

## **ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

### **DETERMINATION OF DEVELOPMENT APPLICATION NO. DA 21-1-2004 UNDER SECTIONS 80(4) AND (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**FILE NO: S04/00262**

I, the Minister for Planning, pursuant to Sections 80 (4) and (5) of the *Environmental Planning & Assessment Act, 1979*, and clause 5 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*, determine the development application referred to in Schedule 1, by granting consent subject to the conditions in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To promote the orderly and ecologically sustainable use and development of land;
- (2) To promote the orderly and economic use and development of land;
- (3) To ensure that building heights reflect and emphasise the topography and other natural attributes of the Rhodes Peninsula;
- (4) To ensure that the height, form and orientation of buildings take into account visual impact, both land and water based, solar access, ventilation, wind impact and the amenity and privacy of residences;
- (5) To protect and improve the unique visual qualities of the Parramatta River, Homebush Bay and Bray's Bay by ensuring that the character of the development, as viewed from the water, is compatible and sympathetic with the character of the surrounding foreshores;
- (6) To maximise amenity (including view sharing) and optimise safety and security, both internal to the development and for the public domain, so as to benefit of the future residents of the building and the wider community;
- (7) To ensure that the development represents good design by providing an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings;
- (8) To ensure that the development represents good design by achieving an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements;
- (9) To ensure that the development represents good design by recognising that together, landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain;
- (10) To ensure the development provides a high quality of landscaping and plantings; and
- (11) To ensure vehicular movement is consistent with the development of a high-quality pedestrian environment within the street system.

Frank Sartor MP  
**Minister for Planning**

Sydney,

1 February 2006



## SCHEDULE 1

### PART A—TABLE

|   |  |
|---|--|
| <b>Application made by:</b>                                       | Walker Group Constructions<br>1 Mary Street, Rhodes  |
| <b>Application made to:</b>                                       | Minister for Planning  |
| <b>Development Application:</b>                                   | DA No. 21-1-2004   |
| <b>On land comprising:</b>  | Lot 62 DP 1048445  |
| <b>Local Government Area</b>                                      | City of Canada Bay Council   |
| <b>Development Application, as made, for the carrying out of:</b> | Residential Development; Bulk earthworks / excavations, basement car parking and strata subdivision of 145 apartments with 15,954 square metres GFA from initial stratum subdivision of 4 lots that are a hotel / function facility; 7 local shops, residential apartments and residential serviced apartments |
| <b>Estimated Cost of Works</b>                                    | \$34,000,000   |
| <b>Type of development:</b>                                       | Local Development, Integrated Development  |
| <b>S.119 Public inquiry held:</b>                                 | No   |
| <b>BCA building class:</b>  | Class 2, 6, and 7  |
| <b>Approval Body / Bodies:</b>                                    | Council  |
| <b>Determination made on:</b>                                     | 1 February 2006  |
| <b>Determination:</b>   | Development consent is granted pursuant to Section 80 (4) and (5) of the Environmental Planning and Assessment Act, 1979 subject to the conditions in the attached Schedule 2.   |
| <b>Date of commencement of consent:</b>                           | This development consent commences on the date identified in the formal notification letter accompanying the Determination.  |
| <b>Date consent is liable to lapse</b>                            | This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> <li>▪ a shorter period of time is specified by the Regulations or</li> <li>▪ a condition in Schedule 2, or</li> <li>▪ the development has substantially commenced.</li> </ul>             |

### PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 21-1-2004

#### ***Responsibility for other approvals / agreements***

The Applicant is solely responsible for ensuring that they obtain from other authorities as relevant:

- (1) all additional consents, including another development consent pursuant to Section 80 (5)), and
- (2) any other relevant approvals or agreements or both.

#### ***Appeals***

The Applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice.

### ***Appeals—Third Party***

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

### ***Legal notices***

Any advice or notice to the consent authority shall be served on the Director-General.

### ***Section 94 Conditions***

The development is likely to require the provision of, or increase the demand for, public amenities and public services within the area.

The Concord Section 94 Plan, as amended by the Renewing Rhodes S94 Contribution Framework, levies contributions on the number of units or the floor space attributed to non-residential uses. By virtue of the nature of the parts or aspects of the development the subject of this development consent pursuant to Section 80 (4) of the Act, there is not sufficient detail to accurately determine the amount of monies required to satisfy the demand for public amenities and public services as per the Concord Section 94 Plan .

