

Abigail Goldberg (chair)
Sydney Central City Planning Panel
enquiry@planningpanels.nsw.gov.au

23 November 2020

Dear Ms. Goldberg and Panel Members

RE: DA/1157/2016/H & DA/295/2020 – Applicant’s Contested Conditions Letter dated 19 November 2020

Council has reviewed the applicant’s response to the draft conditions for the above applications currently under consideration by the Panel for electronic determination.

Please see attached table outlining Council officer’s response to the applicant’s requests.

Council officers will be ready to discuss any of these issues at our briefing meeting tomorrow.

Regards,



Alex McDougall
Executive Planner
City Significant Development

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Attachment 1

Condition	Applicant Contention	Current Recommendation	Commentary
DA/1157/2016/H – Concept Modification Application			
28	Delete condition.	<p>POWER LINES</p> <p>Prior to the issue of any the final Occupation Certificate (including interim Occupation Certificate) for Stage 4, the power lines adjacent to the site on Victoria Road shall be undergrounded to the satisfaction of the energy provider and Council.</p> <p>Reason: To ensure the required public domain improvements are provided.</p> <p>Note. Amended as per DA/1157/2016/H.</p>	<ul style="list-style-type: none"> • See report Section 6.1.7 for full justification. • The SEE only seeks to defer the undergrounding requirement to final OC, as currently recommended. The application documentation itself does not actually seek deletion of the condition. • Council officers would be comfortable to recommend deletion of the condition if the applicant were to commit formally to undergrounding the power lines as part of the Planning Proposal for the adjoining site. Such a formal commitment, such as a VPA, is not yet in place. It is likely at least 2 years before the development would progress to the point where the applicant would need to satisfy the condition (i.e. final OC). As such the current recommendation provides the applicant with time to enter into an appropriately binding commitment. Deleting the condition can be considered as part of a future modification application. • As such it is recommended that the condition remain as proposed.
DA/295/2020 – Stage 4 Development Application			
1	Minor corrections	See Draft Conditions of Consent	<ul style="list-style-type: none"> • The first change seeks a change to the date of a report. This was a typo in the draft conditions. This modification is considered to be acceptable. • The second change seeks to introduce an additional acoustic report into the list of approved documents. This acoustic report sought to justify the unit adjacent the service driveway. As outlined in the report (see Sections 6.4 and 8.8), this justification was not considered to be acceptable. As such it is not considered appropriate to include this report.
53	Delete condition. Alternative layout.	<p>DELETION OF UNIT / RECONFIGURED ENTRY</p> <p>Notwithstanding the architectural drawings hereby approved, Unit 2101 (as notated on the drawings), is to be deleted.</p> <p>This area shall be used to provide a larger entrance for Building 2 which is more clearly legible from, and addresses the street.</p> <p>Details demonstrating compliance are to be submitted to and approved by Council's Manager DTSU prior to issue of the relevant Construction Certificate(s).</p> <p>Reason: To provide appropriate amenity for occupants and assist in wayfinding in keeping with the requirements of SEPP 65, the Apartment Design Guide and Parramatta development Control Plan 2011.</p>	<ul style="list-style-type: none"> • While the applicant's response appears to be moving towards a potentially acceptable solution, there is insufficient time for a full assessment, particularly with regard to accessibility and acoustic issues. • The revised drawing does not include sufficient detail to undertake a full ADG assessment (i.e. layout). • It appears that improvements could be made to the layout of the lobby forecourt, particularly with regard to the location of mailboxes and width of pathways as recommended by the Design Excellence Advisory Panel. • It is recommended that the condition remain as proposed and the applicant address by way of subsequent modification application.

