

# **ASSESSMENT REPORT – Residential Flat Building S79C – Environmental Planning & Assessment Act 1979**

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## **SUMMARY**

### **Application details**

DA No:	DA/81/2015
Assessment Officer:	Leland Sanchez
Property:	Lot 17 DP 35120, Lot 16 DP 35120, Lot 15 DP 35120, 16 – 18 Collett Parade and 202 James Ruse Drive, PARRAMATTA NSW 2150
Proposal:	Demolition and construction of a part three storey/part four storey residential flat building containing 38 units over a basement car park. The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009, with all units proposed as affordable rental housing.
Date of receipt:	20-Feb-2015
Applicant:	Bridge Housing
Owner:	NSW Land & Housing Corporation
Submissions received:	Three
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Key issues raised in submissions:	Parking, traffic, privacy, bulk and scale
Recommendation:	Approval

## Legislative requirements

Zoning:	R4 High Density Residential under Parramatta Local Environmental Plan 2011
Permissible under:	State Environmental Planning Policy Affordable Rental Housing 2009 (SEPP ARH)
Relevant legislation/policies:	Parramatta Local Environmental Plan 2011; Parramatta Development Control Plan 2011; BASIX SEPP, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65 Design Quality of Residential Flat Development.
Variations:	Maximum building height.
Integrated development:	No
Crown development:	No

## The site

Site Area:	1874 m <sup>2</sup>
Easements/rights of way:	No
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	There is no site history relevant to the current application.

## DA history

20 Feb 2015	Application lodged
4 – 25 Mar 2015	Advertising period
25 Mar 2015	Design Excellence Advisory Panel assessment
2 May 2015	On-site meeting
25 Mar 2015 & 18 Jun 2015	Additional information submitted

## SECTION 79C EVALUATION

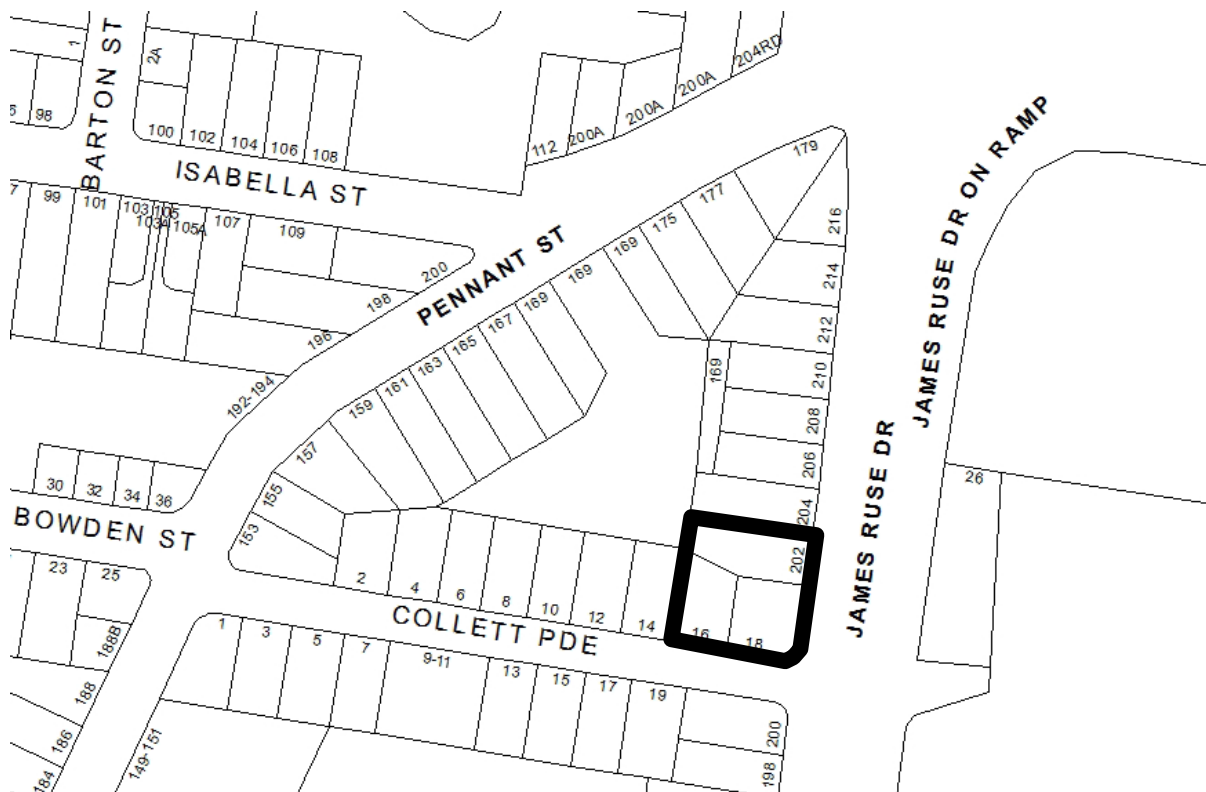
### SITE & SURROUNDS

The subject development site is located on the northern side of Collett Parade, at the intersection with James Ruse Drive (the Kissing Point Road off-ramp). The site has frontage of 38.5 metres and 37.2 metres to Collett Parade and James Ruse Drive respectively and has a total site area of 1,874 square metres. The site falls 2 metres towards the south at a grade of 5%. A single storey fibro dwelling currently stands on each of the three lots.

The only trees within the site which are protected under the Tree Preservation Order are a Norfolk Island Pine and a Silky Oak. The eight other trees are either noxious species or less than 5 metres in height.

Power poles are located in the footpath area along the site's James Ruse Drive frontage but not along the Collett Parade frontage.

Adjoining and nearby development comprises single and two storey detached dwellings. The car park of the church at No.169 Pennant St adjoins the rear boundary of No.202 James Ruse Drive. The land on the southern side of Collett Parade is a parking area associated with the UWS Parramatta North Campus. Macquarie Boys Technology High School is located on the opposite side of James Ruse Drive.



## Locality Plan

### THE PROPOSAL

Consent is sought for the following:

- Demolition of the three existing dwellings;
- Removal of 2 trees within the site which are protected– the Norfolk Island Pine and the Silky Oak;
- Construction of a part three storey/part four storey residential flat building containing 38 units.
- The proposal has the following unit mix: 6 x studios; 21 x 1 bedroom and 11 x 2 bedroom.
- The proposal has 6 x adaptable units (3 x 1 bedroom and 3 x 2 bedroom); and
- A total of 24 parking spaces are provided for residents, as well as a separate car wash bay. No visitor parking is proposed. All 25 parking spaces are within the single basement level, accessed from a ramp located towards the western end of the Collett Parade frontage.

Bicycle racks and parking spaces for motorcycles are included in the basement.

Vehicle and pedestrian access is oriented to Collett Parade. The majority of the units, however address James Ruse Drive.

All units are to be rental units under the State Environmental Planning Policy Affordable Rental Housing 2009.

The Statement of Environmental Effects comments that *“the proposed development is intended to be held in perpetuity and operated for a minimum ten (10) years from the issue of the Occupation Certificate by the applicant (Bridge Housing) which is a Tier 1 registered Community Housing provider.”*

### PERMISSIBILITY

#### Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a residential flat building of which is defined 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 proposed development is suitably defined as a residential flat building which is permissible, with consent.

#### SEPP (Affordable Rental Housing) 2009

The proposed development is permissible, with consent, under Division 1 of the SEPP ARH – *In-fill Affordable Housing* and the application has been submitted pursuant to this part of the SEPP.

Clause 10 of Division 1 of the SEPP applies, inter alia, to residential flat buildings where they are permitted with consent under another environmental planning instrument and where the land on which the development is proposed is within an “accessible area”.

The type of development proposed i.e. a residential flat building is permitted under the site’s R4 zoning under Parramatta LEP 2011.

The SEPP’s accessible area criteria in the case of the subject site are that the site must be located “within ... 400 metres walking distance of a bus stop used by a regular bus service” with at least one bus per hour between 6am and 9pm each day from Monday to Friday and between 8am and 6pm on Saturday and Sunday.

The walking distance from the site to the bus stop in Pennant St of the 545 bus service Parramatta to Chatswood is about 260 metres and the schedule of the service satisfies the frequency criteria.

Division 5 of the SEPP ARH (*Residential flat buildings – social housing providers, public authorities and joint ventures*) does not apply to the proposed development, as this section of the SEPP applies where a residential flat building development is not permitted under another environmental planning instrument.

Division 6 of the SEPP ARH (*Residential development – Land and Housing Corporation*) does not apply to the proposed development, as the development application has not been lodged by the NSW Land and Housing Corporation or lodged on behalf of the Corporation. The owner’s consent letter from NSW Land and Housing Corporation for the lodgement of the current application advises of the sale of the subject lots to Bridge Housing Ltd. Accordingly, the current development application is not regarded as constituting Crown development.

## **REFERRALS**

### **Development Engineer**

The development application was referred for comment of which no objection was raised to the proposed development, subject to conditions being incorporated into the development consent.

### **Landscape**

The development application was referred to the Landscape Tree Management section for comment of which no objection was raised to the proposed development, subject to conditions being incorporated into the development consent.

## **Traffic Engineer**

Council's Traffic and Transport Investigations Engineer had assessed the proposed development and concluded:

*“the proposed development is not expected to have a significant traffic impact on Collett Parade, James Ruse Drive or the surrounding road network.”*

The proposed development is therefore supported on traffic and parking grounds, subject to recommended conditions.

The existing capacity of the surrounding street network is adequate in accommodating the proposed development. It is noted that the current parking conditions on Collett Parade is unrestricted on both sides within the vicinity of the subject development site.

## **Environment and Public Health**

The Senior Environmental Health Officer commented that the proposed development satisfies the requirements of Council's controls and is supported, subject to the adoption of the Building Design Recommendations of the submitted Acoustic report prepared by N G Child and Associates.

## **Social Outcomes**

The Manager of Social Outcomes advised that the proposed development is supported, given that it will increase the stock of affordable housing in the area to the benefit of people on low to moderate incomes. Furthermore, the site's proximity to the UWS Parramatta campus is positively viewed, being ideally suited for

*“key workers ... such as cleaners, teaching staff and PhD researchers. Finally, the proposed development is supported “given the ongoing development and gentrification of the Parramatta LGA, with associated housing price rises and the related accommodation difficulties for community and social services workers such as emergency services, police, ambulance and childcare staff.”*

## **Waste Management Regulatory Services**

The development application was referred for comment of which, no objection was raised to the proposed development, subject to conditions being incorporated into the development consent.

