

Report to Sydney Central City Planning Panel

SWCCP reference	2016SYW171
DA No.	DA/759/2016
Date of receipt	17 August 2016
Proposal	Residential flat building development (Stage 2)
Street address	23 Bennelong Parkway – Wentworth Point
Property Description	Lot 3 in DP 776611
Applicant	PietyTHP
Owner	Wentworth Point 1 Pty Ltd
Submissions	3 submissions
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy No. 55 • State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Sydney Harbour Catchment) 2005 • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Coastal Management) 2018 • State Environmental Planning Policy No. 24 – Homebush Bay Area • Homebush Bay West Development Control Plan 2004

Summary of Sec 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (Sec 7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Recommendation	Approval subject to conditions
Report by	Kate Lafferty, Executive Planner

1. Executive Summary

This report considers a proposal to construct Stage 2 of the site re-development and seeks approval for the construction of two (2) x six (6) storey residential flat buildings containing 150 dwellings over three (3) levels of basement car parking. These buildings are located adjoining the recently approved road through the site (being an extension of Amalfi Drive).

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the application, subject to conditions of consent.

2. Key Issues

- Minor variations to Concept Plan height control (Building H – 4 storey to 6 storey in part) and building footprints.

3. Site Context

The site is located at the entrance to Wentworth Point and is situated on the north eastern corner of the Hill Road intersection with Bennelong Parkway. The site has a curved frontage to this intersection (approximately 278m along Bennelong Parkway).

Site Area = 25,570m²

The site was until recently used by TNT Australia as a parcel distribution centre. All buildings have been demolished, vegetation removed, and the site is currently under construction for the Stage 1 residential redevelopment of the site. The details of this redevelopment is discussed further in the report.

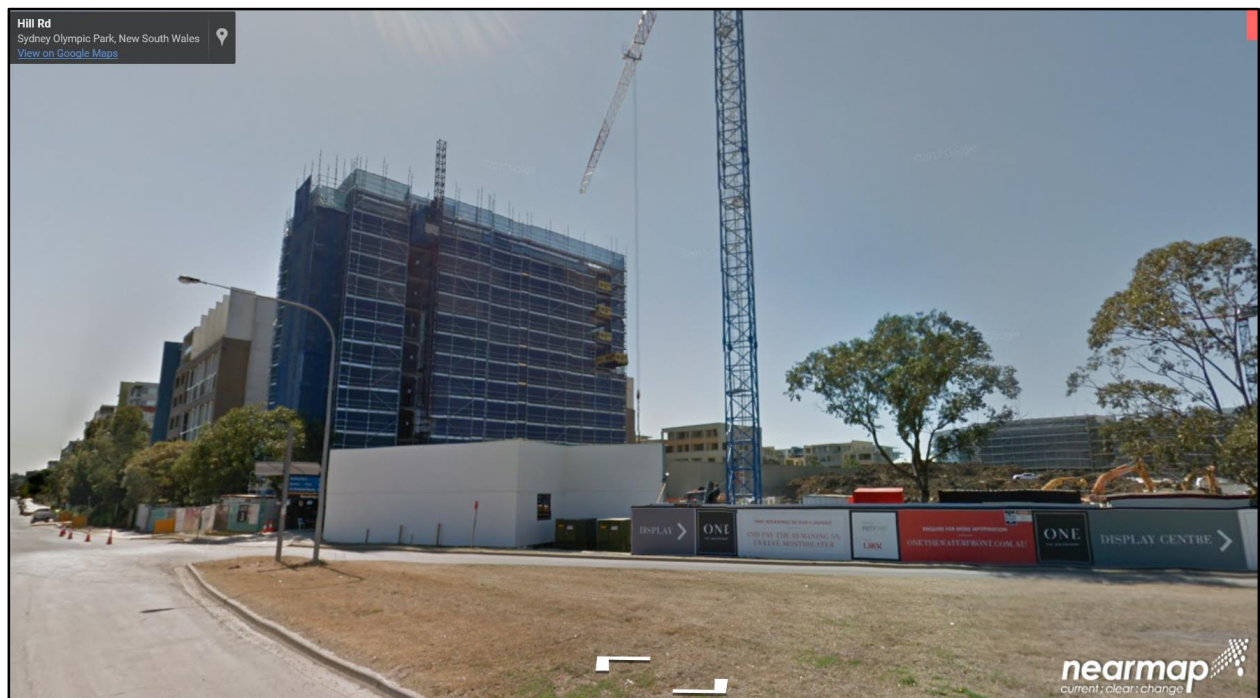
The site is adjoined by high density residential flat buildings, up to 8 storeys in height. There is a mixture of development in the locality ranging from industrial and warehouse uses to more recently constructed multi storey residential flat buildings. There has been significant redevelopment to the north of the site, within the peninsula over the past decade where a transition has occurred from industrial uses to high density living.

The site is opposite land under the ownership and control of the Sydney Olympic Park Authority (SOPA). This land contains a park and wetlands (Nuwi Wetlands) within close proximity to the proposed development.

The following aerial photo indicates the location of the subject site and its relationship to adjoining properties.



Aerial Location Map (subject site is outlined in red)



Streetview of Subject Site
 (view looking NW along Hill Road – construction of Stage 1 development)
 Source: Nearmap 09.02.2018



Streetview of Subject Site
(view looking NW along Bennelong Parkway – construction of Stage 1 development)
Source: Nearmap 09.02.2018


4. Background

The Wentworth Point area is an area undergoing significant redevelopment. Much of the peninsular is reclaimed land historically used for industrial uses. The 1999 Homebush Bay Development Control Plan established a broad direction for the urban structure and design controls which identified the site as suitable for residential and commercial uses.

After the staging of the Olympic Games during September and October 2000, the Department of Planning reviewed the plan to secure the long term viability of the locality. The Homebush Bay West Development Control Plan 2004 was adopted. This DCP sets up precincts for development. The subject site is the last remaining undeveloped site within Precinct F.

The table below indicates the planning approvals for this site.

Major Project MP09_0160 (Department of Planning)	<p>The concept plan (MP 09_0160) was approved by the Minister for Planning covering the entire Lot 3 (forming part of the remaining Precinct F) on June 2010 to permit residential development comprising of 3 separate buildings A-C over a single podium with basement levels encompassing a maximum floor area of 44,730m². The approval includes provisions for indicative building envelopes with maximum building heights, public domain and landscaping works and a neighbourhood park and pedestrian link with a minimum area of 6,060m². The approval for the site generally relies on vehicular access being provided on Amalfi Drive via The Piazza.</p> <p>The concept plan has been modified (Modification 2) which approved an increased height, density and car parking on the site - approved by the Department of Planning in July 2013. Consequently, the maximum</p>
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	<p>GFA permitted for the site was amended to 50,045m² for the entire Lot 3.</p>  <p>Concept Plan General Site Layout</p>
DA-48/2012 (Auburn Council)	The demolition and decommissioning fuel storage facility and backfill of the land and remediation was approved by Auburn City Council on 23 April 2012.
DA-201/2015 (Auburn Council)	The demolition of the building and above ground structures was approved by Auburn City Council on 6 July 2015.
DA-329/2015 (Auburn Council)	Stage 1 development - demolition and construction of five residential buildings containing 273 apartments, above 3 levels of basement parking including provision of a new public road and park. Integrated Development (Water Management Act 2000 - CIV \$117,979,000 (Auburn DA/329/2015). Approved by the Sydney West JRPP on 21 July 2016.
DA/667/2016/A	<p>Section 96(2) Modification to the approved Stage 1 redevelopment of the site including the construction of five residential buildings and the provision of a new public road and park. The modifications include changes to the unit mix, bicycle parking, reduction in the basement size under Building A, changes to the basement configuration, internal changes to the buildings, changes to the loading dock and services of Building B and an increase in deep soil.</p> <p>This application is currently under assessment and pending determination.</p>
DA/667/2016/B	<p>Section 96(1A) modification to the approved Stage 1 redevelopment of the site including the construction of five residential buildings and the provision of a new public road and park. The modifications include changes to the car space dimensions and stormwater requirements.</p> <p>Approved under delegated authority on 1 December 2016.</p>

5. The Proposal

This development application represents Stage 2 of the re-development of the site and seeks approval for the construction of two (2) x six (6) storey residential flat buildings containing 150 dwellings over three (3) levels of basement car parking. These buildings are located adjoining the recently approved road through the site (being an extension of Amalfi Drive).

The details of the proposed new building are as follows:

- Construction of a 6 storey building on the northern side of Amalfi Drive (Building H) with 86 apartments
- Construction of a 6 storey building on the western side of Amalfi Drive (Building J) with 64 apartments
- Construction of 2 communal open space areas with a total area of 2893m²
- Construction of a further 170 car parking spaces within the 3 basement levels proposed within the Stage 1 DA.

