

ASSESSMENT REPORT: RESIDENTIAL FLAT BUILDING S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/770/2013
Assessment Officer:	<i>Planning Ingenuity</i> are consultant town planners that have undertaken an external assessment of the subject application due to Council owned land being affected by the proposal.
Property:	Former Naval Stores site 64-74A River Road, 24-56 Seamist Avenue & 2B Broadoaks Road, Ermington 301-306 in DP1175644 & Lot 1013 & 1017 in DP 1080642
Proposal:	Construction of nine (9) Residential Flat Buildings containing 612 dwellings over basement car parking comprising buildings between four (4) and eight (8) storeys in height on the former Naval Stores Site. The proposal is Integrated Development under the provisions of the Water Management Act 2000.
Date of receipt:	22 November 2013
Applicant:	Payce AE2 – 111 Pty Ltd
Owner:	Payce AE2 & Defence Housing Australia
Submissions received:	Three (3) submissions received
Property owned by a Council employee or Councillor:	No, however the proposed car park is located under the Council owned pocket parks.
Political Donations and Gifts Disclosures	None disclosed
Issues:	Interface with public land
Recommendation:	Approval

Legislative requirements

Zoning:	<i>R4 – High Density Residential</i>
Permissible under:	Parramatta LEP 2011
Relevant legislation/policies:	SREP (Sydney Harbour Catchment) 2005, SEPP No. 55, SEPP (Infrastructure) 2007, SEPP No. 65, BASIX SEPP, and Parramatta LEP 2011.
Variations:	Setbacks, deep soil areas, landscaped area, solar access, housing mix.
Integrated development:	Yes - Under the Water Management Act 2000.
Crown development:	No

The site

Easements/rights of way:	There are no easements of relevance to this application.
Area	20,383m ²
Heritage item:	No
In the vicinity of a heritage item:	Yes – Silverwater Bridge
Heritage conservation area:	No

DA history

27 November 2013	DA/770/2013 was lodged with Council
12 December 2013	Public exhibition of the application for 30 days.
29 November 2013	Request for additional information
13 December 2013	Additional information received
6 March 2014	Additional information received
17 April 2014	Additional information received
19 May 2014	Additional information received
30 May 2014	Additional information received

SECTION 79C EVALUATION

SITE BACKGROUND

The subject site was acquired by the Commonwealth in 1943 and used for storage by the US Army during WW2. The site was used by the Royal Australian Navy as a stores depot from 1947 until it was declared surplus to the needs of the Department of Defence in 1990. The Department of Defence prepared a Masterplan for the site that came into effect in 2002.

Five (5) applications were made in 2002 by the Department of Defence to the Minister for Planning in relation to subdivision of the former Naval Stores site and associated infrastructure works.

Lots 1001 and 1009 in DP 1040571 were purchased by Stockland in 2004. The Riverwalk development was undertaken by Stockland, having been approved by the Minister for Planning under the Part 3A provisions of the *Environmental Planning and Assessment Act 1979* which applied at the time. The Riverwalk development is located to the east of the site and delivered a gross floor area of 18,071m² in the form of various residential dwelling types and sizes.

DA114-4-2002 approved subdivision and infrastructure works across the remainder of the site, including the construction of the pocket parks between the Ermington Superlots 301 to 302 and 303 to 304. The consent required the construction of these parks prior to the release of both a subdivision certificate and also an occupation certificate for any residential buildings to be erected on the site.

The subject application seeks to construct basements underneath these pocket parks and to embellish and deliver the pocket parks as part of the redevelopment of the AE2 Ermington Superlots.

In order to reflect the alternative approach to the delivery of the pocket parks, a proposed modification to consent 114-4-2002 (MOD 3) was lodged with the Department of Planning and Infrastructure seeking the payment of an acceptable security of \$50,000 to Council in lieu of completing landscaping works on the two pocket parks prior to dedication of the parks to Council and prior to release of the subdivision certificate for the relevant stage.

The Department received one submission from Parramatta City Council during the assessment of the proposed modification expressing support. The proposed modification was approved by the Department of Planning & Infrastructure on 11 September 2013 to reflect this revised approach to the timing and delivery of the pocket parks. A stratum subdivision which was registered on 6 December, 2013 that transfers ownership of the upper stratum of the pocket parks to Council.

In October 2012, the Sydney West Joint Regional Planning Panel approved a development application which was submitted to Parramatta City Council for tree removal, remediation, site reshaping, construction of 210 dwellings, infrastructure works, 67 Torrens Title & 161 Community Title lots. This approval delivered a total

gross floor area of 39,902m² and affects the area directly to the north of the subject site.

The subject site is the last of the lots to be developed for residential purposes on the former Naval Stores site.

SITE AND SURROUNDS

The subject site is located on the northern side of the Parramatta River and to the east of the Silverwater Bridge, within the suburb of Ermington. The site comprises a series of 8 individual lots within the former Ermington Naval Stores site, being lots 301-306 in DP1175644 (which are known collectively as the “AE2 Ermington Superlots”) and Lot 1013 and 1017 in DP 1080642 (which are known as the pocket parks).

The subject site is located at the southern and western extent of the former Naval Stores, with each lot containing a frontage to the Parramatta River. The lots are the last properties to be developed for residential purposes within the former naval stores site and are located to the west of the existing Stockland residential development site (Riverwalk) and to the south and west of the partially completed low density residential development that was delivered by Defence Housing Australia as indicated in Figure 1.



Figure 1: Site Location Plan

The subject site is generally flat with Lots 301-305 being located at between RL2.17 and RL3.16. Each of these lots contains a slight fall in a southerly direction, towards the foreshore. A pedestrian path and cycleway area located between the subject site and the foreshore, which forms part of a strategic public access network that traverses the northern shore of the Parramatta River.

Lot 306 is a larger linear lot that has a gradual fall of approximately 3.69m over its 227.5m length in a north to south direction. Lot 306 contains a 29.8m frontage to the

Parramatta River and adjoins Silverwater Road to the west, which is identified as a RMS Classified Road.

The subject site comprises an area of 28,383m². The area of each lot comprising the development site is provided below.

Lot No.	Area
Lot 301	2,084m ²
Lot 302	2,057m ²
Lot 303	2,019m ²
Lot 304	2,112m ²
Lot 305	2,649m ²
Lot 306	9,462m ²
TOTAL	28,383m²

Each lot has been cleared and remediated as part of previous subdivision and infrastructure works and contain no significant trees or significant natural site features.

Vehicular access to each lot has been provided, via various local roads that have been constructed as part of the subdivision and infrastructure works that were undertaken across the former Naval Stores site. The site is currently bound by perimeter fencing pending redevelopment.

In terms of adjoining development, Lot 306 adjoins Silverwater Road to the west. Silverwater Road is elevated in relation to the subject site and contains a pedestrian walkway and cycleway as well as a sloping landscaped verge that is located adjacent to the subject site. The relationship of Lot 306 to Silverwater Road is indicated in Figure 2.

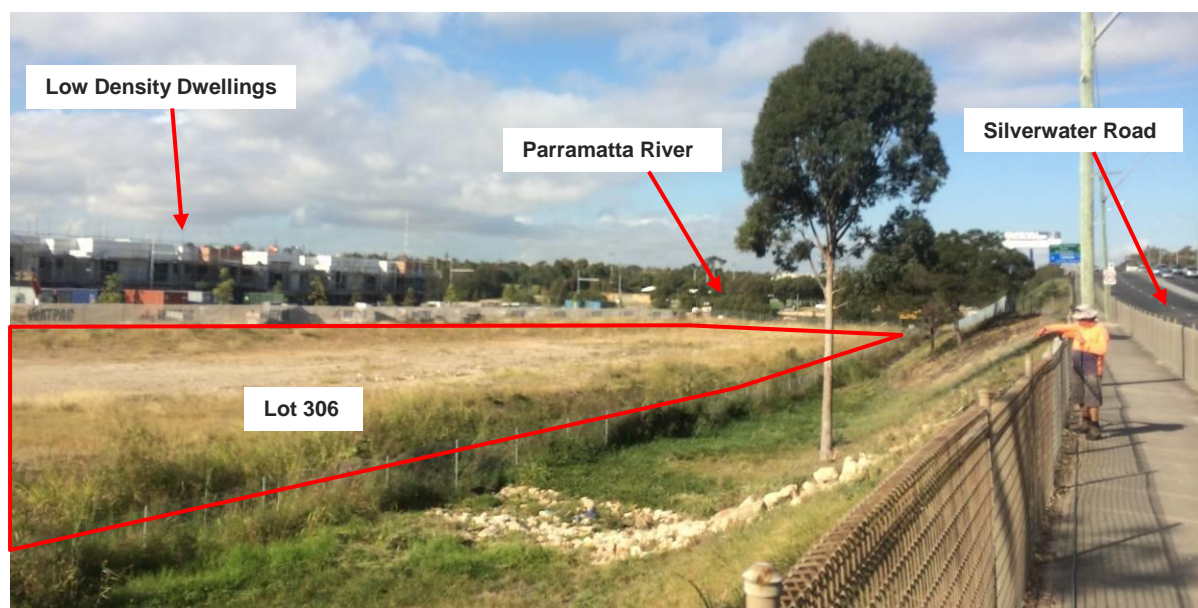


Figure 2: Relationship between Silverwater Road and Lot 306 (looking South)

As discussed, the site is located adjacent (to the south and west) of the low density residential portion of the Former Naval Stores site which is nearing completion. Each

Lot forming part of the subject site is separated from the low density residential dwellings by a local road and various public open space areas. A typical relationship between the subject site and the low density residential development is indicated in Figure 3.



Figure 3: Relationship between low density residential development and the site

To the east of the site is the Stocklands development, identified as Riverwalk. A watercourse and existing established vegetation separates Lot 301 from the Stocklands development site.

A distinction is noted between the type of vegetation at the foreshore of the Stocklands site compared with the subject site. Native shrubs and grasses provide a sense of openness to the foreshore at the subject site frontage, in contrast to the existing mature vegetation which obscures views of the Stocklands Development from the river and opposite foreshore.

The discontinuity between the subject site and the Stocklands development site is considered to contribute to the vibrancy and overall character of the Parramatta River foreshore. That is, a mix between a more urban water frontage to the subject site and the more traditional vegetated frontage to the Stocklands site.



Figure 4: Foreshore character at the site frontage



Figure 5: Foreshore character adjacent to the Stocklands (Riverwalk) development

THE PROPOSAL

The proposal seeks development consent for the construction of nine (9) residential flat buildings containing 612 dwellings over basement car parking for a total of 926 vehicles. The residential flat buildings range in height between four (4) and five (5) storeys at the river frontage, with the buildings adopting a distinctly 4 storey form adjacent to the river. Building height on the site increases to eight (8) storeys adjacent to Silverwater Road onto Lot 306.

The proposed development will provide approximately 6,789m² of common open space across the sites and a total gross floor area of 50,239.9m². The residential flat buildings will contain the following unit mix:

- 43 x 1 bedroom = 7%
- 545 x 2 bedroom = 89%
- 24 x 3 bedroom = 3.9%

A total of 61 adaptable dwellings will be provided with corresponding adaptable parking spaces. One neighbourhood shop is provided at the ground floor of Lot 303 and will contain an associated outdoor area to facilitate alfresco dining or café style uses. The proposal seeks consent for an indicative use as a neighbourhood shop.

Parking will generally be provided within two (2) basement levels located under each building, with some basement areas extending below the pocket parks between the adjacent sites. Parking at the site will accommodate both residential and visitor parking, which goes beyond the requirements of the Ermington Master Plan prepared in 2002, which does not require visitor parking. Access to each basement level will be from the existing local roads adjacent to each lot frontage. The basement entries have been designed to accommodate flood planning levels plus a 500mm freeboard.

In terms of the built form across the site, the height and density of the development has been predicated on what was, at the time of lodgement, Amendment 9 to Parramatta LEP 2011. The LEP amendment has since been gazetted (20 June, 2014). The proposal complies with the newly gazetted controls. The planning proposal that foreshadowed Amendment 9 provided detailed built form concepts across the site in demonstrating that the requested height and density could be achieved in an appropriate manner. Provided below is a description of each residential flat building grouped to Lots 301-304, Lot 305 and Lot 306 for convenience.

Lots 301-304

There are four (4) separate residential flat buildings located on Lots 301 - 304 all of which are separated by either the pocket parks or the existing established Halvorsen Park as indicated in Figure 6.

The buildings have a varied setback to the southern boundary which ranges from a nil boundary setback to 700mm due to the splay in the boundary. The proposed buildings are also setback from the northern boundary by 1m in relation to the ground floor level.



Figure 6: Building configuration at Lots 301-304

Each residential flat building ranges in height from 4 to 5 storeys, with the 4 storey component fronting the Parramatta River to the south and the 5 storey component being setback approximately 11m from the southern boundary. Each building contains two basement levels with the lower basement level connecting the two adjacent buildings under the pocket parks. Access to the basements is provided via a single access point extending from Bundarra Street (Lots 303-304) and Koorine Street (Lots 301-302).

The built form contains central courtyards (described as a “green heart”) that provide landscaping, suspended bridges for access and enable light and ventilation to each dwelling. The ground floor dwellings are each provided with pedestrian access directly from the property frontages and effectively activate the boundary to the adjacent cycleway and pedestrian access way which traverses the northern shore of the Parramatta River.

A ground floor neighbourhood shop is provided on Lot 303. All dwellings within each building are oriented to their respective property boundary. The general “plan” configuration of each building is provided in Figure 7.



Figure 7: Typical Plan configuration of buildings on Lot 301 to 304

Provided below are the typical elevations of each building on Lots 301-304.



Figure 8: Typical north and south elevations - buildings on Lots 301-304



Figure 9: Typical east and west elevations – buildings on Lots 301-304

Lot 305

The residential flat building proposed on Lot 305 is part four (4) and part five (5) storeys in height and is located over two basement levels. The building is linear in form and is located on a nil boundary setback in relation all boundaries. The main portion of the building is however, setback from the northern boundary by 10.55m where a podium area provides private open space. Allambie Street separates the subject site from the foreshore reserve.

Vehicular access to the basement is provided via Yarramona Street. The “plan” configuration of the building on the site is indicated in Figure 10.



Figure 10: Plan configuration of the residential flat building at Lot 305

Provided in Figure 11 are the elevations of the building located at Lot 305.





Figure 11: Elevations of the residential flat building on Lot 305

Lot 306

Lot 306 contains four separate residential flat buildings ranging in height from four (4) to eight (8) storeys. It is noted that where the basement extends above ground level the building technically contains nine (9) storeys despite being limited to eight (8) storeys of residential accommodation. The buildings are located over two separate basements, each containing two levels. Access to each basement is provided via River Road. The smaller residential flat building is located at the southern portion of the site, adjacent to the Parramatta River and contains a single rectangular building mass which ranges in height between four (4) and five (5) storeys. The remaining three (3) buildings contain central courtyards (described as a “green heart”) that provide landscaping, suspended bridges for access and enable light and ventilation to each dwelling. The plan configuration of these buildings on the site and the height of the buildings across the site are indicated in Figure 12 below.



Figure 12: Plan configuration of the buildings at Lot 306 indicating number of storeys

The building mass across the site provides a consistent scale to the Parramatta River and places additional height and density adjacent to Silverwater Road whilst maintaining a five (5) storey scale to the internal portions of the site.



Figure 13: East elevation of the 4 separate buildings on Lot 306

A photomontage of the development on Lot 306 when viewed from Silverwater Road is provided in Figure 14 below.



Figure 14: Proposed buildings on Lot 306 viewed from Silverwater Road

It is noted that a public benefit offer has been put forward by the applicant by way of a Voluntary Planning Agreement. We are instructed that the public benefit offer has not been agreed to in full by the applicant and Council.

PERMISSIBILITY

The site is located within the R4 High Density Residential zone under Parramatta Local Environmental Plan 2011. Amongst other things, residential flat buildings are identified as permissible with development consent. A residential flat building is defined under the LEP as follows:

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

The proposal is best described as the construction of 9 separate residential flat buildings and is therefore permissible with consent from Council. Additionally, neighbourhood shops are permissible in the R4 High Density Residential zone. Neighbourhood shops are defined as follows:

“ **neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.”

A neighbourhood shop is proposed at the ground floor of the residential flat building proposed on Lot 303 and is permissible with consent from Council. Conceivably the residential apartments over the neighbourhood shop is “shop top housing” which is also permitted with consent.

As such the residential flat building and neighbourhood shop aspects of the proposal are permissible with consent in the R4 – High Density Residential zone.

INTERNAL REFERRALS

The application was sent to Council’s Design Excellence Advisory Panel, Urban Design, Traffic, Landscaping, Social Outcomes, Development Engineer, Catchment, Property and Open Space and Recreation for comment. Provided below is a summary of each referral and a planning comment addressing the referral comment.

