



Parramatta City Council	
File No:	DA/601/2013

ADDENDUM

ASSESSMENT REPORT – Residential Flat Building Development Report S79C – Environmental Planning & Assessment Act 1979

APPLICATION DETAILS

DA No:	DA/601/2013
Assessment Officer:	Stan Fitzroy-Mendis
Property:	Part Lot 1 & Lot 11 DP 270605 Midson Road, Eastwood
Proposal:	Tree removal, re-subdivision and construction of a residential flat building complex containing 167 apartments in 4 buildings sharing two common basement car parks with heights ranging from 14.5m to 16.4m.

ADDENDUM REPORT

The purpose of this addendum is to clarify certain matters and to amend a number of related draft conditions. A full set of draft conditions, as amended, is attached.

1) Clarification of the relationship between FSR and the Community Title Lot

The area used for the purposes of calculating site area and FSR is the entirety of Lot 11 DP 270605. This lot is identified as the residential lot and all works relating to the residential flat buildings are within this lot. The adjoining lot to the south is a community title lot being Part Lot 1 DP 270605, which benefits the entire Cavanstone Estate.

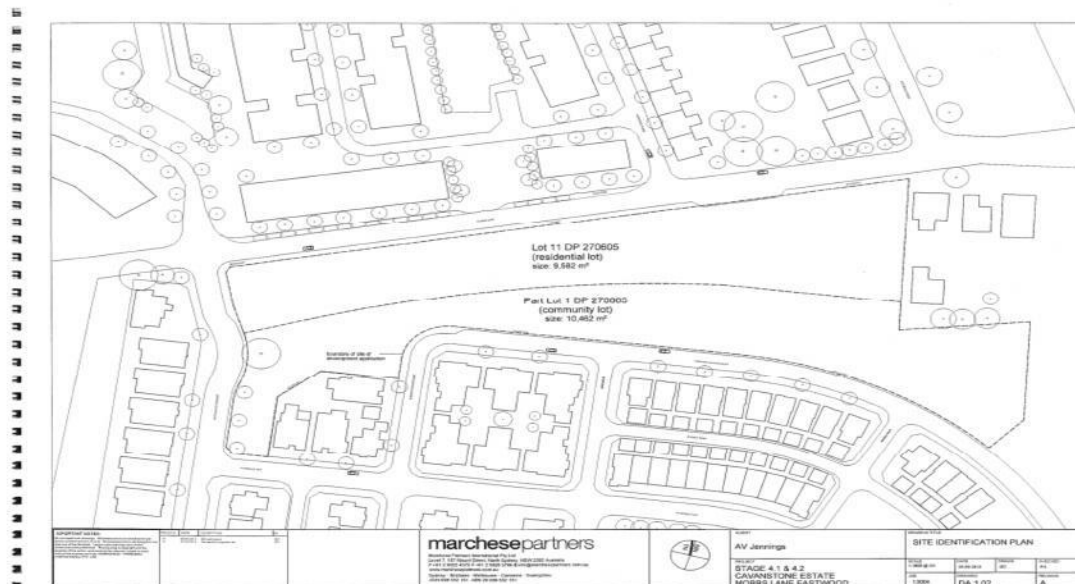


Figure 1 above: Shows the two lots in the proposal. Lot 11 DP 270605 is the residential lot where all four buildings and the basement car parks are proposed. Lot 1 DP 270605 is the community title lot where landscaping is proposed, and benefits the whole Cavanstone Estate.

The Community Lot identified as Part Lot 1 DP 270605 was created, but not conditioned for embellishment, as part of a prior development application. Prior embellishment of the lot was not compatible with future construction intended for Lot 11.

The purpose of including Part Lot 1 DP 270605 in the current proposal is so that it can be embellished. This lot will benefit the occupants of the residential flat buildings proposed with this application as well as the broader residents of the Cavanstone Estate.

With respect to the FSR calculations within the main report, the true FSR of the proposal is calculated based on Lot 11 only, and is 1.5:1. This is greater than the LEP permitted 0.6:1, and has resulted in a requested clause 4.6 variation to that development standard.

However the context of the Cavanstone estate is a FSR averaged over the whole estate area. This FSR is 0.428:1, which is well below the permitted 0.6:1 and is acceptable. The clause 4.6 variation is discussed in the main report.

2) Splitting of the s.94A condition at the request of the applicant

The applicant indicated in the development application documentation that construction of the proposal may be staged. An indicative staging plan was submitted with the amended plans. Staging of the contributions is not reflected in the main report and conditions document.



Figure 2: Indicative staging plan showing works divided into Buildings A & B with part of the community lot landscape works with a separate stage for buildings C & D with the remainder of the community lot landscape works.

The reason for this is the DA plans nominate indicative staging, with the likely scenario being the development is split into two stages to suit construction and market requirements. Accordingly the applicant was asked to nominate from their cost summary report which elements they sought to be staged. They responded with the following requested breakdown:

Based on the cover letter from Napier & Blakely 18 March 2014 enclosing the CIV Cost Plan, Stage 1 (Stage B of Staging Plan attached) represented 66.6% of Total Development Cost inc GST, and so Stage 2 (Stage A of Staging Plan) is 33.4%.

