



City of Parramatta	
File No:	DA/797/2022

SECTION 4.15 ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

DA No:	DA/797/2022
Subject Property:	Lot 18 DP 206883, 4 Stringer Place, OATLANDS NSW 2117
Proposal:	Demolition of existing structures, tree removal and construction of a 3 storey dwelling and swimming pool.
Date of receipt:	10 October 2022
Applicant:	Group Architects Pty Ltd
Owner:	Mr S S Dipsellas
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Approval
Assessment Officer:	Cade Tracey

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)• Parramatta Local Environmental Plan 2023 (PLEP 2023).
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Zoning	R2 – Low Density Residential
Bushfire Prone Land	Yes
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	Yes
Delegation	Parramatta Local Planning Panel (PLPP) due to cl.4.6 to vary height

1. Executive Summary

The subject site is known as 4 Stringer Place, Oatlands. The site and surrounding properties are zoned R2 Low Density Residential, C2 Environmental and W1 Natural Waterways. The site currently accommodates a two storey brick and metal roof dwelling house with attached metal roof carport.

The site is located within an established residential area characterised by single and double storey residential dwellings and includes a two-storey dwelling immediately adjacent the site to the east which has been recently constructed via Complying Development Certificate. A part one part two storey dwelling immediately adjoins the site to the southeast while the rear of the site adjoins the Vinyard Creek reserve.

The proposed development for demolition of existing structures and construction of a three-storey dwelling with swimming pool includes a variation (of 1.7m or 18.8%) to Clause 4.3 Height of Buildings under the Parramatta Local Environmental Plan 2011. The extent of the variation to the 9m height control applies to several portions of the proposed building as it works to step down the challenged topography which is made up of a steep slope (approximately 10m total) falling away from the road reserve towards the Vineyard Creek reserve. Despite engagement of a stepped approach the proposal remains as a three-storey dwelling house however, sensible building design has allowed for the dwelling to appear as a recessed two storey dwelling from the street. Furthermore, the proposal is also considered to reasonably be perceived as a two-storey dwelling when viewed from each side adjoining property. A lack of visually sensitive areas towards the rear of the site further represents the diminished visual impact maintained by the site towards the surrounding locality.

The proposal is considered to appropriately mitigate visual bulk and scale towards surrounding areas. The proposal also reasonably responds to the land constraints that exist and are unique to the site within the streetscape context. In this instance it would be considered unnecessary to enforce numerical compliance, therefore Council is satisfied the variation to the control is reasonable and the proposal as a whole is acceptable.

2. Site Description and Conditions

The subject site is legally described as Lot 18 DP 206883 and commonly known as 4 Stringer Place OATLANDS. The site has an approximate area of 1296m². The site is an irregular shaped allotment located at the end of the Stringer Place cul-de-sac and experiences crossfall from the southern to northern property boundaries of approximately 10m over a distance of 42m.

The lot currently comprises a two storey brick and metal roof dwelling house with attached metal roof carport. A number of retaining walls, foot paths and stone steps traverses the rear of the site. Significant vegetation including trees measuring over 5 metres in height is also located towards the rear of the site. The site maintains a 13.7m street frontage to Stringer Place. Vehicular access to the site is also via Stringer Place.

The site is located within an established residential area comprising of low-density residential development predominantly categorised by single and double storey residential dwellings. Immediately adjoining the subject site to the sides are double and part single part double storey residential dwellings while the Vineyard Creek Reserve is located towards the rear of the site.

A 1.2m wide drainage easement exists alongside the eastern side property boundary running in a north/south direction between the Stringer Place Road Reserve and Vineyard Creek. The site is not impacted by any utilities, land restrictions or further easements.

To clarify the location of the application site and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 - 10** below.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: Nearmap, 10 May 2023.