In these circumstances, the lack of certainty makes it premature to levy developer contributions **at this time**. Consequently, the Applicant is advised that condition(s) levying developer contributions will form part of further development consent(s) for relevant parts or aspects of the development referred to in condition A2 of Schedule 2 of this development consent. The Applicant shall note that any levies imposed will be in accordance with the Concord Section 94 Plan and as amended by the *Renewing Rhodes Contributions Framework* adopted by the Department of Planning on December 2001. The Concord Section 94 Plan may be inspected at the following locations within Canada Bay Council during its normal business hours:

- Drummoyne Citizen Services Centre, 1A Marlborough Street, Drummoyne, and
- Concord Services Centre, Cnr Flavelle and Wellbank Streets, Concord.

The *Renewing Rhodes Contributions Framework* may be viewed at Department of Planning at 23-33 Bridge Street, Sydney during its normal business hours.

## **PART C—DEFINITIONS**

In this consent,

**Act** means the *Environmental Planning and Assessment Act, 1979* (as amended).

**Applicant** means Walker Group Constructions or any party acting upon this consent.

**Approval Body** has the same meaning as within Division 5 of Part 4 of the Act.

**Architectural Drawings** means those plans listed in Condition A2 prepared by Suter's Architects Pty Ltd.

**Advisory Notes** means advisory information relating to the development consent, but do not form conditions of this consent.

**Building Envelope** means a three dimensional zone that limits the extent of a building in any direction and defines the extent of the overall building zone in plan and section within which a future building may be located. Building envelopes are exclusive of appropriately scaled and detailed sun shading devices, columns, lift rooms, mechanical plant rooms, and other building elements.

**Building Envelope “P”** means the building envelope described in Condition A1 (1) (a).

**Building Envelope “A”** means the building envelope described in Condition A1 (1) (b).

**Building Envelope “B”** means the building envelope described in Condition A1 (1) (c).

**BCA** means the Building Code of Australia.

**car parking** has the same meaning as in SREP 29.

**Certifying Authority** has the same meaning as Part 4A of the Act.

**Commercial Building 4** means the building the subject of the development consent DA 375-12-2001 granted by the Minister on 11 September 2002 and available for use as a commercial office space.

**Council** means City of Canada Bay Council.

**DA No. 21-1-2004** means the development application and supporting documentation submitted by the Applicant on 28 January 2004.

**the DCP** means the *Renewing Rhodes Development Control Plan* produced and adopted by the Department.

**Department** means the Department of Planning or its successors.

**Director** means the Director of the Urban Assessments (or his nominees) within the Department or their successors.

**Director-General** means the Director-General of the Department.

**Dwelling** has the same meaning as in SREP 29.

**Floor Plate** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls, excluding any balcony.

**Habitable space** means an area contained within a building that is capable of use as a dwelling or for a non-residential purpose, such as commercial office space or recreation facility.

**Hotel** has the same meaning as in SREP 29.

**Local Shop** has the same meaning as in SREP 29.

**Minister** means the Minister for Infrastructure and Planning.

**PCA** means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

**Regulations** means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

**Regional Cycleway** means the narrow strip of land adjacent to the railway line that is provided for the purposes of a cycleway connecting Walker Street with Oulton Avenue that burdens the Subject Site, Part Lot 61 DP 1048445, and Part Lots 21 and 22 DP 1049524.

**Residential building** has the same meaning as in SREP 29.

**Serviced Apartment** has the same meaning as in SREP 29.

**Storey** has the same meaning as in SREP 29 and as calculated by applying SEPP 6.

**Subdivision** has the same meaning as in the Act.

**Subject Site** has the same meaning as that land identified in Part A of Schedule 1 as land comprising this development consent, namely Lot 62 DP 1048445.

**SREP 29** means the *Sydney Regional Environmental Plan No.29—Rhodes Peninsula* (as amended), gazetted by the Minister on 19 November 1999.

**SEPP 6** means the *State Environmental Planning Policy No.6—Number of Storeys in a Building* (as amended), gazetted by the Governor on 10 December 1982.

**SCHEDULE 2**  
**CONDITIONS OF CONSENT**  
**DEVELOPMENT APPLICATION NO. 21-1-2004**

**PART A—ADMINISTRATIVE CONDITIONS**

***General***

***A1 Development description***

Under Section 80 (4) of the Act, consent is granted to the parts or aspects of the development described in detail below:

- (1) Three interconnected building envelopes as follows
  - (a) **Building Envelope “P”:** A building envelope for the podium portion of the development shown on the Architectural Drawings marked in Green hatch and as modified as follows so as to not extend beyond:
    - (i) a line no further north than grid reference AY1/BY1 shown on the Architectural Drawings,
    - (ii) a line to the east no closer than 6.8 metres from the eastern boundary of the Subject Site, which is the eastern face of Commercial Building 4,
    - (iii) a line no further south than the grid reference AY12/BY12 shown on the Architectural Drawings,
    - (iv) a line to the west no closer than 1.8 metres from the western boundary of the Subject Site, which is the western face of Commercial Building 4, and
    - (v) a height no greater than RL 23.2 metres and 3 storeys when measured from the ground level; and
  - (b) **Building Envelope “A”:** A building envelope for that portion of the development shown on the Architectural Drawings marked in Red cross hatch and as modified as follows so as to not extend beyond:
    - (i) a line no further north than grid reference AY1/BY1 shown on the Architectural Drawings,
    - (ii) a line no further east than 1.75 metres west of the grid reference AX4 shown on the Architectural Drawings,
    - (iii) a line no further south than the grid reference AY12/BY12 shown on the Architectural Drawings,
    - (iv) a line to the west no closer than 6.8 metres from the western boundary of the Subject Site, which is the western face of Commercial Building 4, and
    - (v) a height:
      - between the grid references AY1 and AY4 of no greater than RL 38.6 metres and 8 storeys, when measured from the ground level, and
      - thence a straight line from grid reference AY4 commencing at a height of RL 38.6 metres to grid reference AY8 ending at a

- height of RL 47.6 metres and 11 storeys, when measured from the ground level,
  - thence between AY9 and AY11 of no greater than RL 47.6 metres and 11 storeys, when measured from the ground level, and
  - thence a straight line from grid reference AY11 commencing at a height of RL 47.6 metres to grid reference AY12/BY12 ending at a height of RL 23.2 metres and 3 storeys when measured from ground level; and
- (c) **Building Envelope “B”:** A building envelope for that portion of the development shown on the Architectural Drawings marked in Blue dashed hatch and as modified as follows:
- (i) a boundary no further north than grid reference AY1/BY1 shown on the Architectural Drawings,
  - (ii) a line no further east than 2.25 metres west of the grid reference BX2 shown on the Architectural Drawings,
  - (iii) a line no further south than the grid reference AY12/BY12 shown on the Architectural Drawings,
  - (iv) a line to the west no closer than 1.8 metres from the western boundary of the Subject Site, which is the western face of Commercial Building 4, and
  - (v) a height no greater than RL 38.6 metres and 8 storeys when measured from the ground level; and
- (2) land uses for the purposes of local shops operating 7.00am to 11.00pm daily,
  - (3) land uses for the purposes of a hotel (with operating hours determined by Condition A7), and
  - (4) land uses of residential buildings, of which serviced apartments may occupy a part of a building wholly within or within a part of Building Envelope “B” or Building Envelope “P” or both; and
  - (5) a total Gross Floor Area of no more than 12,166.8 square metres with Floor Plates of no more than 750 square metres above 6 storeys; and
  - (6) subdivision of land uses within the site, and
  - (7) basement car parking.

**A2 *Parts or Aspects of the development to be the subject of another development consent pursuant to Section 80 (5)***

- (1) In accordance with Sections 80 (5) of the Act, the following must be the subject of another development consent:
  - (a) development for the purposes of subdivision of the Subject Site into stratum and strata lots, and
  - (b) development for the purposes of providing ancillary services and infrastructure, and
  - (c) development for the purposes of associated basement car parking and vehicular access, swimming pool, and landscaping, and
  - (d) development for the purposes of constructing a building, work or structure that is
    - (i) a residential building within Building Envelope “A”; and

- (ii) serviced apartments or a residential building within Building Envelope "B"; and
- (iii) serviced apartments or a residential building within Building Envelope "P"; and
- (iv) local shops within Building Envelope "P".
- (e) development for the purposes of operating or constructing a building, work or structure containing a hotel, inclusive of its operating hours, within Building Envelope "P"; and
- (f) the carrying out of any development ancillary to those required in Condition A2 (1) (a) to (e), inclusive.

### **A3 Requirement for further Consents to be in accordance with Architectural Drawings**

The development of all parts or aspects of the development referred to in Condition A2 shall be in accordance with development application number DA 21-1-2004 submitted by the Applicant on 28 January 2004, as amended by conditions elsewhere in this consent, and in accordance with the following:

| <b>Statement of Environmental Effects entitled "Statement of Environmental Effects to accompany a Development Application for Mixed Use Development of Lot 6 of Rhodes Waterside: Richard Huxley and Associates" prepared by Planning Workshop Australia, dated January 2004</b> |                 |                                 |             |
|--|-----------------|---------------------------------|-------------|
| <b>Architectural Drawings prepared by <i>Suters Architects Pty Ltd</i> of Suite 118, Lower Deck, Jones Bay Wharf, 26-32 Pirrama Road, Pyrmont</b>  |                 |                                 |             |
| <b>Drawing No.</b>   | <b>Revision</b> | <b>Name of Plan</b>             | <b>Date</b> |
| DA.11C   | C               | Level P3                        | 17.04.05    |
| DA.12C   | C               | Level P2                        | 17.04.05    |
| DA.13C   | C               | Level P1                        | 17.04.05    |
| DA.14C   | C               | Level 01                        | 17.04.05    |
| DA.15C   | C               | Level 02                        | 17.04.05    |
| DA.16C   | C               | Level 03                        | 17.04.05    |
| DA.17C   | C               | Level 04                        | 17.04.05    |
| DA.18C   | C               | Level 05                        | 17.04.05    |
| DA.19C   | C               | Level 06                        | 17.04.05    |
| DA.20C   | C               | Level 07                        | 17.04.05    |
| DA.21C   | C               | Level 08                        | 17.04.05    |
| DA.22C   | C               | Level 09                        | 17.04.05    |
| DA.23C   | C               | Level 10                        | 17.04.05    |
| DA.24C   | C               | Level 11                        | 17.04.05    |
| DA.25C   | C               | Roof Plan                       | 17.04.05    |
| DA.30C   | C               | North / South Elevation         | 17.04.05    |
| DA.31C   | C               | East / West Elevation           | 17.04.05    |
| DA.32C   | C               | Courtyard Elevation             | 17.04.05    |
| DA.40C   | C               | Section A – A                   | 17.04.05    |
| <b>Survey Drawings prepared by <i>Denny Linker</i> of Level 5, 17 Randle Street, Surry Hills and identified on plan as Lot 62 (and duly registered as Lot 62 DP 1048445)</b>   |                 |                                 |             |
| <b>Drawing No.</b>   | <b>Revision</b> | <b>Name of Plan</b>             | <b>Date</b> |
| 001011 SUB   |                 | Plan of Subdivision of Lot 6 DP | 08-11-02    |



|           |  |         |  |
|-----------|--|---------|--|
| 310/Lot 6 |  | 1047108 |  |
|-----------|--|---------|--|

#### **A4      *Lapsing of consent***

This consent shall lapse 5 years from the date from which the Minister signed the Instrument of Consent or, 2 years after the date from which a later or the latest development consent granted under Condition A2 operates whichever is the longer.

#### ***Subject of this consent***

#### **A5      *Inconsistency between documents***

In the event of any inconsistency between:

- (1) conditions of this consent, and
- (2) the drawings or documents or both referred to in Condition A3,

then the conditions of this consent shall prevail to the extent of the inconsistency.

#### **A6      *Detailed Architectural Drawings***

In order to avoid any confusion, any document, drawing, or survey contained within the Statement of Environmental Effect or appendices that purport to show a design that is inconsistent with the Architectural drawings in Condition A3 do not form the subject of this consent.

#### **A7      *Documentation for submission prior to issue of further development consent(s)***

- (1) To assist the consent authority (within the meaning of the Act) to grant further development consent(s) for the parts or aspects of the development referred to in Condition A2, the Applicant will need to provide at least the following documentation:
  - (a) full and detailed plans and elevations of the development;
  - (b) a materials and finishes board with colour elevations and photomontages, where relevant;
  - (c) a statement of environmental effects;
  - (d) an accessibility report, where relevant;
  - (e) a wind effects report, where relevant;
  - (f) reflectivity report, where relevant;
  - (g) energy efficiency report, where relevant;
  - (h) solar access report, where relevant;
  - (i) transport and parking plan, where relevant;
  - (j) detailed landscape plans and reports, where relevant
  - (k) matters relating to the operating of the hotel and its operating hours; and
  - (l) a report providing reasons for the allocation of gross floor area at heights above 6 storeys in accordance with the objectives of clause 16 of *Sydney Regional Environmental Plan No.29—Rhodes Peninsula*.
- (2) Notwithstanding any provision in this Condition, the Applicant shall provide any documentation required to demonstrate compliance with conditions of this consent.

**Built form controls****A8 Floor plates over 6 storeys and Gross Floor Area**

- (1) To ensure buildings are of an appropriate bulk and scale and to avoid bulky towers the further documentation lodged in accordance with Condition A7, shall demonstrate that Floor Plates of buildings in Building Envelope "A" and Building Envelope "B" that have heights above 6 storeys do not exceed 750 square metres.
- (2) To ensure buildings are of an appropriate bulk and scale and to avoid bulky towers, the further documentation lodged in accordance with Condition A6, shall demonstrate that the gross floor area on the Subject Site does not exceed 12,166.8 square metres. In complying with this condition, the Applicant should submit a set of A3 poly line drawings that:
  - (a) show and number the included and excluded floor area for each level,
  - (b) show the breakdown and cumulative total for each level of gross floor area, and
  - (c) are signed off by a registered architect.