## **Design Excellence Advisory Panel**

The development application was considered by the panel at its meeting on 25 March 2015. The Design Excellence Advisory Panel (DEAP) provided the following comments on the application:

1. *The scheme has been well considered and resolved, and is generally supported by the Panel.*
2. *The Panel make a general comment that the FSR increase allowable under the ARHSEPP creates a range of amenity issues, which are particularly evident in lower density residential areas. On a corner site such as this, many of the internal planning, privacy and overlooking problems that are seen on infill sites are able to be resolved satisfactorily.*
3. *Notwithstanding the above, the Panel believe that a slight reduction in yield to improve residential amenity could be considered here.*
4. *The Panel are concerned that 21 of the 38 units face directly east towards James Ruse Drive.*
5. *An alternative (and preferred) strategy would be to consider additional height along the Collett Parade frontage – (4 Storeys or 12-13 metres). This would allow many more units to face north and avoid exposure to the visual, acoustic and air quality impacts of James Ruse Drive.*
6. *The Proposal appears to have difficulty complying with SEPP 65 natural ventilation targets, evidenced by the deep slots in the James Ruse Drive elevation that do not really work from an amenity perspective.*
7. *The Panel supports the proposed common circulation planning strategy, even though there are 12 units/lift (exceeds SEPP 65/RFDC Rule of Thumb maximum of 8). The scheme provides excellent natural light and ventilation to the common corridors and is skilfully planned.*
8. *The building has been well considered in terms of its residential scale, character and aesthetic qualities. The Panel recommend however that more consideration is afforded to the acoustic and visual amenity of units facing James Ruse Drive. This may involve built and landscape screening elements.*
9. *The panel noted that the apartment mix does not comply with SEPP 65 RFDC recommendations.*
10. *The pedestrian path between the driveway and the main pedestrian entry should be deleted and the space given over to the two ground floor units as landscaped private open space.*

DEAP's comments are agreed with. In regard to points 4 and 5, discussions were held with the applicant on 12 June 2015, following the Joint Regional Planning Panel (JRPP) Briefing session held on 10 June 2015. The JRPP were noted to have supported the recommendation in the Briefing report which sought to relocate two or three units from the eastern elevation to an enlarged level three, allowing improved solar access and cross ventilation for the relocated units as well as ventilation improvements to the remaining eastern elevation units. It should be noted however that these changes have not been made after discussion with the

applicant. This is further discussed under the heading **JRPP Briefing Session 10 June 2015** later in this report.

## **External Referrals**

### **Endeavour Energy**

The development application was referred to the Endeavour Energy which advised the following two matters:

1. The balconies and roof on the James Ruse Drive elevation project within the 3 metre secondary street setback. The projecting balconies and roof do not comply with the minimum safe distances/clearances for voltages up to 132,000. If the minimum safe distances cannot be complied with in regard to the cited Technical Specifications, either the building setback will need to be increased or the existing overhead power lines undergrounded for length of the James Ruse Drive frontage.

#### Comments

Increasing the setback from James Ruse Drive conflicts with the design approach underpinning the architectural plans, to concentrate the building's density towards the James Ruse Drive frontage to minimize the impact with the adjoining residential development to the west (in Collett Parade) and north (in James Ruse Drive) of the site.

Furthermore, increasing the setback from James Ruse Drive appears impractical in terms of the development achieving the 0.5:1 Floor Space Ratio (FSR) bonus which is prescribed in State Environmental Planning Policy (Affordable Rental Housing) 2009. As submitted, the proposal utilises the full bonus to achieve an FSR of 1.29:1, thereby complying with the permitted maximum FSR of 1.3:1.

It is considered that an appropriate solution, should the applicant be unable to comply with Endeavour Energy's Technical Specifications at Construction Certificate stage, is for the undergrounding of the existing power lines to be pursued. Proposed condition 27 has been worded to address this.

2. The proposed landscape planting in the James Ruse Drive footpath along the site's frontage shall be of low growing shrubs, with a mature height of 3.5 metres.

#### Comments

Proposed condition 80. addresses this requirement and cross references to proposed condition 27. (required undergrounding of power lines, if required, as detailed in the point above).

## **Roads & Maritime Services**

The development application was referred to the Roads and Maritime Service (RMS) for comment, of which they did not raise any objections to the proposed

development, subject to conditions being incorporated into the development consent.

## **JRPP Briefing Session 10 June 2015**

The overview report presented to the Briefing Session supported the proposed development, subject to recommended minor design changes to address the concerns identified by DEAP. Specifically, this related to the concentration of units to the James Ruse Drive frontage, with the associated noise exposure, east facing access in terms of solar orientation, poor aspect and ventilation concerns. It was recommended to relocate 2 or possibly three one bedroom units from this eastern section of the building and relocate them to an enlarged level three.

While this would increase the proportion of the building which exceeds the maximum 11metre height limit and a revision of the Clause 4.6 submission, the relocated units would benefit from better solar access and improved ventilation, gain district views and be further from the road noise. The reduction in unit density in the eastern elevation would correspondingly improve unit separation and ventilation the remaining units.

The JRPP endorsed this suggested design change. Subsequently, a meeting was held with the applicant, the project architect and the applicant's consultant planner on 12 June 2015 to further outline the proposed design changes, gauge their receptiveness to the possible changes and discuss the timing implications.

## **Applicant's Response**

By letter dated 18 June 2015, the applicant's consultant planner has advised that the proposed changes are not supported for the following reasons:

Solar Access: It is claimed that under the current design, 28 of the proposed 38 units i.e. 73% will achieve the minimum solar access levels of the SEPP ARH (which is the same as those in SEPP 65 and the associated Residential Flat Design Code i.e. 70% of dwellings (living rooms and private open space areas) should achieve 3 hours direct sunlight between 9am and 3pm in mid-winter.

*Comment: The applicant's claimed 73% figure is not agreed with. As per the SEPP ARH compliance table previously detailed in this report, the calculated figure is that 34% of units comply in this regard. This issue is discussed in more detail under the heading Solar Access following the Residential Flat Design Code table.*

Cross Ventilation: It is claimed that under the current design, 30 of the proposed 38 units i.e. 79% will have natural cross ventilation, thereby complying with the SEPP 65 and the associated Residential Flat Design Code standard of 60% of units.

*Comment: The applicant's claimed 79% figure is not agreed with. The proportion of units which will have natural cross ventilation is calculated at 65%. This is assessed as satisfactory.*

Noise Exposure: The applicant maintains that the submitted acoustic report demonstrates that the background noise level for the bedrooms of units fronting Collett Parade is calculated as higher than for those units facing James Ruse Drive, “resulting in more rigorous acoustic treatment for the bedrooms of the units fronting Collett Parade”.

The applicant also comments that reduction in the number of ground floor units and corresponding increase in the number of upper floor units would also expose more units to increased noise, given that the ground floor units have the benefit of the “boundary fence as a noise barrier”.

*Comment: The applicant’s claim in regard to the first paragraph is noted. This is further discussed in the following points.*

*The applicant’s claim in regard to the second paragraph is not agreed with, as it was not suggested by Council staff to relocate any of the ground floor units facing James Ruse Drive, only units on levels one and two. Secondly, the effectiveness of the 1.2 metre high courtyard fence facing James Ruse Drive as a noise barrier is doubted. The proposed fence mostly comprises galvanised steel inserts between masonry pillars. Secondly, with a height of only 1.2 metres, the effectiveness of the fence as a noise barrier is questioned.*

#### Improved Outlook:

The applicant claims that the reduction in the number of ground floor units and corresponding relocation to level 3, will deprive units of the ground floor landscaped courtyard aspect, to be replaced by a possibly minimum 6 square metre balcony.

*Comment: As per the comment above in regard to Noise Exposure, Council staff had not been suggesting that units be relocated from the ground floor. Secondly, the site is located at a highpoint in regard to land in the broader locality. The site has views to the north, looking towards Oatlands, to the south, looking towards Victoria Road, to the east, looking towards Macquarie Boys High School and UWS housing, and lastly, to the west, towards Isabella St. An increase in the number of units accessing these views is considered a beneficial amenity design improvement.*

#### Funding and Construction Timeframe:

The applicant points out that the Federal Government’s National Rental Affordability Scheme (NRAS), with which the proposed development is being undertaken, requires occupation of the building’s units by 30 June 2016. Given that acceptance of the suggested design changes would require both the preparation of amended plans as well as the re-notification of the amended plans, it is agreed that on this point alone, the suggested design changes cannot reasonably be accommodated.

These matters are further discussed in the **Conclusion** to this report.

## PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of Parramatta Development Control Plan 2011, the proposal was advertised in the local paper and a sign placed on the site, with owners and occupiers of surrounding properties given notice of the application for a 21 day period from 4 March 2015 to 25 March 2015. In response, 3 submissions were received from:

- No.4 Collett Parade Parramatta (This submission is a petition signed by 39 local residents of Collett Parade, Pennant St and James Ruse Drive);
- No.204 James Ruse Drive Parramatta; and
- No.6 Collett Parade Parramatta.

The location of the properties which made individual submissions or signed the petition, in relation to the subject site, is shown on the following map:



Submission



Signed Petition



The issues raised in the submissions are addressed below:

***Issue: Reduction in property values.***

### Comments:

No professional evidence is submitted to support this claim, such as valuations relating to similar type development. The objection is therefore, not supported. Furthermore, the objection point is not a matter for consideration under section 79C of the Environmental Planning and Assessment Act.

***Issue: The sale of public land risks public safety.***

Comments:

All three properties which form the development site are currently owned by NSW Land and Housing Corporation. The applicant is a Community Housing provider and the Statement of Environmental Effects states that it is intended to operate the proposed development for a minimum of ten years in its role as a Community Housing Provider.

***Issue: Traffic effects on Collett Parade, due to the additional traffic which will be generated, the narrowness of the street and unrestricted parking on both sides. It is claimed that the street parking is used by students of the UWS Parramatta North campus. It is questioned whether Collett Parade has sufficient width to allow parking on both sides as well as safe two way movement in the middle. Danger to the area's elderly residents and children who play on Collett Parade.***

Comments:

The proposal has been assessed by Council's Traffic and Transport Engineer, who raises no objections in respect to traffic generation and impact on the surrounding street network. The traffic and parking conditions on Collett Parade during the construction and operation period is to be monitored and managed by virtue of Conditions of Consent. On-site parking is discussed later in this report.

***Issue: Noise during the construction period and later when the building is occupied.***

Comments:

Construction noise would be controlled by the permitted construction hours prescribed in the Conditions of Consent and would ensure that no undue impact would result to adjoining properties. The Protection of the Environment Operations Act 1997 and associated Regulation would continue to apply in regard to protecting residents from undue noise levels.