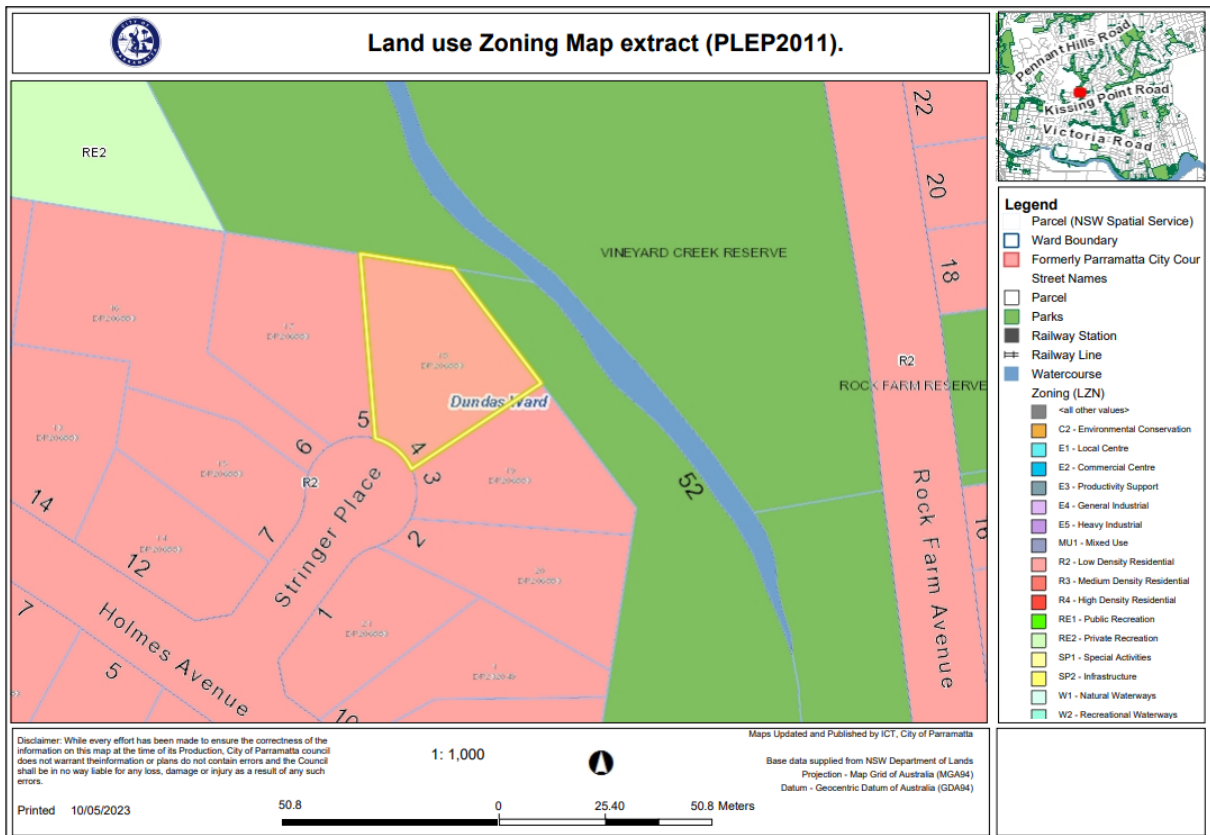


Figure 2: R2 Low Density Residential Zoning Map extract (PLEP 2011).

