

MODIFICATION APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	MOD2020/0373
Applicant:	Universal Property Group Pty Ltd 137 Gilba Road GIRRAWEE NSW 2145
Property Description:	Lots 12 & 13 Butu Wargun Drive PEMULWUY NSW 2145 Lot 12 DP 1162280, Lot 13 DP 1162280
Development:	Section 4.55(2) for various modifications to the approved residential flat buildings including additional floors and roof terraces, and car parking spaces and additional 17 residential apartments, amendments to unit mix and floor levels, and deletion of internal roads
Determined by:	Sydney Central City Planning Panel

CONDITIONS OF APPROVAL

Accordingly, Development Consent DA2016/381/1 is amended as follows:

The proposed development description is to be amended to read as follows:

Proposed Description:	Construction of 7 x part 3, 4, & 5 storey residential flat buildings comprising a total of 300 317 units above 3 basement levels and at-grade parking accommodating a total of 379 401 parking spaces and internal roadways in 2 stages; with Stage A accommodating Blocks A, B, C and D; and Stage B accommodating Blocks E, F & G.
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Schedule B

Preliminary Conditions

Condition 2 is amended to read as follows:

- Development shall take place in accordance with the attached endorsed plans:

Architectural Plans – all Job No. 2270				
Dwg No.	Issue	Title	Prepared By	Date
S01	I	Site Plan	Architex	14/05/2021
S02	F	Basement Level 3	Architex	01/10/2020
S03	G	Basement Level 2	Architex	05/03/2021
S04	I	Basement Level 1	Architex	14/05/2021
S05	G	Level 1	Architex	05/03/2021
S06	G	Level 2	Architex	05/03/2021
S07	G	Level 3	Architex	05/03/2021
S08	G	Level 4	Architex	05/03/2021
S09	G	Level 5	Architex	05/03/2021
S10	F	Level 6	Architex	01/10/2020
S11	F	Roof Plan	Architex	01/10/2020
S12	F	Site Elevations	Architex	01/10/2020
S13	F	Site Elevations	Architex	01/10/2020
S14	F	Site Elevations	Architex	01/10/2020
S15	F	Site Elevations	Architex	01/10/2020
S16	I	Site Elevations	Architex	14/05/2021
S17	I	Site Sections	Architex	14/05/2021

Architectural Plans – all Job No. 2270				
Dwg No.	Issue	Title	Prepared By	Date
S19	F	Driveway Ramp Sections	Architex	01/10/2020
S24	I	Callout 1 – Basement Level 2 (Blocks A-D)	Architex	14/05/2021
S25	I	Callout 2 – Basement Level 1 (Blocks A-D)	Architex	14/05/2021
S26	I	Callout 3 + 4 – Basement Levels 2 + 3 (Blocks E-G)	Architex	14/05/2021
S27	I	Callout 5 – Basement Level 1 (Blocks E-G)	Architex	14/05/2021
S28	F	Converted Unit Layouts	Architex	01/10/2020
S29	F	Additional Unit Layouts	Architex	01/10/2020
S30	F	Additional Unit Layouts	Architex	01/10/2020
S31	F	Alternative Typical Unit Layouts	Architex	01/10/2020
S33	F	3d Sections	Architex	01/10/2020
S41	H	Watermain Easement Details	Architex	19/04/2021
S42	H	Watermain Easement Details	Architex	19/04/2021
S43	I	Waste Management Plan	Architex	14/05/2021

Hydraulic Plans – all prepared by ING Consulting Engineers Pty Ltd, Project No. 192072016DA,			
Drawing No.	Issue	Title	Date
19207-01/20	E	Erosion & Sediment Control Plan	28/07/2020
19207-02/20	E	Basement 3 Plan	28/07/2020
19207-03/20	E	Basement 2 Plan	28/07/2020
19207-04/20	E	Basement 2 Plan 2	28/07/2020
19207-05/20	E	Basement 1 Plan	28/07/2020
19207-06/20	E	Basement 1 Plan 2	28/07/2020
19207-07/20	E	Site & Roof Plan	28/07/2020
19207-08/20	E	Site & Roof Plan 2	28/07/2020
19207-09/20	E	Level 1 Plan	28/07/2020
19207-10/20	E	Level 1 Plan 2	28/07/2020
19207-11/20	E	Level 2 Plan	28/07/2020
19207-12/20	E	Level 2 Plan 2	28/07/2020
19207-13/20	E	Levels 3 to 4 Plan	28/07/2020
19207-14/20	E	Levels 3 to 4 Plan 2	28/07/2020
19207-15/20	E	Level 5 Plan	28/07/2020
19207-16/20	E	Level 5 Plan 2	28/07/2020
19207-17/20	E	Notes & Details	28/07/2020
19207-18/20	E	Notes & Details 2	28/07/2020

