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| <b>City of Parramatta</b> |             |
| File No:                  | DA/317/2021 |

**SECTION 4.15 ASSESSMENT REPORT**  
**Environmental Planning & Assessment Act 1979**

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|--|--|
| <b>DA No:</b>  | DA/317/2021  |
| <b>Subject Property:</b>                                   | Lot 10 Sec 5 DP 977669, Lot 12 Sec 5 DP 977669, Lot 11 Sec 5 DP 977669, 63-67 Pine Street, RYDALMERE NSW 2116  |
| <b>Proposal:</b>   | Demolition of existing dwellings, tree removal, lot consolidation and construction of a 4-storey residential flat building comprising 35 residential units including 12 affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with basement car parking and associated Strata subdivision. |
| <b>Date of receipt:</b>                                    | 21 April 2021  |
| <b>Applicant:</b>  | Mr N Abboud  |
| <b>Owner:</b>  | Wattle Pine Developments Pty Ltd   |
| <b>Property owned by a Council employee or Councillor:</b> | The site is not known to be owned by a Council employee or Councillor  |
| <b>Political donations/gifts disclosed:</b>                | None disclosed on the application form   |
| <b>Submissions received:</b>                               | 14   |
| <b>Recommendation:</b>                                     | <b>Deferred Commencement Approval</b>  |
| <b>Assessment Officer:</b>                                 | Darren Wan   |

**Legislative Requirements**

|  |  |
|--|--|
| <b>Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979</b> | <ul style="list-style-type: none"><li>• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development</li><li>• State Environmental Planning Policy (BASIX) 2004</li><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>• Parramatta Local Environmental Plan 2011 (PLEP 2011)</li><li>• Parramatta Development Control Plan 2011 (PDCP 2011)</li><li>• Draft Parramatta Local Environmental Plan 2020 (DLEP 2020)</li></ul> |
| <b>Zoning</b>  | R4 High Density Residential  |
| <b>Bushfire Prone Land</b>   | No   |
| <b>Heritage</b>  | No   |
| <b>Heritage Conservation Area</b>  | No   |
| <b>Designated Development</b>  | No   |
| <b>Integrated Development</b>  | No   |
| <b>Clause 4.6 variation</b>  | Yes- Building Height   |
| <b>Delegation</b>  | <b>Parramatta Local Planning Panel (PLPP)</b>  |

## 1. Executive Summary

Development Application DA/317/2021 was lodged on 21 April 2021 for 'Demolition of existing dwellings, tree removal, lot consolidation and construction of a 4-storey residential flat building comprising 35 residential units including 12 affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with basement car parking and associated Strata subdivision'.

There have been numerous developments assessed and approved on the subject site, with the most recent being DA/349/2019 which also incorporated the two adjoining lots to the north known as 44-46 Wattle Street. However, the development subject to this application has excised 44-46 Wattle Street from the overall development, and generally retains the approved built form and unit mix as approved under DA/349/2019.

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised on 29 April 2021 to 20 May 2021. In response, 14 submissions were received. Concerns raised within those submissions comprised the following:

- Traffic Generation/Parking;
- Building Height/Overshadowing;
- Tree Removal;
- Construction Impacts;
- Proximity to existing school;
- Affordable housing;
- Lack of infrastructure;
- Contamination;
- Acoustic;
- Visual Privacy

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development proposal exceeds the maximum permissible building height by 18.18% and more than 10 submissions.

### **Section 4.15 Assessment Summary**

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.

Although similar to the development approved under DA/349/2019, this application has gone under its own merit assessment. This proposal seeks a variation to the building height development standard, with the assessment concluding it to be well founded given the incorporation of affordable rental housing within the development which allows for bonus FSR pursuant to the ARH SEPP.

The application was referred to a number of internal and external stakeholders for comment including the following:

- Endeavour Energy;
- Development Engineer;
- Traffic Officer;
- Landscape Officer;
- Environmental Health; and
- Design Excellence Advisory Panel.

No objections to the overall development were received. Conditions of consent have been imposed where necessary.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application DA/317/2021 be issued a deferred commencement approval. The recommended conditions of consent are within **Attachment 1**.

## 2. Site Description and Conditions

The subject site comprises three (3) separate allotments known as 63-67 Pine Street, Rydalmere. The current property descriptions are Lots 10-12 Section 5 DP 977669. Should the application be recommended for approval, a condition of consent would be imposed to ensure the lots are consolidated prior to the issue of a Construction Certificate. Henceforth, the subject site referred to in this report will describe the three lots as combined.

The subject site is a rectangular allotment and has a moderate slope from the south-west to the north-east of approximately 2 metres over a distance of 67 metres.

The subject site has the following area and dimensions:

Area – 2,302.16 square metres  
Frontage – 50.315 metres to Pine Street  
East – 45.755 metres  
West – 45.755 metres  
North – 50.315 metre

The subject site currently accommodates 3 dwelling houses located on separate Torrens title lots. It is located within an established residential area characterised by single and double storey residential dwellings as well as dual occupancy developments. Adjoining the subject site to the west is an existing industrial use, adjoining the subject site to the east is a school, and adjoining the subject site to the north and south are residential dwellings.

A variety of land uses characterise the area, including school uses, church, child care centre, industrial development, pub, car parking and residential. Although there is multi-unit housing within the area, the housing stock is primarily dwelling houses.



Figure 1: Aerial of the subject site, outlined in red.

### 3. Relevant Site History

|                        |   |
|------------------------|---|
| <b>23 May 2016</b>     | DA/303/2014 for the 'demolition, tree removal, lot consolidation and construction of 2 residential flat buildings (containing 41 apartments) over basement car parking' was approved at a Council meeting.  |
| <b>6 December 2017</b> | DA/210/2017 for 'demolition of existing dwelling houses and construction of 55 residential units including 18 affordable rental housing units with a basement car park and associated external works and landscaping with Strata subdivision' was granted deferred commencement approval by the Sydney Central City Planning Panel.<br><br>Deferred commencement was granted on the basis that amended stormwater plans were provided within 12 months of the determination or the consent would lapse. Following the 12 month period, no stormwater plans had been received and accordingly, the consent lapsed. |
| <b>22 April 2020</b>   | DA/349/2019 for 'Demolition of existing structures, site amalgamation of 5 allotments and construction of a part 3 and part 4 storey Residential Flat Building comprising fifty-five (55) residential units including eighteen (18) affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with a basement car park for 59 vehicles, associated external works and landscaping' was granted approval by Parramatta Local Planning Panel.<br><br>This application incorporated 5 lots in total, including 44-46 Wattle Street.                                  |
| <b>21 June 2022</b>    | DA/860/2021 for 'Demolition, tree removal and construction of a three storey boarding house comprising 44 rooms above basement car parking for 22 car spaces' was granted approval by Parramatta Local Planning Panel.<br><br>This application only involves 44-46 Wattle Street.   |

### 4. The Proposal

The proposal seeks consent for 'demolition of existing dwellings, tree removal, lot consolidation and construction of a 4-storey residential flat building comprising 35 residential units including 12 affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with basement car parking and associated Strata subdivision.'

Specifically, works will comprise the following:

- Demolition of all existing dwelling houses and ancillary structures
- Removal of trees
- Construction of a 4 storey residential flat building as follows:
  - 4 storey residential building fronting Pine Street
  - 35 units (8 units on ground, 10 units on Level 1 & Level 2, 7 units on Level 3)
  - Basement access from Pine Street
  - 35 residential car parking spaces
- Site works and landscaping.

|                   |  |
|-------------------|--|
| TOTAL =           | 35 units   |
| UNIT MIX =        | (7 x 1 bedroom) + (27 x 2 bedroom) + (1 x 3 bedroom) |
| ADAPTABLE UNITS = | 4 units  |
| AFFORDABLE UNITS  | 12 units   |

#### NOTE:

The development proposed under this application is generally the same as the development previously approved by the Parramatta Local Planning Panel under DA/349/2019. DA/349/2019 included consolidation with allotments fronting Wattle Street and comprised two separate blocks of buildings. This iteration of the development only retains the building fronting Pine Street.

## 5. Referrals

The following section outlines the response and conditions recommended from each of the internal and external referrals in relation to the subject application.

| INTERNAL REFERRALS   | COMMENT                                      |
|----------------------|--|
| Development Engineer | Supported, subject to conditions of consent. |
| Landscape            | Supported, subject to conditions of consent. |
| Environmental Health | Supported, subject to conditions of consent. |
| Traffic              | Supported, subject to conditions of consent. |
| EXTERNAL REFERRALS   | COMMENTS                                     |
| Endeavour Energy     | Supported, subject to conditions of consent. |
| DEAP                 | Supported, subject to conditions of consent. |

## 6. Environmental Planning Instruments

### 6.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Parramatta Development Control Plan 2011 (PDCP 2011)
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020)

Compliance with these instruments is addressed below.

### 6.2 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Schedule 7(2)(a) 'General savings provision' states the following:

*The former provisions of a repealed instrument continue to apply to the following—*

*a development application made, but not yet determined, on or before the commencement date*

As the application was made prior to the gazettal of this Instrument the repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009* still applies and is addressed in the following section.