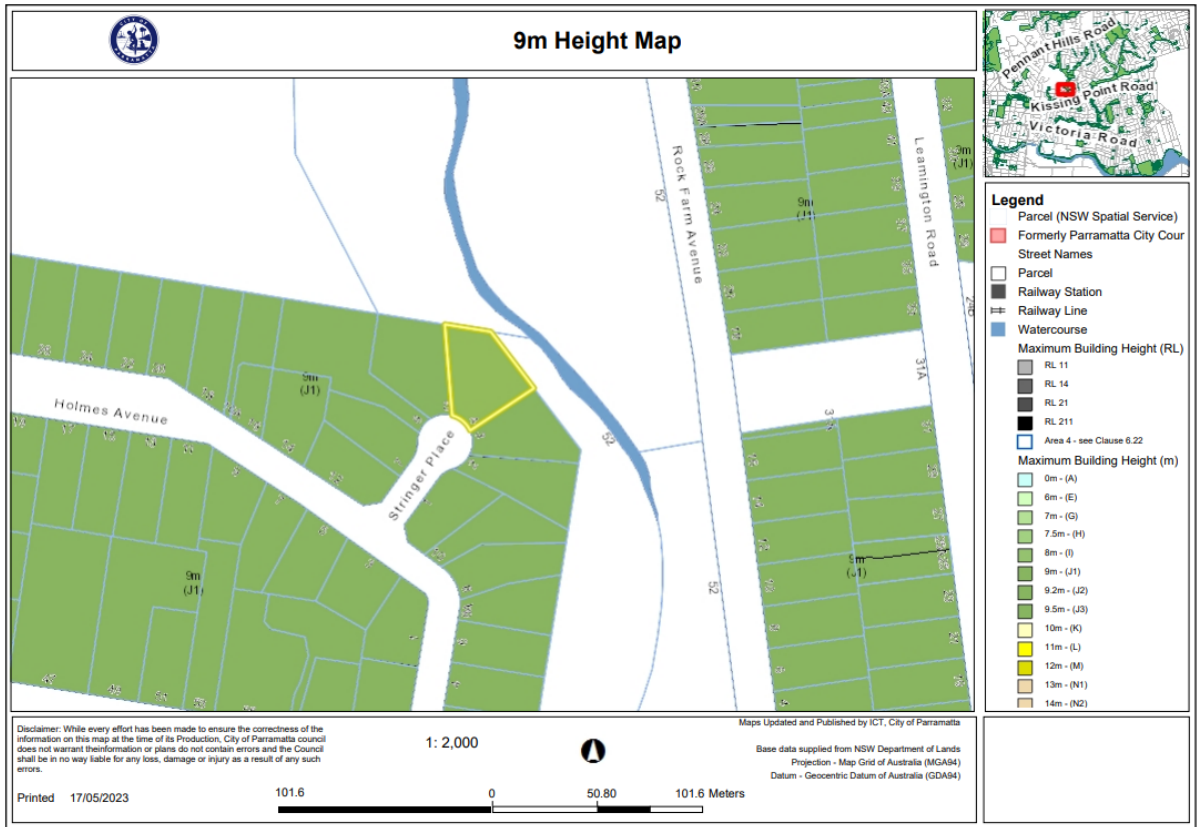


Figure 3: 9m (J1) building height map (PLEP 2011).