**A9 Landscaping**

In order to secure sufficient deep soil landscaping for the purposes of providing amenity to residents and securing ecologically sustainable development, the further documentation lodged in accordance with Condition A7, shall demonstrate that:

- (1) no less than 15% of the total site area of the Subject Site consists of landscaping comprising unimpeded, deep soil planting, and
- (2) that the majority of deep soil landscaping is accessible only by occupants of residential buildings as communal open space.

**A10 Internal corridor lengths of residential buildings**

- (1) To ensure that the development complies with best practice and results in a built form with an appropriate bulk and scale, the further documentation lodged in accordance with Condition A7 shall demonstrate that no more than 6 dwellings per floor are served by a common lobby.
- (2) Notwithstanding condition (1) above, a common lobby with no more than 15 dwellings per floor may be supported providing the further documentation lodged in accordance with Condition A7 demonstrates that the relevant floor of the building includes a high proportion of cross-over and two storey apartments.

**A11 Building separation distances**

To ensure that the development complies with best practice and results in a built form with an appropriate bulk and scale, the further documentation lodged in accordance with Condition A7, shall demonstrate that the separation distances of Building Envelope "A" and Building Envelope "B" from all surrounding buildings that have been built, are under construction, or are the subject of another development consent comply with the following:

- (1) Buildings up to 12 metres high shall have no less than
  - (a) 12 metres between:
    - (i) habitable space to balconies, or
    - (ii) habitable space to habitable space, or
    - (iii) balconies to balconies,

- (b) 9 metres between
  - (i) habitable space to non-habitable space, or
  - (ii) balconies to non-habitable space,
- (c) 6 metres between non-habitable space,
- (2) Buildings between 12 metres high to 25 metres shall have no less than
  - (a) 18 metres between:
    - (i) habitable space to balconies, or
    - (ii) habitable space to habitable space, or
    - (iii) balconies to balconies,
  - (b) 13 metres between
    - (i) habitable space to non-habitable space, or
    - (ii) balconies to non-habitable space,
  - (c) 9 metres between non-habitable space
- (3) Buildings over 25 metres shall have no less than
  - (a) 24 metres between
    - (i) habitable space to balconies, or
    - (ii) habitable space to habitable space, or
    - (iii) balconies to balconies,
  - (b) 18 metres between
    - (i) habitable space to non-habitable space, or
    - (ii) balconies to non-habitable space,
  - (c) 12 metres between non-habitable space

#### ***A12 Maximum building length to promote view sharing***

In order that there is a reasonable level of view sharing of future residents of the Subject Site and those future and existing residents in adjoining parcels of land as well as ensure the resulting built form has an appropriate bulk and scale, the further documentation lodged in accordance with Condition A7, shall demonstrate that any building above 6 storeys has a length no greater than 60 metres.

#### ***A13 Sydney Harbour Design Review Panel***

In order to secure a better planning outcome in built form and urban design, the Applicant, prior to the issue of further consents for any of the parts or aspects of the development referred to in condition A2, shall:

- (1) have the development reviewed by the Sydney Harbour Design Review Panel (or its successors) and have its written comment, and
- (2) demonstrate what measures (if any) are taken to address any concerns or recommendations of the Sydney Harbour Design Review Panel (or its successors).

#### ***A14 Materials and finishes board and reports***

In order to secure a better planning outcome in built form and urban design, the further documentation lodged in accordance with Condition A7 shall include a materials finishes board and report.

The materials finishes board and report is to include, but not be limited to:

- (1) a technical report on the quality and application of the painted finish to the building, its longevity, and the maintenance schedule for painting, and
- (2) a technical report on the quality and application of materials applied to the building, its longevity, and the maintenance schedule for the materials.

## ***Amenity***

### **A15 Storage facilities**

- (1) In order to provide adequate amenity to future occupants of residential buildings occupying the Subject Site, the further documentation lodged in accordance with Condition A6, shall demonstrate that storage for each dwelling is provided as follows:
  - (a) a studio or one bedroom dwelling has no less than 7.5 cubic metres available and that half of this volume is located within the dwelling,
  - (b) a two bedroom dwelling has no less than 10 cubic metres available and that half of this volume is located within the dwelling, and
  - (c) a three or more bedroom dwelling has no less than 12.5 cubic metres available and that half of this volume is located within the dwelling.