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

| Clause   | SEPP Requirements   | Compliance  |
|--|---|---|
| <b>Clause 10<br/>Development to which<br/>division applies</b>   | Residential flat buildings must be permitted in the zone. The subject site must be within an accessible area.                           | <b>Yes.</b> RFBs are permitted within the zone and the subject site is located within an accessible area.   |
| <b>Clause 13<br/>Floor Space Ratios</b>  | Maximum FSR is 0.8:1 + percentage of gross floor area to be used as affordable housing:<br><br>0.8 + 34% = 1.14:1 (2624m <sup>2</sup> ) | <b>Yes.</b> 34% of the total GFA is proposed to be used for affordable housing.<br><br>The proposal has an FSR of 2,624m <sup>2</sup> and complies. |
| <b>Clause 14 – Standards that cannot be used to refuse consent</b><br>A consent authority must not refuse consent to development to which this Division applies on any of the following ground |   |   |
| 14(1)(b)   | <b>Site Area</b><br>Minimum 450m <sup>2</sup>   | <b>Yes.</b> The site has an area of 2,302m <sup>2</sup> .   |

|              |  |   |
|--------------|--|---|
| 14(1)(c)(ii) | <b>Landscaped Area</b><br>30% of the site area   | <b>Yes.</b> 794m <sup>2</sup> or 34%.   |
| 14(1)(d)     | <b>Deep Soil Zones</b><br>15% of the site area with min dimensions of 3m   | <b>Yes.</b> 421m <sup>2</sup> or 18%  |
| 14(1)(e)     | <b>Solar Access</b><br>70% of dwellings (dwellings) and private open space to have 3 hours of direct solar access between 9am and 3pm in mid-winter  | <b>Yes.</b> 74% of units (26) receives 2 hours of adequate solar access.  |
| 14(2)(a)     | <b>Parking</b><br><b>1 bedroom</b> – 0.5 space<br>(7 x 0.5 spaces) = 4<br><b>2 bedroom</b> – 1 space<br>(27 x 1 space) = 27<br><b>3 bedroom</b> – 1.5 spaces<br>(1 x 1.5 spaces) = 2<br><b>TOTAL spaces required</b> = 33 spaces | <b>Yes.</b> The proposal provides 35 resident parking spots and complies.   |
| 14(2)(b)     | <b>Dwelling Size</b><br>1 bedroom 50m <sup>2</sup><br>2 bedroom 70m <sup>2</sup><br>3 bedroom 95m <sup>2</sup>   | <b>Yes.</b><br>1 bedroom 55m <sup>2</sup> (min.)<br>2 bedroom 75m <sup>2</sup> (min.)<br>3 bedroom 100m <sup>2</sup> (min.) |

#### Clause 15 – Design Requirements

This Clause does not apply as Clause 4 of SEPP 65 applies.

#### Clause 16A – Character of Local Area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The SEPP (Affordable Rental Housing) 2009 does not provide guidance in how to determine if a development is compatible with the local area. In this regard, the Land and Environment Court's Planning Principle 'Surrounding Development – Compatibility of proposal with surrounding development' (*Project Venture Developments Pty Ltd c Pittwater Council [2005] NSWLEC 191*) provides guidance on how to assess the compatibility of development with the character of a local area. Using case law and the Land and Environment Court Planning Principle, a merit assessment of the character of the local area should consider the following three steps:

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

An assessment against each step is provided below:

##### Step 1 – Identify the local area

This assessment identifies the local area as primarily the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street).

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

A variety of land uses characterise the area, including school uses, a church, child care centres, an industrial development, a pub, car parking and residential developments. Although there are residential flat buildings within the area, the housing stock is primarily dwelling houses.

The site is located within an R4 High Density Residential Zone pursuant to PLEP2011 under which boarding houses, residential flat buildings and multi dwelling housing are permissible on the site and in the surrounding locality.

The key consideration in the current circumstances is the form of development anticipated for the area in the future. Given that the site does not form part of a heritage conservation area with a consistent prevailing built form and character, it is likely that this area will continue to be developed for high density residential uses.

The proposed built form appears as a residential flat building when viewed from Pine Street, which is consistent with the desired future character of the locality.

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

In accordance with the Land and Environment Court's 'Planning Principle' and recent case law on the character test within the SEPP (Affordable Rental Housing) 2009, compatibility is best defined as 'capable of existing together in harmony'. In order to test compatibility, two questions are to be considered. These questions as well as a response to each are provided below:

#### ***Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.***

Physical impacts generally include privacy, overshadowing, visual bulk and compatibility within the streetscape. The physical impacts of the development are acceptable for the following reasons:

- The proposed building form is one that is compatible with the desired future character of the locality which are high density residential developments;
- The proposed floor space ratio, setbacks, landscaped area and private open space area is consistent with the built form controls for the local area;
- The proposed windows along the side and rear elevations are adequately set back from adjoining dwellings;
- The overshadowing impacts are acceptable given the orientation of the site and the adjoining industrial land; and
- Potential acoustic impacts arising from the increase in occupants of the proposed development have been identified within the submitted Acoustic Report and noise mitigation measures have been implemented by way of conditions of consent.

#### ***Is the proposal's appearance in harmony with the buildings around it and the character of the street?***

As mentioned in the previous discussion regarding the character of the local area, the current housing stock around the subject site is primarily dwelling houses with a likely transition to higher densities in the near future.

The appearance of the proposal is consistent with the existing built form elements that contribute to the character of the local area, as the proposed built form will be similar to existing residential flat buildings located on Myrtle Street and Park Road.

In addition, the unique location of the subject site on the edge of the R4 zone means that it does not isolate any adjoining allotments, so it will not hinder the opportunity for future developments with similar built forms.



**Figure 2:** Established residential flat building at 66 Park Road (Google Street view)

## 6.4 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

In accordance with clause 28(2) of SEPP 65, the consent authority must take into consideration the following:

- a) The advice (if any) obtained from the design review panel

The application was considered by Design Excellence Advisory Panel (DEAP) at a meeting on 24 June 2021. The panel was generally supportive of the application, issuing the design an Amber Light, and provided the following advice:

1. *The proposed driveway location would create amenity issues for the adjacent unit(s) and also limits opportunities for deep soil landscape in this area. The ground floor plan should therefore be reconfigured such that the driveway is moved further towards the west and is mostly located under the building, with provision of a pergola for climbers to soften this opening and improve the outlook from any adjacent units or communal access.*
2. *Substantial additional deep soil landscape should be introduced adjacent to the eastern boundary in the area currently proposed as driveway to enable mature canopy trees along this side for both privacy and improved shade.*
3. *The stair cores in the central area would be visually intrusive and would impede circulation. Opportunities to improve amenity, such as introducing bump spaces, seating etc. should be reconsidered. It is recommended that the design of the western stair core be reconsidered, and scope be considered for an open staircase that would considerably improve the amenity of the central area, while reducing reliance on use of lifts*
4. *The central garden area on the ground floor would be potentially quite dark, constraining the ability of plants to grow in this area, so suitable plant species will need to be carefully selected. Consideration should be given to sizable canopy trees, particularly if the planting is being relied upon for visual privacy. The Panel recommends that low light level plantings are specified for human scale planting at ground level, with a mix of suitable native palms and other low light small evergreen trees with a variety of forms, growth habitats and heights that provide visual interest for all floors above.*
5. *The drawings should include a cross section through the atrium to show the construction at roof level, the area available for natural light to penetrate, and the ground conditions at the garden including available soil depth and contiguous volumes of useful soil. Planter wall heights and suggested internal drainage systems should be considered and indicated on the plans and sections.*
6. *Sun protection measures should be included on the north and west elevations and these should be shown on the drawings so that their appearance is integrated with the design of the elevations. Similarly, any exposed downpipes should be shown on the elevations, and also on 1:20 façade sections to indicate resolution of structure, materials and services such as a/c condensers.*
7. *Given that cross-ventilation and air movement may be sub-optimal, it is recommended that ceiling fans are introduced within all living and bedroom areas. It should be noted that this now creates benefits in BASIX assessment.*
8. *When the driveway location is reconsidered it is recommended that the current front entry, ramp and letterbox area should be reconfigured to improve the entry experience. This may be improved by a layout with return mid-way along the frontage and planter boxes either side that will provide better privacy to Unit 3.*

**Comment:** The application, as amended in accordance with the recommendations of Panel, is considered to satisfactorily address the comments, and satisfies Clause 28(2) of SEPP65.

The provisions of SEPP 65 have been considered in the assessment of the development application. The applicant submitted a SEPP 65 assessment of the proposed development along with a design verification statement, prepared by Robert Del Pizzo, verifying that the plans submitted were drawn by a Registered Architect.