DESIGN EXCELLENCE ADVISORY PANEL

The Design Excellence Advisory Panel reviewed the proposal and agreed to the overall height and density on the site, however raised some concerns in relation to:

1. The unit mix provided at the site;
2. Achieving permeability in the design to assist with view sharing;
3. The character resulting from the transition between the foreshore buildings and the public domain;
4. Building treatments at the southern elevation;
5. The provision of public benefits, such as community meeting places, childcare centres, cafes;
6. The perimeter block forms with internal courtyards;
7. Building on Lot 305 due to the number of dwellings accessing the double-loaded corridor;
8. Entrance legibility of some of the units;
9. Information provided to establish compliance with solar access requirements of SEPP 65; and
10. A development of this size should include a generous public arts program incorporating interpretation of the site’s history including its significance as a former Naval Stores depot, and where elements of the design are in reference to this history there should be appropriate displays of the connection.

Planning Comment: The comments of the Design Excellence Advisory Panel were provided to the applicant for comment and the application was referred to Council’s Urban Designers for further comment. A meeting was also held with the applicant, and Council’s urban designers to discuss the issues raised by DEAP. The outcomes of this consultation are discussed below.

URBAN DESIGN

The following urban design comments were provided after a review of the earlier design advice, meetings with the applicant, the DEAP advice as well as submitted drawings and reports.

After extensive discussion between Council and the applicant the architects Rice Daubney presented building envelopes which demonstrated the extent of overshadowing – the resulting building envelope was broadly acceptable to both Council and the Department of Planning. These building envelopes were further refined for the DA and comply with the volumetric building envelopes agreed to in the planning proposal including length, setbacks and height.

Urban Design Review of the proponents responses to DEAP comments dated 5 February 2014.

1. View Sharing:

It should be acknowledged that there are good view-sharing opportunities through Navy Park and Halverson Park, and along River Road. Views through the pocket parks between lots 303 and 304 and lots 301 and 302 will probably be obscured by tree planting.

Views through the perimeter building blocks are unlikely as any gaps through the building are generally undercover private spaces. It should be noted that the architects have generally complied with the volumetric parameters agreed to in the planning proposal.

2. Form/Length of Buildings:

The architects have designed the buildings within the volumetric parameters agreed to in the planning proposal.

3. Setbacks and separation of the Public & Private Domain:

The DEAP has recommended setbacks from the street boundaries as a buffer from the public domain for street front apartments at ground level. Councils DCP 2011 too requires residential flat buildings on corner lots to have a 5-9m setback along a primary street and a 3m setback along the secondary street to provide a buffer between the public and private. This usually is a private yard/ garden for the ground floor apartments which allows direct access off the street (also activating it).

The applicants have responded by stating that the buildings are in a landscape setting and argue that the demarcation would be arbitrary as there would be no point of reference between private and public space. The applicant has also responded by bringing to the attention of the DEAP the 'significant upgrade to the public domain which accompanies the application' and that the internal courtyard will be compromised if a setback is required.

Our opinion is that the courtyard size within the perimeter blocks has been the generator of the issues raised. It appears the applicants have very little room to play and therefore favouring an outcome that has minimal setbacks.

Concerns were also raised by Council about the interface between the street and the ground floor of the buildings - the architects have revised the design to mitigate these concerns by setting the ground floor back and providing a landscaped edge.

It is recommended that the DEAPs comments as well as Council's DCP objectives on setbacks are responded to in terms of street presentation, direct street access to ground floor units as well as amenity and overlooking of ground floor units.

DEAP recommended roof top spaces to provide private open space to benefit apartments which do not have direct district views and to create more opportunity for social mixing. The applicant does not see this as necessary as they argue that there is plenty of opportunity for views from the public domain – there is also the potential of increasing the height of the building and hence overshadowing onto the river foreshore.

We concur with the DEAP and recommend the location of communal open space and amenities such as BBQs at the roof top rather than a completely privatised rooftop.

Softer Transition from the Buildings to the River:

The river foreshore will be upgraded but there should be emphasis regarding the landscaping around the buildings and providing a softer transition as requested by the DEAP a landscape plan illustrating the method in which this can be achieved will be required.

Perimeter Block Forms:

Issues were raised at the planning proposal stage regarding the use of the perimeter block form especially the amenity of the courtyard and the solar access for the apartments with a southerly aspect at the ground floor. It was advised at the time that the applicant would need to demonstrate that each building would comply with SEPP 65.

The walkways within the building have the potential to obstruct solar access from penetrating into the building and into the courtyard. The comparative shadow studies show a smaller courtyard in the second example – any comparative study should have similar dimensions.

The courtyard as proposed is sub-optimal in terms of natural light and ventilation of the units that are served by the courtyard. It is recommended that the design be modified to have an unobstructed courtyard 13m x 27m in size.

Building 305:

There are concerns regarding the internal amenity of the double loaded corridor especially the bedrooms which have openings onto the courtyards - these rooms have the potential of not receiving adequate light and ventilation and therefore the planning of this building should be reconsidered.

Legibility of the Entry Sequence:

The architects have provided public art zones to distinguish primary entries. This should ideally be reinforced with entry awnings/ landscape, increased night lighting and legible markers like mail boxes and signage.

Rice Daubney is an award winning architecture firm and there can be confidence that a development designed and constructed in conjunction with this firm will result in design excellence. Therefore it is recommended that a condition of consent states that Rice Daubney be involved in all aspects of the design and construction of this development. Post DA changes that, involves any increase of height and yield and lowering of specification quality must go through a design excellence review process.

Planning Comment: It is noted that the building form is based on the volumetric designs of the scheme that were presented as part of the planning proposal which was accepted by Council. The internal courtyards allow for some natural light, ventilation and the provision of vegetation in the centre of the buildings. This will provide good levels of amenity for the internal circulation spaces of the perimeter block buildings. However, we note that living spaces for each dwelling have been oriented to the property boundaries and as such each dwelling does not solely rely on the courtyard spaces for light and ventilation. That space is therefore a high amenity secondary open space and circulation area. The quality of this space will rely on landscape design and conditions of approval are recommended in this regard.

It is agreed that the river foreshore upgrades should be designed to encourage a softer transition to the building located on a minimal boundary setback at the interface with the public domain. A Condition of consent is recommended in this regard which requires detailed landscape plans to be prepared as part of the Construction Certificate and that the landscape works are to be completed prior to occupation. This will ensure that any landscaping in the public domain that is required to achieve an acceptable built form outcome will be completed as part of the development and that such works are not to be delayed as part of VPA negotiation.

In terms of the site planning for the building on Lot 305, there is a long corridor, however a lift is provided at each end which is entirely acceptable for the 13 dwellings per level in terms of the RFDC requirements. In addition, a void is provided to enable natural light and ventilation at the mid point of the building. Performance of the building in accordance with the provisions of the RFDC is considered later in this report.

Accordingly in light of the extensive consultation in relation to urban design and architectural design throughout the assessment process, it is considered that a high quality outcome has been arrived at and execution of which can be mandated by recommended conditions of development consent.

TRAFFIC

The following traffic engineering comments were provided:

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on River Road, Yarramona Street, Bundarra Street, Koorine Street and within the surrounding road network. The proposal can be supported on traffic and parking grounds provided that:

- Bollards are to be provided in accordance with AS 2890.6:2009 in each of the marked shared spaces.
- Bicycle storage areas are to be provided in accordance with AS 2890.3 - 1993.
- Sight lines and splays are to be provided at the entry of all driveways in this proposal in accordance to Clause 3.2 of AS 2890.1-2004.
- Convex mirror(s) are provided near the ramp access and before blind aisles on all basement levels to improve visibility between on-coming vehicles.

- Ramp grades on lots 301-304 and 306D are modified to comply with Clause 2.5 and 3.3 of AS 2890.1-2004.
- On-street parking restrictions are to be implemented prior to issue of construction certificate.
- Subject to the traffic related conditions recommended.

Planning Comment: The traffic and parking related conditions have been included in the recommended conditions.

LANDSCAPING

The landscape officer raised no objections subject to the imposition of the recommended conditions.

Planning Comment: The requested conditions are included in this report. These deal with the landscaping of private land as well as the public domain.

SOCIAL OUTCOMES

Council's Social Planner provided the following comments:

Discussions and decision making regarding the form and design of these buildings and the site as a whole is well advanced and therefore the Social Outcomes team are now most concerned with ensuring that maximum value is derived from the site for public benefit during any VPA discussions.

Planning Comment: Comments noted.

DEVELOPMENT AND CATCHMENT ENGINEERS

Council's stormwater and catchment engineers have considered the proposal and make the following comments:

The property is affected by 1 in 100 year flood and Probable Maximum Flooding (PMF). Due to the flood affectation and the close proximity to the Lower Parramatta River, a "Flood Impact Assessment" Report, dated 10 April 2014, prepared by Cardno was submitted to Council. Council assessed the flood report by Bewsher Consulting. Flood compatible measures such as habitable floor levels have all been incorporated to minimise the flood impacts in the vicinity of the development.

Site based Flood Emergency Response Plan including flood warning system and detailed evacuation plan shall be implemented and maintained during life cycle of the development. It is not practical to design the basement ramp entry point to be above the PMF level. Therefore, the above site being located next to the Parramatta River and the best way of managing flood situation closer to PMF is by way of installing flood gate at the crest of all the basement car park ramps, providing adequate warning signs and making the residents to be aware of flooding. Appropriate condition will be included to comply with these requirements.

Due to the close proximity of the Parramatta River, proposed basement can receive seepages, if the basement walls are not water tight. Therefore, a special condition will be imposed to construct the perimeter walls of the basement using "Tank Construction" method.

Access/driveway gradients/vehicle manoeuvring, Easements

A Traffic Report was submitted to Council. The DA was referred to Council's Traffic Division for formal assessment and comments. In addition to this, the Standard Engineering Conditions relating to the driveway gradients etc. will also be imposed.

DISCUSSION IN TERMS OF STORMWATER DISPOSAL

The development site comprises of appropriate site stormwater disposal system. The discharge from the drainage system will be drained and be connected to the existing street drainage system.

CONCLUSION

The property is affected by 1 in 100 year mainstream flood frequencies and also affected by PMF. The PMF level is approximately RL 5.25m AHD, which is above the basement driveway ramp crest entry levels for all basement car parks. Therefore, the basement floor is likely to be flooded during the PMF event. Due to this reason a "Flood Impact Assessment" Report was prepared to address the issues. The proposed development habitable floor levels are well above the 1 in 100 year level. Appropriate conditions will be included with the approval, in terms of the Flood Emergency Detailed Response Plan incorporating specific vertical evacuation flood refuges in each of the buildings, effective evacuation procedures and the responsible person for each of the buildings and other appropriate measures to be put in place. Therefore, the proposal satisfies the requirements of Council's control and can be supported, subject to the following Standard and Special conditions of consent.

Planning Comment: *The requested conditions will be incorporated into the consent.*

PROPERTY

Council's Property Division makes the following comments:

The issue of car parking under the public reserve has been dealt with through an 88B instrument which has been signed by Council.

The public reserve has been transferred to Council in stratum and covered by Items 22 and 23 of the 88B instrument.

Property therefore raises no concerns with the proposal.

Planning Comment: *Comments noted.*

OPEN SPACE & RECREATION

Open Space raise concerns with the proposed planting of the pocket parks and have advised as follows:

Pocket Parks

The proposed landscaping is far too intensive for the size of the area. These two parks are now owned and maintained by Council and it is totally impractical to have them extensively mounded and planted out.

These two parks should comprise basic level turf with some perimeter nature shrubs rather than large trees given the proposed underground basement car parks below them.

Planning Comments: The comments are noted and are of little relevance to the DA itself. The comments indicate that there may be some debate and outstanding issues surrounding the works to the public areas as part of the VPA. This reinforces the recommended approach to providing a condition of consent that requires contributions pursuant to Section 94A of the EP&A Act, 1979 and allowing deduction (in part or in full) to the contributions subject to negotiation with Council as part of the VPA process. Further it is considered necessary to impose a condition requiring that detailed Landscape Plans be prepared for the public areas adjacent to the southern boundary of the site prior to issue of a Construction Certificate.

HERITAGE OFFICER

The following comments were provided by Council's Heritage Officer:

The site of the proposed development is not of heritage interest in its own right, however, it is in the vicinity of a listed item in the PLEP 2011, the Silverwater Bridge.

Silverwater Bridge is of significance for the Parramatta area for historical, aesthetic/technological and reasons of representativeness. The bridge, opened in 1962, is an example of innovative bridge building technique, being the first of this form of construction in the world.

However, given the separation between sites, and given the siting across the road, it is deemed that significance of the item and the significant views will not be impacted.

Based on the above, I have no objections to this proposal from heritage perspective.

Planning Comment: Noted.

CONCURRENCE FROM STATE AUTHORITIES

Office of Water

The application was referred to the Department of Primary Industries – Office of Water who issued general terms of approval. All of the requested conditions have been included in the conditions of consent.

Roads and Maritime Service

In accordance with Clause 104 of SEPP (Infrastructure) 2007 the application was referred to the Roads and Maritime Service for comment. A response was received raising no objection to the application.

Endeavour Energy

Endeavour Energy were notified of the application and raised no objection. Endeavour Energy noted that there may be demand for local substations to sustain peak electricity demand. This can be resolved at a later stage and where additional electricity substations are required a modification application will be required to deal with their location on the site.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, the proposal was advertised as integrated development and a development application to be determined by the Joint Regional Planning Panel. The application was notified for 30 days from 12 December 2013 till 14 January 2014. Three (3) submissions were received and the issues raised are outlined below:

Issue 1: A local resident is happy that the site is being cleaned up and developed, however, they are concerned about traffic volumes.

Planning Comment: The Traffic Report submitted with the application does not specifically deal with traffic volumes generated by the proposal and the impact on the local street network as this was considered in a Report prepared in September 2013 by Varga Traffic Planning to evaluate the impacts of the increased traffic volumes as part of the Planning Proposal (Amendment 9). The design controls that have now been gazetted take into account the acceptability of the predicted traffic levels and no issues remain in relation to traffic impacts on the local street network.

In addition, the application was reviewed and considered by Council's traffic officer who raised no objections.

Issue 2: Traffic impacts and impacts on parking in Ermington shopping centre.

Planning Comment: Parking and traffic issues in the Ermington shopping centre are not a matter for consideration in this application. As discussed above, off site traffic matters were dealt with as part of the planning proposal for the site and Council's traffic officer raised no issues in relation to this application.

Issue 3: Shopping facilities should be included in the development site

Planning Comment: The application is being assessed with the information submitted which includes a neighbourhood shop on the ground floor of the building at Lot 303.

Issue 3: Increased heights will be an eyesore and will impact on foreshore and property values

Planning Comment: The application complies with the now gazetted height and density provisions (which were in Draft form under Amendment 9 at the time of lodgement).

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 applicant submitted the following information:

“ *The site was formerly used for defence storage purposes. The Department of Defence completed extensive remediation of the site as part of its works prior to the*

land being sold for development. A Site Audit Statement (Reference No. M60038837-SAS2008.2 dated 7 March 2008) has been issued by a site auditor accredited by the NSW Environment Protection Authority under the NSW Contaminated Land Management Act 1997. The Site Audit Statement confirms that the land is suitable for to be used for residential purposes.”

In light of the above, the provisions of SEPP No. 55 are satisfied as the site is capable of being used for residential purposes as proposed.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

SEPP (Infrastructure) 2007 applies to the subject site and the relevant clauses are considered as follows:

Clause 102 – Residential development adjacent to road which exceeds >40,000 daily vehicles

Clause 102 applies to the proposed residential development as it is located adjacent to Silverwater Road which has a daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA). Clause 102(3) requires that particular internal noise levels are achieved for future residential development.

The application was accompanied by an Acoustic Report prepared by *Acoustic Logic* which concludes that the development will comply with Clause 102(3) of the SEPP (Infrastructure) 2007 subject to the implementation of various construction standards. These standards relate to glazing, wall construction, ceiling construction and ventilation and have been included as conditions of consent.

Clause 104 – Traffic Generating Development

Clause 104 applies to the proposal in that it involves the construction of a residential flat building development that includes more than 300 dwellings with a frontage to a non-classified road. In accordance with Clause 104(3)(a) written notice was provided to the RMS and a response was received noting that there was no objection to the application. Other traffic related considerations under Clause 104 have been considered as part of the site planning, the Traffic and Parking Assessment submitted with this application and have been considered by Council's traffic officer who has raised no objections.

There are no further provisions of SEPP (Infrastructure) 2007 that require consideration.

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 is recommended to ensure such commitments are fulfilled during the construction of the development.

STATE ENVIRONMENTAL PLANNING POLICY 65

Design Quality of Residential Flat Development 2002

SEPP 65 applies to the proposal. This Policy aims to improve the design quality of residential flat buildings in New South Wales.