***Issue: Building height and bulk is out of character with the current neighbourhood.***

Comments:

It is acknowledged that the proposed development is the first kind of Residential Flat Development in accordance with the current R4 High density residential zoning which prevails over the immediate area. The subject site as well as most of the local area, however, has been zoned R4 since the gazettal of the Parramatta Local Environmental Plan 2011. The proposed development is generally consistent with the Development Standards which apply to the site in respect of Floor Space Ratio and Building Height. Therefore, it is considered that the proposed development is a type of development which has been contemplated for the area and exhibits a modern and contemporary design that would raise the design benchmark for the immediate locality.

The current and future character of the locality is further discussed in this report in consideration of State Environmental Planning Policy (Affordable Rental Housing) 2009.

***Issue: Loss of privacy from overlooking of No.202 James Ruse Drive. Six balconies on the northern elevation will overlook the rear garden.***

Comments:

The two closest balconies to the rear garden of No.202 James Ruse Drive are on the first and second floors and are located 11.6 metres from the common boundary fence. The other four balconies are located on the first and second floors with a distance of 14.2 metres from the common boundary fence. These distances generally accord with the building separation controls of 12 metres which is prescribed in the Parramatta Development Control Plan 2011 and the Residential Flat Design Code and therefore, is considered to be satisfactory.

All six balconies address the deep soil communal recreation garden area in the rear north-western corner of the site. While shrub and tree planting is proposed along the common boundary with the rear garden of the adjoining property with a mature height ranging from 1.5 metres to 4-6 metres respectively, the location of the higher (4-6 metres) tree planting would not block the direct line of sight from the two closest balconies. Planting of a suitable height tree in the central grassed area of the communal garden area would assist in filtering the view from these two balconies. This is to be provided in proposed condition 80. This measure would satisfactorily address this concern.

Amended Plans

No

Amended and additional supporting information involving a revised acoustic and traffic reports and a Social Impact Assessment Statement were submitted, subsequent to lodgement only.

In accordance with Clause 5.5.9 of the Parramatta Development Control Plan 2011, "*Notifications of Amended Development Applications Where the Development Is Substantially Unchanged*" the application did not require re-

notification as the amended application is considered to be substantially the same development and would not result in a greater environmental impact.

## ENVIRONMENTAL PLANNING INSTRUMENTS

### STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The following table shows the assessment of the proposed development against the controls of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH):

Development Standard	Required	Proposed	Complies
Floor Space Ratio	Base FSR + 0.5:1 bonus, where the percent of GFA used for affordable housing is 50% or higher. All units are proposed to be used for affordable rental housing)	A FSR of 1.29:1 is proposed.  This complies with the maximum allowable FSR of 1.3:1 (0.8:1 + 0.5:1), because the percent of gross floor area to be used as affordable rental housing satisfies the 50% or higher standard.	Yes
Site area	450m <sup>2</sup>	1,874m <sup>2</sup>	Yes
Landscaped Area	35 m <sup>2</sup> per dwelling (38 dwellings require 1330 m <sup>2</sup> )	520.6 m <sup>2</sup>	No
Deep soil zone	15% of the site (281.1m <sup>2</sup> ) and min dimension of 3m	13.5% (254m <sup>2</sup> )	No
Solar access	70% of dwellings to receive 3 hours direct sunlight between 9.00a.m and 3.00p.m in winter.	34% of units (living rooms and private open space areas) will achieve 3 hours solar access.	No
Parking	0.4 space per 1 bedroom dwelling  0.5 space per 2 bedroom	24 spaces provided	Yes

	1.0 space per 3+ bedroom  16 (rounded down from 16.3) spaces required		
Dwelling size	Minimum size of: 35 m <sup>2</sup> per studio 50m <sup>2</sup> per 1 bdrm 70m <sup>2</sup> per 2 bdrm 95m <sup>2</sup> per 3 bdrm	All units comply with the minimum size requirement.	Yes
Character of Local Area	Take into consideration whether the design of the development is compatible with the local area.	An assessment of the compatibility of the proposal with the locality is discussed at the end of this table.	Yes
Affordable housing use time control	Must be used for affordable housing for 10 years from issue of an Occupation Certificate.	Applicant (community housing provider) advises this will be complied with.	Condition to be imposed.

Consideration of the key matters of compliance in the SEPP are discussed as follows:

**Clause 16A - Character of Local Area:**

The Land and Environment Court judgement in *Project Venture Development Pty Ltd v Pittwater Council [2005]* NSW LEC 191 set out the following assessment criteria, adopted by the court as a planning principle, for the merit assessment of local area character:

- Step 1 – Identify the local area.
- Step 2 – Determine the character (present and future) of the local area.
- Step 3 – Determine if the development is compatible with the character of the local area.

As assessment against each step is provided below:

**Step 1 – Identify the local area**

The local area is primarily the visual catchment of the site, as viewed from within the site and directly adjacent to the site on the street. The site and its visual catchment are identified in the following aerial photo:



Red line indicates the visual catchment of the site, from both within the site and externally. The white line indicates the subject site.

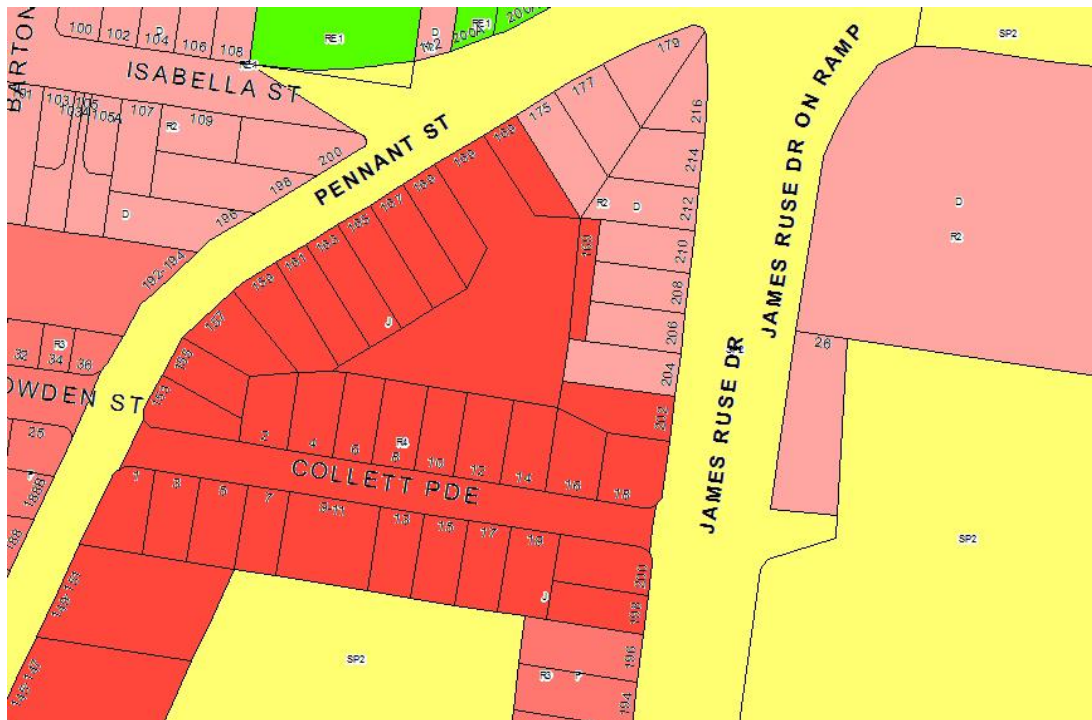
## **Step 2 – Determine the character (present and future) of the local area**

### Present character of the area

The local area is mostly low density residential development, comprising detached dwellings, mostly single storey and fibro and tile construction. Newer dwellings are of brick construction and two storey, from the 1970s to 1990s. Nearby non-residential development comprises large educational sites, being the open parking area of the UWS Parramatta North campus site on the southern side of Collett Parade and the Macquarie Boys High School on the opposite side of James Ruse Drive.

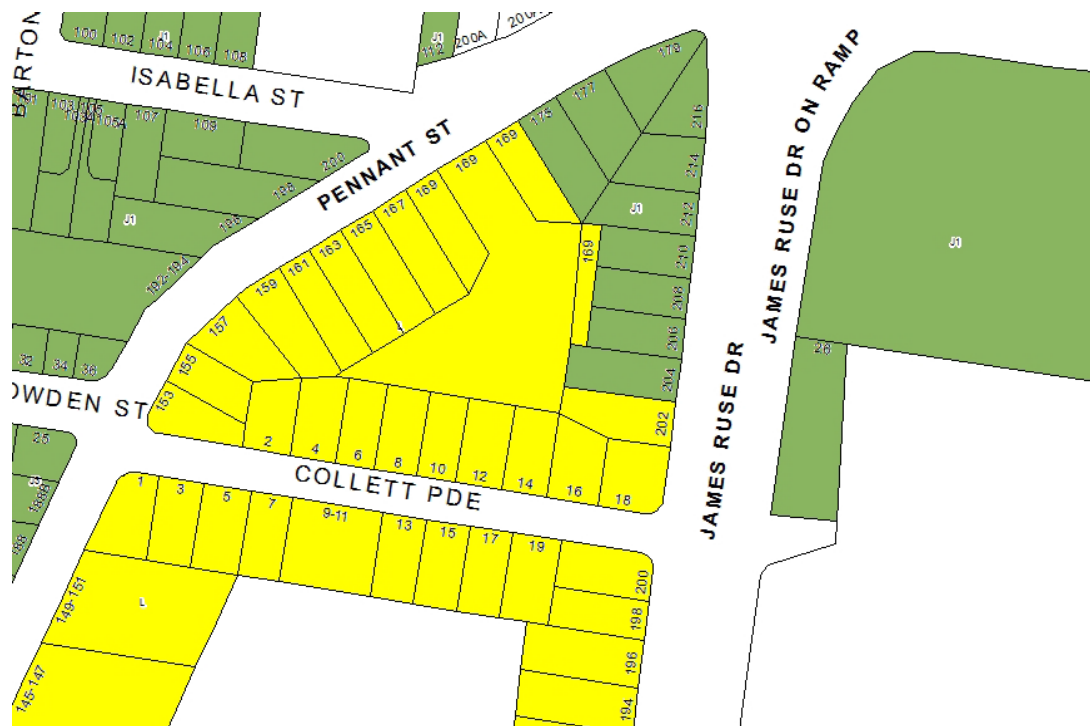
### Future character of the area

Under Parramatta Local Environmental Plan 2011, Collett Parade and the adjacent part of Pennant Street are zoned R4 (High Density Residential) and R3 (Medium Density Residential). Both these zones facilitate higher density residential development than currently exists, in recognition of the proximity of the area to the adjoining and nearby major traffic arteries (James Ruse Drive, Victoria Road and Kissing Point Road).