Unit mix: 44 x 1 bedroom (29.3%)
93 x 2 bedroom (62%)
13 x 3 bedroom (8.7%)
Total = 150 apartments (including 26 adaptable apartments)

Cost of works = \$38,280,000

The application is identified as Nominated Integrated Development as an aquifer interference activity approval is required for works which impact upon the watertable under the provisions of the Water Management Act 2000.

It is noted that there will be a future further development application (Stage 3) to incorporate 2 x residential flat buildings along the Bennelong Road frontage. These buildings are approved under the concept plan to be up to 9 storeys in height).



Diagram indicating the 3 stages of development on the subject site
(Stage 2 is the area outlined in yellow dashed lines)



Photomontage of proposed development as viewed from the proposed Bay Park



Photomontage of proposed development as viewed from the proposed Bay Park

6. Public Notification

The application was exhibited between 8 September 2016 and 11 October 2016.

Three (3) individual submissions were received. The issues raised within these submissions are discussed in further detail in **Attachment A**.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	Yes Section 91(3) of the Water Management Act 2000
Are submission requirements within the Regulations satisfied?	Yes

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A.
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10. Sydney Regional Environmental Plan 24 – Homebush Bay

The following table is a summary assessment against the SREP. A detailed evaluation is provided at **Attachment A.**

SREP Section	Comment or Non-Compliances
Part 1 Preliminary	<ul style="list-style-type: none"> Consistent
Part 2 General provisions relating to development	<ul style="list-style-type: none"> Permissible in the zone Consistent with zone objectives
Part 3 Special provisions relating to development	<ul style="list-style-type: none"> Consistent with Homebush Bay West DCP All relevant provisions satisfied
Part 4 Protection of the natural environment and heritage items	<ul style="list-style-type: none"> All relevant provisions satisfied

11. Homebush Bay West Development Control Plan 2004

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A.**

DCP Section	Comment or Non-Compliances
Part 1 – Preliminary	Consistent
Part 2 – Background	Consistent
Part 3 – General Controls	Satisfactory
Part 4 – Detailed Design Guidelines	Satisfactory

The majority of controls for this proposal are contained within the ADG or the approved concept plan for the site. There are limited controls contained within the HBWDGP that would apply to this application. This is discussed further within the assessment report.

12. Compliance with Concept Plan

The Department of Planning approved a site specific concept plan for the residential redevelopment of the subject site (MP 09_0160) on June 2010. The proposed Stage 2 proposal is generally consistent with this concept plan. A detailed evaluation is provided at **Attachment A**.

13. Response to SWCPP briefing minutes

The application was considered at a JRPP Briefing Meeting held on 26 October 2016.

The key issues discussed at the Panel Briefing Meeting are as follows:

- Noted and supported the recommendations of the Parramatta Design Excellence Advisory Panel (DEAP) particularly with respect to:
 - Necessity for encroachments of the proposed buildings into the communal open space (outside the footprint of the approved concept plan)
 - The non-compliant height of Building H adjoining the Sorrento building
 - Solar access, privacy.
- No additional issues raised beyond those already raised by Council and DEAP.

14. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The application is recommended for approval subject to the imposition of appropriate conditions.

15. Recommendation

- A. **That** the Sydney Central City Planning Panel approve the application DA/759/2016 subject to the conditions contained within Attachment B of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SWCCP Reference:	2016SYW171
DA No:	DA/759/2016
Address:	23 Bennelong Parkway – Wentworth Point

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 2 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer Section 3 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 4 below
Section 4.15 (1)(a)(iia) - Planning agreements	Refer to Section 5 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 6 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 2-7 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 8 below
Section 4.15 (1)(d) - Submissions	Refer to Section 9 below
Section 4.15 (1)(e) - The public interest	Refer to Section 9 below

Referrals

The following internal and external referrals were undertaken:

External Referrals	
WaterNSW	The application is Integrated Development as an aquifer interference activity approval is required under the Water Act 2000. WaterNSW raised no objections and have issued their General Terms of Approval (GTAs).
Ausgrid	Ausgrid submitted correspondence primarily outlining the application requirements for the provision of services. Conditions are imposed reflecting Ausgrid's requirements.
Sydney Water	Sydney Water submitted correspondence primarily containing advisory information for the applicant. This information covers water, wastewater, servicing and approvals. Conditions regarding Sydney Water Quickcheck and Section 73 approvals are included within the recommendation section of this report.
SOPA	Comments received. SOPA commented that the proposal is not expected to result in any additional environmental impact on the Parklands at Sydney Olympic Park or SOPA's assets beyond that approved. No objections raised.
Internal Referrals	
DEAP	The application was referred to the Design Excellence Advisory Panel. Issues raised by DEAP have been addressed and no further design issues are outstanding. This has been discussed in further detail within Attachment 2.
Development Engineer	It is noted that the primary stormwater drainage management system has been approved via the Stage 1 development consent. Council's

	Development Engineer supports the application subject to the imposition of appropriate drainage related conditions. In particular, information regarding the stormwater layout (pits and pipes) from the proposed Stage 2 development to the connecting points within Amalfi Drive have not been submitted. A condition of consent is incorporated within the Recommendation section of this report requires stormwater drainage plans to be submitted to Council for assessment and approval prior to the issue of a Construction Certificate.
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic or safety grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. Standard conditions including compliance with AS2890, the provision of a construction traffic management plan and provision of splays have been incorporated within the recommendation section of the report.
Landscape	Council's Tree Management & Landscape Officer has reviewed the application and supports the proposal subject to the imposition of standard conditions.
Environmental Health (Waste)	Council's Waste Officer has reviewed the application and advises that the applicant has submitted satisfactory waste management information for the development. The proposal satisfies the requirements of Council's controls and can be supported subject to standard conditions of consent.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination report and supports the application subject to the imposition of standard conditions.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of conditions regarding implementation and certification of the recommended acoustic measures and standard conditions regarding the use of the premises.

2. Environmental Planning Instruments

Compliance with these instruments is addressed below.

2.1 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

This matter was considered and found satisfactory in the assessment of the Concept approval and Stage 1 assessment.

Notwithstanding this, the following is noted with respect to the Detailed Site Investigation Report:

The detailed site investigation involved soil sampling from numerous locations over the entire site with the exception of an area known to contain underground storage tanks and petrol bowers. The UST's were to be removed, remediated and validated at a later date by a separate company. It is noted that this remediation has occurred and has been validated.

The soil sampling that was conducted did not find any other significant contaminants of concern when assessed against the criteria. It was concluded that the site was suitable for the proposed use and no remediation was required.

Council's Environmental Health Officer has reviewed the application and supporting documentation and is satisfied with the information submitted with the Stage 2 application and documentation on Council records regarding the remediation of the site.

Appropriate conditions have been incorporated within the recommendation section of this report.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

Design Quality Principles

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

Design quality principle	Response
Context	The design of the proposed buildings is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of the approved concept plan for the site.
Built form	The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.
Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density.
Sustainability, resource, energy & water efficiency	The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.
Landscape	The concept landscaping solutions depicted in the architectural plans are considered to be of acceptable quality and appropriately respond to the proposed built environment.
Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building has been designed to be satisfactory in terms of perceived safety in the public domain.

Social dimensions/housing affordability	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.
Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed buildings aesthetically respond to the environment and context, contributing to the desired future character of the area. The design has been reviewed and supported by the Parramatta Design Excellence Advisory Panel.

Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below considers the proposal against key design criteria in the ADG:

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE
Communal Open Space (entire site)	Min 25% of the site area (6393m ²)	<u>Private communal:</u> 1360m ² (roof) 3180m ² (courtyards) = 4540m ² or 18% Total = 13650m² or 53% (note that through site link and Bennelong Parkway setback has been included in the COS calculations)	NO - the private communal area is less than stated in the ADG for the entire development. The application however forms part of an approved concept plan and incorporates a large deep soil setback along Bennelong Parkway and public communal open space within the through site link and provision of Bay Park.
	Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00am and 3.00pm on June 21	The common courtyards will receive limited solar access due to the location of the buildings wrapped around the courtyards. Solar access will however be achieved to the rooftop terraces (approved in Stage 1).	NO However this is difficult to achieve as the building envelopes were approved in the concept plan
Deep soil zone (entire site)	Minimum dimension of 6m required 7% of the overall site area = 1790m ² to 15% of the overall site area = 3835m ²	Total = 5207m ² or 20.4% Deep soil zones are only contained within the Bennelong Parkway front setback and within Bay Park.	Yes

Building Separation				<u>To adjoining properties</u> BLDG J – N/A	N/A
	Building Height	Habitable rooms and balconies	Non-habitable rooms	BLDG H – 6m to northern boundary (Sorrento) however separation distance between buildings = 9m	In part (only for levels up to 4 storeys) – remaining upper storeys do not comply
	up to 12m (4 storeys)	6m	3m	<u>Within the development</u>	
	up to 25m (5-8 storeys)	9m	4.5m	BLDG J – 12.5m to Stage 1 works (9 ST) adjoining Bennelong Parkway – units adjoining through site link. Majority of remainder is 22.5m (min)	In part only (only for levels up to 4 storeys) – remaining upper storeys do not comply
	over 25m (9+ storeys)	12m	6m	BLDG H – 13m to Stage 1 works (9 ST) adjoining Bennelong Parkway – units adjoining through site link. Majority of remainder is 20m (min)	These non-compliances have been addressed through apartment orientation and privacy screening
	<i>Note the above is distances to boundaries only</i>			<ul style="list-style-type: none"> Note: the above are minimum distances 	
Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21			Stage 2 = 76% Combined Stage 1 and Stage 2 = 73.5%	Yes
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm midwinter.			<u>Adjoining Properties:</u> There is no additional overshadowing on adjoining properties as a result of the proposed development.	Yes
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.			63% achieve compliant cross ventilation (Stage 2) Stage 1 & 2 combined = 61%	Yes
	Building depth is not to exceed 18m			Building depth is 18m (max)	Yes
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable			3.08m floor to floor heights provided for the residential apartments	Yes Condition consent
Apartment Size	Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² <i>(note: minimum internal size increases by 5m² for additional bathrooms, 10m² for 4 + bedroom)</i>			Unit areas have been provided. Documentation submitted indicates that all units comply.	Yes

	All habitable rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	All comply.	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (= 6.75m)	All comply.	Yes
	Maximum depth (open plan) 8m from a window.	All comply.	Yes
Bedroom size	Master bedrooms – 10m ² Other bedrooms – 9m ² Bedroom dimensions – 3m min. Living rooms have a width of: - 3.6m for studio/1bd - 4m for 2 or 3 bd	All comply.	Yes
Balconies	Studio – 4m ² 1bd – 8m ² / 2m 2bd - 10m ² /2m 3bd – 12m ² /2.4m	All comply.	Yes
	Ground or podium apartments to have POS of 15m ² /3m	Ground apartments all have large terraces.	Yes
Circulation	Maximum 8 apartments per level	Max 7 apartments	Yes
Storage	1bd – 6m ³ 2bd – 8m ³ 3bd – 10m ³	Storage schedule has been provided to demonstrate compliance.	Yes

Parramatta Design Excellence Advisory Panel (DEAP)

The application was considered by the DEAP on 22 September 2016. Recommendations and comments at this meeting included the following:

- Support concept plan non-compliance (omission of the built form adjacent the through site link in order to link the north courtyard to the south courtyard).
- Potential support of concept plan non-compliance – building envelope encroachment into courtyards - reasonable subject to the provision of overshadowing diagrams that include all stages of the development.
- The panel does not support the additional height to Building H located adjacent to the side boundary next to the Sorrento due to additional bulk and the associated adjacency issue.
- Solar access to the communal open space and to apartments and associated private outdoor space should take into account the remaining stages. Further consideration will need to be given as to how Stage 2 will impact on the amenity of Stage 1.
- Potential support of concept plan non-compliance – Amalfi Drive modulation – the roof form should be modulated to break up the long continuous form. The built form should also be stepped to follow slope along Amalfi Drive.
- Cross ventilation requirements need to be achieved.
- The applicant is encouraged to promote the connection of the eastern end of the through site link across Bennelong Parkway for example with a pedestrian and cycle crossing that aligns with the through site link.

The applicant submitted amended plans and supporting documentation to address the above, and the application was referred to DEAP for reconsideration on 15 December 2016. Recommendations and comments at this meeting included the following:

1. *The Panel notes that the architect has responded to the previous meeting comments, and that a number of issues have been addressed.*
2. *The matter of the built form height adjacent to 'Sorrento' to the north remains a concern for the Panel. However, it appears that height to 9 storeys is already approved. On this basis the Panel do not object to the proposal, as it only involves 4 units on 2 levels exceeding the control and probably results in a more resolved to optimise privacy built form.*
3. *It is suggested that the subject units are re-planned to address the southern open courtyard space rather than the open space to the northern boundary.*
4. *The Panel recommend further refinement of the upper roof parapet details to 'break-up' the horizontality of the upper two levels and further articulate the lower base from the upper element. This would involve a reconsideration of the solid and void elements in terms of details and materiality.*

The applicant submitted amended plans to address the above, and the application was referred to Council's Urban Design Unit who advised that the scheme had been revised to incorporate DEAP's recommendations.

There are no outstanding urban design matters on this application.

2.3 State Environmental Planning Policy (Infrastructure) 2007

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

Development likely to affect electricity transmission or distribution networks

The application is subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. Ausgrid have advised that 132kV sub-transmission cables run alongside the property line on Bennelong Parkway. Ausgrid have also provided commentary regarding the approvals required for the provision of electricity services to the site. These matters have been included within the recommendation section of this report.

Impact of road noise or vibration on non-road development

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

An acoustic report for the proposed development has been submitted that discusses the management of noise through the implementation of appropriate construction materials and design matters. Conditions are contained within the recommendation section of this report which requires the incorporation of the construction measures to mitigate against noise.

2.4 State Environmental Planning Policy – Basix

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

2.5 State Environmental Planning Policy (State and Regional Development) 2011

The development has a capital investment value greater than \$30 million. This application is captured by Part 4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

2.6 State Environmental Planning Policy (Coastal Management) 2018

The site is affected by the following sections under the Coastal Management SEPP:

- Coastal Environmental Area Map (Division 3)
- Coastal Use Area Map (Division 4)
- Proximity Area for Coastal Wetlands (Division 5).



Blue – Coastal Wetlands

Blue Hatched – Proximity Area for Coastal Wetlands

The area on site affected by the coastal wetlands proximity is also affected by the coastal use and coastal environment map

The proposed development involves the construction of residential flat buildings on a site identified for high density residential development. These works are considered acceptable under the provisions of the SEPP as the development:

- is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment or geological and geomorphological coastal processes
- is not likely to have an adverse impact on the water quality of the marine estate or native vegetation and fauna habitats
- will not adversely impact Aboriginal cultural heritage and places
- will not adversely impact on the use of the surf zone
- will not impact upon safe public access
- will not adversely impact on view loss, visual and scenic amenity
- is not likely to cause increased risk of coastal hazards on that land or other land
- is not subject to a coastal management plan or coastal management program.

2.7 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water.

2.8 Sydney Regional Environmental Planning Policy No. 24 (Homebush Bay Area)

The site is subject to the provisions of Sydney Regional Environmental Plan No 24 - Homebush Bay Area (SREP24) which does not include zoning. Permissibility is subject to clause 11 which states that, *“development of land within the Homebush Bay Area may be carried out for any purpose that the consent authority considers to be consistent with any one or more of the planning objectives for the Homebush Bay Area”*.

The relevant requirements and objectives of SREP24 have been considered in the following assessment table.

Requirement	Comment
Clause 10 Consent Authorities	As the cost of works (Capital Investment Value of \$38,280,000) exceeds \$30,000,000, the Sydney Central City Planning Panel is the determining authority.
Clause 11 Permissible Uses	The proposed development is considered to be permissible with consent as it satisfies the requirements of Clause 12 (See below).
Clause 12 Planning Objectives	The proposal is considered to satisfy the objectives of the SREP for the following reasons: <ul style="list-style-type: none">• The proposed development will not have any significant detrimental impact upon wetlands and woodlands.• The development application will facilitate residential development and the redevelopment of the land from industrial use to residential as per the desired future character of the area.• The development includes new public open space.• There are no heritage listed sites situated adjacent or adjoining to the site.
Clause 13 Matters for Consideration (a) any relevant master plan prepared for the Homebush Bay Area	The development is generally consistent with the Homebush Bay West Development Control Plan which has been used primarily in the assessment of the development application. See separate comments below.
(b) any development control plans prepared for the land to which the application relates	
(b1) to the extent to which it applies to land within Sydney Olympic Park, the “Environmental Guidelines”	
	The development application was referred to Sydney Olympic Park Authority for comment and no concerns were raised with respect to the proposal.