58	Modify 500mm to 300mm	<p>DESIGN TO WITHSTAND FLOODING</p> <p>The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding events up to the 1 in 100 year level plus 500mm freeboard.</p> <p>Reason: To ensure the structure can withstand flooding impacts.</p>	<ul style="list-style-type: none"> During assessment, the applicant submitted, as requested, flood contour diagrams demonstrating that the proposal does achieve the 500mm freeboard requirements (see attached). As such, it is not clear why the applicant seeks to reduce the freeboard requirement. Regardless, the freeboard is the only safety factor that applies to flood risk management. Council universally applies a 0.5m freeboard across the whole LGA for every flood affected development, at every scale, from minor home additions to precinct scale developments such as Parramatta Square. This proposed variation would be unique. The 0.5m freeboard is recognised and mentioned in the NSW Government's Flood Plain Development Manual several times, notably in Section K regarding determining the Flood Planning Level. The Manual is the most important guideline for Councils in flood risk management and following the Manual protects Council and other determining bodies from liability under the Local Government Act. As noted by the Manual, reducing flood freeboard transfers costs and risks from the developer to future landowners and occupants and is therefore an equity issue. Freeboard provides the only safety factor for a number of other unquantifiable but real factors including: inherent inaccuracy of flood modelling, local variations in water levels from waves, currents and turbulence, vehicle wake, unmodelled new development in the catchment, and climate change. As a result the 0.5m freeboard is universally applied by Council and variations to this are not supported. As such it is recommended that conditions 58 and 59 remain as proposed.
59	Modify 500mm to 300mm	<p>FLOOR LEVELS</p> <p>The finished floor levels of all habitable rooms/floors including but not limited to residential and commercial uses shall be a minimum of 0.5m above the 1% AEP overland flow water surface level in the adjacent roads assuming 100% blockage of the piped road drainage system as modelled by Lyall Associates October 2020. These minimum finished floor levels shall be in accordance with drawing SK120 'Level 1 Flood Contours' and SK 121 'Levels 2-3 Flood Contours' by AJ+C filed by Council on 26.10.2020 under D07716655. If the finished floor levels shown on drawings SK 120 and SK 121 are higher than those shown on other architectural drawings at the same location, the levels on SK 120 and SK 121 shall take precedence.</p> <p>Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate(s).</p> <p>Reason: To ensure adequate protection of life and property from flooding.</p>	

This architectural site plan illustrates a commercial development project. The plan includes a large supermarket building (FFL 34.450) with a retail entry (FFL 34.450) and a shop (FFL 34.450). Adjacent to the supermarket is a 2-bed townhouse (FFL 33.940) and a lobby (FFL 33.100). A service entry (RL 33.690) and another lobby (FFL 34.100) are also shown. A carpark entry (RL 34.765) leads to a large parking area with numerous spaces. A bicycle store (FFL 35.500) and an office/meeting room (FFL 35.300) are located near the top right. The plan also features a 3-bed townhouse (FFL 35.300) and a 2-bed townhouse (FFL 35.300). The site is bounded by a road on the left and a road on the right. The plan includes various annotations such as 'CARPARK ENTRY', 'LOBBY', 'SERVICE ENTRY', 'RETAIL ENTRY', 'SHOP 1', 'BICYCLE STORE', 'OFFICE / MEETING', '3 BED - Townhouse', '2 BED - Townhouse', and 'SUPERMARKET'. Elevation markers (FFL, RL) are provided for various points on the plan. The plan also shows a series of parking spaces and a road layout.

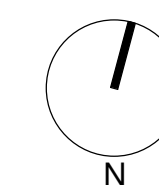
1 : 250



1 LEVELS 2-3
1:250

23/10/2020 3:40:16 PM This drawing is the copyright of Allen Jack + Cottier Architects and is protected under the Copyright Act 1968. Do not alter, reproduce or transmit in any form, or by any means without the express permission of Allen Jack + Cottier Architects. Nominated Architects: Michael Heenan 5264, Peter Ireland 6661

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MELROSE PARK - VICTORIA ROAD

SITE - Lot AB STAGE
4 DA 16012

SK121 - LEVELS 2-3 FLOOD CONTOURS

AJ+C
ALLEN JACK+COTTIER

1% AEP 100% BLOCKED PEAK WATER SURFACE ELEVATION CONTOURS IN RED