Clause 50 of the Environmental Planning and Assessment Regulation 2000 requires that an application which relates to a residential flat building be accompanied by a Design Verification Statement from a qualified designer. A Design Verification Statement prepared by Christian Glyde, Registered Architect (Registration No. 8727) was submitted with the application. This statement verifies that the application has been designed in accordance with the design quality principles of SEPP65.

In accordance with Part 2 of SEPP 65, the design quality principles provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. The design quality principles contained in SEPP 65 are addressed below:

Context

The design of the proposed building is considered to respond and contribute to its context, with regard to providing an attractive presentation to Parramatta River and increased height and density adjacent to Silverwater Road. The building edge and upgraded landscaping along the foreshore will provide an appropriate interface between public and private space. The embellishment of parks and the provision of links through the site will facilitate public use of the foreshore and surrounding park lands.

Scale

No issues arise in terms of the scale of the proposal. The scale of the buildings on the site maintain a 4 storey appearance to the River and a 5 storey appearance to the internal portions of the former Naval Stores Site. The location of height and density across the site reduces shadow impacts on residential properties and is responsive to the applicable LEP and DCP provisions that apply.

Built form

The design achieves a contemporary and cohesive aesthetic across the site that balances the natural and built features. The built form facilitates appropriate levels of amenity through the use of perimeter block form buildings with internal courtyards that provide vibrant internal circulation spaces. The built form is constructed to the boundaries in relation to all properties with exception to the provision of a 1m setback to the street in relation to Lots 301-304. The success of the nil boundary setback relies on appropriate landscaping which will provide a transition between the public and private domain.

Density

The proposal will result in a density that complies with the now gazetted Amendment 9 to PLEP 2011. The density that now applies is based on the environmental capacity of the site established under the Ermington Masterplan that was accepted in 2002. The site has been developed in phases and has failed to achieve the environmental capacity identified under the Ermington

Masterplan. The increased density identified for the site under LEP Amendment 9 provides a majority of the environmental capacity identified in the original site Masterplan. As the proposal complies with the now gazetted FSR controls, the density is considered to be appropriate.

Resource, energy and water efficiency

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

Landscape

The Landscaping Plans provided with the application indicate an appropriate level of information and the landscape scheme is well balanced across the site.

Amenity

The proposal is considered to be satisfactory in this regard, providing acceptable solar access, natural ventilation and ensuring privacy of future occupants by the orientation of living areas and the use of architectural design features where necessary.

Safety and security

The proposal provides appropriate passive surveillance to both private and public spaces and will ensure suitable sight lines and lighting thereby ensuring safety and security at the site.

Social dimensions

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

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours which reflect the use, internal design and structure of the each building at the site. The proposed buildings respond to the environment and context and contribute to the desired future character of the area.

Residential Flat Design Code

The Residential Flat Design Code is a resource designed to improve residential flat design. The Code sets broad parameters for good residential flat design by illustrating the use of development controls and consistent guidelines.

The Design Code supports the 10 design quality principles identified in State Environmental Planning Policy No. 65 — Design Quality of Residential Flat Development as outlined above. It supplies detailed information about how development proposals can achieve these principles. Provided below is a compliance table taking into account the Rules of Thumb of the residential flat design

code. As indicated, the proposal either complies with the relevant aspects of the RFDC or is acceptable subject to the imposition of an appropriate consent condition.

RESIDENTIAL FLAT DESIGN CODE - COMPLIANCE TABLE			
CONTROL	RULE OF THUMB	PROPOSAL	COMPLIES
Building depth	Building depth is not to exceed 18m	Lot 301 between 11.5m and 14.7m	All buildings comply with the building depth requirements with exception of Lot 305 and Building A on Lot 306. In each instance, the buildings are considered acceptable on merit.
		Lot 302 between 11.5m and 14.7m	
		Lot 303 between 11.5m and 14.7m	
		Lot 304 between 11.5m and 14.7m	
		Lot 305 25.7m – considered to be acceptable on merit due to the use of voids throughout the building which will ensure appropriate levels of light and ventilation to each dwelling.	
		Lot 306 Block A – between 19.4m and 20.7m. The building depth is mostly attributed to the central circulation areas. Each dwelling is either a dual aspect or a single aspect dwelling that is 8m in depth. As such the dwellings to Block A will receive appropriate sunlight and natural ventilation. Block B – between 11.5m and 15.3m Block C – between 11.5m and 15.3m Block D - between 11.5m and 15.3m	
Separation	Up to 4 storeys 12m between habitable rooms Between 5 and 8 Storeys 18m between habitable rooms	Lot 301 & 302 13m between internal dwellings and 16m between adjacent buildings	All dwellings comply with separation internally and externally with exception to Lots 305 and 306. In the absence of concerns raised by Council's urban designers, the privacy impacts can be mitigated by a recommended condition of consent (see Condition 21).
		Lot 303 & 304 13m between internal dwellings and 16m between adjacent buildings	
		Lot 305 - The building is a single mass that is well separated from any other buildings. However, the building contains void spaces for light and ventilation that do not achieve the required separation requirements between internally adjacent dwellings. An appropriate relationship can be achieved subject to the recommended condition of consent relating to bedroom windows that face void areas.	
		Lot 306 <u>Block A (4-5 storeys)</u> Adequate separation is achieved internally by virtue of the orientation	

RESIDENTIAL FLAT DESIGN CODE - COMPLIANCE TABLE			
CONTROL	RULE OF THUMB	PROPOSAL	COMPLIES
		<p>of each dwelling. Block A is separated from Block B by 16m when 18m is required.</p> <p><u>Block B, C & D (5-8 storeys)</u></p> <p>Similar proportions are provided across each block. Internally, living spaces are separated by a 12m wide courtyard. This is less than the required 18m separation for buildings above 5 storeys. It is however considered that the amenity provided by the courtyard spaces is adequate as 12m provides sufficient separation for a 4 storey scheme. The internal relationship between the proposal compared with a 4 storey scheme would be similar in terms of visual and aural privacy.</p> <p>The separation between Buildings B and C as well as between C and D is 13.5m. This is 4.5m less than the required 18m for a building comprising 8 storeys.</p> <p>No concerns were raised from an urban design point of view in terms of the building mass fronting Silverwater Road. It is considered that privacy impacts can be mitigated by the recommended condition of consent.</p>	
Storage	1 bedroom – 6m ³ 2 bedroom – 8m ³ 3 bedroom – 10m ³	Lots 301 – 306 Storage provided within each unit and within basement areas.	Yes
Balconies	All balconies to have a primary living area extending from an internal living space with depth of at least 2m	Lot 301 – 306 All dwellings contain balconies with a minimum depth of 2m.	Yes
Residential Ceiling Heights	Min 2.7m – habitable Min 2.4m Non-habitable	Lot 301 – 306 All dwellings achieve compliant ceiling heights to habitable and non-habitable rooms.	Yes
Apartment sizes	Studio – 38.5m ² 1 bedroom – 50m ² 2 bedroom - 70m ² 3 bedroom – 95m ²	The proposed development provides a range of apartment sizes and configurations. The apartment sizes generally comply with the minimum requirements and where apartments are less than the required area, they are efficiently designed and provided with furniture layouts on the floor plans	Yes

RESIDENTIAL FLAT DESIGN CODE - COMPLIANCE TABLE			
CONTROL	RULE OF THUMB	PROPOSAL	COMPLIES
		demonstrating that acceptable levels of amenity can be achieved.	
Open Space	Minimum of 25% of the site to be open space	Lot 301 – 475m ² or 22.8%	Although Lots 301-305 do not provide the required open space area on their respective lot, the required open space is comfortably accommodated across the whole site. In addition, the pocket parks and foreshore parklands provide additional open space which will be immediately accessible for all residents.
		Lot 302 – 498m ² or 24.2%	
		Lot 303 – 462m ² or 22.9%	
		Lot 304 – 502m ² or 23.8%	
		Lot 305 – 738m ² or 27.8%	
		Lot 306 – 4,115m ² or 43.5%	
		TOTAL – 6,789m ² or 33.3%	
Deep soil	25% of open space is to be deep soil	Lot 301 requires 130m ² – provides 169m ²	<p>Yes</p> <p><i>Note: deep soil areas for the purpose of these calculations are taken to be a part of the site with a soil depth exceeding 600mm which is consistent with the Draft DCP controls that apply to the site.</i></p>
		Lot 302 requires 128.5m ² – provides 167m ²	
		Lot 303 requires 126m ² provides 167m ²	
		Lot 304 requires 132m ² provides 186m ²	
		Lot 305 requires 165m ² provides 545m ²	
		Lot 306 requires 591m ² provides 2,393m ²	
Internal circulation	8 units to be accessed from a double loaded corridor.	Lot 301 – provides up to 14 dwellings per level from 2 lift cores which is considered to be acceptable on merit.	The development contains a number of buildings with large footprints in a courtyard configuration. Each level can accommodate between 11 to 14 dwellings, however in this instance, two lifts provide access which effectively means that each core serves 7 units. The corridor spaces have been designed to provide high levels of amenity.
		Lot 302 – provides up to 12 dwellings per level which are accessed via two lift cores which is considered to be acceptable on merit.	
		Lot 303 - provides up to 12 dwellings per level which are accessed via two lift cores which is considered to be acceptable on merit.	
		Lot 304 - provides up to 14 dwellings per level from 2 lift cores which is considered to be acceptable on merit.	
		Lot 305 – 13 dwellings utilise a central corridor via two separate lift cores at each end of the building. The width of the circulation space and the availability of light and ventilation ensures that the	

RESIDENTIAL FLAT DESIGN CODE - COMPLIANCE TABLE			
CONTROL	RULE OF THUMB	PROPOSAL	COMPLIES
		circulation space is acceptable. Lot 306 <u>Block A</u> – 8 dwellings per level. <u>Block B</u> – 13 dwellings per level dispersed over two separate lift cores. <u>Block C</u> – 13 dwellings per level dispersed over two separate lift cores. <u>Block D</u> - 14 dwellings per level dispersed over two separate lift cores.	
Daylight Access	Single aspect south facing apartments to be no more than 10% of the apartments	Lots 301 – 304 No single aspect south facing apartments Lot 305 – 15 of 62 or 24% single aspect south facing apartments Lot 306 (No. of single aspect south facing dwellings) <u>Block A</u> – Nil <u>Block B</u> – 5 of 94 or 5.3% <u>Block C</u> – 5 of 94 or 5.3% <u>Block D</u> – 5 of 94 or 5.3% TOTAL – 30 out of 612 dwellings or 4.9%.	Each residential flat building complies with the exception of Lot 305. Notwithstanding, the total number of single aspect south facing dwellings is 4.9%
	Living rooms and private open space areas of 70% of dwellings are to receive 2 hours of direct solar access in mid-winter.	494 units or 80% of the total number of apartments receive 2 hours of sunlight during mid winter.	Yes
Natural Ventilation	60% of apartments to be naturally cross ventilated.	87% of apartments are naturally cross ventilated.	Yes
Kitchen Ventilation	25% of kitchens should have access to natural ventilation. The back of kitchens should be no greater than 8m from a window.	Kitchens have been designed with access to natural ventilation. Kitchens are generally located within 8m of a window.	Yes

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

SREP (Sydney Harbour Catchment) 2005 applies to the LGA of Parramatta and accordingly the subject site. The applicant has provided sufficient information demonstrating compliance with the principles of Part 2 and Part 3 of the SREP. In addition, the application has been considered by Council's Catchment Engineer (as detailed above) who is satisfied that the proposal will not adversely impact on water quality biodiversity of the foreshore.

The subject site is identified as a Strategic Foreshore Site under Part 4 of the SREP. Pursuant to Clause 41(1) development consent cannot be carried out unless a master plan has been prepared and the consent authority has considered that master plan. As previously noted, the site is the subject of the Ermington Masterplan prepared in 2002 under the now repealed SEPP 56 – Sydney Harbour Foreshores and Tributaries. Pursuant to the transitional provisions contained at Clause 11 of the SREP, the existing Masterplan is taken to be a master plan for the purposes of the SREP. The Ermington Masterplan is considered in this Report.

There are no further provisions of the SREP that are of relevance to the subject application.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Parramatta Local Environmental Plan 2011 was gazetted on 7 October 2011. Provided below is a consideration of the relevant LEP provisions that apply to the proposal and the proposal's performance with those provisions.

COMPLIANCE TABLE		
Development standard	Proposal	Compliance
Land Use Table – R4 High Density Residential Zone	Residential Flat Buildings are permissible in the R4 zone as are neighbourhood shops	Yes
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 13m	Lot 301 - 19m Lot 302 - 19m Lot 303 - 19m Lot 304 - 19m Lot 305 - 19m Lot 306 – 28.2m	No, however complies with now gazetted Amendment 9 (which was in Draft form at the time of lodgement) – refer to comments below
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 0.6:1 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.	Lot 301 GFA- 5,022.1m ² FSR- 2.41:1 Lot 302 GFA- 4,783.9m ² FSR- 2.33:1 Lot 303 GFA- 4,850m ² FSR- 2.40:1 + Lot 304 GFA- 4,932.7m ² FSR- 2.34:1 Lot 305 GFA- 5,797.7m ² FSR- 2.19:1	No, however complies with now gazetted Amendment 9 (which was in Draft form at the time of lodgement) – refer to comments below

COMPLIANCE TABLE		
Development standard	Proposal	Compliance
	Lot 306 GFA- 24,835m ² FSR- 2.63:1	
4.6 Exceptions to development standards	The application seeks to vary the height and FSR development standards that were within LEP 2011 at the time of lodgement of the DA but have since been replaced by Amendment 9 (with which the proposal complies). See discussion below table.	N/A
5.4 Miscellaneous permissible uses If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres	The neighbourhood shop does not exceed 80m ²	Yes
5.10 Heritage Conservation	According to the heritage item and heritage conservation maps the subject site is not a heritage item. The site is located adjacent to Heritage Item 173 - Silverwater Bridge. As discussed by Council's Heritage Advisor, the proposed development will not affect the adjacent heritage item or the setting of the heritage item.	Yes
5.10.8 Aboriginal Places of Heritage significance What is the identified Aboriginal significance of the site?	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.	Yes
6.1 Acid sulfate soils	The site is identified as containing Class 3 and Class 5 acid sulfate soils and the proposal involves extensive excavation. An acid sulfate soils management plan has been provided with the application and will form part of the approved plans and documents.	Yes
6.2 Earthworks	The proposal requires extensive earthworks as part of the excavation associated with the proposed basement levels. There will not be any significant filling of the site and the excavated areas will be occupied by the proposed buildings. As such the extent of earthworks is reasonably required and are considered to be satisfactory.	Yes
6.3 Flood planning	The subject site is flood affected, however, all habitable levels and entrances to basements have been designed to be above the 100% AEP level plus 500mm freeboard. Council's Catchment Engineers have considered on site flooding matters and off site flooding impacts and raise no objection to the application.	Yes
6.7 Affected by a Foreshore Building Line	The site is not located in the foreshore area.	N/A

As indicated above, the proposal complies with the relevant provisions of the LEP with exception to the FSR and height controls (which have since been amended by gazettal of Amendment 9). The applicant has submitted a justification pursuant to Clause 4.6 of PLEP 2013. The applicant bases this justification on the fact that the proposed non-compliances with height and FSR are consistent with the controls contained in what was a Draft Planning Proposal at the time of lodgement but which has since been gazetted.

Clause 1.8A of PLEP 2011 contains savings provision relating to development applications and states:

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

As established by Pepper J. in *Maygood Australia Pty Ltd v Willoughby City Council* [2013] NSWLEC 142, the effect of clause 1.8A is to deem a new LEP to be a draft for the purpose of assessing Development Applications lodged before the new LEP commenced. Accordingly, councils must still consider all relevant parts of a new LEP as if it was a Draft LEP when they are determining a development application that has been lodged but not finally determined before the new LEP is made.

A discussion of each non-compliance is provided below:

Clause 4.6 – Exceptions to Development Standards

The proposed development does not comply with the maximum height or the FSR provisions of the LEP. Clause 4.6 of Parramatta Local Environmental Plan 2011 allows for development to be granted even though the development would contravene a development standard contained within it. The objectives of this clause are to:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) and Clause 4.6(4)(a) state:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.**
- (4) Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Provided below is a consideration of the height and FSR non-compliances pursuant to Clause 4.6 of the LEP.

Height

The proposed development does not comply with the maximum height provision pursuant to Clause 4.3 of the LEP which prescribes a maximum height of 13m for the entire development site. The proposed development seeks to provide buildings of between 4 and 5 storeys in relation to Lots 301-305 (maximum 19m) and between 4 and 8 storeys on Lot 306 (19.5m and 28.2m). The proposed development seeks to depart from the maximum height limit that applied at the time of lodgement by 15.2m or 116% at the highest extent.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the building height development standard are stated as:

- (1) *The objectives of this clause are as follows:*
- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
 - (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
 - (c) *to require the height of future buildings to have regard to heritage sites and their settings,*
 - (d) *to ensure the preservation of historic views,*
 - (e) *to reinforce and respect the existing character and scale of low density residential areas.*

The development proposal is consistent with the building height controls that have now been gazetted and are therefore reflective of the nominated heights for the site that will provide an appropriate transition in built form.