Landscape Plans – all prepared by Taylor Brammer Landscape Architects Pty Ltd			
Drawing No.	Revision	Title	Date
LA00	D	Cover Sheet & Context Plan	21.02.2018
LA01	E	Site Master Plan	21.02.2018
LA02	C	Key Landscape Character	27.02.2018
LA03	E	Communal Open Space Landscape Plan	21.02.2018
LA04	E	Pocket Park Plan	21.02.2018
LA05	E	Green Roof Master Plan	21.02.2018
LA08	D	Planting Plan 1/4	21.02.2018
LA09	D	Planting Plan 2/4	21.02.2018
LA10	D	Planting Plan 3/4	21.02.2018
LA11	D	Planting Plan 4/4	21.02.2018
LA12	B	Landscape Details	21.02.2018

- Acoustic Report prepared by Acoustic Logic, Project No. 20161220.1, Revision 0, dated 29 August 2016;
- Water Quality Control Report prepared by ING Consulting Engineers Pty Ltd, dated 31 August 2016;
- BASIX Certificate No. **755954M_04**, dated **9 October 2020** (Blocks A to D);

- BASIX Certificate No. **755834M_03**, dated **9 October 2020** (Blocks E to G);
 - Correspondence prepared by the NSW Police – Holroyd Local Area Command, Reference No. D/2016/542126, dated 6 October 2016 (copy attached), and all conditions contained therein;
 - Correspondence prepared by Endeavour Energy, dated 14 December 2016 **and 15 December 2020** (copy attached), and all conditions contained therein;
 - Correspondence prepared by Sydney Water, Reference No. 159816, dated 20 December 2016 **and 21 January 2021** (copy attached), all conditions contained therein.
- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

Condition 12 is amended to read as follows:

Section 7.11 Contribution

12. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the Environmental Planning and Assessment Act 1979 and Pemulwuy Contributions Plan 2015, for ~~300~~ **317** dwellings is to be paid to Council. At the time of this development consent, the current rate of the contribution is ~~\$2,937,000.00~~ **\$3,186,606.37**. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Pemulwuy Contributions Plan 2015 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Condition 44a is added to read as follows:

Stormwater

- 44a. Prior to issue of construction certificate, the stormwater plans shall be submitted to the satisfaction of Council's Manager of Engineering & Traffic, addressing the following matters:
- The stormwater plan shall be amended to incorporate the amended layout of the basement in accordance with the approved architectural plans.
 - The stormwater plans shall incorporate a subsoil drainage line around the periphery of the basement.
 - Details of the plan showing the water sensitive urban design measures are to be incorporated in the stormwater plan. The measures shall demonstrate how the pollutant removal targets as outlined in Holroyd DCP 2013 are met.
 - The supporting document including the electronic copy of the model used are to be submitted with the stormwater plan.

Reason: To ensure provision of appropriate WSUD measures.

Condition 44b is added to read as follows:

Loading bay and truck turning provisions

- 44b. At least two loading bays shall be provided to service each stage (Stage A comprising Blocks A to D, and Stage B comprising Blocks E to G) of the development.

Amended plans shall be submitted for approval to the satisfaction of Council's Manager of Engineering & Traffic, prior to the issue of construction certificate, addressing the following matters:

- Two loading bays to suit Heavy Rigid Vehicles (HRV's) with loading bay size 12.5m long x 7m wide, shall be provided at a location adjacent to the entrance to the basement car park of Blocks A-D. This space shall also be used as a garbage truck loading bay.
- Two loading bays to suit Heavy Rigid vehicles (HRV's) with loading bay size 12.5m long x 7m wide shall be provided to service Blocks E-G at the entrance to the section of the internal road (Eastern side internal road between Block F and Block G proposed to be deleted).
- Truck turning area of **12.5m** long shall be provided at the entrance to the section of the internal road (western side internal road between Block E and Block F proposed to be deleted).
- The ramp gradient and the change of gradient shall comply Table 3.2 of AS2890.2:2002.
- Manoeuvring provisions must be demonstrated by swept path clearance diagrams.

Reason: To ensure the provision of appropriate loading bays and turning area to service the development.