Requirement	Comment
within the meaning of the Sydney Olympic Park Authority Act 2001 and any plan of management referred to in Section 34 of that Act,	
(c) the appearance, from the waterway and the foreshores, of the development,	The subject site is not located near the waterway or foreshore.
(c1) the impact of the development on significant views,	The proposed buildings do not impact upon any significant view lines.
(d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability	There are no significant changes to the approved stormwater system, however further details regarding connection points are required to be submitted before the issue of a Construction Certificate.
(e) the extent to which the development encompasses the principles of ecologically sustainable development,	The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.
(f) the impact of carrying out the development on environmental conservation areas and the natural environment, including flora and fauna and the habitats of the species identified in international agreements for the protection of migratory birds,	The proposed development would not impact on the natural environment.
(g) the impact of carrying out the development on heritage items, heritage conservation areas and potential historical archaeological sites	The subject site is not a heritage item or within a heritage conservation area, however is in close proximity to the Millennium Parklands heritage precinct. There are no changes to the approved application in which would further impact on the nearby heritage items.
Clause 19 Flood Prone Land	The site is not identified as being flood affected.
Clause 20 Contaminated land	Contamination has already been addressed as part of previous applications on the site. This issue has been discussed elsewhere within the report (SEPP55 assessment).
Clause 20A Acid sulphate soils	The impacts upon acid sulfate soils has already been addressed as part of previous applications on the site. The proposed modifications do not warrant any further investigations in this regard.
Clause 23 Development near an environmental conservation area	The subject site is located in the vicinity of the Millennium Parklands and Nuwi wetlands. There are no construction or operational works which would further impact on the nearby conservation area.
Clause 24 Protection of heritage items and heritage conservation areas	The subject site does not contain any items of heritage and is not identified as a conservation area under Schedule 4.
Clause 27 Development affecting places or sites of	The proposed development will not have any impact upon any identified places or potential places of aboriginal significance or archaeological sites.

Requirement	Comment
known or potential Aboriginal heritage significance	
Clause 28 Development affecting known or potential historical archaeological sites of relics of non-Aboriginal heritage significance	The subject site is not identified as an archaeological or potential archaeological site.
Clause 29 Development in the vicinity of a heritage item	This has been discussed above.
Clause 30 Development in heritage conservation areas	The subject site is not identified as being located within a heritage conservation area.

2.9 Local Environmental Plans

The provision of the Auburn Local Environmental Plan (ALEP 2010) is not applicable in this instance and the land falls into the “Deferred Matter” as noted on the LEP Map.

3. Draft Environmental Planning Instruments

There are no specific draft environmental planning instruments that apply to the development site or the proposed development.

4. Development Control Plans

4.1 Concept Plan

The Department of Planning approved a site specific concept plan for the residential redevelopment of the subject site (MP 09_0160) on June 2010.



Concept Plan General Site Layout

An assessment of the current proposal has been considered against the Concept Plan approval as modified, and overall consistency of the proposal considered against the plan is demonstrated in the assessment table below.

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE
Floor Space	50,045m ²	Stage 1 = 19,139m ² (S96) Stage 2 = 11,477m² Total = 30,616m ² Remaining = 19,429m ²	Yes
Heights	Bldg J Varied height along Amalfi 7 – 8 – 7 – 8 storey	Bldg J 6 storey	In part Complies with number of storeys but not in height transition
	Bldg H Varied height along Amalfi 8 storey to 7 storey and wrap around to north with 4 storey	Bldg H 6 storey	No Non-compliance with northern dog- leg and in transition <i>See discussion below.</i>
Building Footprint	Various setbacks and building footprints	Building footprints encroach on the central courtyard areas. Buildings that should have been provided alongside the through site link have been removed and repositioned within the courtyards.	No <i>See discussion below.</i>
Unit Mix	1 bed = 209 2 bed = 405 3 bed = 27 Total = 641	Stage 1 & 2 1 bed = 104 2 bed = 305 3 bed = 14 <i>Total = 423</i> Future Remaining 1 bed = 105 2 bed = 100 3 bed = 13 <i>Total = 218</i>	Yes
Parking	Total minimum = 641 Total maximum = 999 Provided = 850 (Based on HBWDPC rates) Min 1 space/unit Max 0.2 spaces/visitor	Stage 1 273 – resident 35 – visitor 81 – future stages Stage 2 Construct additional 170 spaces 163 – resident 19 – visitor (<i>utilising some of the Stage 1 future stage spaces</i>) 67 – future stage Total Stage 1 & 2 436 – resident 54 – visitor	Yes The applicant has advised that additional future car parking for Stage 3 can be provided by adding additional basement/s below Basement 3.

		67 – future stage = 544 spaces	
Landscaping	<p>Deep Soil = 6184m² Park = 4910m² Communal = 3667m²</p> <p>Total Open Space = 15068m² (DA07-Rev R)</p>	<p>Deep Soil = 7112m² Park = 4860m² Communal = 9590m² (including street setback landscaping)</p> <p>Total Open Space = 15950m²</p>	In part However park accepted as part of approved Stage 1 development
Public Open Space	6,060m ² publicly accessible open space – pedestrian site link and park	6,106m ² This was provided within the Stage 1 approval.	N/A
Privacy	<p>Future Development Applications shall demonstrate that the buildings and apartments are arranged and designed to minimise acoustic and visual privacy impacts between:</p> <ul style="list-style-type: none"> - Building A and the existing Portofino Building; - Building B and the existing Capri Building; - Buildings B and C; and - Building C and the existing Sorrento Building, <p>in accordance with the provisions of State Environmental Planning 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002.</p>	The site adjoins the existing Sorrento building. Privacy is maintained through general compliance with building separation, privacy screening and orientation of private open space on the upper levels.	<p>Yes</p> <p><i>See discussion below regarding height non-compliance.</i></p>
Architectural Quality	Future Development Applications shall demonstrate high architectural quality breaking the overall mass of the building down into smaller building elements and through the use of a variety of textures, materials and colours to articulate the surface and reduce the visual scale of the nine storey component of Building B and improve its appearance from the street.	This applies primarily to the 9 storey components of the overall development site. There are no 9 storey components to this application. Notwithstanding this, the architectural quality is considered acceptable to the Parramatta Design Excellence Advisory Panel.	Yes

Submission Requirements	Various documents to be submitted eg. CPTED, Wind Report, Traffic etc	Documentation submitted and acceptable.	Yes
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Discussion of Variations to the Concept Plan

Height Transitions and Building H Height

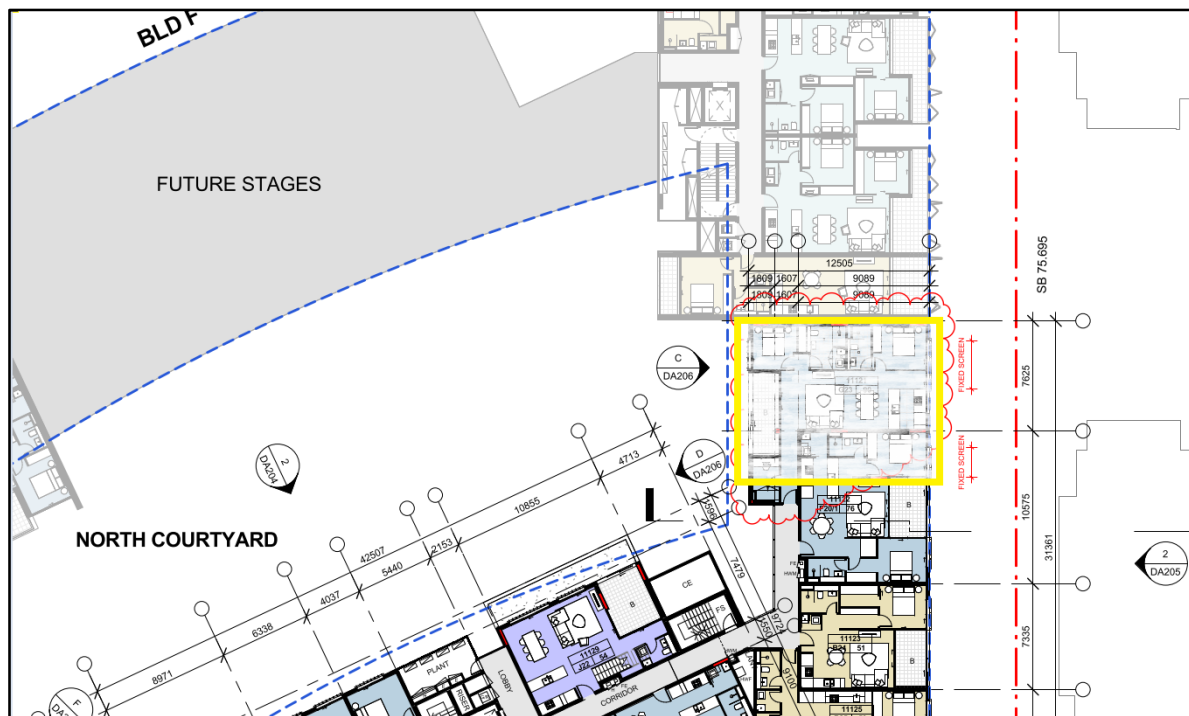
The majority of the proposed development is provided with building heights less than that prescribed for the site under the approved Concept Plan.