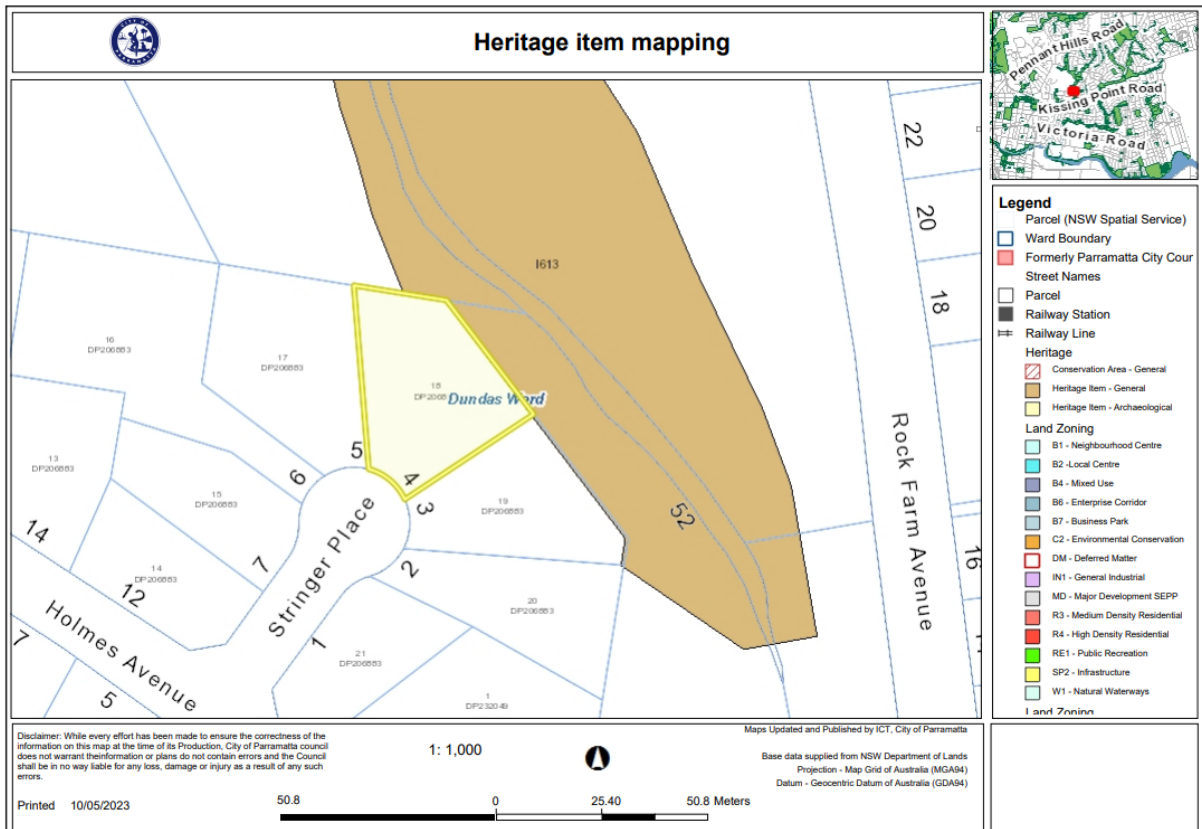


Figure 4: Heritage identification map extract (PLEP 2011).



Figure 5: View of site as seen from Stringer Place (Site inspection, 10 May 2023).



Figure 6: View of western side property boundary looking north (Site inspection 10 May 2023).



Figure 7: View of Eastern side property boundary looking north (Site inspection 10 May 2023).



Figure 8: View of rear yard of site looking south west (Site inspection, 10 May 2023).



Figure 9: View rear yard of site looking east (Site inspection, 10 May 2023).

3. Relevant Site History

Council systems indicate the site as not having been subject to any recent development approvals beyond approval to remove two Eucalyptus trees, dated 31/08/2000.

4. The Proposal

Development Application 797/2022 was lodged on 10 October for the demolition of existing structures, tree removal and construction of a 3-storey dwelling and swimming pool. Specifically, the proposed dwelling will consist of the following building components:

- Five bedrooms, five bathrooms, office, gym, media, rumpus rooms
- Internal lift, cantilevered pool and associated terrace area
- Double garage and elevated ramp driveway
- Associated landscaping and stormwater works

