Reason:** To prevent loss of amenity to the area.

- 21 Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any work being carried out.

**Reason:** To ensure adequate toilet facilities are provided.

- 22 The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be located wholly within the development site prior to commencement of any works on site.

**Reason:** To ensure public safety.

- 23 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 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.

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

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

- 25 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.

- 26 Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

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

- 27 At least one (1) week prior to demolition, the applicant must carry out a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

- 28 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.

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

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - 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.
- Reason:** To ensure works carried out in the public domain are carried out to Council requirement.

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

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

NOTE: For more information contact NBN Co.  
Development Liaison Team:  
Call 1800 881 816  
Email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)  
Web [www.nbnco.com.au/NewDevelopments](http://www.nbnco.com.au/NewDevelopments)

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

**Reason:** To ensure appropriate safeguards against salinity.

- 32 Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground in accordance with the requirements of Endeavour Energy.

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

- 33 Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall obtained, prior any works commencing. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.

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

- 34 A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Land and Housing

Corporation and a copy provided to Council's Civil Assets Unit. The dilapidation report is required to report any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by the street frontage 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.

- 35 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:

- I. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- II. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- III. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- IV. the site is to be maintained clear of weeds
- V. 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.

- 36 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.

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

- 37 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 prior to commencement of work.

**Advisory note:** Please telephone 13 20 92 or refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see "**Building and Developing**" then "**Quick Check**" and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see "**Building and Developing**" then "**Building and Renovating**".

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

- 38 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.  
**Reason:** To prevent any damage to underground utility services.
- 39 The trees identified on the approved plans and identified within the submitted Tree Report as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the 'Tree Protection During Construction' notes contained within the 3. Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011 and the relevant conditions of this consent.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.
- 40 A Tree Protection Zone (TPZ) is to be established prior to any works commencing around those trees that are to be retained as shown in the Arboricultural Impact Assessment by Redgum Horticultural Consultants (Ref No – 6021) prepared 10 February 2011. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chain-wire link or welded mesh fence. 'Tree Protection Zone' signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.  
**Reason:** To protect the trees to be retained on the site during construction works.
- 41 Prior to works commencing, tree protection signage shall be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:
- (a) That the tree protection zone is a No Go Zone
  - (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
  - (c) The name, address, and telephone number of the developer and site Arborist.
- Reason:** To protect existing trees during the construction phase.
- 42 The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified AQF Level 3 Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.  
**Reason:** To ensure the protection of the tree(s) to be retained.

### During Construction:

- 43 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.

- 44 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.
- 45 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.
- 46 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.
- 47 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.
- 48 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 (e.g. 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.
- 49 The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
  - (b) The means by which the complaint was made;
  - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
  - (d) Nature of the complaints;
  - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
  - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to Council upon request.

**Reason:** To ensure the property recording of complaints and action taken to address them.

- 50 Where demolition is undertaken, the contractor must submit to Council, 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.
- 51 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 The Waste Classification Guidelines (DECC March 2008). To reflect the current documentation and any other regulatory instrument as amended.  
**Reason:** To ensure appropriate disposal of asbestos materials.
- 52 A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.  
**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
- 53 Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.  
**Reason:** To protect public safety.
- 54 All approved tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007. The developer is responsible for all tree removal and stump grinding.  
**Reason:** To ensure works are carried out in accordance with Tree work draft Code of practice 2007.
- 55 All plants (Bamboo) which has been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed.  
**Reason:** To ensure the compliance with the Noxious Weed Act 1993
- 56 All trees supplied above a 25 L container size for the site must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer. **NOTE:** All tree planting shall be located a minimum of two (2) metres to any boundary or underground services and shall have a minimum container size of 45 litres.  
**Reason:** To minimise plant failure rate and ensure quality of stock utilised