Building J is proposed to be 6 storeys in height where up to 8 storeys was approved under the Concept Plan.

The majority of Building H is proposed to be 6 storeys in height where up to 8 storeys was approved under the Concept Plan. A portion of Building H located adjacent to the side boundary where the site adjoins Sorrento, is 6 storeys in height where 4 storeys was approved under the Concept Plan. The 6 storey building height proposed in this location is reasonable for the following reasons:

- the non-compliance involves 2 units only (being Unit 11121 and Unit 12121 - Building H - Levels 5 + 6) and a bedroom on 2 additional units (being Unit 11122 and Unit 12122 - Building H - Levels 5 + 6)
- the 2 units have been replanned to orientate the private open space and living areas to address the southern open courtyard space, and away from the adjoining residential property. Fixed screen are also provided to bedrooms to ensure that visual privacy is maintained between this development and 'Sorrento'
- The additional height adjacent to Sorrento achieves the same 6 storey scale as Sorrento. Sorrento has a parapet RL of 26.22, the parapet of the proposal at RL 26.37 will be only marginally higher than Sorrento
- The additional height adjacent to Sorrento is offset by the lower height along Amalfi Drive. The Concept Plan approved an 8 storey building height along Amalfi Drive. Buildings H and J present a 6 storey building height for the length of Amalfi Drive, 2 storeys lower than was approved as part of the Concept Plan.
- The proposed variation to the height control is minor and will not result in a building which is inconsistent with scale of other development within the Wentworth Point precinct.
- The element of the building which exceeds 4 storeys does not result in any unreasonable impacts on the amenity of the adjoining properties in terms of loss of solar access, view loss or privacy and will not result in additional overshadowing of the public domain.
- The additional height is directly opposite the courtyard of Sorrento and will not appear offensive or unsympathetic to its location and will be compatible with its context.
- The proposed variation does not result in any adverse impacts on the streetscape.

Accordingly, the proposed building height is considered acceptable.



Area of non-compliance outlined by the yellow square (Drawing No DA159 – Level 05 Plan)

Building Footprint

The proposed building footprint is slightly different to that approved in the concept plan. In this regard, the buildings adjoining the through site link have been modified in length along the through site link to increase the open access widths onto the courtyard areas. This has resulted in the shifting of some of the remaining footprint to encroach onto the courtyard areas.

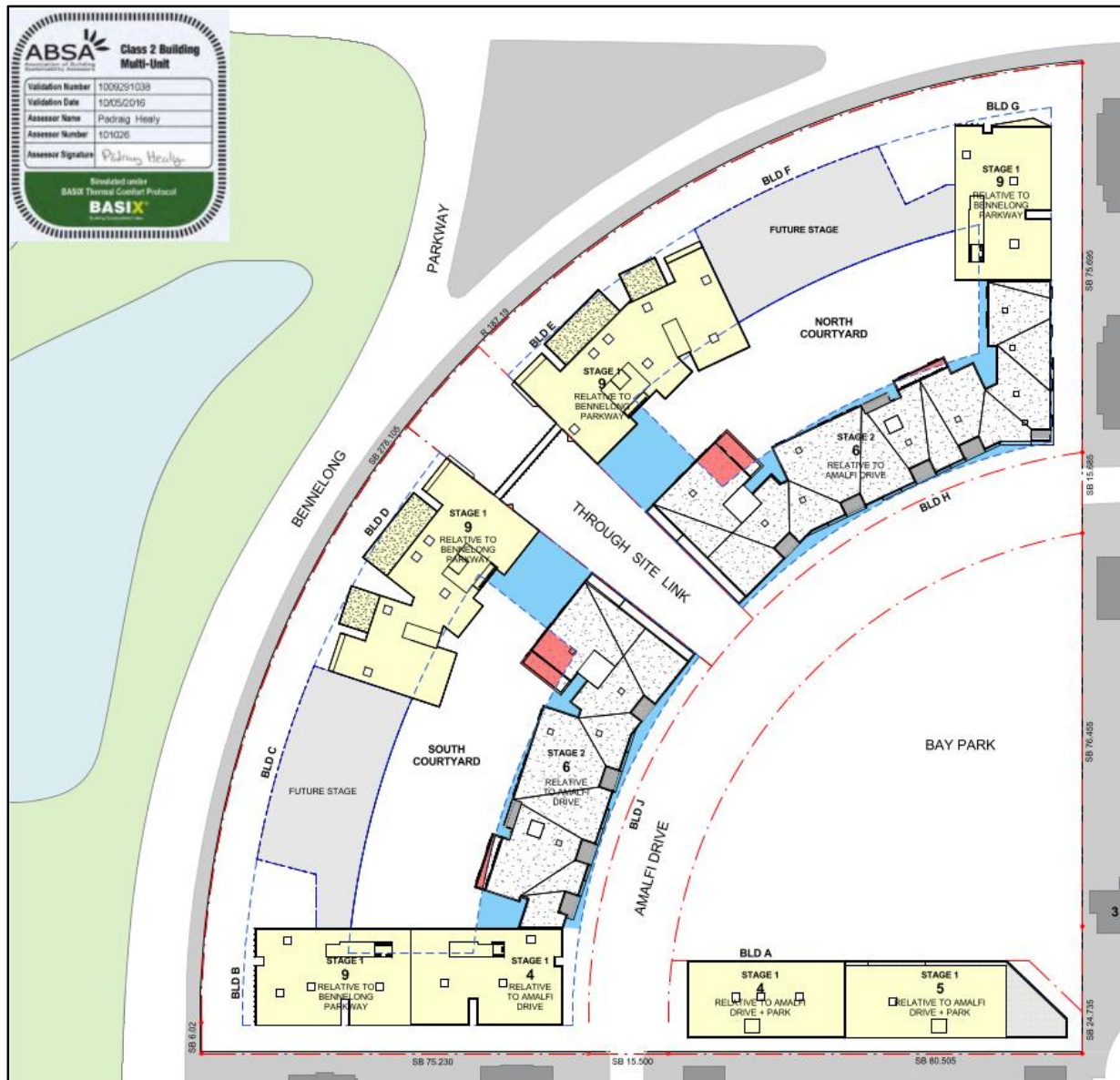
The concept plan envelope permits two perimeter forms that are bisected by a through site link. Encroachments into the central courtyard (northwest facades of Building H + J) have been balanced by significant reductions in other areas, including the reduction of two storeys along Amalfi Drive (Buildings H + J) and by opening the central courtyards to the through site link that increases permeability to lobbies accessed from Bay Park.

The encroachments to the concept plan achieve compliance with the ADG. The northwest facades of Building H + J achieve 13m separation from the building line to the private open spaces of Building D + E and 15.5m from glass line to glass line which is in compliance with 12m separation requirement of the ADG from Level 1-4. At levels 5-6, secondary high-level windows have been provided with opaque glazing to animate the upper levels of the building but ensure visual and acoustic privacy is maintained between buildings in compliance with objectives 3F1 and 3F2 of the ADG.

The significant reduction to the concept plan built form along the through site way will provide increased solar access to the southern courtyard between 11.15am end 12.30pm at mid-winter which was previously overshadowed. The southern courtyard will also receive sun between 2.00pm to 3.00pm at mid-winter.

The changes do not result in any reduction to the courtyard areas.

The following diagram represents the differences between the approved and proposed building footprints.



Variations to the Approved Building Footprint. The blue areas represent the concept plan footprint. The pink areas represent the encroachments beyond the approved footprint.

Concept Plan Conclusions

The application is therefore generally consistent with the approved concept plan. The variations to the Building H height and the building footprints have been addressed above and have been reviewed by the Design Excellence Advisory Panel who raise no concerns with the minor variations.

4.2 Homebush Bay West Development Control Plan 2004

The majority of controls for this proposal are contained within the ADG or the approved concept plan for the site. The relevant general considerations and remaining additional controls contained within the HBW DCP that would apply to this application is outlined below.