An assessment of the design principles is addressed below:

| PARAMETER   | CONTROL   | PROPOSAL  | COMPLIANCE |
|---|---|---|------------|
| <b>PART 2 Building envelopes</b>  |   |   |            |
| Separation - Building separation is measured from the outer face of building envelopes which includes balconies   |   |   |            |
| <b>Separation</b>   | <b>Up to 4 storeys</b> (approximately 12m): <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable</li> </ul> | At least 6m from all boundaries for habitable rooms/balconies. The south-eastern corner has a blank wall that is 4.5m from the boundary and complies.   | YES        |
| <b>PART 3 Siting the development</b>  |   |   |            |
| Communal open space <ul style="list-style-type: none"> <li>• COS should have a minimum dimension of 3m.</li> <li>• Where COS cannot be provided at ground level, it should be provided on a podium or roof.</li> </ul>  |   |   |            |
| <b>Communal open space</b>  | Communal open space has a minimum area equal to 25% of the site or 575.5m <sup>2</sup>  | A combined area of 612m <sup>2</sup> (26%) of communal open space has been provided on the rooftop and at ground level  | YES        |
|   | Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)  | The communal open space is predominantly located on the northern portion of the site and the roof and will achieve adequate solar access as required.   | YES        |
| <b>Deep Soil</b>  | Minimum of 7%, 6m in width. Required – 161.14m  | 8.6% (199m <sup>2</sup> ). Only areas that met the 6m dimension were included in the calculation of deep soil.<br><br>It is noted that the difference between the DSZ calculation under the ARH | YES        |
| <b>Visual privacy</b> <ul style="list-style-type: none"> <li>• Separation between windows and balconies is provided to ensure visual privacy is achieved.</li> <li>• Adjoining a different zone with a less density, add 3.0m.</li> <li>• Retail, office spaces and commercial balconies, use habitable room separation.</li> <li>• No separation is required between blank walls.</li> </ul> |   |   |            |
| <b>Visual privacy</b>   | <b>Up to 12m</b> (approximately 4 storeys): <ul style="list-style-type: none"> <li>• 6m between habitable and non-habitable rooms</li> <li>• 3m between non-habitable</li> </ul>  | The proposal will provide the required separation distances to all boundaries.  | YES        |
| <b>Parking and Bicycle storage</b>  |   |   |            |
| Note: The car parking needs for a development must be provided off street.  |   |   |            |
| <b>Parking and bicycle storage</b>  | The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.                  | See comments under “Parking” of the ARHSEPP table above.<br><br>The proposal provides 35 resident parking spots and complies  | YES        |
| <b>PART 4 Designing the building</b>  |   |   |            |
| <b>Solar and daylight access</b>  | Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.                                | 74% of units (26) receives 2 hours of adequate solar access   | YES        |

|   |  |   |                    |
|---|--|---|--------------------|
|   | A maximum of 15% of apartments in a building received no direct sunlight between 9am and 3pm at mid-winter.  | A total of 8 units (22%) are south facing and does not receive direct sunlight during winter.<br><br>As discussed, the proposed unit configuration is largely the same as the approved scheme under DA/349/2019. This application retains the same approved south facing units, but the overall number of units has been reduced, thus creating the non-compliance. The development provides more COS than required to accommodate the future occupants of these units. | No, but acceptable |
| <b>Natural ventilation</b>  | At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.   | A total of 25 units (71%) are cross ventilated.   | YES                |
|   | Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.   | No unit exceeds 18m in overall depth when measured from glass line to glass line.   | YES                |
| <b>Ceiling Heights</b>  | Habitable rooms - 2.7m   | Proposed – 2.7m   | YES                |
| <b>Apartment size and layout</b>  |  |   |                    |
| Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each. |  |   |                    |
| <b>Apartment size and layout</b>  | 1 bedroom 50m <sup>2</sup><br>2 bedroom 70m <sup>2</sup><br>3 bedroom 95m <sup>2</sup>   | All units comply with the minimum areas required for the specified number of bedrooms.  | YES                |
|   | Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.              | Every habitable room has a window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.   | YES                |
|   | Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)   | No kitchens are located in circulation spaces.  | YES                |
|   | In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.                               | No apartments exceed the maximum 8m habitable room depth.   | YES                |
|   | Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).                                       | The master bedrooms have a minimum area of 10m <sup>2</sup> .   | YES                |
|   | Bedrooms have a minimum dimension of 3m.   | All min. dimensions provided.   | YES                |
|   | Living rooms or combined living/dining rooms have a minimum width of:<br>- 3.6m for studio and 1 bedroom apartments.<br>- 4m for 2 and 3 bedroom apartments. | All min. dimensions provided.   | YES                |
|   | The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.                                       | The width of all apartments exceed 4m in width.   | YES                |

| Private open Space and balconies<br>Note: Storage areas on balconies is additional to the minimum balcony size.   |   |  |   |     |
|---|---|--|---|-----|
| <b>Private space balconies</b>  | <b>open and</b>   | 1 Bedroom = 8m <sup>2</sup> minimum with 2m depth  | All proposed units will have compliant balconies in regard to area and depth. | YES |
|   |   | 2 Bedroom = 10m <sup>2</sup> with 2m depth   |   |     |
|   |   | 3 bedroom = 12m <sup>2</sup> with 2.4 depth  |   |     |
|   | For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m. | Ground level apartments have access to compliant terraces.   | YES   |     |
| Storage<br>Note: Storage is accessible from either circulation or living areas.<br>Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street. |   |  |   |     |
| <b>Storage</b>  | At least 50% of the required storage is to be located within the apartment.<br>Left over space such as under stairs is used for storage   | Adequate Storage is provided both within the units and within the storage lockers in the basement.   | YES   |     |
| <b>Common circulation and spaces</b>  | The maximum number of apartments off a circulation core on a single level is eight.   | There will be 10 units on Level 1 and 2 but is considered acceptable as there are two sets of stairs serving these units.<br><br>This arrangement was also approved under DA/349/2019. | No, but acceptable  |     |

## 6.5 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2 VEGETATION IN NON-RURAL AREAS

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the site. The aims of the plan are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of the non-rural areas of the State through the preservation of trees and other vegetation.

Council's Consultant Landscape Architect/Arborist raised no objections to the removal of 18 trees subject to appropriate conditions of consent.

The trees proposed to be removed have been identified as having low to medium retention value. All trees with a high retention value have been retained. The proposed tree removal will be replaced with new plantings as required in the Landscape Plan. The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

## 6.6 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 10 SYDNEY HARBOUR CATCHMENT

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are 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 planning principles and controls for the catchment as a whole.

Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal, and any matters of general relevance (erosion control, etc) are able to be managed by conditions of consent.

## 6.7 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND

The requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, if it is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The applicant has submitted a site audit report including detailed remedial action plan which was conducted in 2017 for a previous development on the site. The documentation remains relevant for the proposed development.

The adjacent property owned by Mitsubishi Electric Australia (Lots A and B DP1555441) is the subject of a Voluntary Management Proposal (No. 20151702). A Section B Site Audit Statement was prepared and issued on 20 March 2016 for the site with a Remedial strategy requiring Data Gap Investigation.

The investigations completed for the site have confirmed that there is evidence of impact in the groundwater and soil vapour, migrating from the neighbouring property (Mitsubishi facility). Exceedances of heavy metals, total recoverable hydrocarbons and chlorinated hydrocarbons were detected in groundwater. Trichloroethylene was also detected in the soil vapour in location V6 above nominated guidelines. Groundwater is migrating off-site, in a north, north-easterly direction towards Subiaco creek.

Based on the data available, previous detailed site investigations for this site concluded that the site could be made suitable for the proposed land use pending the implementation of a Detailed Remedial Action Plan (RAP). The site audit statement with these conclusions. Considering the most recent results, an updated management strategy is presented in the Detailed RAP (Trace, 2017) to address the identified groundwater and soil vapour impacts at the site. The strategy considers:

- Onsite management of known groundwater impacts at Building A during construction of a vapour barrier and tanked basement;
- Remedial activities to treat impacted groundwater prior to discharge, if required during construction;
- Excavation and off-site disposal of materials not suitable for the proposed land use;
- Classification of imported material;
- Unexpected finds; and
- Management practices during remedial works to minimise the potential risks to onsite workers and third parties and the environment.

As the design of the development has not been finalised, a Detailed Design Package, confirming how the vapour barrier system should be constructed specific to the building, will be prepared by a suitably qualified environment consultant and reviewed by the appointed Site Auditor prior to construction. The scope of work required for validation of the site, considering all media including soil, groundwater, soil vapour, and ambient air, along with ongoing monitoring requirements will be outlined in a Validation Sampling and Analysis Quality Plan (SAQP).

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land can be made suitable for a residential flat building.

## 6.8 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE

The relevant matters to be considered under Chapter 2 of the SEPP for the proposed development are outlined below.

| Clause  | Comment  |
|---|--|
| Clause 2.48 – electricity infrastructure                                  | The application was referred to Endeavour Energy, who raised no objections subject to conditions of consent. |
| Clause 2.119 – frontage to a classified road                              | N/A  |
| Clause 2.120 - average daily traffic volume of more than 20,000 vehicles. | N/A  |

Appropriate conditions are recommended to address the requirements of the SEPP.