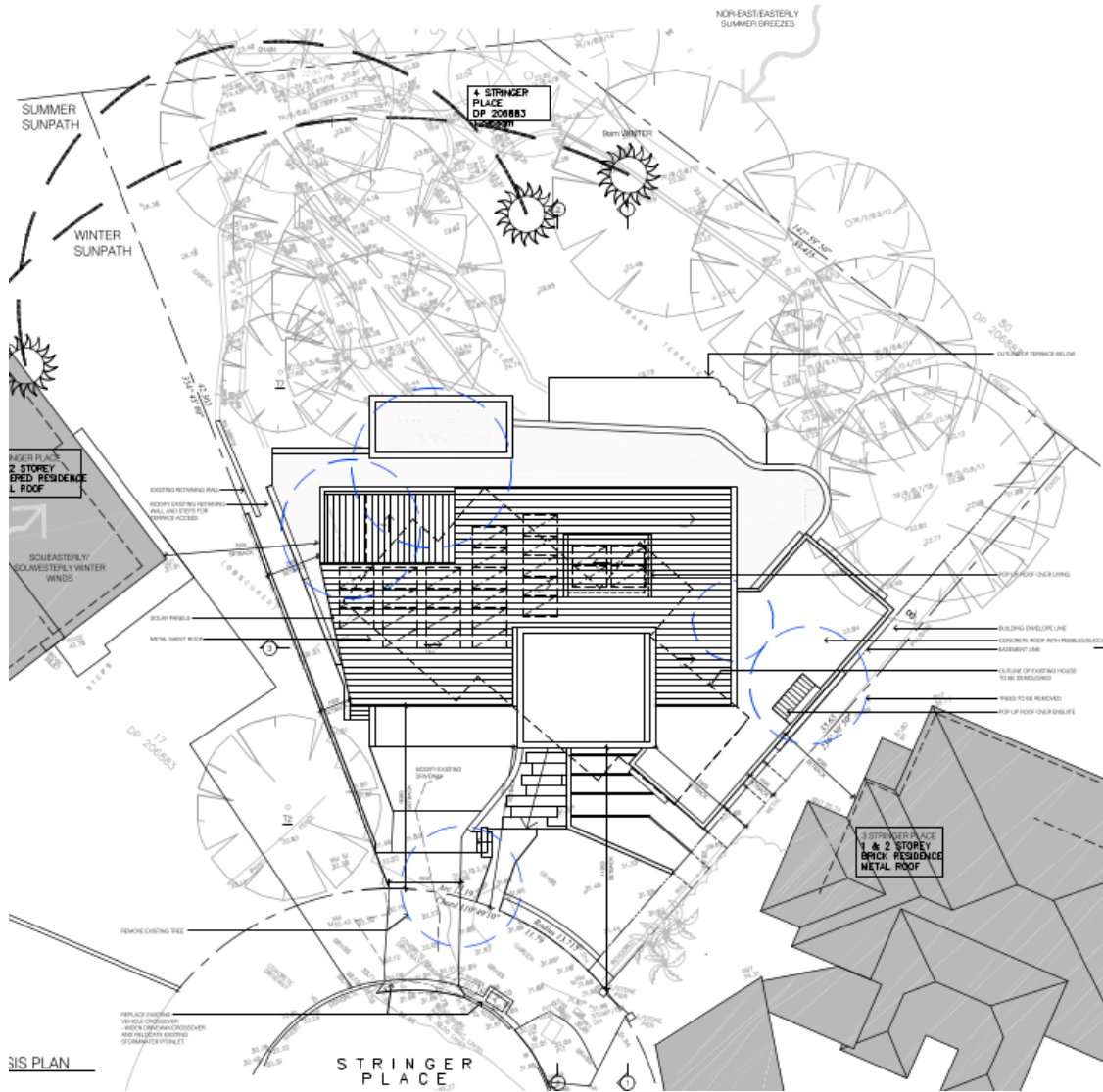


Figure 10: Site Plan (Extracted from submitted plans prepared by Group Architects).

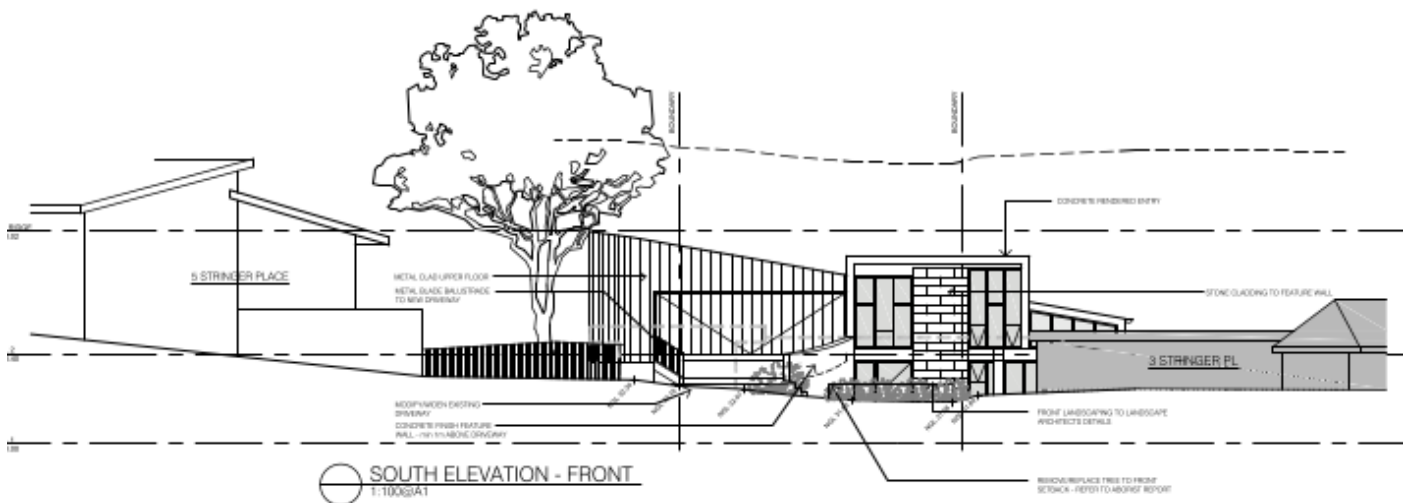


Figure 11: Streetscape elevation (Extracted from submitted plans prepared by Group Architects).