DCP Section	Comments
Part 2 Background Design Framework Principles	<ul style="list-style-type: none"> • The proposed development is consistent with the desired street and public domain pattern of the site. • No change is proposed to the approved street layout, public domain and public park areas as approved within the Concept Plan. • The proposal is consistent with the accessibility, sustainability, built form, housing choice and residential amenity provisions of the DCP.
Part 3 General Controls	<ul style="list-style-type: none"> • The majority of these controls are not applicable as the proposed development is subject to an approved concept plan and the design requirements of the Apartment Design Guide (ADG). Notwithstanding this, the proposal generally complies with the requirements contained within this section of the DCP.
Part 4 Detailed Design Guidelines	<ul style="list-style-type: none"> • The majority of these controls are not applicable as the proposed development is subject to an approved concept plan and the design requirements of the Apartment Design Guide (ADG). Notwithstanding this, the proposal generally complies with the requirements contained within this section of the DCP. • Vehicle Parking. The application complies with the required car parking, motorcycle parking (6 spaces) and bicycle parking (63 spaces) requirements of the DCP. • Wind Impacts. The application is supported by a technical report prepared by Windtech which concludes as follows: <i>The results of this study indicate that wind conditions within and around the various outdoor areas of the site will be acceptable for their intended uses with the following recommendations incorporated into the design:</i> <u>Ground Level</u> <ul style="list-style-type: none"> - <i>The inclusion of the proposed densely foliating trees along the Amalfi street frontage; in particular around the corner areas of Buildings H and J.</i> - <i>The inclusion of proposed densely foliating trees and shrubs/hedge planting along the through-site link between Buildings H and J.</i> - <i>The inclusion of recommended densely foliating shrubs/hedge planting underneath the proposed densely foliating trees along the through-site link between Buildings Hand J.</i> - <i>The inclusion of the proposed densely foliating trees within the north and south communal courtyard areas.</i> <u>Private Balconies</u> <ul style="list-style-type: none"> - <i>Retention of the proposed balustrades, louver screens and blade walls along the perimeter of the various private balconies.</i> - <i>The inclusion of recommended full-height impermeable or louver screens along the southern perimeter of the south-western private corner balconies of Building H on Levels 5 and 6.</i> <i>Hence, with the inclusion of the abovementioned recommendations within the final design of the development, it is expected the wind conditions for all outdoor trafficable within and around the development will be acceptable for its intended uses.</i> Suitable conditions are included in the recommendation.

	<ul style="list-style-type: none"> • Geotechnical Suitability and Contamination. Contamination has been addressed under the SEPP 55 discussion above. A Geotechnical Report and Groundwater Assessment prepared by Coffey accompany the subject application and establish that the site is suitable for the proposed development having regard to its groundwater conditions. An Acid Sulphate Soils Management Plan prepared by DLA Environmental also accompanies the subject application. • Crime Prevention. The proposed complies with the stipulated performance criteria related to safety and security by enhancing the interface between public and private space and providing a high level of passive surveillance of the public domain surrounding the site. A Crime Risk Analysis Report prepared by Sutherland & Associates Planning accompanies the subject application. • Adaptable Housing. The proposed development provides 26 adaptable apartments representing 17% of the total number of apartments. Whilst this is less than the 20% required under the DCP, the overall development approved under the Concept Plan will provide the required 20% of adaptable apartments.
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5. Planning Agreements

The proposed development is not subject to a planning agreement entered into under Section 7.4 of the EPAA.

6. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection do not need to be addressed as part of any consent granted for this application as the proposal is for a concept plan only and does not involve any construction works at this stage.

7. Likely Impacts

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise are acceptable.

8. Site Suitability

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

9. Public Interest

9.1 Draft District Plans – West Central District

The draft District Plan sets out opportunities, priorities and actions and provides the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level. Broadly, the priorities and actions within the draft plan for the West Central District are:

- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage growth with eco-friendly planning

This application is consistent with the specific controls introduced by the Department of Planning and Environment and therefore accords with the draft West Central District Plan.

9.2 Public Submissions

In accordance with Council's notification procedures contained in Appendix 5 of DCP 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 30 day period between 8 September 2016 to 11 October 2016. In response, three (3) individual submissions were received.

A map indicating the location of the submitters is provided below.



Map of Submission Responses (submissions in red circles)

The issues raised within these submissions are discussed below.

It is noted that the majority of the issues raised relate to the impacts associated with development that has already been approved in principle through a concept plan, or through the Stage 1 approval.

Issues Raised	Comment
There are a number of issues within WP which need to be addressed before any further development is approved.	The application is consistent with an approved Concept plan for the site. Any suburb wide issues do not warrant the deferral of this site specific application.
City of Parramatta staff require time to become familiar with the issues and the area.	Council staff are familiar with the area and the local issues. Irrespective of this, Council staff are able to assess the application under the current legislation and policies.
<p>Increased traffic generation – impacts on local roads such as The Piazza and pedestrian/cyclist safety</p> <p>Increased traffic generation impacts on amenity of The Piazza (pedestrian usage and traffic noise for residents)</p> <p>Requires traffic to utilise small narrow streets not designed for large traffic flows</p>	A concept approval has been granted for the proposed development (including the road design) and the traffic impacts of the entire redevelopment of the site were taken into consideration during that assessment process. There are no additional dwellings or vehicles proposed beyond that approved in concept.
Stage 2 density will create impacts on the Waterfront facilities and impact the amenity of the estate. They should provide additional facilities for their residents.	<p>The density for the entire site has been considered and approved in principle through the concept plan.</p> <p>It is noted that a park and a community room have been provided within the Stage 1 development of the site.</p>
Alternative vehicle access points should be required)	The vehicle access points have been approved within the Stage 1 application. There are no alternative access points proposed or available as part of this application.
Provision of parking during construction	This matter will be addressed via the required traffic management plan (TMP) to be submitted to Council before the commencement of works. It is noted that the current TMP requires workers to park on site during construction.
Cleanliness of building site and surrounds	Conditions of consent will require the site and adjacent verges be maintained in an appropriate manner.
Detailed traffic studies for the entire WP peninsula are required	The traffic within Wentworth Point is currently being investigated, however this investigation does not warrant the deferral of this site specific development.

Incorporation of additional parking facilities for residents (eg. street parking)	Parking will be available on the Amalfi Drive extension that was approved under the Stage 1 development. No additional street parking is proposed as part of this application.
Enforcement of safe parking practices in and around WP & restrictions on non-resident parking within local streets	This matter is not relevant to the subject application. Council has entered into an agreement to patrol and enforce parking restrictions within Wentworth Point.
Endorsement of the public park in Stage 1	Noted.
Noise from rooftop cinema and impacts on residents	There is no rooftop cinema proposed as part of the application.
Management of construction hours	Conditions of consent will restrict the hours of construction works to minimise impacts on the area.
Potential impacts of open park access to the internal courtyards of Capri, Sorrento and Torino	The proposed Stage 2 development does not provide for any open access to adjoining properties.
Potential impacts (including noise, privacy and security) to the internal courtyards in Sorrento.	<p>The potential impacts upon the adjoining residential development have been addressed within this report. The majority of the building facing Sorrento (Building H) complies with the required ADG separation distances to boundaries, with the exception of the upper 2 levels. The primary living areas on these upper levels have been reoriented towards the internal courtyard of the subject site, facing away from the adjoining Sorrento building. Privacy screens have also been provided on windows facing the adjoining Sorrento building.</p> <p>The proposed development is unlikely to impact upon the security of the adjoining properties.</p>

AMENDED PLANS

Yes

Summary of amendments

The plans were amended with minor modifications to address concerns raised by DEAP. These modifications included the following:

- Re-configuration of units within Building H to reduce the impacts on the Sorrento building
- Modifications to the upper roof parapet details.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with clause 3.4.1 of the Auburn DCP 2010 notification procedures entitled "*Amended Applications*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

9.3 Conclusion

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under SREP 24 – Homebush Bay Area and the Homebush Bay West DCP 2004
- The proposal will contribute to the overall housing supply of the local government area
- The proposal does not result in any unreasonable environmental impacts and provides for an acceptable architectural and urban design outcome.

10. Disclosure of Political Donations and Gifts

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

11. Development Contributions Plan

The development would require the payment of contributions in accordance with Auburn Development Contributions Plan 2007 (as amended). The Section 7.11 Contributions will be based upon the following criteria:

- 44 x 1 bedroom apartments
- 93 x 2 bedroom apartments
- 13 x 3 bedroom apartments

The contributions payable will total \$608,710.55.

This figure is subject to the consumer price index as per the relevant plan and will be imposed under the subject application.

12. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, however some variations (as detailed within the report) in relation to Apartment Design Guide and the approved Concept Plan are sought.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the minor departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

The application is recommended for approval subject to the imposition of appropriate conditions.