## 7. Parramatta Local Environmental Plan 2011

### Clause 2.3 Zone objectives and Land Use Table

The site is zoned R4 High Density Residential. The aims and objectives for the R4 High Density Residential are as follows:

- Provide for the housing needs of the community within a high density residential environment;
- Provide a variety of housing types within a high density residential environment; and
- Provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

The application proposes to develop a Residential Flat Building which is permitted with consent within the R4 High Density Residential zone. This development of an RFB will ensure the housing needs of the community are achieved which is high density in nature and close to major transport nodes and services and meets the objectives of the zone.

| Development Standard  | Compliance   |
|---|--|
| <b>Height of Buildings</b><br>Allowable = 11m<br>Proposed = 13m<br>Variation = 2m (19=8.18%)                  | No – refer to Clause 4.6 discussion  |
| <b>Floor Space Ratio</b><br>Allowable = 0.8:1 (1,841.6m <sup>2</sup> ) Proposed = 1.14 (2,624m <sup>2</sup> ) | No, but SEPP prevails –Clause 4.6 variation not required.  |
| <b>Development on land intended to be acquired for public purposes</b>  | The proposal is not identified on the map.   |
| <b>Architectural roof features</b>  | An architectural roof feature is not proposed.   |
| <b>Development below mean high water mark</b>   | The proposal is not for the development of land that is covered by tidal waters.   |
| <b>Heritage Conservation</b>  | N/A – The subject site is not identified as an item of heritage significance and is not located within a heritage conservation area.   |
| <b>Aboriginal Places of Heritage significance</b>   | Yes – the subject site is identified as having low aboriginal significance. However, a condition of consent has been imposed to ensure that if any relics are discovered during the excavation of the basement, work must cease, and Council be contacted. |
| <b>Acid sulphate soils</b>  | Yes – An Acid Sulphate Soils Management plan is not required to be prepared.   |
| <b>Earthworks</b>   | Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.   |
| <b>Flood planning</b>   | The site is not identified by council as being flood prone.  |
| <b>Biodiversity protection</b>  | The site is not identified on this map   |
| <b>Water protection</b>   | The site is not identified on this map   |
| <b>Development on landslide risk land</b>   | The site is not identified on this map.  |
| <b>Affected by a Foreshore Building Line</b>  | The site is not located in the foreshore area.   |
| <b>Bushfire Prone Land</b>  | The site is not identified on this map.  |
| <b>Exceptions to development standards</b>  | A Clause 4.6 Variation Statement has been prepared to seek variation to the building height development standard. See Discussion Below.  |

#### Clause 4.6 Exceptions to Development Standards

The proposal seeks to exceed the 11m Building Height development standard by 2m (approximately 18.18% variation).

The applicant has submitted a written request seeking variation to the maximum building height prescribed by Clause 4.3, as required by Clause 4.6 of the PLEP 2011. Clause 4.6(2) provides that in certain circumstances, consent *...may be granted for development even though the development would contravene a development standards imposed by this or any other environmental planning instrument.*

The objectives of Clause 4.6 are as follows:

- *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) prescribes

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The departure from the maximum building height development standard is supported by a written request from the applicant under Clause 4.6 of the PLEP2011 as follows:

- The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of PLEP 2013.
- The height variation is a result of the topography of the site, as well as the bonus FSR resulting from the provision of affordable housing; and
- The proposed height variation allows for access to the communal open space on the rooftop as recommended by Council, as well as for the scheme to fulfil its development potential, given the bonus FSR provided by the ARH SEPP.

In consideration of the variation to Clause 4.3 of the PLEP2011, the following is noted:

- The same variation in building height was assessed and approved by SCCPP in DA/210/2017, and again by PLPP in DA/349/2019;
- The height variation retains the primary presentation of the building as a 4 storey residential flat building that is consistent with other residential flat buildings within the locality;
- The building has been appropriately articulated and modulated. Fenestration, material variation and private open spaces have been incorporated in order to minimise the external bulk and scale through effective design;
- The proposal supports a residential intensity that is reasonable for the site, with regard to context and zoning;
- The height variation does not result in unreasonable amenity impacts on neighbouring properties; and
- It is acknowledged that the City of Parramatta's Design Excellence Advisory Panel raised no design objection to the non-compliance.

The Clause 4.6 statement and justification was considered against the following cases:

- *Wehbe v Pittwater Council [2007] NSW LEC 827*

The outcome of this case established that the applicant must argue, and the consent authority must be satisfied, that compliance with the development standard is unreasonable or unnecessary with the following test:

*Compliance with the development standard is unreasonable or unnecessary because*

- *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- *the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- *the underlying objective of purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- *the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or*
- *"the zoning or particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would be unreasonable or necessary"*

The objectives of Clause 4.3 of the PLEP2011 are:

- (1) *The objectives of this clause are as follows—*

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to require the height of future buildings to have regard to heritage sites and their settings,
- (d) to ensure the preservation of historic views,
- (e) to reinforce and respect the existing character and scale of low density residential areas,
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

In consideration of the above objectives, the following comments are provided:

- a) The maximum height of 11m was nominated to facilitate larger built forms to support the type of development intensity required for the R4 High Density Residential zone. The variation sought by the applicant is a result of the topography of the site and will retain a built form that is consistent with the desired future character, bulk, scale and intensity of the local area.
- b) The additional building height will not create visual impacts, as the building will present as a 4 storey residential flat building, which has been established as being consistent with the surrounding locality. It has also been assessed to not have any disruption of view corridors, privacy impacts or solar access impacts. Further detail of these assessments have been provided in the SEPP65 table, LEP table and DCP table within this report.
- c) The subject site is not within proximity to any heritage sites or settings.
- d) The subject site is not within any heritage corridors or sightlines and will therefore not impact upon any historic views.
- e) The subject site and surrounding area is under transition to higher density residential uses. The subject site is not located within proximity to any low density residential zones.
- f) The additional building height proposed will not impact upon sky exposure to existing buildings in commercial centres, other tower forms, the public domain, parks streets or lanes.

Therefore, Council considers that the development meets the objectives of Clause 4.3 of the PLEP2011 and satisfies the first point in the test.

It can also be considered that because virtually the same development and height variation was previously found acceptable and supported by both the SCCPP and PLPP, it would be unnecessary and unreasonable to enforce the development standard in this context.

- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245 and Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*

The outcome of this case provided that the consent authority (or Commission in that instance) “*had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified*” [21].

*Baron elaborates on Al Maha in that “the consent authority’s consideration of the applicant’s written request, required under cl 4.6(3), is to evaluate whether the request has demonstrated the achievement of the outcomes that are the matters in cl 4.6(3)(a) and (b). Only if the request does demonstrate the achievement of these outcomes will the request have “adequately addressed the matters required to be demonstrated” by cl. 4.6(3), being the requirement in cl. 4.6(4)(a)(i) about which the consent authority must be satisfied. The request cannot “adequately” address the matters required to be demonstrated by cl 4.6(3) if it does not in fact demonstrate the matter” [78].*

In this instance, Council is satisfied that applicant’s Clause 4.6 Statement adequately addresses the matters in Clause 4.6(3) of the PLEP2011. It has provided a suitable argument as to why the standard is unreasonable and unnecessary in this case and demonstrates sufficient environmental planning grounds to justify contravening the Height of Building development standard.

## 8. Draft Environmental Planning Instruments

The Draft Parramatta Local Environmental Plan 2020 was placed on public exhibition from 31 August 2020 to 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council.

Whilst the draft LEP must be considered when assessing this application under Clause 4.15 (1) (a) (ii) of the Environmental Planning & Assessment Act 1979, the LEP is neither imminent nor certain and therefore limited weight has been placed on it.

| Control | PLEP 2011                   | Draft LEP 2022              |
|---------|-----------------------------|-----------------------------|
| Zoning  | R4 High Density Residential | R4 High Density Residential |
| Height  | 11m                         | 11m                         |
| FSR     | 0.8:1                       | 0.8:1                       |

There are no changes proposed under the draft LEP that amend key development standards applicable to the site.