In order to provide flexibility to the applicant to stage construction of the development, Condition No. 4 of the consent has been modified to read as follows:

- “4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.
- a) If the construction of the development is staged (at the discretion of the developer), as per the approved staging plan in Condition 1, the applicant must lodge a separate Construction Certificate for each stage.
- b) If the construction of the development is staged the s.94A contribution for each stage as indicated in condition 28 must be paid prior to release of the Construction Certificate for that stage.

Reason: To ensure compliance with legislative requirements.

Note: Condition No. 28 enables the staging of section 94A development contribution payments on the basis that two separate construction certificates (CC) will be issued. Stage A CC (being for Buildings A & B and associated community lot works) and Stage B CC (being for Buildings C & D and remaining community lot works)."

In the event of the application being staged it follows that the Section 94A condition should also allow for staging. Condition 28 as initially proposed should be replaced with a condition relating to section 94A contributions which allow for two stages with associated payments and will read as follows:

28. A monetary contribution comprising \$515,483 is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan. Payment must be by EFTPOS, bank cheque or credit card only. The contributions are to be paid to Council as follows (only if Construction Certificates are staged):

- \$172,171.32 is to be paid to Council prior to the issue of a Construction Certificate for Stage A (Buildings A & B and associated community lot works at part Lot 1 DP 270605).
- \$343,311.68 is to be paid to Council prior to the issue of a Construction Certificate for Stage B (Buildings C & D and remaining community lot works at part Lot 1 DP 270605).

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

Parramatta Section 94A Development Contributions Plan can be viewed on Council's website at: http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Note: Stage A and Stage B are referenced for naming purposes in accordance with the approved Drawing No. DA1.07 'Staging Plan', and does not necessarily dictate the order of actual staging and associated payment.

3) Further detail on SEPP 55 matters

The main report states that the issue of land contamination was addressed satisfactorily within a previous development application. The information below is provided to assist the Panel in this regard.

The subject site is located in an estate with an area of 14.7 hectares. It was previously used between 1912 and 2001 as a brickworks. This involved in part the extraction of shale and clay from the quarry area and importing materials for the manufacture of dry pressed bricks. The former brick kilns remain on a separate part of the brickworks estate removed from the subject site. Development of the brickworks site for residential uses commenced with the approval by Council of the Brickworks Master Plan on 6 June, 2003.

DA/1723/2003 was approved for "civil and subdivision works comprising the construction of the final landform, construction of the internal road network, provision of utility services (gas, sewer, water, stormwater drainage, electricity and communications), landscaping works, Community title subdivision into 46 lots (comprising a Community lot, 36 residential lots that

form Stage 1 of the proposed redevelopment of the site and 9 development lots (Stages 2-8) that represent the remainder of the site for future development) and subdivision of land adjacent to Terry's Creek for dedication to Council as a public reserve."

As part of this DA a series of Site Audit Statements were undertaken by a qualified Site Auditor. These reports were undertaken for the various stages of the residential lots that were released and included the residential lot the subject of this application. A site Audit statement numbered 2004/02/g certified that the subject site is suitable for residential purposes. This statement covers Lot 11 in DP270605 which is the lot where all residential flat buildings and associated basement car parking are proposed.

4) Bond condition (Condition 27)

The main assessment report refers to a hoardings bond at page 57 of the report. Condition No. 27 of the recommended conditions relates to the various bonds required for the construction of this development. As there are no existing footpaths to protect in and around the site, no hoarding bond is required from the developer. Accordingly this bond type was not included in the development consent. Condition No. 62 requires the site to be secured safely during construction.

5) Clarification of the Conditions relating to the construction and dedication of the land subject of widening of Mobbs Lane.

The application in part requires the widening of Mobbs Lane in order to provide for on-street visitor car parking and a bus bay. In order to clarify that this area will be built to the relevant standards and dedicated to Council the following conditions were recommended:

- Condition No. 9 describes the requirements for the layout of Mobbs Lane, including its redesign to provide an adequate indented bus bay on the southern side of the street. The condition requires the modification of the refuge island so as to comply with the RMS Technical direction TDT 2011/01a including construction of an integral kerb and gutter.
- Conditions 43 and 44 require the new footpath along Mobbs Lane within the road reserve frontage to be constructed and all redundant laybacks and vehicle crossings at the applicant's cost.
- Condition No. 76 requires evidence of the construction of the footpath, bus stop, road widening, and kerb and gutter construction works to be submitted to the satisfaction of Council prior to the release of the Occupation Certificate.

The requirement that certification be made prior to the issuance of any Occupation Certificate will ensure that the public works benefits for the area will be undertaken prior to any occupation certificate being issued for the site.

Stan Fitzroy-Mendis
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Development Assessment Team