In addition, the proposal is considered to be acceptable impacts in terms of visual impacts, views, privacy and solar access as discussed throughout this report.

As verified by Council's heritage officer, the proposal will not impact on historic views or the adjacent heritage item, nor will the proposal impact on the existing scale and character of the adjacent low density residential area.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

Clause 4.6(4)(a)(i)

In accordance with Clause 4.6(4)(a)(i), the applicant has submitted a written request for the variation to the maximum height requirements of Parramatta Local Environmental Plan 2011 as follows:

“ ***Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?***

The proposed development comprises buildings along the foreshore with a heights of 18.5 metres and the buildings along Lot 306 have a maximum height of 28.2 metres. Whilst these heights exceed the 13 metre height control under the Parramatta Local Environmental Plan 2011, they are nonetheless consistent with the heights provided for the sites in the Planning Proposal which has been supported by Council and is currently on exhibition and a matter for consideration in the assessment of this proposal.

Whilst the proposed foreshore buildings include an additional storey in comparison to the previously constructed foreshore flat buildings, the proposed basement levels are significantly lower and therefore the overall height difference is minimal. The proposed increase in height along the foreshore park is satisfactory with respect to the issue of overshadowing for the following reasons:

- Whilst the additional one storey for the foreshore lots naturally generates some increase in shadow, this can only reasonably be described as minor, and is highly articulated at the edge of the shadow;*
- During the middle hours of the day on 21 June, when the sun is the strongest, constant access to sunlight remains available along the entire foreshore. It is only during the early morning and late afternoon on the shortest day of the year when a portion of the foreshore in front of the buildings on Lots 301, 302, 303 and 304 momentarily does not receive any sunlight. Even during this worst case scenario a significant portion of the remainder of the foreshore area in front of Lots 305, 306, Navy Park and Halverson Park retains direct access to sunlight;*
- For the remainder of the year, direct access to sunlight is provided along the entire foreshore area, and by the 21 December the difference in shadow is negligible.*
- The AE2 Ermington Superlots are located within a particularly generous parkland setting with approximately 40,000 square metres of public park available for use by the residents and visitors. The shadow diagrams demonstrate that there is immediate and ample access to full sunlight in the majority of these open space areas for residents and visitors throughout the entire year.*
- The increased scale of the buildings along Silverwater Road, behind the foreshore, is appropriate as it serves to provide a boundary to the precinct and an attractive view to the west of high quality buildings which shield the precinct from the detrimental views associated with Silverwater Road and the industrial areas further to the west. In addition, it is appropriate that the majority of the density on the site is accommodated at the western side of the precinct rather than along the foreshore. The scale increase is provided on Lot 306 in a staggered fashion, with 8 storeys on the western side of the site and 5 storeys on the eastern side presenting to the former Naval Stores precinct. The increase in shadow created by the 5 storey buildings on the eastern side of Lot 306 fall predominantly on the roofs of the approved dwellings to the east across River Road and therefore do not result in any adverse impact beyond those associated with 13 metre high buildings in this location.*
- Having regard to the increased heights provided for the site under the Planning Proposal and the compliance of the proposed buildings with these draft height controls, compliance with the current development standard is considered to be unreasonable and unnecessary in the circumstances of the case.*

Are there are sufficient environmental planning grounds to justify contravening the development standard?

The proposed development is consistent with the aims and the objects of the EP&A Act and the objectives of the height of buildings control in that:

- The proposed building heights are consistent with the heights that now apply to the site under recently gazetted Amendment 9.*
- The arrangement of proposed building heights are consistent with the site specific controls under the Draft Part 4 - Ermington Naval Stores Precinct of the Parramatta Development Control Plan 2011.*
- The proposed building height is appropriate to the condition of the site and its context as detailed above.*
- The proposed variation will not result in any impact on scenic or iconic views from the surrounding development.*
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.”*

It is considered that the above justification is acceptable, particularly in light of general compliance with the height controls that have now been gazetted. It is noted that the building on Lot 306 exceeds the draft controls by 0.2m, however, in the scheme of the development proposed, this departure would be indiscernible to the casual observer and the proposal is considered to be generally in accordance with the imminent height controls for the site.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition the proposal is consistent with the objectives of the R4 zone, being:

- To provide for the housing needs of the community within a high density residential environment.*
- To provide a variety of housing types within a high density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

The proposal will ensure a high density residential environment that includes an appropriate range of residential dwelling types. The development has been designed to meet the expectations of modern living and facilitate an efficient development on a site that is entirely suited to accommodate the density proposed.

Clause 4.6(5)

It is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the building height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and*
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.*

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that the development is supported notwithstanding the departure from Clause 4.3

Floor Space Ratio

The proposed development does not comply with the maximum floor space ratio pursuant to Clause 4.4 of the LEP which prescribes a maximum FSR of 0.6:1 for the entire development site. The proposed development seeks the following density on each lot:

Lot	301	302	303	304	305	306
FSR	2.41:1	2.33:1	2.40:1	2.34:1	2.19:	2.63:1

As such the proposed development exceeds the maximum permitted FSR at the site by between 1.15:1 and 2.02:1. Notwithstanding, the proposed development complies with the now gazetted LEP provisions (under Amendment 9) that apply to the site which allow an FSR of 2.5:1 in relation to Lots 301-305 and 3:1 in relation to Lot 306.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved. The objectives of the floor space ratio development standard are stated as:

- (1) The objectives of this clause are as follows:*
 - (a) to regulate density of development and generation of vehicular and pedestrian traffic,*
 - (b) to provide a transition in built form and land use intensity within the area covered by this Plan,*
 - (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*

(d) to reinforce and respect the existing character and scale of low density residential areas.

The development proposal is consistent with the now gazetted controls that apply to the site. The density increase at the site has been the subject of a Planning Proposal which has investigated at length the suitability of the new densities. As such, the proposed building is considered to represent the intended bulk and scale of development for the site. No objections have been raised from Council's heritage officer in relation to impacts on the adjacent heritage item (Silverwater Bridge) and the proposal has been designed to transition and provide a suitable relationship with the adjacent low density residential properties to the north and east of the site.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

Clause 4.6(4)(a)(i)

In accordance with Clause 4.6(4)(a)(i), the applicant has submitted a written request for the variation to the maximum FSR requirements of Parramatta Local Environmental Plan 2011 as follows:

“ Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The proposed development comprises buildings on Lots 301 to 305 with a FSRs between 1.75:1 and 2.45:1, whilst the proposed FSR for Lot 306 is 2.62:1. Whilst these FSRs exceed the 0.6:1 FSR control under the Parramatta Local Environmental Plan 2011, they are less than the FSRs provided for the sites in the Planning Proposal which has been supported by Council and is currently on exhibition and a matter for consideration in the assessment of this proposal.

The Planning Proposal provides for an increase to the FSRs under the Parramatta Local Environmental Plan 2011 on Lots 301 to 305 from 0.6:1 up to 2.5:1, and Lot 306 up to 3:1 which would provide for a total gross floor area of 55,694 square metres for the AE2 Ermington Superlots, and 113,667 square metres for the entire former Naval Stores, which is a shortfall of 4,173 square metres below the maximum environmental capacity of 117,840 square metres identified under the Ermington Masterplan.

The subject application is 6,468.5 square metres less than the maximum gross floor area provided for the site under the Planning Proposal with a total gross floor area of 49,220 square metres. This represents a shortfall of 10,647 square metres below the maximum environmental capacity of 117,840 square metres identified under the Ermington Masterplan.

The proposed FSRs are considered acceptable as they result in a density which remains less than the environmental capacity for the site as identified by the Ermington Masterplan. In addition, the traffic impact assessment prepared by Varga Traffic Planning which accompanies the subject application has concluded that the proposed density will not result in an adverse impact to the performance of the intersections and local road network surrounding the site.

Having regard to the increased floor space ratios provided for the site under the Planning Proposal and the compliance of the proposed buildings with these draft floor space ratios, compliance with the current development standard is considered to be unreasonable and unnecessary in the circumstances of the case.

Are there are sufficient environmental planning grounds to justify contravening the development standard?

The proposed development is consistent with the aims and the objects of the EP&A Act and the objectives of the floor space ratio control in that:

- The proposed floor space ratios are consistent with those expressed for the sites under the Planning Proposal, which are proposed to be amended in order to achieve the environmental capacity for the Former Naval Stores Precinct as established under the Ermington Masterplan.*
- The arrangement, massing and density of the proposed buildings are consistent with the site specific controls under the Draft Part 4 - Ermington Naval Stores Precinct of the Parramatta Development Control Plan 2011.*
- The proposed density is appropriate to the condition of the site and its context as detailed above.*
- The proposed variation will not result in any impact on scenic or iconic views from the surrounding development.*
- The proposed density will not result in an adverse impact to the performance of the surrounding intersections or local road network.*
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.*

It is considered that the above justification is acceptable, particularly in light of the density being less than the maximum density permitted under the now gazetted controls that were in draft form at the time of lodgment of the application.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the floor space ratio control. In addition the proposal is consistent with the objectives of the R4 zone, being:

- To provide for the housing needs of the community within a high density residential environment.*
- To provide a variety of housing types within a high density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

The proposal will ensure a high density residential environment that includes an appropriate range of residential dwelling types. The development has been designed to meet the expectations of modern living and facilitate an efficient development on a site that is entirely suited to accommodate the density proposed.

Clause 4.6(5)

It is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the floor space ratio control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and*
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the floor space ratio control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.*

Strict compliance with the floor space ratio requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that the development is supported notwithstanding the departure from Clause 4.4.

“HOUSEKEEPING” DRAFT AMENDMENTS TO PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Under the provisions of section 79C(1)(a)(ii) of the Environmental Planning & Assessment Act 1979, any draft environmental planning instrument that is, or has been placed on public exhibition is a relevant matter for consideration in the assessment of a development application. Draft Parramatta LEP 2011 was placed on public exhibition between 1 August 2013 and 31 August 2013 and is therefore a draft environmental planning instrument for the purposes of section 79C(1)(a)(ii) of the Act, despite having since been gazetted.

The subject site is unaffected by the draft “Housekeeping” amendments to Parramatta Local Environmental Plan 2011 and no further consideration of the “Housekeeping” amendments are necessary.

Planning proposal (PP_2013_PARRA_007_00)

A planning proposal was submitted to Council on 31 May 2013 to amend the height and FSR controls under the Parramatta LEP 2011 that apply to the subject site. The planning proposal sought to allow increased height and density at the site to enable the environmental capacity of the Former Naval Stores Site, as originally determined under the Ermington Masterplan, to be achieved. As indicated, this Planning

Proposal has now come into affect through Amendment 9 to PLEP 2011 which was gazetted on 20 June, 2014.

The LEP controls at time of lodgement identified the site as having an FSR of 0.6:1 and a height of 13m. These controls placed substantial limitation on achieving the environmental capacity of the development site as originally under the Ermington Masterplan. The environmental capacity under the masterplan identified potential for 117,840m² of floor space which was derived from a 0.6:1 FSR across the entire site.

Gateway approval of the planning proposal was issued by the Department of Planning and Infrastructure on 9 September 2013 allowing an increase in height and density as requested.

The Draft Plan was exhibited along with a special precinct insert for the site under the Parramatta DCP 2011. Although the LEP amendment was in draft form at the time of lodgement of this application, it has now been gazetted. Pursuant to Clause 1.8A of the LEP Amendment 9 has been considered as a Draft LEP for the purposes of this assessment.

DEVELOPMENT CONTROL PLANS

ERMINGTON MASTERPLAN

Ermington Master Plan was prepared for the subject site in 2002 in accordance with the now superseded SEPP No. 56 – Sydney Harbour Foreshores and Tributaries. The Masterplan is identified as a deemed DCP under Clause 1.3 of the Parramatta DCP 2011.

The Masterplan contains a number of private domain controls under Section 9 of Part B. Specific controls relate to dwelling types, number and mix of dwellings as well as density, height, setbacks, vehicular access and parking amongst other things.

We note that the proposed development substantially departs from the specific built form controls of the Masterplan as the proposed development has been predicated on the FSR and Height controls now gazetted under Amendment 9 to PLEP 2011. The Planning Proposal which became Amendment 9 was prepared in conjunction with a Special Precinct Insert of the DCP which has been exhibited but has not come into effect. Notwithstanding, the provisions of the Special Precinct Insert are considered under the DCP provisions identified below as a matter of public interest. Given that the Ermington Master Plan has effectively been superseded by the new suite of planning controls, including new FSR, height and DCP controls it is considered appropriate to give it little weight in the assessment of this application.

Despite departing from the specific built form provisions of the Masterplan, the proposal is considered to be entirely consistent with the Aims, Objectives and Guiding Principles of the Masterplan. Specifically, the proposal will provide a mixed density residential urban environment that will be a safe and stimulating place to live. The proposed development will provide additional accommodation that will provide a

sense of place that responds to the riverfront setting and makes a positive contribution to the natural and built character of the Parramatta River.

In addition, the proposal will encourage opportunities for public access to the foreshore and open space links to the adjacent regional parks.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The following provisions of the DCP are of relevance to the proposed development.

Development Control	Proposal	Compliance
2. SITE PLANNING		
2.4 Site Considerations		
2.4.1 Views and Vistas		
Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas.	The proposed development provides separation between the waterfront residential flat buildings to maintain view corridors from public and private areas to the Parramatta River.	Yes
2.4.2 – Water Management		
2.4.2.1 Flooding Is the site flood affected by local or mainstream flooding? If yes refer to section 2.4.2 of DCP 2011 for detailed controls.	The site is affected by flooding and provides the relevant flood planning levels in relation to the floor levels and access to each basement.	Yes
2.4.2.2 Protection of Waterways Does the site adjoin a waterway? If yes does proposed landscaping comprise of local indigenous species?	Yes. Appropriate landscaping has been selected by the project Landscape Architect which has been accepted by Council's landscape officer.	Yes
2.4.2.3 Protection of Groundwater	The proposed excavations to provide for the development are necessary and will require tanking of the basement. However, this is not likely to impact on groundwater conditions.	Yes
2.4.3 – Soil Management		
2.4.3.1 – Sedimentation Are there adequate erosion control measures?	Conditions have been imposed to ensure that the development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.	Yes
2.4.3.2 - Acid sulphate soils	Refer to PLEP 2011 table above.	Yes
2.4.3.3 - Salinity Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'? If yes, have investigations been undertaken in accordance with the	The site appears to be identified as being of very low salinity potential. The application proposes excavation works to	Yes

Development Control	Proposal	Compliance
Western Sydney Salinity Code of Practice 2003?	accommodate the basement car park levels. Subject to the implementation of standard conditions, the works will not impact or be impacted by salinity.	
2.4.4 - Land Contamination		
Is the site identified as or likely to be contaminated? If yes have the requirements of SEPP 55 been satisfied?	Refer to comments in relation to SEPP No. 55 above which details that the site has been remediated.	Yes
2.4.5- Air Quality		
Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised. These conditions include measures which seek to protect neighbouring amenity with regard to dust emissions during demolition and construction.	Yes
2.4.6 - Development on Sloping Land		
Does the design of the development appropriately respond to the slope of the site?	The development site does not contain any substantive slope and the basement level is contained below ground level where practicable.	Yes
2.4.7- Biodiversity		
<i>2.4.7.1 – General</i> Is vegetation removal appropriate? Does the landscape plan incorporate indigenous planting listed in Appendix 3?	The application involves minor tree removal. Council's Landscape Officer has not raised concern with the proposed tree removal, subject to conditions. The Landscape Plan submitted with the application provides appropriate details.	Yes
2.4.7 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 is located adjacent to a strategic cycle way and walk way which traverses the northern foreshore of the Parramatta River. Buildings that adjoin the public domain are located on a nil boundary setback and are located at a height determined by flood planning levels. The proposed buildings will enable direct access to the public domain from particular dwellings and provide a hard edge to the property boundary. In doing so, the proposal provides definition	Yes