## 9. Parramatta Development Control Plan 2011

| Development Control                                   | Compliance  |
|---|---|
| <b>Part 2 Site Planning</b>                           |   |
| <b>Views and Vistas</b>                               | The site is not identified as having significant views and vistas.  |
| <b>Flood Affectation</b>                              | The site is not identified in Council's database as being flood prone.  |
| <b>Protection of Waterways</b>                        | Yes – An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.  |
| <b>Protection of Groundwater</b>                      | Yes – basement parking is proposed, but it is unlikely that the level of basement would impact on any groundwater, particularly as the site does not adjoin a waterway nor is there any evidence of groundwater within proximity to the site. |
| <b>Soil Management</b>                                | Yes – An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.  |
| <b>Acid Sulfate Soils</b>                             | Yes – An Acid Sulphate Soils Management plan is not required to be prepared.  |
| <b>Salinity</b>                                       | N/A   |
| <b>Land Contamination</b>                             | Yes – Refer to assessment under SEPP (Resilience and Hazards) 2021.   |
| <b>Air Quality</b>                                    | Yes – the proposed use of the subject site for residential purposes is not considered likely to create air quality impacts.   |
| <b>Development on Sloping Land</b>                    | Yes – the site slopes toward the rear and proposed building has a design that is compatible.  |
| <b>Biodiversity</b>                                   | Council's Tree and Landscape Officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not required.                          |
| <b>Development on land abutting the E2 or W1 zone</b> | The site does not adjoin land zoned E2 or W1.   |
| <b>Public Domain</b>                                  | Yes – the building has an appropriate address to Pine Street, with distinguishable entries and clear pedestrian pathways to ensure clear identification from the public domain.   |
| <b>Part 3 Development Principles</b>                  |   |
| <b>Frontage</b><br>Minimum 24m                        | Yes – The site has a frontage of 37.186m.   |
| <b>Height</b>   | No, but acceptable – the proposal seeks a Clause 4.6 variation to the maximum building height. The variation request was assessed on its merits and considered to be acceptable.  |



|  |  |
|--|--|
| <b>Front Setback</b><br>Primary frontage: 5-9m   | Yes- 6.5m  |
| <b>Side Setback</b><br>As per ADG  | Yes – complies with building separation requirements.  |
| <b>Deep Soil</b><br>30%, of which 50% is to be located at the rear, with minimum dimensions of 4m x 4m = 690.6m <sup>2</sup> min total | No, but acceptable – the proposal provides 421m <sup>2</sup> or 18% of deep soil zone and does not comply. However, it does comply with the provisions of SEPP ARH, which prevail. It is noted that the 18% also exceeds the 7% prescribed by the ADG.   |
| <b>Building Form and Massing</b>   | Yes – The proposal has an acceptable bulk and scale as the variation of the building height is considered to be appropriate in this context. The building envelope is generally compliant in all other aspects.  |
| <b>Building Façade and Articulation</b>  | Yes – the proposal is designed with multiple recesses to create articulation, improve solar access to adjoining properties and to create some visual interest at pedestrian level.   |
| <b>Roof Design</b>   | Yes – the proposal incorporates a contemporary roof form that does not dominate the streetscape.   |
| <b>Streetscape</b>   | Yes – the proposal is consistent with the existing built form elements that contribute to the character of the street as the proposed built form visually presents as a 4 storey residential flat building, with landscaped front and side setbacks. In this context, the proposal is consistent with the existing and future desired character of the locality.   |
| <b>Fences</b>  | Yes - Fencing will be conditioned to be a maximum of 1.2m.   |
| <b>Landscaping</b>   | The proposal was referred to Council's Landscape and Tree Officer, who raised no objections subject to conditions of consent.  |
| <b>Private Open Space</b><br>Min 10m <sup>2</sup> with min 2.5m dimension per unit.  | Yes – each dwelling has a compliant POS, that meets the minimum dimensions.  |
| <b>Common Open Space</b><br>Min 10m <sup>2</sup> of COS provided per unit.<br>Required: 350m <sup>2</sup>                              | Yes - A combined area of 612m <sup>2</sup> of communal open space has been provided on the rooftop and at ground level   |
| <b>Visual Privacy</b>  | Yes – the proposal complies with the building separation distances prescribed within the ADG.<br><br>Subject to compliance with the relevant conditions of consent, the location and design of the proposed windows to the dwellings are sympathetic to the privacy needs of adjoining dwellings and satisfactorily addresses the relevant objectives of PDCP2011. |
| <b>Acoustic Amenity</b>  | Yes – the application was accompanied by an Acoustic Report. No objections were raised, subject to the imposition of conditions of consent.  |
| <b>Solar Access</b>  | Yes – The proposal is compliant with the solar access requirements of the SEPP ARH.  |
| <b>Cross Ventilation</b>   | Yes – The proposal is compliant with the cross-ventilation requirements of the ADG.  |
| <b>Water Sensitive Urban Design</b>  | Yes – The proposal was referred to Council's Development Engineer, who raised no objections.   |
| <b>Waste Management</b>  | Yes – The proposal provides a waste management plan which has been reviewed by Council's Environmental Health Officer. No objections were raised, subject to the imposition of conditions of consent.  |
| <b>Access for People with Disabilities</b>   | Yes – The proposal provides adequate access for people with a disability, in accordance with the requirements of the BCA.  |
| <b>Safety and Security</b>   | Yes – The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.   |

|  |   |
|--|---|
| <p><b>Housing Diversity and Choice</b></p> <p>3 bedroom: 10-20%<br/> 2 bedroom: 60% - 75%<br/> 1 bedroom 10% - 20%</p>   | <p>No, but acceptable –<br/> 1 bed (7) = 20%<br/> 2 bed (27) = 77%<br/> 3 bed (1) = 2%</p> <p>The proposal slightly exceeds the percentage for 2 bedroom units provides less 3 bedroom units. It is considered acceptable as part of the housing stock is proposed to be affordable housing, and additional 2 bedroom units would be a better mix for those purposes.</p> |
| <p><b>Parking Provision</b></p> <p>1/1-2 bedroom<br/> 1.2/3 bedroom<br/> 0.25/dwelling visitor</p> <p>Required residents<br/> 7 x 1 = 6<br/> 27 x 1 = 27<br/> 1 x 1.2 = 1.2 (2)</p> <p>Required visitor<br/> 35 x 0.25 = 8.75 (9)</p> <p>Total = 44 spaces</p> | <p>No, but acceptable – the proposal provides 34 residential spaces and 1 visitor space, and does not comply, however, it does comply with the provisions of SEPP ARH, which prevail.</p> <p>It is noted that the subject site is located within an accessible area as required by the ARH SEPP.</p>  |
| <p><b>Site consolidation and isolation</b></p>   | <p>The proposal does not result in the isolation of any adjoining properties.</p>   |

## 10. Development Contributions

As this Development Application was lodged on 21 April 2021, the City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5) applies to the land. As such, a development contribution based on the cost of the proposed development is required to be paid,

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

## 11. Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

## 14. EP&A Regulation 2021

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 have been addressed by appropriate consent conditions, refer to Appendix 1.

## 15. The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and built form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

## 16. Suitability of the Site

The subject site can accommodate a residential flat building of this scale without causing further impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.

No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

Subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

## 17. Public Consultation

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised from 29 April 2021 to 20 May 2021. During the notification period 14 submissions were received.

Key concerns raised in the submissions are addressed below.

| Issue                           | Response   |
|---------------------------------|--|
| Traffic Generation- & Parking   | <p>Concern has been raised in regard to the high density residential development, and the amount of traffic/parking it will generate.</p> <p>It is noted that the proposed development complies with the off-street parking requirements prescribed under the ARH SEPP 2009. The development application was also accompanied by a Traffic and Parking Report and a detailed assessment was carried out by Council's Traffic Engineer who provided the following:</p> <p><i>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. The proposal can be supported on traffic and parking grounds subject to the imposition of conditions of consent.</i></p>  |
| Building Height & Overshadowing | <p>The merit of exceeding the Building Height provision has been discussed within the Clause 4.6 Variation to Development Standard section in the LEP table above.</p> <p>In summary, the proposed building height is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"><li>• The height variation retains the primary presentation of the building as a 4 storey residential flat building that is consistent with other residential flat buildings within the locality;</li><li>• The building has been appropriately articulated and modulated. Fenestration, material variation and private open spaces have been incorporated in order to minimise the external bulk and scale through effective design;</li><li>• The proposal supports a residential intensity that is reasonable for the site, with regard to context and zoning;</li><li>• The height variation does not result in unreasonable amenity impacts on neighbouring properties; and</li><li>• DEAP raised no design objection to the non-compliance.</li></ul> <p>Overall, the development does not cause overshadowing impacts to any adjoining neighbours. Mitsubishi to the west and the school to the east will get adequate solar access during the afternoon or morning period respectively.</p> |
| Reduction in housing prices     | <p>Housing prices is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.</p>  |

|  |  |
|--|--|
| Proximity to existing school – children safety and learning experience | <p>Concern has been raised in regard to the proximity of the site to the school, and construction of the proposal impacting upon the safety of children and their learning.</p> <p>In that regard, standard conditions have been imposed to ensure that construction noise and traffic management is kept to acceptable levels to minimise as much disruption to the school as possible and maximise safety.</p> <p>It is not anticipated that there would be any increase safety impacts post-construction, since the proposed use is for residential accommodation within an area characterised by residential uses.</p> |
| Lack of infrastructure   | The subject site is zoned for High Density Residential. A merit assessment of the proposal has been undertaken for its traffic generation, and the density increase. In that regard, it is considered that the existing infrastructure is sufficient to accommodate the proposed use.  |
| Contamination  | The subject site is identified as having potential for contamination, and the application was accompanied with a Contamination Report, a Remedial Action Plan and a Site Audit Statement. An assessment of the above documentation concludes that the site is suitable for the proposed use, subject to remediation works. Conditions of consent have been imposed to ensure that the works are carried out as required.   |
| Visual Privacy   | The proposal complies with all the building separation distances prescribed by the ADG to minimise visual privacy impacts on adjoining neighbours.   |
| Proximity of social housing to the school                              | <p>The ARHSEPP was an initiative by DPIE to incentivise developers to include more affordable housing stock within the state. The proposed development will provide 12 units offered as low-cost rental accommodation for a range of tenants including singles, retirees, and students.</p> <p>The strata company will incorporate appropriate provisions to ensure the safety and general amenity of the surrounding locality, as well as future occupants of the development.</p>  |

#### Amended Plans

Yes

#### Summary of amendments

- Move the driveway further away from the eastern boundary, as recommended by DEAP.