### **A16 Active frontages to Regional Cycleway**

- (1) In order to provide active frontages and safety to the Regional Cycleway, the further documentation lodged in accordance with Condition A7, shall demonstrate that there is an active frontage to no less than 75% of the eastern face of the building within Building Envelope "P" by implementing one or more of the following:
  - (a) shopfronts to local shops, preferably accompanied by an entry, or
  - (b) uses ancillary to either dwellings within a residential building or to serviced apartments, providing the ancillary uses do not comprise car parking, or
  - (c) a combination of the above.
- (2) In this condition, the term **active frontage** means a space at a level no more than 1.5 metres above ground level and includes clear glazing or balconies that:
  - (a) promote surveillance and activities that maximise surveillance, and
  - (b) assist in strengthening the interaction of the private and public domain.

### **A17 Active street frontage to Mary Street and Rider Boulevard**

- (1) In order to achieve active frontages and a safe, pedestrian-friendly environment along Mary Street and Rider Boulevard, the further documentation lodged in accordance with Condition A7, shall demonstrate that there is an active frontage to the entire length of the northern facade (Mary Street frontage) and the entire length of the western facade (Rider Boulevard frontage) by implementing one or more of the following:
  - (a) shopfronts to local shops, if predominantly glazed and accompanied by an entry,
  - (b) entrance to dwellings within a residential building, to serviced apartments or uses ancillary to either dwellings within a residential building or serviced apartment, but not car parking,
  - (c) home office, if accompanied by an entry, or

- (d) hotel, if predominantly glazed and accompanied by an entry.
- (3) In this condition, the term **active frontage** means a space at ground level and includes clear glazing, balconies and entries that strengthen the interaction of the private and public domain.

### **A18 Energy substation**

In order to provide active frontages and safety to the public easement over the Subject Site, the further documentation lodged in accordance with Condition A1, shall demonstrate that the electrical substation necessary to serve the site is wholly contained within any building within Building Envelope "P".

### **A19 Acoustic reports**

- (1) In order to provide adequate amenity to future occupants of residential buildings occupying the Subject Site and in the vicinity of the development, the Applicant prior to the issue of a further consent for the purposes of a hotel or any use in Building Envelope "A" and Building Envelope "P" pursuant to Section 80 (5) and Condition A2 shall submit an acoustic report.
- (2) In satisfying the above condition above, the acoustic report shall :
  - (a) be prepared by a suitably qualified professional, and
  - (b) in relation to the land use for a hotel,
    - (i) identify and analyse the impact of the hotel use on actual and potential sensitive noise receivers located both within the Subject Site and in the vicinity, and
    - (ii) identify the design and construction measures necessary to ensure that the hotel use complies with the relevant acoustic and noise requirements of the Liquor Administration Board, and
  - (c) in relation to any building in Building Envelope "A" and Building Envelope "P", demonstrates that it can comply with the relevant rail noise and vibration guidelines (including any draft or interim guidelines) prepared by RailCorp.

### **A20 Plant noise and location**

In order to provide adequate amenity to future occupants of residential buildings occupying the Subject Site, the further documentation lodged in accordance with Condition A7, shall:

- (1) demonstrate that the location of any plant room is adjacent to a common lobby,
- (2) demonstrate that the plant room is accessible only from a common lobby, and
- (3) provide an acoustic report that demonstrates the treatments necessary to minimise any acoustic and vibrational impacts on dwellings from the operation of the plant.

### **A21 Access to dwellings**

In order to provide adequate amenity to future occupants of residential buildings occupying the Subject Site and to remove any barriers to the free access of the site by people with or without mobility impairments, the further documentation lodged in accordance with Condition A7 shall demonstrate that:

- (1) the lift core provides access to a lift lobby on ground level, and
- (2) that the lift lobby on ground level discharges directly to **either**
  - (a) Mary Street,

- (b) Rider Boulevard,
- (c) the Regional Cycleway **or**
- (d) any new area at ground level that has or is capable of a restriction on title for unrestricted public access.