Condition 44c is added to read as follows:

Access to the Basement car park

- 44c. The entry to exit for the basement car parking must not be obstructed or cause conflict with the traffic in the opposite direction. In this regard, the following must comply for the access to the basement car park for Blocks A-D. Amended plans addressing the following matters shall be submitted to the principal certifying authority prior to issue of construction certificate:
- The width of the bin room "C" must be reduced to provide manoeuvring clearance to the left turning vehicle exiting the Basement Level 1.
 - The southern side wall/ driveway edge must be splayed to provide manoeuvring clearance to the left turning vehicles entering the basement.
 - The wall/doorjamb at the southern side of the entrance shall be deleted (or if not possible, reduce the southern side door jamb to a bare minimum) to provide additional clearance space for manoeuvring vehicles entering and exiting the basement.
 - Manoeuvring provisions must be demonstrated by swept path clearance diagrams.
- Reason: To ensure provisions of appropriate loading bays and turning area.

Condition 44d is added to read as follows:

Basement car park manoeuvring and circulation

- 44d. The basement car park plan shall be amended to comply with the following prior to the issue of a construction certificate.
- Blocks A-D car park – Basement Level 2
 - Sufficient turning and manoeuvring space shall be provided at the northern end of circulation aisle at Basement Level 2 of Blocks A-D to allow unobstructed manoeuvring of vehicles. In this regard, either the end of the aisle shall be extended further north or the adjacent plant room be resized to increase the circulation aisle width to at least 6.1m.
 - A car waiting bay shall be provided on the southern end turning area at the Basement Level 2.
 - Blocks A-D car park – Basement Level 1

To provide sufficient manoeuvring/turning and unobstructed circulation of vehicles within the southern end of Basement Level 1 of Blocks A-D, the following shall be carried out:

 - Car space R126 is to be deleted, and the adjacent column be relocated to widen the adjacent width of the circulation aisle on the southern side of the car park on Basement Level 1.
 - The car wash bay adjacent to the visitor's car space V1 and V33, shall be relocated within the resident parking aisle at R174 and R175.
 - The circulation aisle, adjacent to the visitor's car space V15 shall be widened to provide sufficient manoeuvring and circulation clearance. In the regard, it is recommended to convert the visitor's space V12-V14 and V19-V21 into circulation aisle with the following measures:
 - The circulation aisle adjacent to visitor's car space V14 and V19 be swapped with visitor's car space V12, V13, V20 and V21. Relocate visitor car spaces V14 and V19 to residential car space R176 and R177 (by converting them into visitor's car space).
 - Blocks E-G car park – Basement Level 3.
 - The northern side bicycle storage area on Basement Level 3 of Blocks E-G adjacent to space R7 at Basement level 3 shall be amended to not open outward.
 - Blocks E-G car park – Basement Level 2.

The circulation aisle on the southern side of the basement parking for Blocks E-G from the end of the ramp from basement 1 to basement 2, up to the ramp to the basement 3, must be wide enough to allow unobstructed circulation of traffic in both directions. In this regard, the following shall be complied with:

- i. Relocate the accessible toilet to elsewhere (plant room may be resized to accommodate the toilet) and move the adjacent staircase northward to occupy the space for toilet to provide sufficient width for the vehicles manoeuvring through the circulation road/aisle.
 - ii. Delete adjacent shared zone SZ and the storage room to provide additional space for the vehicles manoeuvring down to the lower basement.
 - iii. Relocate the car space R99 to adjoining car space R75, and convert R99 into the shared zone.
 - iv. Provide splay/ batter at the upstream right end of the ramp from Basement Level 2 to the Basement Level 3.
 - e) Blocks E-G car park – Basement Level 1.
In order to maintain the safety/security within the residential car parking area space the following are to be complied with:
 - v. Swap the storage area and the residential car spaces R122 to R126 at Basement Level 1 and provide the access to those car spaces from the residential side of the parking aisle.
 - f) The above provisions must be demonstrated by the provision of swept path clearance diagrams. The clearance diagram lines must not overrun into other clearance diagram lines for the traffic in opposite direction or overrun onto other car spaces or structures.
- Reason: To ensure provisions of appropriate parking facilities, unobstructed maneuvering and circulation within the basement car parks.

Condition 59a is added to read as follows:

Amended Plans

- 59a. Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:
- a) The landscape plan shall be revised to correspond with the approved architectural plans. In this regard, the internal roads shall be deleted and communal open space landscaping provided consistent with the approved architectural plans.

Condition 141 is amended to read as follows:

Traffic and Parking

141. At least ~~379~~ **401** car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.