13. Recommendation

- A. That** the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/759/2016 for the construction of two (2) x six (6) storey residential flat buildings containing 150 dwellings over three (3) levels of basement car parking (Stage 2) on land at 23 Bennelong Parkway, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within Attachment B.
- B. That** the objectors to the application be advised of the determination of the application.

ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP Reference:	2016SYW171
DA No:	DA/759/2016
Address:	23 Bennelong Parkway – Wentworth Point

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979

That the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/759/2016 for the construction of two (2) x six (6) storey residential flat buildings containing 150 dwellings over three (3) levels of basement car parking (Stage 2) on land at 23 Bennelong Parkway, Wentworth Point for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the following conditions:

General Matters

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

Drawing No.	Drawing Name	Prepared By	Dated
Architectural Drawings – Project No. 14 020			
DA001 – Issue 2	Cover Page	Stanisic Architects	03.05.16
DA002 – Issue 2	Site Context Plan	Stanisic Architects	03.05.16
DA003 – Issue 2	Site Plan	Stanisic Architects	03.05.16
DA004 – Issue 2	Envelope Control Plan	Stanisic Architects	03.05.16
DA005 – Issue 2	Envelope Control 3D	Stanisic Architects	03.05.16
DA011 – Issue D	Communal Open Space	Stanisic Architects	05.06.17
DA051 – Issue 4	Overall – Basement 03	Stanisic Architects	11.04.18
DA052 – Issue 4	Overall – Basement 02	Stanisic Architects	11.04.18
DA053 – Issue 4	Overall – Basement 01	Stanisic Architects	11.04.18
DA054 – Issue 4	Overall – Level 00 (LG)	Stanisic Architects	11.04.18
DA055 – Issue C	Overall – Level 01 (G)	Stanisic Architects	21.10.16
DA056 – Issue B	Overall – Level 02	Stanisic Architects	21.10.16
DA057 – Issue B	Overall – Level 03-04	Stanisic Architects	21.10.16
DA058 – Issue C	Overall – Level 05	Stanisic Architects	05.06.17
DA059 – Issue C	Overall – Level 06	Stanisic Architects	05.06.17
DA105 – Issue 5	Level 01/GF Plan (South)	Stanisic Architects	03.05.16
DA106 – Issue C	Level 02 Plan (South)	Stanisic Architects	21.10.16
DA107 – Issue C	Level 03 Plan (South)	Stanisic Architects	21.10.16
DA108 – Issue C	Level 04 Plan (South)	Stanisic Architects	21.10.16
DA109 – Issue C	Level 05 Plan (South)	Stanisic Architects	21.10.16
DA110 – Issue C	Level 06 Plan (South)	Stanisic Architects	21.10.16
DA111 – Issue C	Roof Plan (South)	Stanisic Architects	21.10.16
DA155 – Issue 5	Level 01/GF Plan (North)	Stanisic Architects	03.05.16
DA156 – Issue C	Level 02 Plan (North)	Stanisic Architects	21.10.16
DA157 – Issue C	Level 03 Plan (North)	Stanisic Architects	21.10.16
DA158 – Issue C	Level 04 Plan (North)	Stanisic Architects	21.10.16
DA159 – Issue D	Level 05 Plan (North)	Stanisic Architects	05.06.17

DA160 – Issue C	Level 06 Plan (North)	Stanisic Architects	21.10.16
DA161 – Issue C	Roof Plan (North)	Stanisic Architects	21.10.16
DA201 – Issue 3	Elevations – Building J – S1	Stanisic Architects	03.05.16
DA202 – Issue C	Elevations – Building J – S2	Stanisic Architects	21.10.16
DA203 – Issue C	Elevations – Building J – S3	Stanisic Architects	21.10.16
DA204 – Issue 3	Elevations – Building H – S1	Stanisic Architects	03.05.16
DA205 – Issue C	Elevations – Building H – S2	Stanisic Architects	05.06.17
DA206 – Issue D	Elevations – Building H – S3	Stanisic Architects	05.06.17
DA207 – Issue A	East Elevation (Amalfi Dr)	Stanisic Architects	21.10.16
DA211 – Issue 2	Sections – Building J	Stanisic Architects	03.05.16
DA212 – Issue 2	Sections – Building H	Stanisic Architects	03.05.16
DA601 – Issue 6	Adaptable Apartments S1	Stanisic Architects	03.05.16
DA602 – Issue 5	Adaptable Apartments S2	Stanisic Architects	03.05.16
DA603 – Issue 5	Adaptable Apartments S3	Stanisic Architects	03.05.16
DA604 – Issue 6	Adaptable Apartments S4	Stanisic Architects	03.05.16
DA605 – Issue 2	Adaptable Apartments S5	Stanisic Architects	03.05.16
DA701 (A)	External Finishes & Materials	Stanisic Architects	Undated
DA702 – Issue 4	Axo Looking North East	Stanisic Architects	03.05.16
DA703 – Issue 4	Axo Looking South West	Stanisic Architects	03.05.16
DA704 – Issue 4	Axo Looking South East	Stanisic Architects	03.05.16
DA705 – Issue 4	Axo Looking North West	Stanisic Architects	03.05.16
DA706 – Issue 3	Axo Looking North	Stanisic Architects	03.05.16
Landscape Plans			
L-000 – Rev A	Drawing Register	Urbis Pty Ltd	18.01.17
L-101 – Rev A	Planting Plan (South)	Urbis Pty Ltd	18.01.17
L-102 – Rev A	Planting Plan (North)	Urbis Pty Ltd	18.01.17
L-SK-004 – Issue B	Indicative Palettes and Specifications	Urbis Pty Ltd	18.01.17
L-SK-005 – Issue B	Typical Details	Urbis Pty Ltd	18.01.17

Document(s)	Prepared By	Dated
Crime Risk Assessment and Security Management Plan	Sutherland & Associates Planning	May 2016
Acoustic Assessment (Reference 20160491.1/1105A/R0/YK)	Acoustic Logic	11.05.2016
Pedestrian Wind Environment Assessment (Reference W382 – 58F02 - Rev 1)	Windtech	05.05.2016
Waste Management Plan	Elephant's Foot	11.05.2016
BASIX Certificate No. 719549M_02	-	10.08.2016

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.

- Physical commencement must occur in accordance with the requirements of Section 4.53(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the consent. In this regard should physical commencement not occur by (insert date 5 years from issue of consent) the consent will lapse.

Reason: To provide certainty to the community as to when physical commencement must occur.

3. 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.
4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.
Reason: To ensure compliance with legislative requirements.
5. 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.
6. Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.
Reason: To ensure waste conveyance equipment is appropriately designed and managed.
7. 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.
8. The development is to be carried out in accordance with the General Terms of Approval of WaterNSW (Reference No. 10ERM2016/0783) dated 4 October 2016. Note: The General Terms of Approval are not the authorisation for the Aquifer Interference Activity. The Applicant must apply to WaterNSW for authorisation before the commencement of any works.
Reason: To comply with legislative requirements.

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.)

9. A stormwater drainage design showing drainage from the Stage 2 proposed buildings, open space, communal areas and landscape areas shall be submitted for approval to the Manager, Development & Traffic Services Unit before the issue of a Construction Certificate.

The design shall include, but not limited to, details of all pit and pipes, surface levels (RLs) of areas directed to surface inlet pits with directional flow arrows and overland flow paths where required. The details shall also include the connection to the stub pipes within Amalfi Drive stormwater system.

Stormwater drainage plans shall be submitted to Council in digital form and A1 print form (x4) for assessment and approval prior to the issue of the construction Certificate.

Reason: To ensure appropriate storm water drainage disposal is provided on site.

10. The following vehicle spaces shall be provided for the Stage 2 development:

(a) Car Parking Spaces

- (i) 163 car parking spaces for residents
 - (ii) 19 car parking spaces for visitors
 - (iii) 67 car parking spaces for future stage.
- Total = 249 car parking spaces

(b) Motorcycle Spaces

- (i) 6 motorcycle parking spaces

(c) Bicycle Spaces

- (i) 53 bicycle parking spaces for residents
 - (ii) 10 bicycle parking spaces for visitors
- Total = 63 bicycle parking spaces

Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason: To confirm the details of the application and comply with the requirements of the Homebush Bay DCP 2004.

11. Consolidated air condenser stacks are to be incorporated into the building design providing air conditioning to all apartments, in accordance with details to be submitted with the Construction Certificate.

Reason: To confirm the details of the application and improve the amenity of balconies and adjoining living spaces.