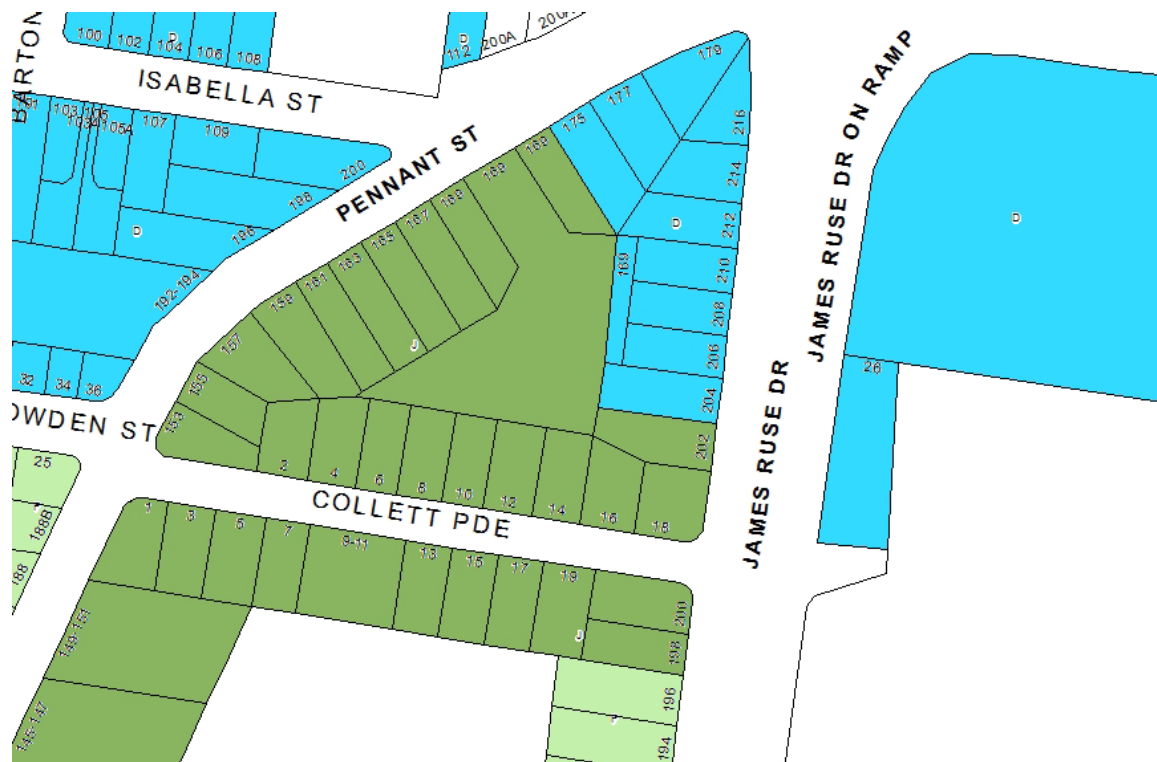
The Floor Space Ratio and Building Height controls applying to the local area are shown in the two following illustrations:

## Height of Buildings



The building height limit which applies to the subject site and the adjacent parts of Collett Parade and Pennant Street is 11 metres.

## Floor Space Ratio:



The FSR which applies to the subject site and the adjacent parts of Collett Parade and Pennant Street is 0.8:1.

It is clear that under Parramatta Local Environmental Plan 2011, the built form and character of the local area is intended to change to that of higher density, attached residential development.

### **Step 3 – Determine if the proposed development is compatible with the character of the local area**

In accordance with the Land and Environment Court's planning principle and recent case law, compatibility is best defined as "capable of existing together in harmony". To test compatibility, the following two questions are to be answered:

- *Are the proposed development's physical impacts on surrounding development acceptable?* (The physical impacts include constraints on the development potential of surrounding sites, such as privacy, overshadowing, visual bulk and streetscape compatibility.)

While the proposed part three storey, part four storey building will not be in character with the existing built form characterised as predominant single storey character of the area, the corner location and adjacent educational land use (the UWS site) minimise the impact of the proposed development. The shadowing would not impact adjoining residential properties, apart from the adjoining property at No.14 Collett Parade (immediately to the west of the site). Part of this property would be shadowed in the early morning (9am) in mid-winter only, however a minimum 3 hours of sunlight is achieved in any case.

In terms of overlooking, the most affected property is No.204 James Ruse Drive, immediately to the north of the site. This is discussed later in this report.

In respect to existing streetscape, the proposed development would add an element not found in the current Collett Parade or James Ruse Drive streetscape. Notwithstanding this, landscape planting along the Collett Parade setback would partially screen and soften the height and bulk of the proposed development.

- *Is the proposed development's appearance in harmony with the buildings around it and the character of the street?*

In the context of the current streetscape, the proposed development would not be in harmony but would be consistent with the desired future character of the area which anticipates residential flat development with a maximum height of 3-4 storeys. The proposed development would be in harmony with the character sought to be realised in the controls set by Council.

In conclusion, based on the desired future character of the area which reflects the development controls in Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011, the character of the local area test set out in Clause 16A of SEPPARH is considered to have been satisfied.

### **STATE ENVIRONMENTAL PLANNING POLICY No.65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT 2002**

State Environmental Planning Policy No.65 (SEPP 65) applies to the proposal as it is a residential flat building which comprises 3 storeys in height.

As discussed in the referral section of the report, the application was considered by Council's Design Excellence Advisory Panel (DEAP) which considered SEPP 65. DEAP resolved to generally support the proposal, subject to 'an alternate (and preferred) strategy.' In summary, DEAP recommended and increase in building height along the Collett Parade frontage by relocating units from the James Ruse Drive elevation. (This option is discussed elsewhere in this report).

### **(a) Design Principles**

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below:

#### ***Context***

Generally, the design of the proposed building is considered to respond to, and contribute to its context, having regard to the desired future qualities of the area. The proposed development meets the requirements of the Parramatta Local Environmental Plan 2011 in terms of permissibility. Notwithstanding, given the additional FSR permitted under the SEPP ARH, the proposal would exceed the FSR and building height controls of the Parramatta Local Environmental Plan 2011.

In respect to the 11 metre building height limit, the proposed variation is supported by a Clause 4.6 Exception to Development Standards. These matters are discussed in detail elsewhere in this report.

In regard to the site context, based on current and future local area character, the proposed development is appropriate for its location.

#### ***Scale***

The scale of the building is considered suitable in this locality, with the building complying with most of the envelope and footprint controls by in the Parramatta DCP.

#### ***Built form***

The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.

#### ***Density***

The proposal would result in a unit density capable of being accommodated by the site, allowing compliance with setbacks, but not complying with some of the SEPP

(ARH) controls such as landscaped area, deep soil zone and solar access, however these are considered to be satisfactory relative to the site and its context.

The non-compliances in these areas are due to the 0.5:1 FSR bonus which the SEPPARH offers and is taken up in the current application. Notwithstanding these non-compliances, the proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

### ***Resource, energy and water efficiency***

A BASIX Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building.

### ***Landscape***

A Landscape Plan was submitted with the proposal. The landscaping options are considered to be adequate, subject to some minor adjustment in respect to better provision of visual privacy for the six units with balconies which overlook the rear garden of No.204 James Ruse Drive. The ground level perimeter landscaping will provide suitable visual amenity for the future building's occupants.

### ***Amenity***

Generally, the proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes and the natural lighting and ventilation available to the common corridors.

### ***Safety and security***

The proposal is considered to be satisfactory in terms of future occupants overlooking public and communal spaces while maintaining internal privacy and ensuring that the ground floor tenancies are located at the street boundary.

### ***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, providing additional housing choice within the area in close proximity to public transport and potential employment opportunities.

### ***Aesthetics***

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.

## (b) Development Principles

The following table shows the assessment of the proposed development against the controls of SEPP 65 and the accompanying Residential Flat Design Code:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	32m	No
Storage	1 bedroom 6m <sup>3</sup> 2 bedroom 8m <sup>3</sup> 3 bedroom 10m <sup>3</sup>	34 storage units provided.	No
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All comply.	Yes
Residential ceiling heights	Minimum 2.7m	All comply.	Yes
Min. Apartment size	1 bedroom 50m <sup>2</sup> 2 bedroom 70m <sup>2</sup> 3 bedroom 95m <sup>2</sup>	All units comply with the minimum apartment size.	Yes
Open Space	The area of communal open space should be between 25-30% of the site area. i.e. 468-562 m <sup>2</sup>	315m <sup>2</sup> communal open space provided.	No
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone	81% of the common open space area is provided as deep soil.	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	No more than 5 units provided off lobbies	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	34% of units (living rooms and private open space areas) will achieve 3 hours solar access.	No
Daylight	Limit the number of	15% (6 units –	No

Access	single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	all studios) have a single aspect towards the south	
Natural ventilation	60% of units should be naturally cross ventilated	65% of units (25) have cross-ventilation	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	36% of kitchens (14 units) have access to natural ventilation.	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	All kitchens are within 8m of a window.	Yes
Separation	12m between habitable rooms (up to 4 storeys)	68% of the proposed units satisfy this control, but 12 of the 1 bedroom units do not comply in this regard.	No

The non-compliances identified in the preceding table are a consequence of the proposed Floor Space Ratio, as outlined earlier in this report under the heading

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The proposed development's non-compliances are further discussed in the **Conclusion**, in which the overall level of resident amenity and the community benefit of provision of additional affordable housing are recommended to be given determining weight sufficient for approval of the application, subject to the recommended conditions.

### **Solar Access**

The applicant's claim that 28 of the proposed 38 dwellings (73%) will achieve compliance with the 3 hours direct solar access on the winter solstice, as supposedly demonstrated on drawing A03, is not agreed with. The submitted plans show that the orientation of the eastern elevation of the building is not at right angles with true north. Accordingly, it is assessed that the non-corner units in the eastern elevation have a slight south-eastern orientation, which the Daylight Access controls of the Residential Flat Design Code seeks firstly, to minimize and secondly, to limit to a maximum of 10% of the total number of units proposed. The percentage of non-corner located units in the eastern elevation is 38%.

The applicant has also suggested, in the response letter following the JRPP Briefing Session meeting on 10 June 2015, that solar access could also be

improved by the provision of highlight windows/louvres in the side walls of the twelve non-corner located units in the eastern elevation, although the applicant comments that this could raise BCA fire separation issues and would require further investigation.

The following comments are made in response to this suggestion by the applicant:

- The side wall of six of the twelve units in question is south facing, and
- The side wall of the other six units, while north facing, is only separated from the corresponding south facing side wall by 2.23 metres, thereby substantially restricting solar access.

The applicant's position on this issue is not agreed with, for the reasons set out above.

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

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

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

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

## **SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)**

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour.