In accordance with the notification procedures 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.

#### CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

*“If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices.”*

The application received 14 unique submissions during the formal notification period. Council’s Crisis Management Team suspended Conciliation Meetings for all Development Applications lodged prior to 1 April 2022 due to COVID19 protocols. Accordingly, a conciliation meeting was not required to be held for this application.

#### 18. Public interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

## 19. 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.

The proposed development is appropriately located within a locality, with a variation to Parramatta LEP 2011 being sought. The request to vary the height standard is considered to be well founded for reasons including, but not limited to, the constraints imposed by the site and the bonus FSR afforded to the development pursuant to the ARH SEPP.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future residents. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the 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. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is recommended for approval subject to conditions.

## 20. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- A. **That**, the Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons:
- a) A written request to vary the building height has been received and is well drafted; and
  - b) The same variation in building height was assessed and approved by SCCPP in DA/210/2017, and again by PLPP in DA/349/2019; and
  - c) The height variation retains the primary presentation of the building as a 4-storey residential flat building that is consistent with other residential flat buildings within the locality; and
  - d) The building has been appropriately articulated and modulated. Fenestration, material variation and private open spaces have been incorporated in order to minimise the external bulk and scale through effective design; and
  - e) The proposal supports a residential intensity that is reasonable for the site, with regard to context and zoning; and
  - f) The height variation does not result in unreasonable amenity impacts on neighbouring properties; and
  - g) It is acknowledged that the City of Parramatta's Design Excellence Advisory Panel raised no design objection to the non-compliance.
- B. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **approve** development consent to DA/317/2021 for the *'demolition of existing dwellings, tree removal, lot consolidation and construction of a 4-storey residential flat building comprising 35 residential units including 12 affordable housing units pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 with basement car parking and associated Strata subdivision'* on land at 63-37 Pine Street, Rydalmere for the following reasons:
- a. A written request to vary the building height has been received. The variation sought will not have any adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the R4 zone in which the development is proposed to be carried out.
  - b. The development is permissible in the R4 zone pursuant to the Parramatta Local Environmental 2011 and satisfies the requirements of all applicable planning standards controls.

- c. The development will be compatible with the emerging and planned future character of the area.
- d. The development will provide housing that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.
- e. For the reasons given above, approval of the application is in the public interest.

C. **That** Council advise those who made a submission of the determination.

## **“Appendix 1” to Section 4.15 Assessment Report - DA/317/2021**

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### **DRAFT DEFERRED COMMENCEMENT CONDITIONS**

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

**Development Consent No.:** DA/317/2021

**Property Address:** Lot 10 Sec 5 DP 977669, Lot 12 Sec 5 DP 977669, Lot 11 Sec 5 DP 977669

#### **Schedule 1:**

##### **DAA0002 #Interallotment Drainage Easement**

Pursuant to the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

- A. Submission to Council of suitable documentary evidence issued by the NSW Land Registry Services confirming the creation of an easement to drain water 1.2 metres wide over a downstream property or properties benefiting the subject lot, Lot 10 Sec 5 DP 977669, Lot 12 Sec 5 DP 977669, Lot 11 Sec 5 DP 977669 known as 63-67 Pine Street, RYDALMERE NSW 2116 and burdening the downstream property known as 44-46 Wattle Street, RYDALMERE NSW 2116 has been registered with the NSW Land and Property Information Service.

The above requirement(s) must be satisfied within 24 months of this determination or the consent will lapse.

**Advisory Note:** Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

#### **Schedule 2:**

### **PART A – GENERAL CONDITIONS**

##### **PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)**

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

### Architectural Drawings (Project No. 2514)

| Drawing No. | Issue | Plan Title         | Dated    |
|-------------|-------|--------------------|----------|
| 02          | B     | Site Plan          | 10.09.21 |
| 03          | B     | Basement Level     | 10.09.21 |
| 04          | B     | Ground Floor Level | 10.09.21 |
| 05          | B     | Level 1            | 10.09.21 |
| 06          | B     | Level 2            | 10.09.21 |
| 07          | B     | Level 3            | 10.09.21 |
| 08          | B     | Roof Plan          | 10.09.21 |
| 09          | B     | S/E Elevations     | 10.09.21 |
| 10          | B     | N/W Elevations     | 10.09.21 |
| 11          | B     | Section CC & DD    | 10.09.21 |
| 11A         | A     | Section EE         | 10.09.21 |
| 16          | A     | Drainage Easement  | 10.09.21 |
| 17          | A     | Demolition Plan    | 10.09.21 |

### Landscape Drawings (Project No. 1576)

| Drawing No. | Issue | Plan Title                        | Dated    |
|-------------|-------|-----------------------------------|----------|
| GD.01       | 3     | Landscape Plan Ground Floor       | 20.09.21 |
| GD.02       | 3     | Landscape Plan Levels 1 & 2       | 20.09.21 |
| GD.03       | 3     | Landscape Plan Level 3            | 20.09.21 |
| GD.04       | 3     | Landscape Details & Specification | 20.09.21 |

### Specialist Reports

| Document                      | Ref No.      | Issue | Prepared By         | Dated    |
|-------------------------------|--------------|-------|---------------------|----------|
| Waste Management Plan         | 21NL020-WMP3 | -     | LOKA Consulting     | 19.03.21 |
| Finishes Schedule             | -            | -     | Architex            | -        |
| BASIX Certificate No.1183685M | -            | -     | ESD Synergy Pty Ltd | 19.03.21 |
| Site Audit Report             | 15039        | 1     | ZOIC                | March 17 |
| Traffic Report                | 21NL020-T1   | -     | LOKA Consulting     | 21.03.21 |
| Social Impact Assessment      | -            | -     | Think Planners      | March 21 |



In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

**Note:** An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

#### **PA0003 Construction Certificate**

2. 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.

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

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

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

#### **PA0011 #Demolition of Buildings**

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

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

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

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.

- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone

number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.

- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
  - (iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

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

**PA0013 #LSL Payment Const> \$25,000 (DIEP Mandatory Cond)**

- 5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

**Note:** The Long Service Levy is to be paid directly to the **Long Service Corporation** at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au). For more information, please contact the Levy support team on 13 14 41.

**Reason:** To ensure that the long service levy is paid.

**PA0014 #Payment of Security deposits(DIEP Mandatory Cond)**

- 6. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

| Bond Type | Amount |
|-----------|--------|
|-----------|--------|

**Nature Strip and Roadway:**

\$5,150

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

**Note:** The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

**Reason:** To ensure any damage to public infrastructure is rectified and public works can be completed.

**Note:** 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 D/317/2021;
- (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.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council ([council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) prior to any work or demolition commencing and 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.

**PANSC Non-standard - General Matters**

7. All requirements specified by Endeavour Energy in email dated 13 May 2021 are to be complied with.

**Reason:** To ensure the requirements of Endeavour Energy are complied with.

**PANSC Non-standard - General Matters**

8. The development is to allow for 12 x 240L waste bins and 9 x 240L recycling bins.

**Reason:** To comply with the waste requirements.

**DANSC Non-standard - General Matters**

9. Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

Details of the proposed 375 mm diameter reinforced concrete pipe-work and details of the connection into the existing Council drainage infrastructure within Macquarie Street Parramatta shall be submitted to Council's Civil Infrastructure Unit for assessment and approval.

Furthermore revised Site / Easement Drainage Plan shall be submitted, taking into consideration the following details

- The invert level (IL), of the proposed new kerb inlet pit outside No. 42A, Wattle Street and the invert level and top of kerb of the existing kerb inlet pit closer to the intersection with Myrtle Street is required.
- The proposed 375mm RCP is to have the minimum- grades as per AS/NZS 3500.3, with adequate pipe cover for an RCP under the road surface.
- In terms of the proposed drainage easement and the street drainage system, a complete Longitudinal Sectional Detailed Plan shall be prepared for submission to Council, incorporating the Hydraulic Gradient Line details.

**Reason:** To ensure compliance

**ECA0001 Hazardous/intractable waste disposed legislation**

10. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:

- a) Work Health and Safety Act 2011;
- b) NSW Protection Of the Environment Operations Act 1997 (NSW); and
- c) NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

#### **ECA0004 Imported fill**

11. 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.

#### **ECA0005 Signage – Contamination**

12. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

**Reason:** To provide contact details for council inspectors and for the public to report any incidents.

#### **ECA0006 Require to notify about new contamination evidence**

13. 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.

#### **ECA0007 Discharge of Contaminated Groundwater**

14. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To ensure that contaminated groundwater does not impact upon waterways.

#### **ECA0009 Contaminated waste to licensed EPA landfill**

15. 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.