Development Control	Proposal	Compliance
	<p>between the private and public domain.</p> <p>Additionally, dwellings have been designed and oriented to overlook common areas and adjacent public spaces to facilitate high levels of passive surveillance.</p>	
3. DEVELOPMENT PRINCIPLES		
3.1 - Preliminary Building Envelope		
3.1.3 – Preliminary Building Envelope Table		
<p><i>Height</i> Maximum height is shown on the Parramatta LEP 2011 - Height of Buildings Map – 13 metres.</p>	<p>The proposal exceeds the maximum height under PLEP 2011 that was in force at the time of lodgement of this application. The proposal complies with the now gazetted height limit under Amendment 9 of the LEP.</p>	<p>No However, the proposal is compliant with the amended height controls.</p>
<p><i>Floor space ratio</i> Maximum floor space ratio is shown on the Parramatta LEP 2011 - Floor Space Ratio Map – 0.6:1</p>	<p>The proposal exceeds the maximum FSR under PLEP 2011 that existed at the time of lodgement of this application. The proposal complies with the now gazetted FSR control for each part of the site as amended by the Amendment 9 of the LEP.</p>	<p>No However, the proposal complies with the amended FSR controls.</p>
<p><i>Minimum site frontage</i> Minimum 24m</p>	<p>All site frontages exceed the minimum requirements.</p>	<p>Yes</p>
<p><i>Building setback</i> <i>Front: 5m-9m</i> <i>Side: 4.5m</i> <i>Rear: 15% of the site length</i></p>	<p>Each building at the site is located on a significantly reduced setback, however, complies with the requirements of the Draft Precinct Specific Provisions.</p>	<p>No Despite resulting in a substantial departure from the generic setback controls that apply to residential flat buildings, the setbacks proposed are based on the controls contained within the site specific Draft DCP amendment that relates to the site. This is due to come into effect imminently and is based on the density and height that applies to the site under the imminent LEP</p>

Development Control	Proposal	Compliance
		Amendment No. 9. The generic setback controls should therefore be given little weight.
Deep Soil Zone <ul style="list-style-type: none"> - Minimum 30%, including at least 50% at the rear of the site - Dimensions of not less than 4m x 4m. 	Significantly less than 30% of the site is provided as deep soil for the purpose of the DCP.	No The proposal complies with the Draft precinct specific DCP provisions relating to deep soil area. It is noted that the Draft DCP precinct specific controls identify deep soil areas are areas that contain a soil depth of 600m.
Landscaped Area Minimum 40% (including deep soil zone)	No landscaped area figure has been provided by the applicant as it is maintained that the proposal complies with the landscaped area requirements of the Draft precinct specific DCP provisions.	No The proposal complies with the landscaped area requirements of the Draft precinct specific DCP provisions and the RFDC.
3.2. Building Elements		
3.2.1- Building Form and Massing		
Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	The height, bulk and scale is consistent with the draft LEP provisions which are imminent and certain and provide prescriptive details of height and massing across the site.	Yes
3.2.2 - Building Façade and Articulation		
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?	Each building across the site has been designed with regard to achieving high levels of architectural merit.	Yes
3.2.3 – Roof Design		
Does roof form minimise the bulk and scale of the building?	Yes the building adopts a saw tooth building form which seeks to recognise the former industrial use of the site. The roof form is appropriate and maintains a suitable scale.	Yes
3.2.5 - Streetscape		
Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape, bulk and scale?	The development provides the desired streetscape appearance by complying with the height, density and setback controls under the Draft precinct specific DCP provisions.	Yes

Development Control	Proposal	Compliance
3.3 Environmental Amenity		
3.3.1 - Landscaping		
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?	No such natural features exist at the site. The landscape plan indicates that the site will be improved by the provision of a range of trees and landscaped features that are suited to the site and the surrounding area.	Yes
If the basement car park extends beyond the building envelope is a minimum soil depth of 1m provided from the top of the slab?	Sufficient soil depth and volume are provided for all basement podium areas.	Yes
3.3.2 - Private and Communal Open Space		
Is a minimum of 10m ² of private open space provided per dwelling with minimum dimensions of 2.5m.	The development provides a range of private open space areas that are suited to the size of each apartment. Some dwellings are provided with significantly more than the minimum requirements and some are provided with slightly less than the required area and depth of balconies. However, all dwellings comply with the private open space requirements of the Residential Flat Design Code which is the State wide benchmark for residential flat developments. Providing a range of apartment types and areas will contribute to variety and affordability in the development and is an acceptable outcome.	In part
Is a minimum of 10m ² of communal open space per dwelling provided?	<p>In relation to the applicable control, Lots 301-304 provide less than the required open space area, however, Lots 305 & 306 provide more than the minimum requirement.</p> <p>Communal open space for the site has been provided in accordance with the Draft precinct specific DCP provisions which identifies central communal open space areas that are bound by buildings that are built to each property boundary.</p> <p>In total the development site provides 33% of the site area as communal open space. This exceeds the requirements of the Residential Flat Design Code and complies with the Draft Precinct</p>	In Part

Development Control	Proposal	Compliance
	Specific provisions. The communal open space area proposed is therefore considered to be acceptable on merit.	
3.3.3 – Visual and Acoustic Privacy		
Does the development achieve acceptable visual and acoustic privacy.	<p>A consideration of the separation requirements of the RFDC is provided in this Report. Each dwelling has been designed with primary living areas facing the front, side and rear boundaries to avoid privacy impacts on internally adjacent dwellings.</p> <p>Where the proposed development provides less than the required building separation, the recommended condition of consent will ensure that suitable separation is achieved.</p>	Yes
3.3.4 – Acoustic Amenity		
The provisions of the State Environmental Planning Policy (Infrastructure) 2007 and Parramatta Development Control Plan 2011 Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration	Lot 306 of the subject site is located adjacent to Silverwater Road. Subject to compliance with the submitted Acoustic Report, each dwelling will achieve the required noise criteria to internal portions of the dwellings.	Yes
3.3.5 Solar Access and Cross Ventilation		
<p><i>Solar Access</i></p> <p>Developments are to be designed to minimise shadow cast on private and communal open space of the development and adjoining properties as well as public open space and solar collectors of adjoining properties.</p>	<p>The proposed development has been built to the height and density permitted under the applicable amended LEP controls that have recently been gazetted. In addition, the location of the building on the southern and western portions of the Former Naval Stores site minimises overshadowing to the existing dwellings that are located to the north and east of the site.</p> <p>Some degree of shadowing, as is reasonably expected will be cast on public open space areas including the foreshore areas. The separation between each building block enables sunlight to permeate between the buildings, moving throughout the day.</p> <p>As such, the shadow cast on the public domain by the proposal is acceptable.</p>	Yes

Development Control	Proposal	Compliance
Dwellings proposed are to receive a minimum of 3 hours sunlight to habitable rooms and to 50% of the private open space areas between 9am and 3pm on 21 June?	494 units or 80% of apartments proposed will receive 2 hours of solar access. Although this is less than the minimum requirements of the DCP, this exceeds the requirements of the residential flat design code and is considered to be acceptable on merit.	On Merit
Adjoining properties are to 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?	The development outcome on the site is considered to be urban in nature and therefore this level of solar access is acceptable. The shadow diagrams submitted indicate that the adjoining properties will be generally unaffected by overshadowing in mid winter due to the orientation of the subject site to the south and west of the adjoining development.	Yes
Cross Ventilation The minimum floor to ceiling height is 2.7m.	2.7m minimum floor to ceiling heights provided.	Yes
80% of dwellings are to be naturally cross ventilated.	87% of dwellings are cross ventilated.	Yes
Single aspect dwellings are limited in depth to 8m from a window.	Single aspect apartments are no greater than 8m.	Yes
3.3.6 - Water Sensitive Urban Design		
Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?	Council's Development Engineer and Catchment Engineers have raised no objection to the application subject to conditions.	Yes
3.3.7 - Waste Management		
Is the waste management plan satisfactory? Is the bin room appropriately sized for the number of bins required?	A waste management plan has been submitted and details that appropriate bin storage rooms are provided within each basement. Bin storage rooms are located to enable efficient operation of waste chutes. Collection of bins will occur by private contractor.	Yes
3.4 Social Amenity		
3.4.1 All new development having a capital value of more than \$5,000,000 in the following major local centres and zoned as indicated in the Parramatta LEP 2011 and Parramatta City Centre LEP 2007, is required to provide and implement an Arts Plan as part of the overall development.	The applicant has requested that a condition of consent be imposed requiring Public Art as a component of landscaping the pocket parks to satisfy this control. This is considered acceptable and has been recommended.	Yes

Development Control	Proposal	Compliance
3.4.2 Access for People with disabilities		
Does the development contain adequate access for people with a disability?	Yes. Accessible car spaces are provided in the basement and lift access is provided to all dwellings. Lift platforms are provided from ground level to building entrances where the height of the ground floor requires this to enable level access.	Yes
3.4.4 Safety and Security		
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 potential for any increased opportunity for criminal or anti-social behaviour to occur. The development promotes natural surveillance internally as well as to public areas adjacent to the site.	Yes
3.4.5 – Housing Diversity and Choice		
1 bedroom 10% - 20% 2 bedroom 60% - 75% 3 bedroom 10% - 20%	1 bed (43) = 7% 2 bed (545) = 89% 3 bed (24) = 3.9%	No The proposal provides a high percentage of 2 bedroom units. This is considered to be acceptable in light of the existing development across the Former Naval Stores site which contains 210 dwellings, the majority of which are 3 bedroom dwellings.
Adaptable Units >20 dwellings = 10% 61 dwelling required	10% of dwellings have been provided as adaptable apartments.	Yes
3.5 Heritage		
3.5.1 - General		
Does the site contain a heritage item?	No	N/A
Is the site within a heritage conservation area?	No	N/A
Is the development near a heritage item?	The site is adjacent to Silverwater Bridge (Item No. 173) and no objection was raised by Council's Heritage Officer.	Yes
3.5.2 Archaeology		
Is excavation proposed?	Excavation proposed for basements.	N/A
If yes is the area within the study area of	The site however is not subject to	

Development Control	Proposal	Compliance
the Parramatta Historic Archaeological Landscape Management Study (PHALMS)	any archaeological significance.	
3.5.3 - Aboriginal Cultural Heritage		
Does the site contain any Aboriginal Cultural Heritage?	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.	Yes
3.6 Movement & Circulation		
3.6.2 – Parking and Vehicular Access		
<i>Bicycle Parking</i> 1 bicycle space per 2 dwellings to be provided.	Compliant bike parking is provided within each basement.	Yes
<i>Minimum Car Parking Rates</i> 1 per 1 bedroom 1.25 per 2 bedroom 1.5 per 3 bedroom 0.25/dwelling visitor	Proposed 43 x 1 bed = 43 spaces 545 x 2 bed = 682 spaces 24 x 3 bed = 36 spaces Visitor 153 spaces	
Required residents 760 spaces	761 resident spaces provided.	Yes
Required visitor 153 spaces	153 visitor spaces provided.	Yes
Total = 914 spaces	914 spaces proposed.	Yes

Draft Amendments to Parramatta DCP 2011

PART 4 SPECIAL PRECINCTS – ERMINGTON NAVAL STORES PRECINCT

The Draft Amendments to Parramatta DCP have been publicly exhibited and include precinct specific controls that relate to the subject site. These precinct controls are based on the applicable LEP provisions (LEP Amendment 9) that were in draft form at the time of lodgement of this application but have since been gazetted.

Therefore, although these provisions are not specifically identified as matters for consideration under Section 79C of the EP&A Act, the relevant provisions and the proposal's compliance with those provisions are considered below as a matter of public interest. We note that the DCP will come into effect shortly, given gazettal of the LEP.

DRAFT ERMINGTON NAVAL STORES PRECINCT – WATERFRONT AND SILVERWATER ROAD		
Control	Proposal	Complies
Building Height Future built form must comply with the building heights controls which prescribes a maximum number of storeys. Storey is defined in the DCP as follows:	The proposed development is designed to comply with the relevant storey height controls excluding the basement levels and basement levels that project	Yes (excluding projecting basement levels)

DRAFT ERMINGTON NAVAL STORES PRECINCT – WATERFRONT AND SILVERWATER ROAD		
Control	Proposal	Complies
<p>storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:</p> <p>(a) a space that contains only a lift shaft, stairway or meter room, or</p> <p>(b) a mezzanine, or</p> <p>(c) an attic.</p>	<p>above ground level. Note, the definition of “storey” excludes attics but does not exclude basement levels. The basement levels, whilst being partly above ground, will be integrated with the landscape concept. In addition, the proposed buildings generally comply with the LEP height limits and accordingly the proposal is considered acceptable in this regard.</p>	
<p>Building Setbacks</p> <p>The setback to the fifth storey from the southern boundary must be 10m for Lots 301-305 and 9.5m for Lot 306.</p> <p>The setback of the storey above the fifth storey of Lot 306 must be 10m from the eastern face of the buildings adjacent to river Road.</p> <p><i>It is noted, that the setback diagrams indicated that a nil boundary setback applies in relation to all boundaries, however, differentiates between storey heights across the site.</i></p>	<p>The buildings on Lots 301-305 have been designed with a 4 storey element located up to a nil boundary setback to the southern boundary. The fifth storey is setback between 11m and 12m from the southern boundary.</p> <p>It is noted that the southern building on Lot 306 contains a fifth storey element that is located 9m from the southern boundary, however, this relates to the lift shaft and stairwell which are excluded for the purpose of calculating a storey.</p> <p>Additionally, the 8 storey component of the buildings on Lot 306 is located 12m from the eastern boundary adjacent to River Road and complies with the setback requirements.</p>	<p>Yes</p>
<p>Landscaped area and Deep Soil</p> <p>Communal open space must be equivalent to 25% of the site area</p> <p>A minimum of 25% of the communal open space is to be deep soil areas (6.25% of site area)</p> <p>A minimum soil depth of between 600mm and 1000mm is to be provided to at least 50% of the pocket parks between Lots 301-302 and 303-304.</p>	<p>The proposal provides 33% of the site area as communal open space.</p> <p>3,627m² or 17.79% of the site area is provided as deep soil areas.</p> <p>The required soil depth is achieved over more than 50% of the pocket parks.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Car Parking</p> <p>Council may support basement parking under the pocket parks subject to satisfaction of on-going maintenance, flood mitigation, landscaping and deep soil provision.</p>	<p>The proposal achieves the required soil depth and volume within the pocket parks and will ensure basement entry points exceed the required flood planning level with a 500mm freeboard.</p> <p>The on going maintenance of the</p>	<p>Yes</p>

DRAFT ERMINGTON NAVAL STORES PRECINCT – WATERFRONT AND SILVERWATER ROAD		
Control	Proposal	Complies
Visitor parking is to be provided at a rate of 0.25 spaces per dwelling if basements extend under the pocket parks.	<p>parks will be determined as part of the voluntary planning agreement process.</p> <p>Visitor parking is provided for 153 vehicles as per the requirements.</p>	

The proposal is therefore consistent with the provisions of the Draft Precinct Specific Controls that apply to the site.

S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE

The proposal requires the payment of S94A development contributions (1% levy) based upon the estimated cost of works. The submitted cost estimate prepared by a quantity surveyor listed the cost of works (including exemptions) as **\$186,248,916**. As such, a Section 94A contribution of **\$1,862,489.16** is required to be paid before the issue of a Construction Certificate. It is however noted that a public benefit offer has been put forward by the applicant. The public benefit offer has not been agreed to in full by the applicant and Council.

As such, a condition requiring the payment of this contribution has been incorporated into the recommendation conditions. The relevant condition enables Council to waive in part or in full the above contributions subject to the demonstrated public benefit works. Any such waiver to the above fees is to be endorsed by Council as part of acceptance of the voluntary planning agreement.

BONDS

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979 and Councils Schedule of Fees, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. In addition, an infrastructure restoration fee is required as a recommended condition of consent.

PLANNING AGREEMENTS

The proposed development is accompanied by a public benefit offer and is likely to result in the creation of a voluntary planning agreement entered into under section 93F of the Environmental Planning and Assessment Act, 1979.

The planning agreement is yet to be finalised or accepted by Council. A condition of consent has been recommended enabling the payable Section 94A contributions to be waived in part or in full as agreed by Council subject to the extent of the public benefit offered by the voluntary planning agreement.

REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

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.

LIKELY IMPACTS

The likely impacts of the proposed development have been considered in the assessment of the applicable Statutory and DCP controls in this Assessment.

Topography & Scenic Impacts

The proposal will result in excavation to accommodate the various basements across the site. However, the buildings will occupy excavated areas created by the basement levels. The excavation represents an efficient use of the site for the provision of on-site parking that does not dominate the streetscape or result in a visually significant change to the local topography.

In terms of scenic impact, the proposed development will introduce a built form that is between 4 and 5 storeys adjacent to the Parramatta River and extends to between 5 and 8 storeys adjacent to Silverwater Road. The proposed height and FSR are considered appropriate in the context of the now gazetted Amendment 9 to PLEP 2011 that applies to the site and which have taken into account the environmental capacity for the site as part of the original Ermington Masterplan.

Given compliance with the newly gazetted core development standards, the scale and form of the proposed development could be reasonably anticipated at the site and results in entirely acceptable scenic impacts.

As such, the proposal will not significantly alter the site topography or result in any significant scenic impacts.

Micro-climate Impacts

The proposed development will have no significant impact on the micro-climate of the locality.

Water & Air Quality Impacts

The proposed development will have no significant impact on air or water quality in the locality. Subject to the imposition of standard construction management conditions, the proposal will not give rise to impacts on air or water quality during construction.

Additionally, the impacts of flooding and on site detention have been considered by Council's Development Engineering and Catchment divisions who raise no objections subject to the implementation of conditions.