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained within the deemed SEPP.

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

In accordance with the requirements of Clause 45(2) of the SEPP, Endeavour Energy was notified of the proposal, as outlined above under **External Referrals**.

The objectives and provisions of Clause 101 (Development with frontage to classified road) are satisfactorily addressed. Vehicular access is provided from Collett Parade and the functioning of James Ruse Drive will not be affected by the proposed development. Lastly, measures to ameliorate traffic noise have been addressed.

In regard to Clause 102 (Impact of road noise or vibration on non-road development), the noise criteria have been addressed in the submitted acoustic report. The recommendations of the report to ensure internal noise levels comply with those specified in the clause are addressed by proposed condition 7.

### **STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010**

On 15 December 2010, the NSW Government published the Urban Renewal State Environmental Planning Policy (SEPP). The Urban Renewal SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation. The first three precincts identified under the SEPP are Redfern-Waterloo, Granville town centre (that includes parts of Harris Park, Parramatta and Rosehill as well) and the Newcastle CBD.

The site is not identified as being within a precinct currently identified as being a candidate for renewal and revitalisation. Given this, the provisions of the SEPP do not apply. It is however noted that this development will assist in renewing and revitalising the immediate precinct.

### **PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011**

#### **(a) Objectives of the Zone**

The objectives of the R4 High Density Residential zone are as follows:

- a) To provide for the housing needs of the community within a high density residential environment.*
- b) To provide a variety of housing types within a high density residential environment.*

- c) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- d) *To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*
- e) *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 proposed development is consistent with those objectives of the R4 High Density Residential zoning which are applicable to the proposed development i.e. objectives (a), (b) and (d), as the proposed development is suitably located, and of a bulk and scale that maintains suitable residential amenity for adjoining sites.

### **(b) Development Standards**

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

<b>COMPLIANCE TABLE</b>		
<b>Development standard</b>	<b>Compliance</b>	<b>Comment</b>
Land Use Table – R4 High Density Residential Zone	Yes	Residential Flat Buildings are permissible in the R4 zone.
4.3 Height of Buildings  Does the building exceed the maximum building height shown for the land on the Height of Buildings Map?	Yes	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 11m above existing natural ground level.</p> <p>The development has a maximum height of 13.65 metres. (Clause 4.6 Exception submitted)</p>



<p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	Yes	The site is not identified on this map.
5.3 Development near zone boundaries	N/A	N/A
<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p>	N/A	N/A
<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	N/A	N/A
5.9 Preservation of trees.	Yes	See previous discussion on tree removal in the referral section of this report.
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p>	N/A	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.

<p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site?</p>	N/A	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.
<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	<p>N/A</p> <p>No</p>	The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared.
<p>6.2 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>	Yes	Council's Development engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
<p>6.3 Flood planning</p> <p>Is the site floodprone?</p>	N/A	The site is not identified by council as being floodprone.
<p>6.4 Biodiversity protection</p> <p>Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?</p>	N/A	The site is not identified on this map.
<p>6.5 Water protection</p> <p>Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?</p>	N/A	The site is not identified on this map.
<p>6.6 Development on landslide risk land</p> <p>Is the site identified as being landslide risk land on the 'Landslide Risk Map'?</p>	N/A	The site is not identified on this map.

6.7 Affected by a Foreshore Building Line	No	The site is not located in the foreshore area.
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### **(c) Clause 4.6 - Exceptions to development standards**

A request for exception under Clause 4.6 was lodged as the proposed development exceeds the 11 metre building height limit set out in Clause 4.3(2) Height of Buildings in the Parramatta Local Environmental Plan 2011. The provisions of Clause 4.6 is set out as follows:

- “(1) The objectives of this clause are as follows:*
- (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.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (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, and*
  - (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) the public benefit of maintaining the development standard, and*
  - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

The applicant has provided the following justification for the non-compliance with the development standard:

1. The two parts of the building which exceed the 11 metre height limit (the lift over-run and part of the three units on the third floor) are set in from the floor below, thereby allowing a stepping-down effect. This design aspect allows compliance with the transition objective of clause 4.3(1)(a) of PLEP 2011 and the DCP's height plane control.
2. The additional building height does not any detrimental impact in regard to the following considerations:
  - Visual impact when viewed from the public domain;
  - Disruption of views;
  - Privacy loss. The orientation of the units on level 3 is to James Ruse Drive, not the nearby residential properties to the west or north of the site; and
  - Overshadowing. The additional shadowing caused by the height variation will fall, during the winter solstice, on the UWS car park and on the Collett Parade and James Ruse Drive roadways.
3. The additional building height does not affect any listed heritage sites or their settings.
4. The additional building height will not have any effect on the existing character and scale of the nearby low density residential areas.

#### **Assessment of the exception under clause 4.6:**

In assessing an exception to vary a development standard, the following needs to be considered:

1. *Is the planning control a development standard?*

Yes, the 11 metre height limit of clause 4.3(2) is a development standard, as defined under section 4 of the Environmental Planning and Assessment Act.

2. *What is the underlying object or purpose of the standard?*

The objectives of the PLEP 2011 building height limits are set out in clause 4.3(1) as:

- “(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.”*

3. *Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development*

*standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?*

Compliance with the 11 metre height development standard would unreasonably limit the potential of the proposed development in regard to the accommodation of much needed affordable housing, without accompanying environmental impact reasons supporting the need for compliance with the development standard. Strict compliance with the height of buildings would be disadvantageous in respect to the economic welfare of the community and in that regard, impact on the orderly and economic use and development of the subject site.

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

Yes, there are no environmental reasons relating to the site context or the proposed building which warrant compliance with the PLEP 2011 11 metre height limit.

5. *Is the exception well founded?*

Yes, the non-compliance with the applicable 11 metre building height limit is justified in the site circumstances. The environmental effects of the non-compliance are acceptable for the following reasons:

- The additional shadowing will not fall on any residential properties.
- No view corridors will be affected. None of the land near the street block bound by James Ruse Drive, Collett Parade and Pennant Street, within which the site is located, overlooks the street block. The nearby land is either at a similar level as the subject street block or at a lower level.
- The orientation of the uppermost level towards James Ruse Drive and the stepped design of the uppermost level relative to the level below will both act to mitigate any overlooking of adjoining or nearby residential properties.

## **DEVELOPMENT CONTROL PLANS**

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

<b>Development Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Site Considerations</b>		
2.4.1 Views and Vistas  Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those	The site does not have views and vistas identified as being significant by either Appendix 2 nor is it located in the Harris Park	Yes

<p>identified in Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.</p> <p>Are views to and from public domain areas protected?</p>	<p>Conservation Area.</p> <p>The proposed development exhibits a modern and contemporary design that would enhance the prevailing built form of the surrounding area.</p>	
<p>2.4.2.1 Flooding</p> <p>Is the site flood affected by local or mainstream flooding?</p>	<p>The site is not identified in Council database as being flood prone.</p>	<p>Yes</p>
<p>2.4.2.2 Protection of Waterways</p> <p>Does the site adjoin a waterway?</p>	<p>No</p>	<p>N/A</p>
<p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement car park proposed?</p> <p>If yes does the site require dewatering to facilitate this</p>	<p>The development includes a basement car park but is assessed as unlikely to impact on groundwater quality</p>	<p>Yes</p>
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	<p>An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and</p>	<p>Yes</p>

	not unduly contribute to wind blown soil loss.	
2.4.3.2 Acid sulphate soils	Refer to LEP table above	
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'?	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development.	Yes
2.4.4 Land Contamination Is the site identified as or likely to be contaminated?  If yes have the requirements of SEPP 55 been satisfied?	The site is not contaminated nor is there any previous history that may have caused contamination.	Yes
2.4.5 Air Quality  Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.	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 has a gentle slope and maintains a built form which responds to the contours of the site	Yes
2.4.7 Biodiversity  Is vegetation removal appropriate?  Does the landscape plan incorporate indigenous planting listed in Appendix 3?  If the site contains or adjoin bushland is a Statement of Flora/Fauna Impact Required?	Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not	Yes

	required.	
<p>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</p> <p>Does the site adjoin land zoned E2 or W1?</p> <p>If yes, does the development satisfy the design principles?</p>	<p>The site does not adjoin land zoned E2 or W1.</p>	N/A
<p>2.4.8 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p>	<p>Yes, both street frontages (Collett Parade and James Ruse Drive) are satisfactorily addressed. Yes</p> <p>Yes</p>	Yes
<b>3. Preliminary Building Envelope</b>		
<p>Frontage</p> <p>Minimum 24m or Minimum 18m if the site has two street frontages</p>	<p>The site has street frontages of 38.5 metres (Collett Parade) and 37.1 metres (James Ruse Drive off-ramp)</p>	Yes
<p>Height</p> <p>Does the proposal exceed the Maximum height as shown on the Parramatta LEP 2011 Height of Buildings Map? –</p> <p>Does the proposal exceed the number of storeys outlined in the DCP height table?</p>	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 11m above existing natural ground level.</p> <p>The development has a maximum height of 13.65 metres.</p>	No



structures, decks and the like and any area with a width or length of less than 2m are excluded b) the water surface of swimming pools is included c? landscaping is to be at ground level d) the minimum soil depth of land that can be included as landscaped open space is 1m.		
<p>Special Precincts?</p> <p>Is the site located within a <b>town or neighbourhood centre</b> where site specific controls contained in section 4.1 have been prepared?</p> <p>Objectives:</p> <p>(1) Provide high and medium density housing development that responds to existing development.</p> <p>(2) To provide improved pedestrian links throughout the precinct, particularly to and from the primary school, university and public open spaces.</p>	<p>Yes - the site is located in the Collett Park Precinct under section 4 of DCP 2011.</p> <p>N/A – there is no medium or high density housing development in the immediate vicinity of the subject site. Low rise (two storey) town house development is located at 9-11 Collett Parade, 63 metres from the subject site. Two storey town house development is also located at 149-151 Pennant St, 200 metres from the subject site.</p> <p>These development have no built-form relationship with the proposed development.</p> <p>The site is not affected by any existing or</p>	Yes

	proposed pedestrian links.	
<b>3.2. Building Elements</b>		
<b>3.2.1 Building Form and Massing</b> Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	Yes, there is no recent development in the vicinity of the subject site which is of a similar height, bulk and scale	Yes
<b>3.2.2 Building Façade and Articulation</b> 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?  Does the building exceed the building envelope?  If yes, by more than: <ul style="list-style-type: none"> <li>• 800mm for balconies and eaves:</li> <li>• 600mm for Juliet balconies and bay windows</li> </ul> Are Multiple stair lift/cores provided to encourage multiple street entries?	Yes, all elevations are satisfactorily modulated.          Yes, in some areas, such as rear (northern) setback and balcony and roof setbacks along the James Ruse Drive (secondary street) elevation.   Yes	Yes          Satisfactory
<b>3.2.3 Roof Design</b>  Does that roof form minimise the bulk and scale of the building?  Does the roof form respond to the local context, in particular scale and pitch?	Yes  N/A	Yes
<b>3.2.5 Streetscape</b>  Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?  Do Garages and parking structures dominate the building façade and front setback?	Yes       No. A basement car park is provided to minimise the	Yes