### ***Ecologically sustainable development***

#### **A22 *Ecologically sustainable development benchmarks***

- (1) In order that the development provides a better ecologically sustainable development outcome for ventilation of the private domain, the further documentation lodged in accordance with Condition A7 shall:
  - (a) demonstrate that no less than 75% of the total dwellings on the Subject Site are naturally ventilated,
  - (b) demonstrate by way of a study that no less than 66% of the total dwellings on the Subject Site will receive solar access to living rooms only, and
  - (c) if required, include a BASIX certificate in accordance with the provisions of the Act and Regulations.
- (2) Notwithstanding Condition (1) and regardless of whether a BASIX certificate is available for the development, the further documentation lodged in accordance with Condition A7 shall demonstrate that:
  - (a) bathrooms in a dwelling adjacent to external walls are capable of mechanical ventilation, where appropriate; and
  - (b) any air conditioning units for installation within dwellings in the Subject Site are **either**:
    - (i) capable of achieving at least a 3 star rating in accordance with the Minimum Energy Performance Standards (MEPS). The reference for the relevant standards applicable to air conditioning units is available from the Commonwealth Government's Australian Greenhouse Office website [www.energyrating.gov.au](http://www.energyrating.gov.au), **or**
    - (ii) where there is **no** rating under MEPS, energy efficiency consistent with the Australian Standard AS 3823.2-2003 *Performance of electrical appliances – Airconditioners and heat pumps*.
  - (c) dwellings have clothes drying lines installed, in accordance with Condition A23, that are:
    - (i) not visible from the public domain, and
    - (ii) preferably on secondary balconies or secondary areas of main balconies.
- (3) Notwithstanding Condition (1), where a BASIX certificate is not required for the development, the further documentation lodged in accordance with Condition A7 shall demonstrate that the NatHERS rating requirements for the Subject Site are :
  - (a) an average rating for all dwellings of 4 stars or better,
  - (b) at least 20% of all dwellings shall achieve better than 4.5 stars,
  - (c) at least 80% of all dwellings shall achieve better than 3.5 stars, and
  - (d) no apartment shall achieve less than 3 stars.

**A23 Clotheslines**

- (1) In order that the development provides a better ecologically sustainable development outcome for the private domain in terms of reducing energy usage and regardless of the requirements for a BASIX certificate by the Act or Regulations, the Applicant shall only install in dwellings a clothes dryer that corresponds with the energy rating in Column 2 based on the percentages shown in Column 1 for dwellings with clothes drying lines installed.

| <b>Column 1:<br/>Percentage of dwellings in each site with clotheslines installed</b> | <b>Column 2:<br/>Minimum energy rating for a clothes dryer in non-clothes line dwellings</b> |
|---|--|
| 0%-49%  | 3 Star energy rating or more   |
| 50%-74%   | 2.5 Star energy rating or more   |
| 75%-100%  | 2 Star energy rating or more   |

- (2) Clothes lines are to be installed at a minimum height of 1 metre with a minimum of 3.5 metres combined line length.

**Social and economic issues****A24 Dwelling mix**

In order that there is a suitable mix of dwelling types to assist in creating a housing mix that caters to a diverse population, the further documentation lodged in accordance with Condition A7 is to demonstrate that no more than 48% of the total dwelling and serviced apartment numbers on the Subject Site consist of studio and one bedroom dwellings and otherwise comply with the strategy of Clause 5.2.7 of the DCP.

**A25 Maximum permissible serviced apartments**

In order that the development provides employment-generation that is compatible with the traffic capacity of the Rhodes Peninsula and adjoining areas, does not have a significant impact on the commercial viability or employment growth of Parramatta, and does not have a significant adverse impact on the amenity of the locality, the further documentation lodged in accordance with Condition A7 is to demonstrate that no more than 30% of total dwelling numbers on the Subject Site is capable of use as serviced apartments.

**A26 Recycled water**

In order that the development includes adequate infrastructure for the sustainable use of water, the further documentation lodged in accordance with Condition A7 is to demonstrate that the Subject Site is capable of being connected to any recycled water infrastructure available or potentially available within the area covered by SREP 29.

**Traffic and transport****A27 Number of car spaces**

In order that the development provides parking controls that support the public transport strategies of the NSW Government and reflect the capacity of the road network, the further documentation lodged in accordance with Condition A7 shall demonstrate that the provision of car spaces complies with the following table.

| <b>Car parking provision for the following land uses</b> | <b>Rate</b>  |
|--|--|
| Residential building                                     | no more than 1 space per studio or one bedroom dwelling<br>no more than 1 space per two bedroom dwelling |

|                        |   |
|------------------------|---|
|                        | no more than 2 space per three bedroom dwelling   |
| Serviced apartment     | no more than 1 space per serviced apartment   |
| Local Shop             | no more than 1 space per local shop   |
| Hotel                  | no more than 1 space per hotel  |
| Visitor spaces         | no less than 10% of the total parking required for residential and serviced apartments                                  |
| Disabled car spaces    | no less than 1% of the total parking required for residential, serviced apartments, local shops, visitor, and hotels.   |
| Service vehicle spaces | no less than 1.5% of the total parking required for residential, serviced apartments, local shops, visitor, and hotels. |