The proposed development will be connected to the sewer and is not likely to generate any unusual liquid waste, odour or fumes.

Flora & Fauna Impacts

As discussed, the site is generally devoid of significant trees or natural site features. The proposal includes the removal of some existing trees on Lot 306, however, the removal of these trees will be mitigated by the landscaping proposed in the Concept Landscape Plan. The Concept Plan involves planting in common areas, within central courtyards as well as upgrades to the public domain and pocket parks.

As acceptability of the built form at the site, which incorporates setbacks between nil and 700mm in relation to the southern boundaries, relies on appropriate landscaping in the private and public domain, it is considered that requiring a detailed landscape plan as part of the construction certificate and completion of the landscaping prior to occupation of the building is necessary. A condition is recommended in this regard.

As can be gleaned from the Concept Landscape Plan, the vegetation proposed is suited to the conditions of the site and will comprise species that are suited to the site and locality. As such, the proposed development will only serve to improve the local flora and provide increased biodiversity opportunities on the site that is currently devoid of natural features.

Subject to the recommended conditions, the proposal is considered to be acceptable as a result of the net improvement to landscaped qualities of the site, public domain and local biodiversity.

External Appearance & Design

The proposed development is considered to be a suitable response to the allocation of the density and height of development across the site. As part of the planning proposal requesting increased heights and density, volumetric building layouts were produced to indicate how the density could be achieved across the site. These concept building envelopes informed the Draft Precinct specific DCP controls that facilitate buildings that are built in part to the boundaries and provide central open space areas.

The relationship of the proposal to the southern boundary is considered acceptable as the buildings provide a hard edge and a clear definition between the public and

private domain. The ground floor at the southern boundary is elevated up to 1.4m above natural ground level and the buildings are setback between nil and 700mm. This will facilitate landscape screening at the boundary interface.

The applicant maintains that in light of the extent of public domain works which include landscaping and upgrades to the foreshore area (as part of the public works offer), there will be sufficient opportunities to incorporate landscaping in the public domain that will assist with softening the appearance of the building and providing a landscaped interface. As such the acceptability of the relationship between the building setbacks and the adjacent public domain, which includes pedestrian and cycle ways relies on certainty that the landscape works to the public domain form part of this application.

As such a Condition of consent is recommended which requires the preparation of a detailed Landscape Plan for the public domain works adjacent to the southern boundary and the pocket parks. These works may ultimately form part of a VPA for the site.

The relationship of the site to Silverwater Road is appropriate as it provides a modern and well designed building form that will be softened in part by landscaping at the boundary interface.

Externally, the architectural design of all of the buildings are cohesive and incorporates appropriate materials and detailing, including punctuated façade details that assists with breaking up the mass and density across the site. The roof form adopts a saw-tooth appearance which provides a unique visual interest and attempts to recognise the industrial past of the site.

As such, the building massing across the site is appropriate and a response to the newly gazetted LEP controls. The building has an appropriate interface to the public domain which relies on landscaping works which will form part of recommended conditions of consent.

Finally, it is noted that the built form relationship to the waterway of the proposed development differs to that of the previously constructed residential flat buildings to the east of the site (Stocklands Riverwalk development). The adjoining eastern development contains setbacks that are landscaped with dense foliage which generally obscure views of the buildings to the waterway and limit views gained from the waterfront apartments to the waterway. The subject site is physically separated from the adjoining eastern site by a creek and a distinct change in the landscaped character can be observed between the adjacent properties. The proposal provides a unique built form response which incorporates a more hard edge to the public domain which will be softened by landscaping that is suited to the immediate foreshore character. As such, the built form relationship between the proposal and the subject site is considered to be distinctly different, however, acceptable in that it will provide variety and visual interest to the foreshore.

Relationship to Neighbouring Properties

The impacts of the proposal have been considered as part of the assessment of the applicable controls which take into account matters such as privacy and solar access. Further comments are provided as follows:

Privacy

As detailed in this report, the buildings will achieve acceptable levels of aural and visual privacy in relation to internally adjacent dwellings due to the orientation of primary living areas and the provision of appropriate separation between living rooms and private open space. Where separation relationships do not achieve this, a condition of consent is recommended to ameliorate any privacy impacts.

In terms of the adjoining properties, there will be a significant change in built form between the subject site and the adjacent low density residential development, however, the separation proposed will ensure an appropriate relationship and minimise any significant privacy impacts. It is further noted that the proposed building will provide a physical separation that will assist with noise attenuation from Silverwater Road to the existing low density residential properties.

Solar Access

The proposal provides solar access to the proposed buildings that complies with the applicable controls under the Residential Flat Design Code for urban areas, that is 2 hours of sunlight to living rooms and privacy open space areas of at least 70% of dwellings during mid-winter.

It is noted that the DCP requires that 100% of dwellings receive 3 hours of sunlight to living room windows and 50% of private open space during mid winter. The strict application of this control in this instance is considered to be unreasonable for a development of this scale and density.

In terms of overshadowing impacts, the site is located to the south of the adjoining residential properties and the effects of overshadowing are generally limited to public areas. In any event, the separation between the buildings that are adjacent to the southern boundary ensures that some degree of sunlight permeates onto the public domain. On balance, the proposal results in acceptable impacts in relation to overshadowing.

SUITABILITY OF THE SITE

The subject site is currently vacant and forms the final stage in a masterplan for the entire Former Naval Stores site. The proposal has been designed to achieve the intended environmental capacity of the site and will contribute to the provision of 612 new dwellings to an area that is ideally suited to accommodate additional density.

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

SUBMISSIONS & PUBLIC INTEREST

Submissions

Three (3) submissions were received in response to the notification of the application as considered in this Report. The proposed development is not contrary to the public interest.

Public Interest

Whilst Draft DCPs are not a matter for consideration under Section 79C, the Draft Precinct Specific DCP is a relevant consideration in terms of assessing public interest matters as it contains site specific provisions that were considered in the “DCP Section” of this Report. The Draft DCP does not raise any matters that require further consideration.

CONCLUSION

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest subject to recommended conditions of consent.

RECOMMENDATION

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

APPROVAL SUBJECT TO CONDITIONS

- (a) **That** the JRPP support the variation to Clause 4.3 - Height of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6
- (b) **That** the JRPP support the variation to Clause 4.4 – Density of the Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6
- (c) **Further, that** the JRPP as the consent authority grant development consent to Development Application No. DA/770/2013 for Construction of nine (9) Residential Flat Buildings containing 612 dwellings over basement car parking comprising buildings between four (4) and eight (8) storeys in height at 64-74A River Road, 24-56 Seamist Avenue & 2B Broadoaks Road, Ermington for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

GENERAL MATTERS:

- 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:

APPROVED PLANS AND DOCUMENTS				
Date	Drawing No	Company	Drawing Title	Rev No.
Architectural - Lots 301-302				
27.05.14	Z1-DA-0001	Rice Daubney	Drawing System Information GFA- Lots 301, 302	05
21.11.13	Z1-DA-1001	Rice Daubney	Basement Plans. Lot 301 - 302 Basement B2	10
27.05.14	Z1-DA-1002	Rice Daubney	Basement Plans. Lot 301 - 302 Basement B1	13
27.05.14	Z1-DA-1200	Rice Daubney	Podium Plans. Podium Level 01	14
10.04.14	Z1-DA-1202	Rice Daubney	Podium Plans. Lot 301 - Level 01	13
27.05.14	Z1-DA-1203	Rice Daubney	Podium Plans. Lot 302 - Level 01	14
10.04.14	Z1-DA-1300	Rice Daubney	Typical Lot 301 - Level 02	12
27.05.14	Z1-DA-1301	Rice Daubney	Typical Lot 302 - Level 02	13
10.04.14	Z1-DA-1302	Rice Daubney	Typical Lot 301 - Level 03	12
10.04.14	Z1-DA-1303	Rice Daubney	Typical Lot 302 - Level 03	12
10.04.14	Z1-DA-1304	Rice Daubney	Typical Lot 301 - Level 04	12
10.04.14	Z1-DA-1305	Rice Daubney	Typical Lot 302 - Level 04	12
10.04.14	Z1-DA-1306	Rice Daubney	Typical Lot 301 - Level 05	12
10.04.14	Z1-DA-1307	Rice Daubney	Typical Lot 302 - Level 05	12
21.11.13	Z1-DA-1400	Rice Daubney	Roof Plans. Lot 301 - Level 06	10
21.11.13	Z1-DA-1401	Rice Daubney	Roof Plans. Lot 302 - Level 06	10
10.04.14	Z1-DA-1500	Rice Daubney	Elevations. Lot 301 - North & South	09
10.04.14	Z1-DA-1501	Rice Daubney	Elevations. Lot 301 - East & West	09
27.05.14	Z1-DA-1502	Rice Daubney	Elevations. Lot 302 - North & South	10
10.04.14	Z1-DA-1503	Rice Daubney	Elevations. Lot 302 - East & West	09
10.04.14	Z1-DA-1600	Rice Daubney	Sections. Lot 301	10
10.04.14	Z1-DA-1601	Rice Daubney	Sections. Lot 302	10
Architectural - Lots 303-304				
28.05.14	Z2-DA-0001	Rice Daubney	Drawing System Information GFA- Lots 303, 304	05
21.11.13	Z2-DA-1001	Rice Daubney	Basement Plans. Lot 303 - 304 Basement B2	07
27.05.14	Z2-DA-1002	Rice Daubney	Basement Plans. Lot 303 - 304 Basement B1	10
27.05.14	Z2-DA-1200	Rice Daubney	Podium Plans. Podium Level 01	11
10.04.14	Z2-DA-1202	Rice Daubney	Podium Plans. Lot 303 - Level 01	10
27.05.14	Z2-DA-1203	Rice Daubney	Podium Plans. Lot 304 - Level 01	11
10.04.14	Z2-DA-1300	Rice Daubney	Upper Floor Plans. Lot 303 - Level 02	09
10.04.14	Z2-DA-1301	Rice Daubney	Upper Floor Plans. Lot 304 - Level 02	09
10.04.14	Z2-DA-1302	Rice Daubney	Upper Floor Plans. Lot 303 - Level 03	09
10.04.14	Z2-DA-1303	Rice Daubney	Upper Floor Plans. Lot 304 - Level 03	09
10.04.14	Z2-DA-1304	Rice Daubney	Upper Floor Plans. Lot 303 - Level 04	09
10.04.14	Z2-DA-1305	Rice Daubney	Upper Floor Plans. Lot 304 - Level 04	09
10.04.14	Z2-DA-1306	Rice Daubney	Upper Floor Plans. Lot 303 - Level 05	09
10.04.14	Z2-DA-1307	Rice Daubney	Upper Floor Plans. Lot 304 - Level 05	09
21.11.13	Z2-DA-1400	Rice Daubney	Roof Plans. Lot 303 - Level 05	07
21.11.13	Z2-DA-1401	Rice Daubney	Roof Plans. Lot 304 - Level 05	07
10.04.14	Z2-DA-1500	Rice Daubney	Elevations. Lot 303 - North & South	06
10.04.14	Z2-DA-1501	Rice Daubney	Elevations. Lot 303 - East & West	06
27.05.14	Z2-DA-1502	Rice Daubney	Elevations. Lot 304 - North & South	07
10.04.14	Z2-DA-1503	Rice Daubney	Elevations. Lot 304 - East & West	06
10.04.14	Z2-DA-1600	Rice Daubney	Sections. Lot 303	07
10.04.14	Z2-DA-1601	Rice Daubney	Sections. Lot 304	07
Architectural - Lot 305				
27.05.14	Z3-DA-0001	Rice Daubney	Drawing System Information GFA- Lot 305	05
21.11.13	Z3-DA-1001	Rice Daubney	Basement Plans. Lot 305 Basement B2	08
10.04.14	Z3-DA-1002	Rice Daubney	Basement Plans. Lot 305 Basement B1	09
10.04.14	Z3-DA-1200	Rice Daubney	Ground/ Podium Plans. Podium Level 01	10
12.12.13	Z3-DA-1202	Rice Daubney	Ground/ Podium Plans. Lot 305 - Level 01	09
12.12.13	Z3-DA-1203	Rice Daubney	Ground/ Podium Plans. Lot 305 - Level 01	09

APPROVED PLANS AND DOCUMENTS				
Date	Drawing No	Company	Drawing Title	Rev No.
21.11.13	Z3-DA-1300	Rice Daubney	Upper Floor Plans. Lot 305 - Level 02	08
21.11.13	Z3-DA-1301	Rice Daubney	Upper Floor Plans. Lot 305 - Level 02	08
21.11.13	Z3-DA-1302	Rice Daubney	Upper Floor Plans. Lot 305 - Level 03	08
21.11.13	Z3-DA-1303	Rice Daubney	Upper Floor Plans. Lot 305 - Level 03	08
21.11.13	Z3-DA-1304	Rice Daubney	Upper Floor Plans. Lot 305 - Level 04	08
21.11.13	Z3-DA-1305	Rice Daubney	Upper Floor Plans. Lot 305 - Level 04	08
21.11.13	Z3-DA-1306	Rice Daubney	Upper Floor Plans. Lot 305 - Level 05	08
21.11.13	Z3-DA-1307	Rice Daubney	Upper Floor Plans. Lot 305 - Level 05	08
21.11.13	Z3-DA-1400	Rice Daubney	Roof Plans. Lot 305 - Roof	08
10.04.14	Z3-DA-1500	Rice Daubney	Elevations. Lot 305 - Elevations	06
21.11.13	Z3-DA-1600	Rice Daubney	Sections. Lot 305	05
21.11.13	Z3-DA-1601	Rice Daubney	Sections. Lot 305	05
Architectural - Lot 306A-D				
27.05.14	Z4-DA-0001	Rice Daubney	Drawing System Information GFA- Lot 306	05
27.05.14	Z4-DA-0002	Rice Daubney	Drawing System Information GFA- Lot 306	05
21.11.13	Z4-DA-1001	Rice Daubney	Basement Plans. Lot 306A-C Basement Level B2	14
21.11.13	Z4-DA-1002	Rice Daubney	Basement Plans. Lot 306A-C Basement Level B1	14
21.11.13	Z4-DA-1003	Rice Daubney	Basement Plans. Lot 306D Basement Level B2	14
21.11.13	Z4-DA-1004	Rice Daubney	Basement Plans. Lot 306D Basement Level B1	14
12.12.13	Z4-DA-1200	Rice Daubney	Ground/ Podium Plans. Lot 306 Podium Overall	15
12.12.13	Z4-DA-1201	Rice Daubney	Ground/ Podium Plans. Lot 306 A - Podium/ Level 01	15
12.12.13	Z4-DA-1202	Rice Daubney	Ground/ Podium Plans. Lot 306 B - Podium/ Level 01	15
12.12.13	Z4-DA-1203	Rice Daubney	Ground/ Podium Plans. Lot 306 C - Podium/ Level 01	15
12.12.13	Z4-DA-1204	Rice Daubney	Ground/ Podium Plans. Lot 306 D - Podium/ Level 01	15
21.11.13	Z4-DA-1300	Rice Daubney	Upper Floor Plans. Lot 306 A - Level 02	14
21.11.13	Z4-DA-1301	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 02	14
21.11.13	Z4-DA-1302	Rice Daubney	Upper Floor Plans. Lot 306 C - Level 02	14
21.11.13	Z4-DA-1303	Rice Daubney	Upper Floor Plans. Lot 306 D - Level 02	14
21.11.13	Z4-DA-1304	Rice Daubney	Upper Floor Plans. Lot 306 A - Level 03	14
21.11.13	Z4-DA-1305	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 03	14
21.11.13	Z4-DA-1306	Rice Daubney	Upper Floor Plans. Lot 306 C - Level 03	14
21.11.13	Z4-DA-1307	Rice Daubney	Upper Floor Plans. Lot 306 D - Level 03	14
21.11.13	Z4-DA-1308	Rice Daubney	Upper Floor Plans. Lot 306 A - Level 04	14
21.11.13	Z4-DA-1309	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 04	14
21.11.13	Z4-DA-1310	Rice Daubney	Upper Floor Plans. Lot 306 C - Level 04	14
21.11.13	Z4-DA-1311	Rice Daubney	Upper Floor Plans. Lot 306 D - Level 04	14
21.11.13	Z4-DA-1312	Rice Daubney	Upper Floor Plans. Lot 306 A - Level 05	14
21.11.13	Z4-DA-1313	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 05	14
21.11.13	Z4-DA-1314	Rice Daubney	Upper Floor Plans. Lot 306 C - Level 05	14
21.11.13	Z4-DA-1315	Rice Daubney	Upper Floor Plans. Lot 306 D - Level 05	14
21.11.13	Z4-DA-1316	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 06	14
21.11.13	Z4-DA-1317	Rice Daubney	Upper Floor Plans. Lot 306 C - Level 06	14
21.11.13	Z4-DA-1318	Rice Daubney	Upper Floor Plans. Lot 306 D - Level 06	14
21.11.13	Z4-DA-1319	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 07	14
21.11.13	Z4-DA-1320	Rice Daubney	Upper Floor Plans. Lot 306 C - Level 07	14
21.11.13	Z4-DA-1321	Rice Daubney	Upper Floor Plans. Lot 306 D - Level 07	14
21.11.13	Z4-DA-1322	Rice Daubney	Upper Floor Plans. Lot 306 B - Level 08	14
Landscape Plan and Statement				
14.04.14	13-010-CP01	James Pfeiffer	Landscape Site Plan	G
14.04.14	13-010-CP02	James Pfeiffer	Landscape Concept Plan Lots 301, 302 & Pocket Plan	F
25.09.13	13-010-CP03	James Pfeiffer	Landscape Concept Plan Lots 303, 304 & Pocket Plan	E
25.09.13	13-010-CP04	James Pfeiffer	Landscape Concept Plan Lot 305	E
25.09.13	13-010-	James Pfeiffer	Landscape Concept Plan Lot 306	E