<p>If the development adjoins an existing or desired pedestrian or vehicular laneway does the development provide opportunities to activate the space?</p> <p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and deliverers?</p>	<p>impact of parking structures on the building façade and the front setback.</p> <p>The development does not adjoin an existing or desired pedestrian/vehicular laneway.</p> <p>Yes</p> <p>Yes</p>	
<p><b>3.2.6 Fences</b></p> <p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p>	<p>Yes, along both frontages.</p> <p>No</p>	<p>Yes</p>
<b>3.3 Environmental Amenity</b>		
<p><b>3.3.1 Landscaping</b></p> <p>Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?</p> <p>If the basement car park extends beyond the building envelope is a minimum soil depth of 1m provided from the top of the slab?</p>	<p>N/A</p> <p>N/A</p>	<p>Satisfactory</p>
<p><b>3.3.2 Private Open Space</b></p> <p>Is a minimum of 10m<sup>2</sup> of private open space with minimum dimensions of 2.5m?</p>	<p>The ground floor units are provided with courtyards with areas between 19m<sup>2</sup> and 52m<sup>2</sup></p> <p>Units on the upper levels have balconies with areas between 10m<sup>2</sup> and 18m<sup>2</sup>.</p>	<p>Yes</p> <p>Yes</p>

	A total of 18 of the 27 units with balconies do not comply with the 2.5 metre minimum dimension, but the non-compliance in this regard is minor, with all balconies complying or exceeding the minimum area requirement.	
<p>3.3.2 Common Open Space</p> <p>Is a minimum of 10m<sup>2</sup> of COS provided per dwelling?</p>	No (380 sq metres required, 312 sq metres proposed). This is a consequence of the availability of the SEPP ARH FSR bonus.	No, but satisfactory.
<p>Swimming Pools</p> <p>Is a swimming pool proposed?</p>	A swimming pool is not proposed.	N/A
<p>3.3.3 Visual Privacy</p> <p>Do balconies face the street or another element of the public domain such as a park?</p> <p>Is a minimum building separation of 12m provided between habitable rooms/ balconies?</p>	<p>Mostly satisfactory but concerns in regard to overlooking of the rear garden of 204 James Ruse Drive – discussed elsewhere in this report and addressed by way of proposed condition.</p> <p>No</p>	No, but conditioned.
<p>3.3.4 Acoustic Amenity</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to</p>	<p>Yes – noise assessment report submitted.</p> <p>Yes</p>	Yes

achieve internal noise levels of no greater than 50dBA.?		
<p>3.3.5 Solar Access</p> <p>Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>	<p>No, 13 units (34%) comply in this regard.</p> <p>Yes</p>	No
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p> <p>Does the building have a maximum depth of 18m?</p>	<p>All floors have a minimum 2.7 metre floor to ceiling height.</p> <p>No – 65%.</p> <p>Yes</p> <p>No</p>	Satisfactory
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p>	<p>Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed</p>	Yes

<p>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p>	<p>appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p> <p>Yes Council's Development Engineer has assessed the submitted stormwater management plans and advised that they are satisfactory in regard to water quality measures.</p>	
<p><b>3.3.7 Waste Management</b></p> <p>Is the waste management plan satisfactory?</p> <p>Is the bin room appropriately sized for the number of bins required?</p>	<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p>	<p>Yes</p>
<p><b>3.4 Social Amenity</b></p>		
<p><b>3.4.1 Public Art</b></p> <p>Is an arts plan required?</p> <p><b>Note: Arts plans are required if the site is over 5000m2 or:</b> If the development has a capital value of more than \$5,000,000 and is located in the following major local centres and zoned as indicated in the Parramatta LEP 2011, is required to provide and implement an Arts Plan as part of the overall development. The plan is to include the provision of high quality artworks within the</p>	<p>No (not triggered because of the site not being in one of the listed major local centres)</p>	<p>N/A</p>

<p>development in publicly accessible locations, near main entrances and street frontages and in lobbies.</p> <ul style="list-style-type: none"> <li>- Epping - B2 Local Centre</li> <li>- Ermington - B2 Local Centre</li> <li>- Granville - B2 Local Centre and B4 Mixed Use</li> <li>- Guildford - B2 Local Centre</li> <li>- Harris Park - B1 Neighbourhood Centre</li> <li>- Westmead - B4 Mixed Use</li> </ul>		
<p><b>3.4.4 Safety and Security</b></p> <p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries oriented to the street?</p>	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.</p> <p>Yes</p>	Yes
<p><b>3.4.5 Housing Diversity and Choice</b></p> <p>Is the unit mix in accordance with the following:</p> <p>The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 3 bedroom 10% - 20%</li> <li><input type="checkbox"/> 2 bedroom 60% - 75%</li> <li><input type="checkbox"/> 1 bedroom 10% - 20%</li> </ul> <p>Have adaptable dwellings been provided in accordance with the following ratio:</p> <p>Less than 10 = 1 10-20 = 2 more than 20 = 10%</p>	<p>No – no three bedroom units provided. This is reasonable given the affordable rental housing commitment of the proposal.</p> <p>Yes</p>	Satisfactory
<b>3.5 Heritage &amp; Part 4 Special Precincts</b>		
<p>Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.</p> <p>Does the site contain a heritage item?</p> <p>Is the site within a heritage conservation area?</p>	<p>N/A</p> <p>No</p> <p>No</p>	N/A

Is the development near a heritage item?  If yes to any of the above is the impact of this development acceptable?	No	
3.5.2 Archaeology  Is excavation proposed?  If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)?	Yes  Yes, however the site is identified as having little archaeological research potential.  .	Yes
3.5.3 Aboriginal Cultural Heritage	Council's records identify the site as having low sensitivity. Referral to the local Aboriginal Land Councils is not required.	Yes
3.6.2 Sustainable Transport  If the development contains more than 50 apartments and is located within 800m of a railway station/ 400m of a bus stop with a service frequency of an average of 15minutes or less between 7am and 9am is a car share parking space provided?	N/A	N/A
<b>3.6 Parking Provision</b>		
If the site is not within 400m walking distance of a railway station or a transitway bus stop with a service frequency of 10minutes or less between 7am and 9am weekdays is parking provided within a basement at the following minimum rate:  0.6 spaces per studio apartment 1 space per 1 bedroom unit 1.25 spaces per 2 bedroom unit 1.5 spaces per 3 bedroom unit	SEPP ARH rates apply and are complied with.	N/A

2 spaces per 4 bedroom unit Plus 0.25 space per dwelling for visitor parking A car wash bay which may also be a visitor space		
Is 1 bicycle parking space provided per 2 units?		
3.6.3 Accessibility and Connectivity  If the development is a large site with a street pattern that limits pedestrian movements is it appropriate for pedestrian through link with a minimum width of 3m to be provided?	N/A	N/A
3.7.2 Site consolidation and isolation		
Does the proposal result in adjoining sites being isolated e.g. adjoining sites would not meet the minimum frontage requirements etc.	The proposal does not result in the isolation of any adjoining properties	N/A

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

Section 3.6 of the current plan (Amendment No 4 adopted on 20 May 2015) states that a development contribution will not be imposed where the sole purpose of the proposed development is to provide affordable housing. Accordingly, no condition has been applied in this regard in the proposed Development Consent.

### **PLANNING AGREEMENTS**

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

### **REGULATIONS**

There are no specific regulations that apply to the land to which the development application relates.

### **LIKELY IMPACTS**

#### **Site Analysis**

Nearby development comprises single storey dwellings, with some larger two storey dwellings and some townhouse developments. The consistency with the existing and likely future character development in the area is addressed in the SEPP ARH section above.

## **Access, Traffic & Parking**

The proposed vehicular access for the development complies with the Australian Standards for Parking Facilities (AS2890.1:2004). The increase in traffic generation from the additional dwellings was considered acceptable by Council's Traffic Engineers and will have a minimal impact on the existing traffic conditions.

## **Utilities/Infrastructure**

The proposed use will not adversely impact existing utilities or public infrastructure. Conditions have been imposed within the recommendation requiring the applicant to liaise with Endeavour Energy to ensure that the proximity to the aboveground electricity wires in James Ruse Drive are protected in relation to the distance from the wires to the nearest balconies and roof overhang.

## **Fire Safety**

All building work associated with the development must be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

## **Noise & Vibration**

To minimise noise and vibration as a result of construction works, a standard condition of consent will be imposed for work including demolition, excavation and construction activities associated with the development, including the delivery of material to and from the site shall only be carried out 6 days a week, Monday to Friday between the hours of 7.00am to 5.00pm and Saturday 8.00am to 5.00pm.

## **Security by Design**

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The front entry door to the complex faces towards the street, with balconies also providing opportunities for natural surveillance from within the units to the front setback and public domain.

## **Impacts during Construction**

Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

## **Social & Economic Impact**

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

## **ESD & the Cumulative Impact**

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

## **SUITABILITY OF THE SITE**

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

## **SUBMISSIONS & PUBLIC INTEREST**

Three submissions were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

## **Conclusion**

The proposed development is assessed as being overall satisfactory and is supported, with approval recommended, subject to the proposed conditions.

There are a number of areas where the proposal is identified as not meeting the controls of SEPP ARH and SEPP 65 and the accompanying Residential Flat Design Code. There are landscaped area; deep soil provision; solar access; building depth; storage provision, open space and unit separation. Compliance with these controls is made more difficult by the 0.5:1 floor space ratio bonus which the SEPP ARH offers and is sought to be fully taken up by the proponent, in an effort to maximize the provision of affordable rental housing. This is understandable, given the proponent (Bridge Housing) is a community housing provider and the entire development is proposed to be used as affordable rental housing. Accordingly, full compliance with the SEPP ARH and the SEPP 65 controls cannot reasonably be expected and, secondly, must be weighed against the community benefit of affordable rental housing being provided to the greatest possible extent.

In this context, it is considered that the identified areas on non-compliance should not prevent the development proposal from proceeding. Furthermore, these areas of non-compliance are not identified as unreasonably reducing the level of resident amenity which is achieved within the overall development proposal.