- 57 All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site shall be staked or supported at the time of planting.  
**Reason:** To ensure the trees are planted within the site area able to reach their required potential.
- 58 No trees on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.  
**Reason:** Protection of existing environmental infrastructure and community assets.
- 59 No materials (including waste and soil), equipment, structures or good of any type shall be stored, kept or placed within five (5) metres 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.
- 60 All excavation within three (3) metres from the tree/s identified to be retained on site shall be supervised by an AQF Level 3 arborist, who shall undertake any remedial work, including the pruning of roots, if necessary.  
**Reason:** To provided adequate protection of trees
- 61 No service, structure, conduit or the like shall be fixed or, attached to any tree.  
**Reason:** To ensure the protection of the tree(s).
- 62 A qualified landscape architect/designer is to inspect the completed landscape works to certify adherence to the DA conditions and the approved drawings. All landscape works are to be fully completed prior to occupation. Certification shall be submitted to NSW Land and Housing Corporation and a copy provided to Council.  
**Reason:** To ensure restoration of environmental amenity.
- 63 A normal duty vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS8 – DS9] for the vehicular access in Willmot Avenue and a heavy duty vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS9 – DS10] for the vehicular access in Bungaree Road.  
**Reason:** To ensure appropriate vehicular access is provided.
- 64 The driveway / access way within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath or natural ground level at the property boundary and that the joints are smooth, and no part of the concrete protrudes out  
**Reason:** To provide suitable vehicle access and smooth junction.
- 65 A 200mm wide grated drain, with heavy-duty removable galvanised grates is to be located within the site at the intersection of the driveway and the property boundary/Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to



the main drainage system /street system, either separately or via the main site outlet as shown on the approved stormwater plan.

**Reason:** Stormwater control & runoff management.

- 66 Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety

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

**Reason:** To provide satisfactory drainage.

- 68 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.

### **Prior to Occupation:**

- 69 Prior to the occupation of the development, a restriction is to be registered in accordance with section 88E of the Conveyancing Act 1919 against the title of the property, restricting the occupation of the premises to:
- (a) seniors or people who have a disability,
  - (b) people who live within the same household with seniors or people who have a disability,
  - (c) staff employed to assist in the administration of and provision of services to the approved housing.

The restriction shall also acknowledge the definition of "seniors" and "people with a disability" as defined under Clauses 8 and 9 of the SEPP (Housing for Seniors or People with a Disability) 2004.

**Reason:** To comply with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

- 70 Works-As-Executed stormwater plans shall be submitted to the NSW Land & Housing Corporation prior to occupation, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The NSW Land & Housing Corporation shall ensure that the following documentation is completed and submitted:

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

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

- 71 Prior to the occupation of the building, the applicant must create a Positive Covenant and Restriction on the Use of Land, under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site

detention facilities and to the satisfaction of Council. For existing titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms **13PC** and **13RPA (Not in 88B instrument)**. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the NSW Land & Housing Corporation prior to occupation.

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

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

- 72 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.

- 73 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.351434M\_02 dated 17 October 2012, will be complied with prior to occupation.

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

- 74 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 NSW Land and Housing Corporation and a copy provided to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

- 75 The existing lots are to be consolidated into one (1) lot and the plan of consolidation registered at the NSW Land & Property Information. The registration shall be completed prior to occupation. A copy showing the proof of registration shall be submitted to Council prior to occupation.

**Reason:** To ensure that the legal boundaries of the site reflect the nature of development approved.

- 76 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.

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

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

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

- 78 Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.

**Reason:** To ensure appropriate electricity services are provided.

### **The Use of the Site:**

79. All dwellings within the development may only be occupied by seniors or people with a disability as defined under SEPP (Housing for Seniors or People with a Disability) 2004.

**Reason:** To comply with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.

- 80 The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seven (7) days to provide Land and Housing Corporation adequate time to remove the graffiti.

**Reason:** To ensure the removal of graffiti.

- 81 Any external plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

### **Report prepared by:**

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