APPROVED PLANS AND DOCUMENTS				
Date	Drawing No	Company	Drawing Title	Rev No.
	CP05			
25.09.13	13-010-CP06	James Pfeiffer	Landscape Concept Plan, Lot 306 - Common Area	E
25.09.13	13-010-CP07	James Pfeiffer	Landscape Concept Plan, Lot 306 - Landscape Building B	E
25.09.13	13-010-CP08	James Pfeiffer	Landscape Concept Plan, Lot 306 - Landscape Building C	E
25.09.13	13-010-CP09	James Pfeiffer	Landscape Concept Plan, Lot 306 - Landscape Building D	E
25.09.13	13-010-CP10	James Pfeiffer	Landcape Sections	D
Hydraulic Services Lots 301-306				
Sep-13	HDA01	Floth	Legend and Drawing Schedule	P4
Sep-13	HDA02	Floth	Site Keyplan	P2
Sep-13	HDA03	Floth	Catchment Plan	P2
Sep-13	HDA04	Floth	Lot 301 - 302 Basement 2 Plan	P2
Sep-13	HDA05	Floth	Lot 301 - 302 Basement 1 Plan	P3
Sep-13	HDA06	Floth	Lot 301 - 302 Podium Plan	P3
Sep-13	HDA07	Floth	Lot 301 - 302 OSD Tank Detail Sheet	P4
Sep-13	HDA08	Floth	Lot 303 - 304 Basement 2 Plan	P2
Sep-13	HDA09	Floth	Lot 303 - 304 Basement 1 Plan	P3
Sep-13	HDA10	Floth	Lot 303 - 304 Podium Plan	P3
Sep-13	HDA11	Floth	Lot 303 - 304 OSD Tank Detail Sheet	P4
Sep-13	HDA12	Floth	Lot 305 Basement 2 Plan	P2
Sep-13	HDA13	Floth	Lot 305 Basement 1 Plan	P4
Sep-13	HDA14	Floth	Lot 305 Podium Plan	P3
Sep-13	HDA15	Floth	Lot 305 OSD Tank Detail Sheet	P4
Sep-13	HDA16	Floth	Lot 306 Basement 2 Plan Zones 1 & 2	P3
Sep-13	HDA17	Floth	Lot 306 Basement 1 Plan Zones 1 & 2	P3
Sep-13	HDA18	Floth	Lot 306 Basement 1 Plan Part 2 Zone 3	P3
Sep-13	HDA19	Floth	Lot 306 Podium Plan Zones 1 & 2	P3
Sep-13	HDA20	Floth	Lot 306 Podium Plan Zone 3	P3
Sep-13	HDA21	Floth	Lot 306 OSD Tank Detail Sheet Zones 1 & 2	P3
Sep-13	HDA22	Floth	Lot 306 OSD Tank Detail Sheet Zone 3	P4
Sep-13	HDA23	Floth	Detail Sheet 1 of 2	P3
Sep-13	HDA24	Floth	Detail Sheet 2 of 2	P3

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. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

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

3. The development is to be carried out in accordance with the General Terms of Approval of the NSW Office of Water (Reference No. 10 ERM2013/1022).
Note: The General Terms of Approval are not the Controlled Activity Approval. The Applicant must apply to the NSW Office of Water for a Controlled Activity Approval before the commencement of any works.

Reason: To comply with legislative requirements.

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

5. Prior to the issue of the Construction Certificate, details are to be submitted to the Principle Certifying Authority 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.

6. Any garbage chutes must be designed in accordance with the requirements of the *National Construction Code* and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

7. Trees to be removed are:

Tree No	Name	Common Name	Location
5x	<i>Eucalyptus sp.</i>	Eucalypyt	Northern end of Lot 306

Reason: To facilitate development.

8. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

Reason: To ensure the trees are planted within the site area able to reach their required potential.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

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

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

Reason: To comply with the Home Building Act 1989.

10. No portion of the proposed buildings 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.

11. (a) In order to ensure the design quality excellence of the development is retained:

- i. The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate

- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

Reason: To ensure the design quality excellence of the development is retained.

12. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details must accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

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

13. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The Structural & Foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:
- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
 - iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
 - iv. The existing groundwater levels in relation to the basement structure, where influenced.
 - v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
 - vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting Geotechnical / Hydro Geological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged

geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

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

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

14. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. DS9 & DS10. Any existing disused crossings shall be removed and constructed with kerb and gutter. Details must accompany an application for a Construction Certificate to the satisfaction of Principal Certifying Authority. A vehicular crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges, prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

15. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications.

A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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.

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

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

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/526/2012;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows

Nature strip and roadway \$20,000

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

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

17. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.
Reason: To preserve community health and ensure compliance with acceptable standards.
18. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.
Reason: To ensure the requirements of Sydney Water have been complied with.
19. If the proposed excavation associated with the erection or demolition of a building extend 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; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating 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 must 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 and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.
Reason: To control excavation procedures.
20. If development involves 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 persons own expense:
- Protect and support the adjoining premises from possible damage from the excavation
 - Where necessary, underpin the adjoining premises to prevent any such damage.
- Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.
Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.
21. The following requirements (from points i to v) shall be complied with and Certifying Authority shall ensure that prior to the issue of Construction Certificate, following conditions are fully complied and incorporated within All Final Design Drawings of these six Lots development prior to being issued for construction;

- i. The minimum floor level for the development **Lots (301, 302, 303, 304 & 305)** shall be 3.70mAHD.
 - ii. The minimum floor level for the development **Lot 306** shall be 4.70mAHD.
 - iii. The minimum basement car park entry ramp level shall be as follows:
 - a) **Lot 301/302** – Crest level RL3.16, drawings Z1-DA-1200/14, Z1-DA-1203/14, Rev 14.
 - b) **Lot 303/304** – Crest level RL3.32, drawings Z2-DA-1200/11, Z1-DA-1203/14, Rev 14.
 - c) **Lot 305** – Crest level RL3.34, drawing Z3-DA-1200/10, Rev 14.
 - d) **Lot 306 (building A-C)** – Crest level RL3.7, drawing Z4-DA-1002/14, Rev 15.
 - e) **Lot 306 (building D)** – Crest level RL4.29, drawing Z4-DA-1004/14, Rev 15.
 - iv. The proposed building and any structures will need to be designed to withstand the forces of floodwater and debris and buoyancy forces up to level of 5.25mAHD. The structures will need to be designed & certified by an experienced practicing Structural Engineer.
 - v. All structural building components shall have flood compatible building components up to a level of 5.25mAHD and a certification shall be required outlining that all six lots building components used for constructions are designed with flood compatible materials.
22. In order to make satisfactory arrangements for the operation of all **Lots 301, 302, 303, 304, 305 & 306** basement stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:
- (a) A holding tank capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
 - (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - i. The permissible site discharge (PSD) rate; or
 - ii. The rate of inflow for the one hour, 5 year ARI storm event.
 - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
 - (d) A 100 mm freeboard to all parking spaces.
 - (e) Submission of full hydraulic details and pump manufacturers specifications.
 - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
- Plans and design calculations along with certification from the Hydraulic designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.
- Reason:** To ensure satisfactory storm water disposal.
23. The underground basement pump holding structure of all **Lots 301, 302, 303, 304, 305 & 306** shall be designed and certified by a Certified Practicing

Structural Engineer, taking into account of the any structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practising Engineer to the satisfaction of the principal Certifying Authority. The principal certifying authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

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

24. A **Flood Emergency Detailed Response Plan**, prepared and submitted for Council approval, for all six lots in particular reference to each of the buildings incorporating the following:

- a) Site based Flood Warning System to be established for the residents and occupiers of the dwellings in order for being fully informed and aware of the flood information and being prepared for any impending flood event.
- b) Effective evacuation frameworks, procedures and final plan shall be prepared as per Council Floodplain Matrix 'Evacuation' Controls which essentially do not support any reliance on SES & other government agencies aid during the site flood emergency situation and the responsible person for each of the buildings for implementation of the evacuation plan.
- c) If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations as per Persons at Risk (PAR) at or above PMF level will be required in each of the buildings,
- d) Incorporate appropriate Measures by reviewing source of potentially hazardous overland flooding leading up to PMF event and also during the longer duration PMF, how it might impact on the final plan evacuation process.

Reason: To ensure an effective site flood emergency response management plan in place.

25. It is essential for the developments of **Lots 301, 302, 303, 304 & 305** that an additional measure in terms of a flood proof gate shall be installed at the basement ramp entrance crest levels defined as per Condition 21 of this Consent. The purpose of this flood proof gate shall be to address impact measures from flooding events reaching towards PMF event flood inundation which will potentially fill basement car park with flood water. In addition, detail design of flood proof gate and maintenance plan shall be submitted to the satisfaction and subsequent approval by i) Certifying Authority and ii) Council, prior to issue of the Construction Certificate and the Final approved copy of Flood Proof Gate Detailed Design & Maintenance Plan shall be submitted to Council for compliance and record purposes.

Reason: To ensure satisfactory measures in place for the basement car park from being filled with floodwater during storm events leading to Probable Maximum Event (PMF) event inundation.

26. Due to the close proximity of the existing Parramatta River and the flood affected surrounding areas, the perimeter walls of the basement shall be constructed using “Tank Construction” method, to prevent any flood waters seeping through the basement walls. In terms of the potential ground water inflows within the basement areas, and to manage any on going seepages, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Principal Certifying Authority, with the Construction Certificate application.
Reason: To ensure the basement is protected from any flood water seepages and adequate dewatering system is in place to manage any ongoing ground water seepages at the basement floors.
27. With respect to the various basement car park entries for **Lots 301, 302, 303, 304, 305 and 306 (Buildings A/B/C & D)** that the potential for upper catchment and/or streetscape surface flows to enter any basement be specifically addressed prior to CC stage of the project. A detailed drainage system analysis shall be required to be undertaken at in order to demonstrate that upper catchment and/or streetscape surface flows will not enter any of the above **SIX LOTS** will not enter the respective basement. A detailed study shall be prepared and needs to be submitted to Council for approval and any recommended measures arising out of the report to be incorporated within the development.
Reason: To ensure that the potential for upper catchment and/or streetscape surface flows to enter any basement shall be eliminated and addressed if required.
28. Prior to the issue of a Construction Certificate, **Lots 301, 302, 303, 304, 305 and 306 (Buildings A/B/C & D)** longitudinal driveways sections and Ramp Access from Basement 1 to Basement 2 levels are to be prepared as per AS 2890.1 (2004) by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scales along both edges of the **proposed driveway**, starting from the centreline of the frontage street carriageway to the proposed basement floor level and also similar sections for Ramp Access from Basement 1 to Basement 2 levels. The Civil/Traffic Engineer shall provide specific written certification to the Certifying Authority on the prepared longitudinal driveways sectional plans that the following five requirements are entirely complied with:
- a. Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
 - b. All LOTS’ RAMP CIRCULATION & GRADES and changes in grade (transitions) are to be complied with Clause 2.5 and 3.3 of Australian Standard 2890.1 (2004) – “Off-street car parking” **to prevent bottoming or scraping** of the underside of vehicles.
 - c. The grade of the driveway is NOT more than **5%** at the nature strip from the kerb & gutter up to the property line and that driveway surface

matches the level of the outer edge of the existing footpath level crossing (intersection).

- d. The grade of the driveway is NOT more than max **5%** for at least the first **6m** from the property line into the car park. Grade Transitions with transition length of at least 2m are provided where the grade change is **12.5%** or more for the Summit grade change and **15%** or more for the Sag grade change.
- e. The access driveway for at least first **6m** from the property boundary to the car park shall have a minimum width of **5.5m** in accordance with AS 2890.1-2004.

Note: The driveway should slope upward from kerb & gutter to the front property line with surface level at the property line at the highest level, at least **150mm** above the top water level of the stormwater flowing down the along the adjacent kerb & gutter, before it slopes down towards the car park, to avoid the street runoff spilling into the property through the driveway.

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

29. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 “Off street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

30. The driveway / access way within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath at the property boundary and that joints are smooth, and no part of the concrete protrudes out.

Reason: To provide suitable vehicle access and smooth junction.

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

Reason: To protect public safety

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

- i. The final stormwater plans are, in general, consistent stormwater plans Drawings (S13110 (HDA07 Rev P4, HDA05 Rev P3, HDA04 Rev P2, HDA11 Rev P4, HDA09 Rev P3, HDA08 Rev P2, HDA22 Rev P4, HDA18 Rev P3, HDA15 Rev P4, HDA13 Rev P4, HDA12 Rev P2, HDA21 Rev P3, HDA17 Rev P3, HDA16 Rev P3, HDA03 Rev P2, HDA07 Rev P4, HDA02 Rev P2)). All drawings were prepared by Floth Sustainable Building Consultants.

Note1. The Council approved Stormwater Plans are for **DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).

- ii. 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".
- iii. The design achieves, when using the Flood detention method (4th edition of Upper Parramatta River Catchment Trust's (UPRCT's), handbook), as shown on the approved stormwater plan.
- iv. 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.
- v. A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.
- vi. 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.
- vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
- viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious odours.
- ix. All OSD tanks shall have clear headroom of 2.2m available for the basement car park underneath the OSD Tanks.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Principal certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practicing Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

33. The underground OSD tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The Certifying Authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

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

34. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of Sydney Water Corporation Ltd confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.
35. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - i. all relevant statutory requirements,
 - ii. all relevant conditions of development consent
 - iii. construction requirements detailed in the above Specification, and
 - iv. the requirements of all legislation relating to environmental protection,
 - b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
 - c. Certify that the Works as Executed plans are true and correct record of what has been built.
36. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
 - (a) Construction Management Plan for the Site
A plan view of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,

- iii. The locations of proposed Work Zones in the egress frontage roadways,
 - iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - viii. *A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.*
 - ix. *A detailed description of locations that will be used for layover for trucks waiting to access the construction site.*
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.
- Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
- (c) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- vii. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - viii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - ix. Minimising construction related traffic movements during school peak periods,

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

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

37. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied 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.

38. Prior to the issue of a Construction Certificate, the applicant is to provide Detailed Landscape Plans that are supplementary to the Concept Landscape Plans approved as part of this consent. The detailed Landscape Plans are to identify landscape treatments of:

- a) The *Pocket Parks* located between Lots 301-302 and 303-304, taking into account the Public Arts Plan required by this consent. The pocket parks are to include shade tolerant turf or native groundcovers;
- b) The landscape frontage of the sites in relation to the southern property boundaries that adjoin the Parramatta River foreshore areas. Such landscape details are to include works in the private and public domain between the southern edge of each building and the existing walkway/cycleway of the Parramatta River foreshore along the full extent of the southern property boundaries of Lots 301-306 (inclusive). Such landscape treatments are to provide details on how an appropriate relationship will be achieved between the interface of the residential flat buildings and the public walkways and foreshore area generally;
- c) Replace 19 x proposed large evergreen trees along Silverwater Road with *Eucalyptus globoides* (White Stringybark) to offset the removal of 5 existing on-site.

The landscape works to the pocket parks as identified in (a) above, are to be recognised in conjunction with any voluntary planning agreement (to be agreed with Council) for the provision of works that provide a material public benefit. The landscape works as required by (a) above can be included to offset Section 94A contributions as agreed with Council. Landscape Plan to be submitted and approved by Council's Group Manager Outcomes & Development before issue of Construction Certificate.

Reason: To ensure that the landscape works to the foreshore area and the pocket parks are delivered in conjunction with the development and that these works are not delayed by negotiations as part of the voluntary planning agreement.