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

Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

## Recommendation

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

### APPROVAL SUBJECT TO CONDITIONS

- (a) That the JRPP as the determining authority, support the variation of Clause 4.3 Height of Buildings of the Parramatta Local Environmental Plan 2011 pursuant to Clause 4.6 Exception to Development Standards;
- (b) That the JRPP as the determining authority grant development consent to Development Application No. DA/81/2015 for demolition and construction of a part three storey/part four storey residential flat building containing 38 units over a basement car park for the use of all units as affordable rental housing at 16 Collett Parade, PARRAMATTA NSW 2150, 18 Collett Parade, PARRAMATTA NSW 2150, 202 James Ruse Drive, PARRAMATTA NSW 2150 for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the following conditions; and
- (c) That those who made submission be advised of the decision made by the JRPP.

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### **“Appendix 4” to Section 79C Assessment Report - DA/81/2015**

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## **DRAFT CONDITIONS OF CONSENT**

Upon the signature of the applicable delegate the conditions in this Appendix will form the conditions of development consent.

**Development Consent**                      **DA/81/2015**  
**No.:**  
**Property Address:**                      **Lot 17 DP 35120, Lot 16 DP 35120, Lot 15 DP 35120**

## **General Matters**

### **PA0001      # Approved plans and supporting documentation**

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

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Location Plan, Dwg No. A01	Barry Rush & Ass	17.2.15
Basement Plan, Dwg No. A02	Barry Rush & Ass	17.2.15
Ground Floor Plan, Dwg No. A03	Barry Rush & Ass	17.2.15

First Floor Plan, Dwg No. A04	Barry Rush & Ass	17.2.15
Second Floor Plan, Dwg No. A05	Barry Rush & Ass	17.2.15
Third Floor Plan, Dwg No. A06	Barry Rush & Ass	17.2.15
Roof Plan, Dwg No A07	Barry Rush & Ass	17.2.15
Elevation Plan (South & East), Dwg No. A08	Barry Rush & Ass	17.2.15
Elevation Plan (West & North), Dwg No. A09	Barry Rush & Ass	17.2.15
Section Plan, Dwg No. A10	Barry Rush & Ass	17.2.15
Demolition Plan, Dwg No A13	Barry Rush & Ass	17.2.15
Stormwater Plans, Dwg Nos. C01 – C06	Barry Rush & Ass	16.2.15
Landscape Plans, Dwg Nos LA01, LA02 (both issue B)	Barry Rush & Ass	18.2.15
Site survey sheets 1 & 2	Donovan Ass	17.2.15

Document(s)	Prepared By	Dated
Statement of Environmental Effects	CPS Pty Ltd	Mar 2015
Waste Management Plan	Barry Rush & Ass	undated
Finishes Schedule	Barry Rush & Ass	undated
BASIX Certificate No 610108M		
Acoustic & Vibration Assessment	N G Child & Ass	12 Mar 2015
Accessibility Review	AEDGroup	16 Mar 2015

**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.

#### LA0001 #Tree Retention

2. Trees to be retained are:

Tree No	Name	Common Name	Location	Tree Protection Zone (m)
11	<i>Lagerstroemia indica</i>	Crepe Myrtle	Adjoining property – Refer to arborist report	3m

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

**PA0004      No encroachment on Council and/or Adjoining proper**

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

**PA0011      #Demolition of Buildings**

4. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an

- approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
  - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
  - (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
  - (i) Demolition is to be completed within 5 days of commencement.
  - (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
  - (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
  - (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
    - (i) Proposed ingress and egress of vehicles to and from the construction site;
    - (ii) Proposed protection of pedestrians adjacent to the site;
    - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
  - (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
  - (n) Before demolition works begin, adequate toilet facilities are to be provided.
  - (o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
  - (p) Within 14 days of completion of demolition, the applicant must submit to Council:
    - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
    - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
    - (iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

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

**PA0002 Building work in compliance with BCA**

5. 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.

**LA0002 Demolition & tree removal**

6. Trees greater than 5 metres in height must not be removed or damaged.  
**Reason:** To preserve existing landscape features.

**EWA0002 Amenity of waste storage areas**

7. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.  
**Reason:** To maintain the amenity of the area.

**Prior to the issue of a Construction Certificate**

- (Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

**PBNSC Non-standard - Prior to the issue of a CC  
Replacement kerb and gutter on James Ruse Drive**

8. The design and construction of the replacement kerb and gutter along James Ruse Drive shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Manager Developer Works, Statewide Delivery, Parramatta (telephone 88492138).

Detailed design plans of the proposed kerb and gutter are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

**Reason:** Ensure compliance

**PBNSC Site Excavation  
Site Excavation**

9. Design drawings and documents relating to the excavation of the site and support structures are to be submitted to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001. All documentation is to be submitted at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to: Project Engineer, External Works Sydney Asset Management Roads and Maritime Services, PO Box 973 Parramatta CBD 2124. Telephone 8849 2114, Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

**Reason:** Ensure compliance with RMS requirements

**PBNSC      Basement car park - manoeuvring compliance**

**Basement car park – manoeuvring compliance**

10. 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:** Ensure compliance with Council's parking requirements

**PBNSC      Driveway splay**

**Driveway Splay**

11. A splay extending 2metres from the driveway edge along the front boundary and 2.5metres 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 from Collett Parade. 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:** Ensure compliance with Australian Standards and ensure pedestrian safety

**PBNSC      Motorcycle parking and bicycle facilities**

**Motorcycle parking and bicycle facilities**

12. 6 motorcycles and 10 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-1993. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** Compliance with Council's parking requirements

**PBNSC      Parking spaces - compliance**

**Parking Spaces – Compliance**

13. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that bollards are to be provided in each shared area (at a distance of 800mm-850mm from the parking aisle) adjacent to the disabled parking spaces in accordance with AS 2890.6-2009.

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

**DB0009      Collect&discharge of dirty water from car wash bay**

14. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.  
**Reason:** To ensure satisfactory storm water disposal.

**PB0002 Long Service Levy payment for Constr. over \$25,000**

15. 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.

**PB0003 Building work in compliance with BCA**

16. 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 and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

**PB0008 No external service ducts for multi-unit develop**

17. 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.

**PB0010 #Acoustic Report**

18. The recommendations outlined in the acoustic report prepared by N G Child & Ass with reference number CA/14/60-2003 dated 12 Mar 2015 shall 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.

**PB0012 Single master TV antenna**

19. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed 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.

**PB0023 Outdoor lighting**

20. All outdoor lighting must comply with the relevant provisions of AS/NZS 1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Details demonstrating compliance with these requirements must accompany the Construction Certificate application and be to the satisfaction of the Certifying Authority.

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

#### **EWB0001 Appoint waste contractor**

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

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

#### **EWB0002 Separate waste bins for general & recycling waste**

22. Separate waste bins are to be provided on site for recyclable waste.

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

#### **PB0033 Energy Provider requirements for Substations**

23. 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.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

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

#### **PB0036 Noise Management Plan -Demo. Excav. & Construction**

24. A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses qualifications to render them eligible for membership of the Australian

Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include, but not be limited to the following:

- (a) Confirmation of the level of community engagement that has, is and will be undertaken with the Building Managers/occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases..
- (b) Confirmation of noise, vibration and dust monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties during the main stages of work at neighbouring noise sensitive
- (c) What course of action will be taken following receipt of a complaint concerning site noise, dust and vibration?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring properties to a minimum.
- (e) What plant and equipment is to be used on the site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring properties and other less intrusive technologies available.

**Reason:** To maintain appropriate amenity to nearby occupants.

**PB0039 #Adaptable Dwellings for Multi-unit and RFB's**

25. The development must incorporate 6 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

**Reason:** To ensure the required adaptable dwellings are appropriate designed.

**PB0025 #Above bonnet storage provision**

26. Lockable storage must be provided for the four units for which storage enclosures have not been provided. This can be in the form of boxes located above the bonnet of vehicle(s) for resident parking within the basement car park.

The storage container is to be a minimum of 2m wide by 1m deep and 1.5m high. Details must be provided with the plans and documents accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To provide appropriate storage facilities to future occupants.

**PB0016 Overhead cabling multiple dwellings only  
Aboveground Wiring Along James Ruse Drive Frontage**

27. To address the requirements of Endeavour Energy regarding the proximity of the balconies and roof overhang on the building's James Ruse Drive elevation to the existing aboveground wires, the applicant is to liaise with

Endeavour Energy regarding the minimum safe distances and clearances for voltages up to and including 132,000 volts specified in Overhead Line Design – Detailed Procedures AS/NZS7000:2010 “Overhead Line Design – Detailed Procedures. If compliance to the satisfaction of Endeavour Energy cannot be achieved, the existing overhead power lines for the full length of the site’s James Ruse Drive frontage are to be undergrounded.

For further advice on this matter, Endeavour Energy recommends submission of a Technical Review Request to the authority’s Network Connections (form FPJ6007).

**Reasons:** Compliance with Energy Authority’s requirements.

#### **DB0002 Retaining walls**

28. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary. Any structural retaining walls warranted as the result of excavation, including the basement perimeter walls and the foundations must be designed by a Practising Structural Engineer, in accordance with the recommendations made in the Site Investigation Report (Geotechnical Report), dated April 2, 2014, prepared by SMEC Testing Services Pty Ltd, Consulting Geotechnical & Environmental Engineers. Details shall be included with the final Construction Drawings submitted for approval.

**Reason:** To minimise impact on adjoining properties and to ensure the retaining walls, basement perimeter walls and foundations are structurally adequate.

#### **DB0003 Sydney Water Quick check**

29. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water 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. This process will result in the plans being appropriately stamped.

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

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

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

#### **DB0004 Dial Before you Dig Service**

30. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services.

The person/s having the 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 ensure Council's assets are not damaged.

**DB0007      Basement carpark and subsurface drainage**

31. The basement stormwater pump-out system, must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) A two pump system (on an 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 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.

**DB0009      Collect&discharge of dirty water from car wash bay**

32. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

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

**DB0012      #On Site Detention**

33. No work is to commence on the storm water system until the detailed final storm water plans have been approved by the Certifying Authority.

Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate must ensure:

- (a) The final drainage plans are consistent with the Concept Drainage Plans approved with the Development Consent and the additional drainage related components requested below:
  - Basement Stormwater Drainage Layout Plan, Sheet No. C01, dated 16.02.15, prepared by Michael Ell, Consulting Engineers Pty Ltd.

- Site Stormwater Drainage Layout Plan, Sheet No. C02, dated 16.02.15, prepared by Michael Ell, Consulting Engineers Pty Ltd.
- Stormwater Details (1), Sheet No. C03, dated 16.02.15, prepared by Michael Ell, Consulting Engineers Pty Ltd.
- Stormwater Details (2), Sheet No. C04, dated 16.02.15, prepared by Michael Ell, Consulting Engineers Pty Ltd.
- Erosion and Sediment Control Plan, Sheet No. C05, dated 16.02.15, prepared by Michael Ell, Consulting Engineers Pty Ltd.
- Erosion and Sediment Control Details, Sheet No. C06, dated 16.02.15, prepared by Michael Ell, Consulting Engineers Pty Ltd.