### **A28    *Disabled car space***

In order that disabled car spaces are available to people with permanent or temporary mobility disabilities, the further documentation lodged in accordance with Condition A7 shall demonstrate that:

- (1) car spaces capable or designed to provide disabled access in accordance with Australian Standard AS 2890:2004 *Parking Facilities*, and
- (2) disabled car spaces are visitor car spaces only, and
- (3) disabled car spaces remain common wholly within the ownership of the Owner's Corporation of the Subject Site but include arrangements for the lease of these spaces on a short term basis to future residents of the Subject Site providing they are eligible for a Mobility Parking Scheme authority Type A or Type C.

### **A29    *Vehicular clearances, access and manoeuvrability***

In order that parking and service areas are designed for the appropriate type, size, and height of vehicles, the further documentation lodged in accordance with Condition A7 is to identify that all clearances, access to and from the Subject Site, and internal circulation within the Subject Site satisfies the provisions of Australian Standard AS 2890:2004 *Parking Facilities*.

## **PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

No Conditions for this Part

## **PART C—PRIOR TO COMMENCEMENT OF WORKS**

No Conditions for this Part

## **PART D—DURING CONSTRUCTION**

No Conditions for this Part

## **PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION**

No Conditions for this Part



**PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE****F1      *Application of this part***

In accordance with Condition A1, this part only applies to the use of local shops on the Subject Site.

***Local shop*****F2      *Gross floor area of local shop***

The Local Shops shall be designed such that they do not have a gross floor area of more than 80 square metres. The Applicant shall demonstrate this requirement to the satisfaction of the PCA prior to the issue of an Occupation Certificate

***Health*****F3      *Mechanical ventilation***

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate.

**F4      *Design of food premises***

The Local Shops shall be designed such that they are capable of being fitout for the purposes of a food premises in accordance with *The National Code for the Construction and Fitout of Food Premises*. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate.

***Waste management*****F5      *Storage and handling of waste***

The design and management of facilities for the storage and handling of waste must comply with the requirements of Council's Policy. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of an Occupation Certificate.

***Sydney Water*****F6      *Sydney Water***

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

## **Engineering**

### **F7 Fire safety certificate**

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

### **F8 Annual fire safety statement**

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

### **F9 Mechanical ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) the BCA;
- (2) Australian Standard AS1668 *The use of ventilation and air-conditioning in buildings* and other relevant codes;
- (3) the development consent and any relevant modifications; and,
- (4) any dispensation granted by the New South Wales Fire Brigade.

## **PART G—POST OCCUPATION**

### **G1 Application of this part**

In accordance with Condition A1, this part only applies to the use of local shops on the Subject Site.

### **Local Shop**

### **G2 Hours of trading of Local Shop**

The hours of trading for the Local Shop shall be restricted to between:

| Day             | Opening time | Closing time |
|-----------------|--------------|--------------|
| Monday          | 7.00am       | 11.00pm      |
| Tuesday         | 7.00am       | 11.00pm      |
| Wednesday       | 7.00am       | 11.00pm      |
| Thursday        | 7.00am       | 11.00pm      |
| Friday          | 7.00am       | 11.00pm      |
| Saturday        | 7.00am       | 11.00pm      |
| Sunday          | 7.00am       | 11.00pm      |
| Public Holidays | 7.00am       | 11.00pm      |

### **G3 Noise control – Local Shop**

Noise from patrons and amplified music emitted from Local Shops shall have a  $L_{A10}$  noise level not exceeding 5dB above the background ( $L_{A90}$ ) noise level in any Octave Band Centre

Frequency (31.5Hz to 8KHz inclusive) between the hours of operation or trading when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises.

**G4      *Noise control – Plant and machinery***

Noise associated with the operation of any plant, machinery or other equipment (excluding noise from amplified music) from Local Shops shall not exceed 5dB(A) above the background ( $L_{A90}$ ) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of operation or trading when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the premises.

***Traffic and parking***

**G5      *Loading and unloading***

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

***Public access***

**G6      *Public way to be unobstructed***

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

***Compliance***

**G7      *Compliance report***

The Applicant, or any party acting upon this consent, shall submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

**PART H—GENERAL TERMS**

No Conditions for this Part

**ADVISORY NOTES**

**AN1      *Detailed requirements to carry out development***

Details on the construction, subdivision, or occupation of a building, structure, work, or land identified in this development consent will form part of further development consent(s) referred to in Condition A2.

***End of Conditions***