39. Landscaping at the site as identified in the Landscape Concept Plan and the Detailed Landscape Plans as required by this consent is to be modified by

removing and replacing the following species which have been identified as a common garden escapee into riparian areas and potentially invasive by the Sydney Weeds Committee:

- i. *Phyllostachys nigra* (Black Bamboo) with *Bambusa textilis* var. *gracilis* (*Slender Weavers Bamboo*);
- ii. *Robinia pseudoacacia* (Golden False Acacia) with *Acer platanoides* 'Globosum' (Mop Top Maple);
- iii. *Robinia x slavonii* 'Hillieri' (False Acacia) with *Acer platanoides* 'Globosum' (Mop Top Maple);
- iv. *Pennisetum alopecuroides* (Swamp Foxtail) with *Dianella caerulea* (Blue Flax Lily);
- v. *Raphiolepis indica* (Indian Hawthorne) with *Camellia sasanqua*;
- vi. *Koelreuteria paniculata* (Golden Rain Tree) with *Buckinghamia celsissima* (Ivory Curl Flower);
- vii. *Colocasias esculenta* (Taro) with *Crinum pedunculatum* (Swamp Lily).

Details shall be illustrated on a plan submitted with the Construction Certificate.

40. Prior to the issue of a Construction Certificate an Arts Plan (prepared by an artist and including design concepts, site plan for artworks, construction documentation and project management) containing artworks equivalent to 0.5% of the cost of development shall be submitted to, and approved by, Council's Public Arts Officer.

Reason: To provide for high quality artworks and improve the public domain.

41. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, the Certifying Authority must be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed:

- 5db (A) above the background level measured during the day at the site's boundaries; and
- Not exceed the background noise level when operated at night (10.00pm – 6.00am) when measured at the boundary of the site.

A certificate certifying the above criteria can be met is to be provided by an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

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

42. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the quality built form of the development.

43. To minimise the impact of noise from Silverwater Road on the occupants of the building it must be acoustically designed and constructed to meet the requirements of AS3671-1989 (*Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction*), AS 2107-2000 (*Recommended design sound levels and Reverberation times in Building interiors*), the NSW Environment Protection Authority's *Environmental Criteria for Road Traffic Noise* and the Environmental Noise Control Manual (Sleep Disturbance) and Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.

A report from an appropriately qualified person demonstrating that these acoustic and vibration design requirements will be met must be provided to the satisfaction of the PCA prior to the issue of a Construction Certificate.

Reason: To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities.

44. The recommendations outlined in the acoustic report prepared by Acoustic Logic with Document reference number 20130442.1/0406A/R0/JR dated 4 June 2013 along with any other recommendations as part as satisfying Condition labelled **Noise & Vibration from Silverwater Road** in this consent, must be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity

45. Prior to the issue of an Occupation Certificate, documentation is to be provided to the Certifying Authority demonstrating that 61 dwellings, that is 10% of the total 612 approved dwellings, are designed to be adaptable dwellings in accordance with AS4299-1995.

Reason: To ensure that adaptable dwellings are provided in accordance with Council's requirements.

46. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

47. Documentary evidence to the satisfaction of the Certifying Authority must be provided with the application for a Construction Certificate confirming satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development.

Reason: To ensure adequate electricity supply to the development.

48. To reduce the extent of overhead cabling, all low voltage distribution and service mains required to facilitate the development must be underground both within the allotment boundaries and the public way. Details must be

provided with the plans and documentation accompanying the application of a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape.

49. All window openings servicing a bathroom and/or WC within each dwelling must have either frosted or obscure glazing. Details are to be provided on the plans and documentation accompanying the Construction Certificate application to the satisfaction of the Certifying Authority.

Reason: To ensure privacy to these rooms is adequately maintained.

50. Prior to the issue of a Construction Certificate details are to be provided to the Certifying Authority indicating the bedrooms windows of Units 103, 104, 203, 204, 303, 304, 403, 404, 503 & 504 (on the residential flat building at Lot 305) that face the internal light wells are to be treated as high level windows.

Reason: To protect the aural and visual privacy of future residents.

51. A monetary contribution comprising **\$1,862,489.10** or 1% of the detailed cost of the development is payable to Parramatta City Council in accordance with 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 contribution is to be paid to Council prior to the issue of a construction certificate.

Alternatively, the applicant or persons exercising this consent may enter into a Voluntary Planning Agreement (VPA) with Parramatta City Council to provide a material public benefit. In doing so, the Council may as part of the VPA allow the contributions payable as described above to be waived in part or in full depending of the cost of providing the material public benefit.

Advisory Note

- The cost of development is to be determined in accordance with Section 25J of the Environmental Planning and Assessment Regulation 2000.
- The applicable thresholds are listed in Section 25K of the Environmental Planning and Assessment Regulation 2000 and in Part 3.7 of the Parramatta Section 94A Development Contributions Plan.

Reason: To comply with legislative requirements.

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

- Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
53. Separate waste bins are to be provided on site for putrescibles and recyclable material. The Principle Certifying Authority is to ensure the required waste bins are on site prior to the issue of an Occupation Certificate
- Reason:** To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
54. Access and services for people with disabilities must be provided to the 'affected part' of the building in accordance with the requirements of the Access to Premises Standard 2010 and the National Construction Code 2013. Detailed plans, documentation and specification must accompany the application for a Construction Certification to the satisfaction of the Certifying Authority.
- Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.
55. The bicycle storage area must be capable of accommodating a minimum of 1 space per 2 dwellings (306 spaces) in relation to each residential flat building. The bicycle storage areas and bicycle rails must be designed to meet the requirements of AS 2890.3-1993 – Off-street Car Parking Facilities (2004). Details of compliance with this standard are to accompany a Construction Certificate application to the satisfaction of the Certifying Authority.
- Reason:** To promote and provide facilities for alternative forms of transport.
56. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1, AS 2890.1 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.
- Reason:** To comply with Council's parking requirements and Australian Standards.
57. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement car park not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.
- Reason:** To ensure appropriate vehicular manoeuvring is provided
58. A splay extending 2m from each driveway edge along the front boundaries and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

59. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development. Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

60. An *Environmental Enforcement Service Charge* must be paid to Council prior to the issue of a Construction Certificate.

The fee will 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.

61. An *Infrastructure and Restoration Administration Fee* must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Councils 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.

62. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

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.

63. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within the buildings.

Substations are not permitted within the front setback of the site, within the street elevation of the building, within Council's road reserve and under no circumstances are permitted within the pocket parks located between Lots 301 – 302 and Lots 303 - 304.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape and public amenity.

PRIOR TO COMMENCEMENT OF WORKS

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

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

65. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried out inside an existing building that is capable of being secured.

Reason: Statutory requirement.

66. A Hoarding Application to enclose public space is to be accompanied by the appropriate fee calculated according to Council's adopted fees and charges, together with details showing the location and type of hoarding proposed as required by Council's Hoarding Policy.

No works can commence until approval for the hoarding has been obtained.

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

67. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

Reason: To ensure adequate toilet facilities are provided.

68. Public risk insurance in the amount of not less than \$20 million (or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- Above;
- Below; or
- On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

69. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

Reason: To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.

70. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the excavation and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

71. To limit the potential for damage to street trees in proximity to demolition, excavation and building works, appropriate trunk protection must be in place prior to the commencement of any works. Trunk protection must remain in place for the duration of the works and removed upon completion. Details demonstrating compliance is to be submitted to the Principal Certifying Authority.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

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

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

Reason: To maintain pedestrian and vehicular safety during construction.

73. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

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

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

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

Reason: Management of records.

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

Reason: To protect Council's infrastructure.

75. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

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

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

76. Prior to any excavation and or stump grinding on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.
Reason: To prevent any damage to underground utility services.
77. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.
Reason: To ensure soil and water management controls are in place before site works commence.
78. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:
- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
 - (b) Storage of building materials and building waste containers (skips) on Council's property.
 - (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
 - (d) Kerbside restrictions, construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.
- Reason:** Proper management of public land.

79. 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.
80. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material, which will not wash into the street drainage system. The access point is to remain free of any sediment build-up at all times.
Reason: To ensure soil and water management controls are in place before site works commence.

DURING CONSTRUCTION OR WORKS

81. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.
Reason: To ensure appropriate landscaping
82. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.
Reason: To ensure proper management of Council assets.
83. Oversized vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
Reason: To ensure maintenance of Council's assets.
84. All works must be carried out so that:
i. No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of the Parramatta River; and
ii. No materials are likely to be carried by natural forces to the bed, shore or waters of the Parramatta River;
Any material that does enter the Parramatta River must be removed immediately.
Reason: To ensure protection of waterways.
85. No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.
Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

86. The applicant is required to ensure that the shared pathway along the Parramatta River is to remain fully accessible to the public.
Reason: To protect the amenity of public land.
87. All street trees adjacent to the site not approved for removal must be protected at all times during demolition and construction, in accordance with Council's Tree Preservation Order. Details demonstrating compliance is to be submitted to the Principal Certifying Authority.
Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.
88. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.
Reason: To ensure compliance with this consent.
89. Dust control measures must be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.
Reason: To protect the amenity of the area.
90. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition must be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.
Reason: To ensure pedestrian access.
91. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc., must be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.
- Alternatively, if plant and equipment is unable to be placed within the site, prior to the placement of skip bins, concrete pumps, cranes, machinery, any temporary traffic control measures or the like on Council's roads, footpath or nature strip, approval under Section 138 of the Roads Act 1993 is required.
Reason: To protect public infrastructure and land and to ensure public safety and proper management of public land
92. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.
Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

93. 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 of tools, machinery 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.

94. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must 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 effect;
- (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 must be made available to Council and/or the principal certifying authority upon request.

Reason: To allow the PCA/Council to respond to concerns raised by the public.

95. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities. Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

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

Reason: To protect public infrastructure and maintain public safety.

97. 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 DS1. All costs shall be borne by the applicant, and works shall be completed to the satisfaction of Council. Proof of completion of the work shall be submitted to Council prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

98. 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
99. If development involves 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 persons own expense:
- Protect and support the adjoining premises from possible damage from the excavation
 - Where necessary, underpin the adjoining premises to prevent any such damage.
- Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.
100. A Certificate of Compliance from the Consultant Designers and Applicant's Works Supervising Engineer shall be required to be submitted to the Certifying Authority for all six lots towards the satisfactory constructions completion of basement ramp crest levels, ramp grades, driveways and driveways grades, OSD tanks, subsequently complying entirely with this DA consent conditions Nos. **21 (I, ii, iii, iv & v), 28, 29, 30 and 32 (I, ii, vii, viii & ix)**. A copy of the above Compliance Certificate shall be forwarded to Council for record.
Reason: To ensure the constructions of basement ramp crest levels, driveways and driveway grades and OSD tanks of all six lots are complied with this Development Consent.

PRIOR TO RELEASE OF OCCUPATION CERTIFICATE

101. Occupation or use of each building is not permitted until an Occupation Certificate or Interim Occupation Certificate has been issued in accordance with the Environmental Planning and Assessment Act 1979 in relation to each building as part of the proposed staged construction.

The Occupation Certificate/s must not be issued unless the relevant building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with the prescribed fee must be forwarded to Council.

Reason: To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

102. The artworks to be provided as part of the Public Arts Program must be installed prior to the issue of a final Occupation Certificate. This will not limit the ability to issue interim occupation certificates in relation to the staged construction of the proposal.

Reason: To ensure the appropriate implementation of the approved public art plan.

103. Occupation or use of the buildings is not permitted until the detailed Landscape Plan required by this Consent has been implemented in relation to that specific Lot and the adjacent foreshore area (in the event of staged construction).

An occupation certificate or interim occupation certificate is not to be granted in relation to Lots 301-302 and Lots 303-304 until such time as the landscaping of the pocket parks has been completed and such completion has been verified by a qualified landscape architect/designer.

Reason: To ensure that the landscaping in the public domain adjacent to the site is completed as part of this development.

104. The acoustic measures required by the acoustic report and other acoustic conditions of this consent (relating to noise from Silverwater Road) must be implemented prior to issue of any Occupation Certificate or interim occupation certificate in relation to the residential flat buildings on Lot 306.

Reason: To minimise the impact of noise.

105. A street number is to be placed on each individual property/building forming part of this development approval in a readily visible location from a public place prior to the issue of an Occupation Certificate in relation to that building. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

106. Prior to the issue of the occupation certificate, suitable provision of letterboxes shall be provided with the number and location of letterboxes to be agreed upon by Council.

Reason: To ensure acceptable provision of letterboxes.

107. Prior to the issue of the occupation certificate, convex mirrors are to be installed within all basement levels with its height and location adjusted to allow an existing driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers.

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

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

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the

bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

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

Advisory Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

109. 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 following BASIX Certificates that relate to each lot, will be complied with prior to occupation of each building on the respective Lot.

Lot Number	BASIX Certificate Number
Lot 301	Certificate No. 503837M
Lot 302	Certificate No. 503869M
Lot 303	Certificate No. 503874M
Lot 304	Certificate No. 503946M
Lot 305	Certificate No. 503947M
Lot 306	Certificate No. 503960M

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

110. The developer must submit to the Principal Certifying Authority a letter from the telecommunications company confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of any Occupation Certificate or interim Occupation Certificate for each building.

Reason: To ensure provision of appropriately located telecommunication facilities.

111. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate or interim Occupation Certificate for each building.

Reason: To ensure appropriate electricity services are provided.

112. Prior to the issue of any Occupation Certificate or Interim Occupation certificate for each building, an intercom system must be provided in a convenient location adjacent to the basement entries of each residential flat building to enable visitor parking entry to be controlled from all dwellings.

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

113. Prior to the issue of any Occupation Certificate in relation to each building, the developer is to provide the Principle Certifying Authority with evidence

satisfactory arrangements have been made with a telecommunications provider to provide broadband access to the development.

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

Web www.nbnco.com.au/NewDevelopments

114. Prior to the issue of an Occupation Certificate or Interim Occupation Certificate in relation to the residential flat building at Lot 306, a Building Code of Australia Compliance Report is to be submitted to the Principle Certifying Authority demonstrating that Unit 108 N Store on Level 1 of the residential flat building on Lot 303 complies with all relevant aspects of the BCA.

Reason: To ensure that the commercial aspect of the proposal complies with the BCA

115. Prior to the issue of an Occupation Certificate for each building, a final fire safety certificate must be issued as required by Clause 153 of the Environmental Planning and Assessment Regulation 2000.

Reason: Protection of life and to comply with legislative requirements

116. Works-As-Executed stormwater plans shall be submitted to Certifying Authority prior to the issue of the Occupation Certificate, certifying that the OSD Tanks and stormwater drainage system have all been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate.
- b) Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- c) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- d) The Work-As-Executed plans have been prepared and signed by a registered surveyor (including Registration Number) certifying the accuracy of dimensions, levels, storage volumes, etc.
- e) 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 abovementioned registered surveyor.
- f) OSD Works-As-Executed survey certification form and dimensions form (refer to UPRCT Handbook - Form B10 and Form Attachment B).
- g) 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.

- h) Approved installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- i) Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- j) 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.

117. Prior to issue of the Occupation Certificate 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 for the maintenance of the basement pump system and the on-site storm water detention facilities on all of the SIX LOTS only upon satisfactory completion of OSD systems and following certification by the Hydraulic Engineer. 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 to the satisfaction of the Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E 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 Principal Certifying Authority prior to issue of an Occupation Certificate.

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

Reason: To ensure effective maintenance of on-site detention and basement pump out systems and facilities.

118. Prior to issue of the Occupation Certificate, the Certifying Authority shall ensure that all Six Lots have Flood Evacuation Measures implemented on site, as per the Council's approved "Flood Emergency Detailed Response Plan". This shall also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within each Lot and all other prominent locations around each Lot, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Flood Emergency Detailed Response Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports

during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

Reason: To ensure the property owners / occupants are aware of the procedure in the event of flooding.

119. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction dilapidation/damage report with the pre-construction dilapidation/ damage report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.

A copy of this report is to be forwarded to Council for record.

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

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

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

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

121. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/770/2013** has been submitted to Certifying Authority.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

122. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:
- (a) The development application and Construction Certificate number as registered;
 - (b) The address of the property at which the inspection was carried out;
 - (c) The type of inspection;
 - (d) The date on which it was carried out;
 - (e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and
 - (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
- Reason:** To comply with legislative requirements.

USE OF THE SITE

123. The unit labelled 108 N Store and its immediate curtilage on Level 1 of the residential flat building located on Lot 303 is to be used as a Neighbourhood Shop.
- Hours of operation are limited to 7.00am to 7.00pm Monday to Saturday and 8.00am to 6.00pm on a Sunday or public holiday.
- Reason:** To protect the amenity of the area.
124. Trade waste water associated with the neighbourhood shop use must be disposed of in accordance with the permit requirements issued by Sydney Water.
- Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.
125. The strata body of each residential flat building is responsible for the removal of all graffiti from the building/structures/signage and/or fencing on the respective properties within 48 hours of its application.
- Reason:** To ensure the removal of graffiti.
126. Any external plant/air-conditioning system must not exceed a noise level of 5 dBA above the background noise level when measured at the boundaries of the property.
- Reason:** To minimise noise impact of mechanical equipment.
127. A sign, legible from the street frontage, must be permanently displayed detailing the location of visitor parking on the site. The visitor car parking spaces must be clearly marked.
- Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.