(Note: The DA approved Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Revised Stormwater plan addressing all the additional drainage components requested below must be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
  - (i) The design achieves a Site Storage Requirement of 285 m<sup>3</sup>/ha and a Permissible Site Discharge of 160 L/s/ha (as per 3rd edition of UPRCT's handbook).
  - (ii) In order to enable and to maintain long term continuous cross ventilation to the OSD tank, additional 600 mm x 600 mm grated covers shall be provided and located strategically. All access grate covers to the OSD tank and the Rainwater Tank shall be hinged and fitted with childproof locking devices. Details shall be included in the final drawings.
  - (iii) Structural details and a Certificate of Structural Compliance for the proposed OSD Tank and the basement pump holding tank, cover slabs, as well as any structural retaining walls involved with the development are included with the final drawings submitted with the Construction Certificate application. The OSD Tank, the Basement Pump holding tank & Slabs and the retaining walls are designed by a qualified practicing Structural Engineer certifying that the walls, slab and its foundations are structurally adequate.
  - (iv) Any possible overland flows from upstream properties (in particular from the rear yard of No. 204, James Ruse Drive) shall be investigated and if necessary, appropriately intercepted using a grass swale and disposed of separately to the street drainage system, without incorporating with the OSD system. Overland flow collection details shall be included with the final construction drawings submitted for approval.
- (c) Detailed drainage plans with full cross sectional details of OSD Tank and Pump holding tank, in terms of storage areas; pits etc., OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

**DB0015      Shoring for adjoining Council property**

34. 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 shall 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.

**DB0017      Construction of a heavy duty vehicular crossing**

35. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 & DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle 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.

**DB0018      Exhaust fumes**

36. All mechanical 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 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

**Reason:** To preserve community health and ensure compliance with acceptable standards.

**DB0021      Impact on Existing Utility Installations**

37. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

**DB0022      Support for Council Rds, footpath, drainage reserv.**

38. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property,

are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

**DB0024 Proposed inlet pit**

39. The proposed kerb inlet pit must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

**Reason:** To ensure appropriate drainage.

**DB0026 Driveway Grades**

40. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

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

## **Prior to Work Commencing**

**PC0002 Enclosure of the site**

41. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

**PC0003 Site Sign**

42. 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.

**Reason:** Statutory requirement.

**PCNSC      Vehicle Access from James Ruse Drive**

**Vehicle Access from James Ruse Drive**

43. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on James Ruse Drive.

**Reason:** Safety and road functioning

**DC0001      Construction and Traffic Management Plan**

44. 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:
  - (i) Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - (ii) A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - (iii) Minimising construction related traffic movements during school peak periods,

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

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

**DC0002 Road Opening Permits - DA's involving drainage wrk**

45. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

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

**DC0003 Dilapidation survey & report for private properties**

46. 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 dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the 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 in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that

all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested 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.

**DC0005      #Reinforced concrete pipe work**

47. Details of the proposed 375 mm diameter reinforced concrete pipe-work within the proposed new kerb inlet pit and the existing kerb inlet pit in Collett Parade shall be submitted for Council's City Works Unit approval prior to commencement of any work. An additional intermittent kerb inlet pit will be required, as the distance between the existing kerb inlet pit and the proposed kerb inlet pit exceeds 50 metres. This additional pit shall be positioned in a suitable location in Collett Parade, without causing any interference to the existing driveway crossings or any future developments. The detail shall also include the longitudinal section of the proposed pipe system in terms of the existing and the proposed kerb inlet pits, including the Hydraulic Gradient Line.

**Reason:** To ensure adequate stormwater infrastructure is provided.

**DC0006      Erosion and Sediment Control measures**

48. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

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

**DC0007      Site Maintenance**

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

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

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

**DC0008      Shoring and adequacy of adjoining property**

50. 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:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) 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.

#### **DC0009 Special Permits**

51. 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 within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval 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 and the area where the operation will occur, 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 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 they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, 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 work zones, 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..

The application is to be lodged with Council's Customer Service Centre.

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

#### **DC0010 Driveway Crossing Application**

52. 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.

#### **LC0002 #Tree protection as per arborist report**

53. The trees identified for retention shall be protected prior to and during the demolition/construction process in accordance with the arborist report prepared by Horticultural Management Services dated 25 July, 2014

**Reason:** To ensure the protection of the trees to be retained.

#### **LC0004 Protective fencing**

54. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy drip line or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

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

#### **LC0006 Pruning/works on tree(s)**

55. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

**Reason:** To ensure the protection of the tree(s) to be retained.

### **During Work**

#### **PD0001 Copy of development consent**

56. 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.

#### **PD0003 Dust Control**

57. Dust control measures shall 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.

**PD0004      Materials on footpath**

58. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall 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.

**PD0006      #Hours of work and noise**

59. All work (excluding demolition which has separate days and hours outlined below) including building, 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.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

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

**PD0007      Complaints register**

60. 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 Principal Certifying Authority/Council to respond to concerns raised by the public.

**PD0008      Noise**

61. 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.

**PD0009 Importation of clean fill**

62. Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

**Reason:** To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

**PD0010 Survey Report**

63. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

**Reason:** To ensure the development is being built as per the approved plans.

**PDNSC Road Occupancy Licence**

**Road Occupancy Licence**

64. A Road Occupancy Licence is to be obtained from the RMS Transport Management Centre for any works that may impact on traffic flows on James Ruse Drive during construction activities.

**Reason:** Ensure compliance

**PDNSC Oversize Vehicles**

**Oversize Vehicles**

65. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to such vehicles driving through local roads within the Parramatta local government area.

**Reason:** Ensure Maintenance of Council's assets

**PDNSC Road Occupancy Permit**

**Road Occupancy Permit**

66. 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:** Ensure proper management of Council's assets

**DD0003 #Grated drain at garage**

67. A 300 mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located at the lower end of the basement access

ramp to collect all surface water flowing down the access ramp. The drainage line from the grated drain shall be connected to the basement pump system.

**Reason:** Stormwater control.

**DD0006 Damage to public infrastructure**

68. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.

**DD0010 Vehicle egress signs**

69. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety.

**DD0011 Nomination of Engineering Works Supervisor**

70. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

**Reason:** To ensure Council's assets are appropriately constructed.

**LD0011 Tree Removal**

71. Trees to be removed are:

Tree No.	Species	Common Name	Location
2	<i>Araucaria heterophylla</i>	Norfolk Pine	Island
8	<i>Grevillea robusta</i>	Silky Oak	

**Reason:** To facilitate development.

**LD0013 Removal of trees by an arborist**

72. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

**Reason:** To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

**Prior to the issue of an Occupation Certificate/Subdivision Certificate**

**BE0001 Record of inspections carried out**

73. 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 stator requirements.

**PE0004 #Certification from an acoustic consultant**

74. The acoustic measures required by the acoustic report(s) prepared by X, referenced X dated X must be implemented prior to issue of any Occupation Certificate.

**Reason:** To minimise the impact of noise.

**PE0008 Telecommunications services**

75. 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.

**Reason:** To ensure provision of appropriately located telecommunication facilities.

**PE0001 Occupation Certificate**

76. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

**PENSC Convex mirror**

**Convex Mirror**

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

**Reason:** Ensure driver safety

**PE0025 SEPP 65 verification statement OC stage**

78. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of 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.

**PE0026 PE25 –Adaptable dwellings Multi-unit and RFB'smodi**

79. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

**Reason:** To ensure the requirements of DCP 2011 have been met.

**LENSC      Required Landscaping Change**  
**Required Landscaping Changes**

80. The site and footpath landscaping is to be altered as follows:  
To better protect the rear garden of 204 James Ruse Drive from overlooking from the balconies of units L1/7-L1/9 and L2/7-L2/9, a suitable height native tree, with adequate canopy width, is to be planted in the Common Area, centrally located to facilitate the required privacy screening.

The planting in the nature strip along James Ruse Drive is to be altered so that the mature height is no more than 3.5 metres. In the event of the existing overhead power lines being undergrounded, as per condition 27, the height limit of the planting does not need to be complied with.

**Reason:** Amenity Protection of Adjoining Property and Protection of

**PENSC      Retention as Affordable Rental Housing**  
**Retention as Affordable Rental Housing**

81. A Restriction on the Use of land under section 88E of the Conveyancing Act 1919 is to be registered against the title of the property burdening the owner with the requirement to ensure that all the units (38 units) are used as affordable rental housing managed through a community housing provider, as defined in the Housing Act 2001, for a period of ten (10) years from the date of issue of the earliest Occupation Certificate. This restriction is to be made prior to the release of any Occupation Certificate.

**Reason:** Ensure Compliance with SEPP Affordable Rental Housing 2009

**DE0003      Work-as-Executed Plan**

82. Works-As-Executed stormwater plans are to address the following:
- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
  - (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
  - (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
  - (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
  - (e) Certificate of Hydraulic Compliance from a qualified Hydraulic Engineer (Refer to UPRCT Handbook – Form B11), certifying that the OSD system, the Basement Pump System and related external drainage pipe system within Collett Parade have been installed satisfactorily, as per the approved plans.
  - (f) A Certificate of Structural Adequacy and Compliance for the OSD tank and the pump holding tank cover slabs are submitted from a suitably qualified Structural Engineer. The certificate shall also include any structural retaining walls constructed within the development site.
  - (g) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

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

#### **DE0005      #OSD Positive Covenant/Restriction**

83. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" to Council's satisfaction.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the Land Titles Office using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation certificate.

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

#### **DE0006      Section 73 Certificate**

84. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

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

#### **DE0007      Street Numbering**

85. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

**Note:** Notification of all relevant authorities of the approved street numbers must be carried out by Council.

**Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

#### **DE0014      Lot consolidation**

86. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be

registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

**Reason:** To comply with the Conveyancing Act 1919.

**DE0018 Reinstatement of laybacks etc**

87. All redundant lay-backs and vehicular crossings within Collett Parade and James Ruse Drive frontages must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

**LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)**

88. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

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

## **The Use of the Site**

**EWF0003 Remove putrescible waste at sufficient frequency**

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

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

**EWF0006 Storage of bins between collection periods**

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

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

**LF0001 Landscape maintenance**

91. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

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

**PF0004 External Plant/Air-conditioning noise levels**

92. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

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

**PF0049 Graffiti Management**

93. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

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

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**Date:** 6 July 2015  
**Responsible Officer:** Leland Sanchez