- 11A. Privacy screens are to be provided on Level 6 Units 12121 and 12122 in the same manner as shown on the Level 5 Units 11121 and 11122.

Reason: To confirm the details of the application and improve the amenity of adjoining dwellings.

12. A monetary contribution comprising **\$608,710.55** is payable to the City of Parramatta Council in accordance with Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979 and the *Auburn Development Contributions Plan 2007 (Amendment 1)*. Payment must be by EFTPOS, bank cheque or credit card only.

Contribution Type	Amount
Open Space	\$ 287,183.75
Community Facilities	\$ 160,763.40
Traffic Management	\$ 118,874.10
Plan Administration	\$ 41,889.30
Total	\$ 608,710.55

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the

Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The *Auburn Development Contributions Plan 2007 (Amendment 1)* can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

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

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

Reason: To comply with the Home Building Act 1989.

14. 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.

15. 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.

16. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

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

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

18. In accordance with Section 4.17(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/759/2016;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
Development Site Bond	\$25,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

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

19. 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.

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

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

Reason: To protect the visual amenity of the area.

21. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are

consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

Note: Qualified designer in this condition is as per the definition in SEPP 65.

Reason: To comply with the requirements of SEPP 65.

22. Any exhaust ventilation from the car park is to be ventilated in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

23. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

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

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

25. Prior to the issuing of the Construction Certificate details are to be submitted to the Principal Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document - *Western Sydney Salinity Code of Practice 2003*.

Reason: To ensure appropriate safeguards against salinity.

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

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

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.

27. The development must incorporate a minimum of 26 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 appropriately designed.

28. The recommendations of the following reports are to be incorporated within the documentation and design details submitted with the Construction Certificate:

Document Report	Date
Crime Risk Assessment and Security Management Plan (Security Measures outlined in Part 3) prepared by Sutherland & Associates Planning	May 2016
Acoustic Assessment (Reference 20160491.1/1105A/R0/YK) prepared by Acoustic Logic	11.05.2016
Pedestrian Wind Environment Assessment (Reference W382 – 58F02 - Rev 1) prepared by Windtech	05.05.2016
Waste Management Plan prepared by Elephant's Foot	11.05.2016

Note: Approval is not granted for any recommendations requiring work on public land.

The Principal Certifying Authority shall be satisfied that the recommendations have been incorporated into the plans before the issue of a Construction Certificate.

Reason: To protect the amenity of the area and confirm the details submitted with the application.

29. Plans submitted with the Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.

Reason: To ensure appropriate opportunities for access to natural light and ventilation are provided.

30. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.

Reason: To ensure the quality of the design finishes is maintained.

31. 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.

32. The following must be provided with an application for a Construction Certificate:
- (a) Construction details showing substrate depth, drainage, waterproofing for all planting on structures, including planting over on-site detention tanks, raised planters and rooftop gardens are to be provided by a suitably qualified structural engineer.
 - (b) A specification for the soil volume, soil depth and soil area must meet the prescribed standards in "Apartment Design Guide – tools for improving the design of residential apartment development" (NSW Department of Planning and Environment, 2015) to be provided by a suitably qualified Landscape Architect/Designer for all proposed tree plantings with an expected mature height of five (5) metres or greater.
 - (c) A specification ('Fit-for-purpose' performance description) for soil type must be provided by a suitably qualified Landscape Architect/Designer.
 - (d) Tree planting densities shall not exceed the prescribed soil volume and area required for plant type and certification must be provided by a suitably qualified Landscape Architect/Designer.

Reason: To ensure the creation of functional gardens.

33. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

34. 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 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

35. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

36. 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.

37. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.
Reason: To enable future upgrading of electricity services.

38. Where work is likely to disturb or impact upon 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.

39. The applicant is to make a formal submission to Ausgrid by means of a duly completed Connection Application and/ or Preliminary Enquiry form to allow Ausgrid to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site) before the issue of a Construction Certificate.

Note: Any work undertaken near Ausgrid assets needs to be done in accordance with various standards, rules and guidelines including:

- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

Reason: To comply with the requirements of Ausgrid.

40. 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.

41. Parking spaces, column locations and parking spaces for people with disabilities 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.

Reason: To comply with Council's parking requirements and Australian Standards.

42. The dimensions and layout of the bicycle storage/racks are to comply with AS 2890.3 - 2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

43. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements, worker parking and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate. The

traffic management plan shall incorporate the provision of parking of worker's vehicles on the site.

Reason: To maintain safety during construction

44. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

45. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from Amalfi Drive. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

46. 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.

Prior to Work Commencing

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

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

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

Reason: To comply with legislative requirements.

48. 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.

49. 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;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

50. Prior to work commencing, adequate toilet facilities are to be provided on the work site.
Reason: To ensure adequate toilet facilities are provided.

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

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

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

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

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

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

52. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

53. 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).

In addition, 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.

54. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and

structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.

- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

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

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

55. 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.
56. 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.
57. 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.
58. 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.

During Work

59. All trees planted as required by the approved landscape plan are to be a minimum 200 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

Reason: To ensure appropriate landscaping.

60. All trees supplied above a 25L container size must be grown in accordance with AS2303:2015 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2015. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

Reason: To minimise plant failure rate and ensure quality of stock utilised.

61. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

Reason: To ensure satisfactory stormwater disposal.

62. Stormwater must be connected to the approved stormwater drainage system within Amalfi Drive.

Reason: To ensure satisfactory storm water disposal.

63. 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.

64. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

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 driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

66. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported

onto the site should be validated by either one or both of the following methods during remediation works:

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

Reason: To ensure imported fill is of an acceptable standard.

67. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

68. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

69. All remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.

70. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Guidelines for Assessing Service Station Sites (1994). A report on the investigation is to be supplied to Council's Environment and Health unit.

At the completion of the investigation a site audit statement shall be issued by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

Reason: To ensure that the land is left in a safe and healthy condition.

71. Underground tanks shall be decommissioned and removed in accordance with:

- (a) Australian Institute of Petroleum (AIP) Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks (ref. AIP CP22).
- (b) Australian Standard AS 1940: 2004 AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids.
- (c) Work Cover NSW Code of Practice for the Storage and Handling of Dangerous Goods
- (d) NSW Department of Environment and Climate Change: Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes

Reason: To ensure the safe removal of underground storage tanks.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

72. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 and 6.10 of the Environmental Planning and Assessment Act 1979.

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

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 statutory requirements.

74. An occupation certificate shall not be issued until such time as all required infrastructure works, including the streets, drainage and park have been completed and issued with a final occupation certificate.

Reason: To ensure the infrastructure is in place for the approved development.

75. The Principal Certifying Authority shall be responsible for ensuring the recommendations of the following reports have been incorporated within the design and construction of the development:

Document Report	Date
Crime Risk Assessment and Security Management Plan (Security Measures outlined in Part 3) prepared by Sutherland & Associates Planning	May 2016
Acoustic Assessment (Reference 20160491.1/1105A/R0/YK) prepared by Acoustic Logic	11.05.2016
Pedestrian Wind Environment Assessment (Reference W382 – 58F02 - Rev 1) prepared by Windtech	05.05.2016
Waste Management Plan prepared by Elephant's Foot	11.05.2016

Certification from appropriately qualified consultants shall be submitted to the Principal Certifying Authority confirming that all relevant works have been carried out or complied with before the issue of an Occupation Certificate.

Reason: To ensure the recommendations of the reports have been implemented within the development.

76. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

77. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 719549M_02 dated 10.08.2016, will be complied with prior to occupation

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

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

Reason: To ensure appropriate electricity services are provided.

79. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

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

80. Design Verification issued by a registered architect is to be provided with the application for an 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.

81. 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.

82. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

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

Reason: To establish any damage caused as a result of the building works.

83. 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.

84. 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. The WAE survey shall include all surface levels that are drain water to the system.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, etc.
- (c) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

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.

85. 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 then the "e-developer" icon or telephone 13 20 92.

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

86. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

87. Prior to the issue of an occupation certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

(a) Acoustic Report No. (20160491.1/1105A/R0/YK), dated (11/05/2016), prepared by (Acoustic Logic)

Reason: To demonstrate compliance with submitted reports.

The Use of the Site

88. 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.

89. 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.

90. If a roller shutter door to be provided at the driveway entry and exit from Amalfi Drive to the building on the north east side of Amalfi Drive is to be operated via remote control. A security access card reader cannot be installed for this development as it will impede access to the carpark and not comply with the Clause Nos. 3.3(b) of AS 2890.1-2004.

Reason: To comply with Australian Standards.

91. 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.

92. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

93. 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

94. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

95. The air conditioner/s must not: (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
- (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
 - (iii) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and
 - (iv) above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.