**ECA0010 Remediation**

16. All remediation works shall be carried out in accordance with clauses 4.15 and 4.16 of State Environmental Planning Policy (Resilience and Hazards) 2021.

**Reason:** To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.

**EPA0062 Soil and Water Management – Stockpiles**

17. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

**Reason:** To ensure that building materials are not washed into stormwater drains.

**EPA0064 Groundwater Extraction**

18. A Water Access License shall be obtained for approval to extract groundwater from the appropriate authority (Water NSW if not a State Significant Development or NSW Department of Industry – Water if it is State Significant Development or development by (or for) a Government agency).

**Reason:** To comply with water access governance requirements.

**EPA0065 Polluted water from excavation – water analysis**

19. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority (EPA) and ANZ Guidelines for Fresh and Marine Water Quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

**LA0001 #Tree Retention**

20. Trees to be retained are:

| Tree No. | Name                     | Common Name | Location                 | Tree Protection Zone (m) |
|----------|--------------------------|-------------|--------------------------|--------------------------|
| 2        | <i>Grevillea robusta</i> | Silky Oak   | Refer to Arborist Report | 4.7m                     |

|    |   |                         |   |      |
|----|---|-------------------------|---|------|
| 10 | <i>Pittosporum undulatum/<br/>Tristaniopsis laurina</i> | Native Daphne/Water Gum | Road Reserve - Refer to Arborist Report       | 7.1m |
| 13 | <i>Tristaniopsis laurina</i>                            | Water Gum               | Road Reserve - Refer to Arborist Report       | 6.1m |
| 14 | <i>Tristaniopsis laurina</i>                            | Water Gum               | Road Reserve - Refer to Arborist Report       | 4.6m |
| 15 | <i>Tristaniopsis laurina</i>                            | Water Gum               | Road Reserve - Refer to Arborist Report       | 5.4m |
| 24 | <i>Lophostemon confertus</i>                            | Brush Box               | Adjoining Property - Refer to Arborist Report | 6m   |
| 25 | <i>Callistemon viminalis</i>                            | Weeping Bottlebrush     | Adjoining Property - Refer to Arborist Report | 3m   |

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

## **PART B – BEFORE 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.)

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

21. 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.

### **PB0012 Single master TV antenna**

22. 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.



**PB0020 #Parra Develop Contrib. Plan – Outside City Centre**

23. A monetary contribution comprising \$119,389.35 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta Section 94A Development Contributions Plan (Amendment No. 5)*. Payment must be by EFTPOS, bank cheque or credit card only.

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.

*Parramatta Section 94A Development Contributions Plan (Amendment No. 5)* 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.

**PB0028 SEPP 65 verification**

24. 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.

**PB0030 Infrastructure & Restoration Adm. fee for all DAs**

25. 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 Councils 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.

**PB0032 Constr. Noise Managt. Plan for townhouses & above**

26. 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.

**PB0033 Energy Provider requirements for Substations**

27. 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.

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

28. The development must incorporate 4 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.

**PB0053 Construct. Site Manage. Plan (DIEP Mandatory Cond)**

29. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those

movements, and measures to preserve pedestrian safety in the vicinity of the site

- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

**Reason:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction

#### **PB0055 Waste Management Plan (DIEP Mandatory Cond)**

1. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

(a) Council's Waste Management Development Control Plan

**OR**

(b) Details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**Reason:** To ensure resource recovery is promoted and local amenity protected during construction.

#### **PBNSC Non-standard - Prior to the issue of a CC**

30. Prior to the issue of the Construction Certificate, amended plans are to be provided to the satisfaction of the PCA, showing a temporary waste bin storage area located within 6.5m of the front boundary, with the capacity to accommodate 21 x 240L bins.

**Reason:** To provide an area away for Council to collect and return the bins away from the kerb.

#### **DB0001 Stormwater Disposal**

31. 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.

#### **DB0002 Retaining walls**

32. 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.

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

33. 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.

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

34. 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.

#### **DB0012 #On Site Detention**

35. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
- The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
- (a) Stormwater Concept Plan, prepared by LOKA Consulting Engineers project number 21LN2020, Drawing No. D00- D04, Revision B, dated 03/2021
  - (b) A Site Storage Requirement of 330m<sup>3</sup>/ha and a Permissible Site Discharge of 130 L/s/ha (when using 3rd edition of UPRCT's handbook)
  - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
  - (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
  - (e) The stormwater system from the proposed building shall be designed to cater for up to 1% AEP storm events.
  - (f) The proposed surface pits around the site shall be upsized to 600sq pits
  - (g) The basement shall be graded at a minimum 1% towards the pump out pit.

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

**DB0013 #Water treatment for stormwater**

36. 3 x 690 PSORB water quality treatment devices must be installed to manage surface runoff water to Wattle Street SYSTEM to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure appropriate water quality treatment measures are in place.

**DB0017A Construction of a heavy duty vehicular crossing**

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

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

**DB0019 #Disabled parking**

38. A total of 4 accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

Details are to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

**DB0020 Security roller shutters for basement car parking**

39. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure visitor carparking is accessible.

**DB0021 Impact on Existing Utility Installations**

40. 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.

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

41. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

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

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

**DB0024 Proposed inlet pit**

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

**Reason:** To ensure appropriate drainage.

**DB0026 Driveway Grades**

43. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 to prevent the underside of the vehicles scraping. Where the geometric change in grade exceeds 18%, the gradients of the driveway and ramps shall be checked using the method at Appendix C in AS2890.1:2004 and adjustments will be made to accommodate suitable transition lengths. Details are to be provided with the application for a Construction Certificate.

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

**DBNSC Non-standard - Prior to the issue of a CC**

44. Prior to the issue of a Construction Certificate, evidence is to be provided to the satisfaction of the PCA, showing that the 3 allotments have been consolidated.

**Reason:** To ensure the allotments are consolidated prior to construction.

45. The perimeter walls and floor of the basement shall be constructed using a "Tank Construction" method, to prevent any flood and ground waters seeping through the basement walls and floor base. This must be provided using impervious construction and not through permanent draining of the basement structure.

The landowner shall manage groundwater inflows and outflows during construction and thereafter in perpetuity, including monitoring, to ensure all of the requirements of the Water NSW/DPI Water are satisfied and that there are no adverse effects on the environment and public health, including water table levels, surface and groundwater flow regimes, contamination and pollution, flooding and water quality and structural stability.

**Reason:** Protection of the environment and public health.

**TB0001 #Car Parking Condition**

46. 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, AS

2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To ensure appropriate vehicular manoeuvring is provided.

**TB0002 #Bicycle parking condition**

47. 18 bicycle spaces/racks are to be provided on-site and used accordingly. 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.

**TB0003 #Parking Provision**

48. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 36 parking spaces is to be provided and be allocated as follows:

- a) 35 parking spaces for the residential apartments including four (4) spaces as accessible parking;
- b) One (1) car wash bay.

Details are to be illustrated on plans submitted with the construction certificate application.

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

**TB0004 Pedestrian Safety**

49. 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. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

**TB0006 #Motorcycle Parking Condition**

50. Three (3) motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Council's parking requirements.

**PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

**BC0001 Toilet facilities on site**

51. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

**Reason:** To ensure adequate toilet facilities are provided.

**PC0001 #Appointment of PCA**



52. 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.

#### **PC0002 Enclosure of the site**

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

**Reason:** To ensure public safety.

#### **PC0003 Site Sign**

54. 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.

#### **PC0005 Public liability insurance**

55. 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.

### **PC0007 Footings and walls near boundaries**

56. 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.

### **PC0010 Compliance with Home Building Act (If Applicable)**

57. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** Prescribed condition EP&A Regulation, clause 98(1)(b).

### **DC0001 Construction and Traffic Management Plan**

58. Prior to the commencement of any works on site, the applicant must submit a Construction and Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
  - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
  - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,

- (iii) The locations of proposed Work Zones in the egress frontage roadways,
  - (iv) Location of any proposed crane standing areas,
  - (v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
  - (vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
  - (vii) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
  - (viii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
  - (ix) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
  - (ii) Approval shall be obtained from City of Parramatta Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:

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

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

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

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

59. 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.

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

60. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

#### **DC0004 Geotechnical report**

61. 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 C1 of AS 2870 - 1996.

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

#### **DC0005 #Reinforced concrete pipe work**

62. Details of the proposed 375 mm diameter reinforced concrete pipe-work within Wattle Street shall be submitted for Council's Catchment and Assets Unit approval prior to commencement of any work.

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

**DC0006 Erosion and Sediment Control measures**

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

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

**DC0007 Site Maintenance**

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

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

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

**DC0008 Shoring and adequacy of adjoining property**

65. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

**Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

**DC0009 Special Permits**

66. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:

E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.

- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

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

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

### **DC0010 Driveway Crossing Application**

67. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.



**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

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

### **ECC0003 Hazardous material survey**

68. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

### **ECCNSC Non-standard - Prior to Work Commencing**

69. The following shall be complied with in respect of remediation and validation works at the property:

Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979.

**Reason:** To ensure the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act are complied with.

70. After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, Consulting Reporting on Contaminated Sites, and shall:

- i) Describe and document all works performed;

- ii) Include results of validation testing and monitoring;
- iii) Include validation results of any fill imported on to the site;
- iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
- v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

**Reason:** To ensure the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act are complied with.

71. Following the preparation of the validation report, Council will require that the applicant engage an accredited auditor under the Contaminated Land Management Act 1997 to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, **prior to the issuing of the Occupation Certificate.**

**Reason:** To ensure the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 and the Contaminated Land Management Act are complied with.

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

72. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Redgum Horticultural dated 25 February, 2021 and the conditions of consent.

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

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

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

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

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

**LC0007 Tree Protection During Construction**

74. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualification Framework (AQF) Level 5 Arborist in accordance with AS4970 - Protection of Trees on Development Sites.

**Reason:** To ensure trees are protected during construction.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

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

75. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

**Reason:** To ensure compliance with this consent.

### **PD0003 Dust Control**

76. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

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

### **PD0004 Materials on footpath**

77. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

### **PD0006 Hours of work and noise (DPIE Mandatory Condition)**

78. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- **7am to 5pm on Monday to Friday**
- **8am to 5pm on Saturday**

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

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

#### **PD0007 Complaints register**

79. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

#### **PD0008 Construction Noise (DPIE Mandatory Cond)**

80. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

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

**PD0009 Cut and fill (if applicable)**

81. While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- (a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

**PD0010 Survey Report**

82. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

**Reason:** To ensure buildings are sited and positioned in the approved location.

**PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)**

83. 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.

**PD0021 Implement. of BASIX Commit. (DPIE Mandatory Cond)**

84. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

**Reason:** To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

**PD0022 Uncover Relics/Aboriginal Obj(DPIE Mandatory Cond)**

85. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning,

Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Reason:** To ensure the protection of objects of potential significance during works.

#### **PD0026 Shoring & adequacy of adjoining property**

86. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person’s own expense: -
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
  - (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

**Reason:** Prescribed condition - EP&A Regulation clause 98E.

#### **DD0005 Erosion & sediment control measures**

87. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

#### **DD0006 Damage to public infrastructure**

88. 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.

**DD0009 Car parking & driveways**

89. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 ‘Off Street Car Parking Facilities’ prior to an Occupation Certificate being issued.

**Reason:** To ensure appropriate car parking.

**DD0011 Nomination of Engineering Works Supervisor**

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

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

**DD0012 Managing Land Contamination**

91. In the event that material is identified at the subject site as contaminated as defined in the Managing Land Contamination Planning Guidelines dated 1998 and prepared by the Department of Urban Affairs and Planning, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. Any soil investigation must be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007, and the provisions of the Contaminated Land Management Act 1997 and Regulation 2013.

**Reason:** To ensure that the provisions set out in Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 have been met and the use of the land poses no risk to the environment and human health.

**ECD0001 Importation of clean fill**

92. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

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

**ECD0002 Asbestos records disposal& licensed waste facility**

93. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

**ECD0003 Asbestos handled& disposed of by licensed facility**

94. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility

by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the NSW Environment Protection Authority (EPA) Waste Classification Guidelines and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

**ECD0004 Waste data maintained**

95. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

**ECD0005 Disposal of Material at Licensed Landfill**

96. 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.

**EWD0001 Asbestos-records disposal& licensed waste facility**

97. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

**Reason:** To ensure appropriate disposal of asbestos materials.

**EWD0002 Asbestos handled& disposed of by licensed facility**

98. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

**EWD0003 Waste data file maintained**

99. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

**EWD0004 Hazardous/intractable waste disposed of in accor.**

100. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:



- (a) Work Health and Safety Act 2011;
- (b) NSW Protection of the Environment Operations Act 1997 (NSW); and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines.

**Reason:** To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

#### **EWD0005 General requirements for liquid and solid waste**

101. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

**Reason:** To prevent pollution of the environment.

#### **EWD0006 Liquid and Solid Wastes**

102. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

**Reason:** To prevent pollution of the environment.

#### **EWD0013 Polluted water from excavation analysis**

103. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

#### **EWD0014 De-watering of Excavated Sites**

104. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is

required to be included and submitted to Council for review prior to issue of a Construction Certificate.

**Reason:** To protect against subsidence, erosion and other nuisances.

#### **LD0009 Planting Requirements**

105. All trees planted as required by the approved landscape plan are to be a minimum 45 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.

#### **LD0011 Tree Removal**

106. Trees numbered 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 16, 17, 18, 19, 20, 21, 22 and 23 are approved to be removed to accommodate the proposed development. Refer to the Arboricultural Impact Assessment prepared by Redgum Horticultural dated 25 February, 2021 for species and location.

**Reason:** To facilitate development.

#### **LD0012 Trees with adequate root volume**

107. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support unless in a wind-prone area. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

**Reason:** To ensure the trees/shrubs planted within the site are able to reach their required potential.

#### **LD0013 Removal of trees by an arborist**

108. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

**Reason:** To ensure tree works are carried out safely.

#### **TD0001 Road Occupancy Permit**

109. 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.

#### **TD0002 Oversize vehicles using local roads**

110. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal ([www.nhvr.gov.au/about-us/nhvr-portal](http://www.nhvr.gov.au/about-us/nhvr-portal)) prior to driving through local roads within the City of Parramatta LGA.

**Reason:** To ensure maintenance of Council's assets.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **BE0001 Record of inspections carried out**

111. 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.

### **PE0001 Occupation Certificate**

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

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

### **PE0006 Street Number when site readily visible location**

113. 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.

### **PE0007 #BASIX Compliance**

114. 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. 1183685M, will be complied with prior to occupation

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

### **PE0008 Completion of Public Utility Services**

115. Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

**Reason:** To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation

**PE0025 SEPP 65 verification statement OC stage**

116. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

**Reason:** To comply with the requirements of SEPP 65.

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

117. 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.

**PE0027 Post Constru. Private Property Dilapidation Report**

118. Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason:** To identify damage to adjoining properties resulting from building work on the development site

**DE0003 Work-as-Executed Plan (DPIE Condition)**

119. Works-As-Executed stormwater plans are to address the following:

- (a) A WAE survey shall be conducted and plans prepared showing the ‘as built’ of the complete on-site detention system including (but not restricted to) discharge point, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.

- (b) The survey shall confirm a) that all retaining walls including foundations are wholly within the site boundary, b) that the swales have been constructed as per the approved plans, c) that the relevant boundary fences have been raised to allow overland flow to drain unobstructed though to the swale.
- (c) 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.
- (d) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- (e) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (f) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (g) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (h) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer
  - (i) The WAX plan shall include the full length of the downstream drainage easement and the trunk drainage system.
  - (j) Photographic evidence of the connection point to the existing pit.
- (k)

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

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

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

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

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the

requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the Restriction on the Use of the Land. These photos shall include such elements as the orifice plate, trash screen, step irons, weir, sump and bench on the floor of the DCP, return pipe and flap valve, wide angle view of the storage area or multiple photos, grates closed from above, grates open showing the edges to the opening and under frame packing with mortar or concrete, all pipe entries to the DCP and confined space warning signs at each entry point. The photos must be well labelled and must differentiate between multiple tanks. Additional photos may be requested if required.

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

**DE0014 Lot consolidation**

121. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the NSW Land Registry Services, prior to an Occupation Certificate being issued.

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

**DE0015 Driveway Crossover**

122. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

**Reason:** Pedestrian and Vehicle safety.

**DE0018 Reinstatement of laybacks etc**

123. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

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

124. 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.

**PART F – OCCUPATION AND ONGOING USE**

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

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

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

**PF0049 Graffiti Management**

126. 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.

**PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)**

127. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

- Note:** A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:  
(a) Council's Development Application number; and  
(b) Site address.
- Note:** Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.
- Reason:** To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

**PFFNSC Non-standard - The Use of the Site**

128. For 10 years from the date of the issue of the occupation certificate:  
a) The dwellings proposed to be used for the purpose of affordable housing will be used for the purposes of affordable housing, and  
b) All accommodation that is used for affordable housing will be managed by a registered community housing provider

**Reason:** To satisfy the requirements of the ARH SEPP.

129. A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of the above condition.

**Reason:** To satisfy the requirements of the ARH SEPP.

**EAF0004 No 'offensive noise'**

130. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

**EAF0009 Use of Premises**

131. The use of the premises not giving rise to:  
(a) transmission of unacceptable vibration to any place of different occupancy;  
(b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

**Reason:** To prevent loss of amenity to the area.

**EAF0010 Air Conditioners in Residential Buildings**

132. 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.
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), 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.

**EWF0003 Remove putrescible waste at sufficient frequency**

133. 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.

**EWF0005 Management of waste storage facilities**

134. 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.

**EWF0006 Storage of bins between collection periods**

135. 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.

**TF0001 #Roller shutter door security access card reader**

136. If a roller shutter door is to be provided at the driveway entry and exit from Pine Street, it 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 Clause Nos. 3.3(b) of AS 2890.1-2004.

**Reason:** To comply with Australian Standards.

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**Date:** 27 July 2022

**Responsible Officer:** Darren Wan