5. Relevant Application History

Date	Comment
10 October 2022	DA/797/2022 was accepted for lodgement by City of Parramatta Council.
20 October 2022	Application began notification period (3 weeks) in accordance with Appendix 1 of Consolidated Notification Requirements of the City of Parramatta Community Engagement Strategy.
17 February 2023	Council request to applicant to submit amended plans to Council for reduced garage and ramp levels, a Flood Study and amended c4.6 variation request document.
10 March 2023	Amended plans and supporting documents received by Council with following changes: <ul style="list-style-type: none">• Lowered garage ridge height by 600mm• Lowered garage entry by 325mm• Adjustment to driveway levels for lesser incline from street boundary to lowered garage entry

6. Referrals

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

Referral	Comment
Landscape Officer	<p>Three trees over five metres are required to be removed, a large number of trees are located within the property and will be retained and protected during the development.</p> <p>The proposal satisfies the requirements of Council's controls and can be supported subject to standard and/or special conditions of consent.</p>
Development Engineer	<p>Overland flow is collected at the front of the site and discharged to Vineyard Creek via flow path restricted to within an existing easement located alongside the eastern side property boundary which also contains a 450mm pipe, this does not have conflicting influence with the proposal.</p> <p>The stormwater disposal is to be through the same pipe. An overland flow channel (1.2 x 0.1m) is proposed to capture and convey the flows to protect the potential flow entry point to the proposed development. Additionally, a crest is proposed to ensure the ground floor is protected in the event of full blockage of the existing 450m pipe.</p> <p>The proposal meets Council objectives and can be supported subject to conditions. Conditioning has also been included to keep foundations away from the zone of influence of the pipe.</p>
Biodiversity Officer	<p>The subject site is not affected by the biodiversity overlay map however the adjoining bushland reserve is. The bushfire report specifies the site to be managed as an IPA. The extent of vegetation removal does not trigger the BOS area threshold.</p> <p>The proposal is unlikely to significantly impact threatened species, ecological communities, or their habitats and no ecological constraints apply that warrants further investigation.</p> <p>The proposal is supported subject to Natural Resources conditions to protect the adjoining Vineyard Creek Reserve.</p>

PLANNING ASSESSMENT

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (BASIX) 2004
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Parramatta Development Control Plan 2011 (PDCP 2011)
- Parramatta Local Environmental Plan 2023 (DLEP 2023).

Compliance with these instruments is addressed below.

8.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION)

Chapter 2 Vegetation in non-rural areas

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation as well as ensure development does not contribute to detrimental or unreasonable impacts to water quality and quantity as runoff into Sydney water catchments.

The application proposes the removal of some vegetation from the site including three mature trees more than 5m however a significant amount of vegetation will remain on site. Council's Landscape and Biodiversity Officers has raised no objections to the proposed development. Furthermore, the proposal is not expected to contribute to any significant impacts to existing water runoff and the submitted stormwater plan is supported by Council's Development Engineer subject to conditions.

Chapter 6 Water Catchments

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

8.3 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The development is consistent with the controls contained within the deemed SEPP.

- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
- Historic aerial photographs were used to investigate the history of uses on the site.
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
- A search of public authority databases did not include the property as contaminated.
- The Statement of Environmental Effects states that the property is not contaminated. There is no specific evidence that indicates the site is contaminated and is suitable for the residential use.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for residential use.

8.4 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition has been imposed to ensure such commitments are fulfilled during the construction of the development.

8. Parramatta Local Environmental Plan 2011

The relevant matters considered under the PLEP 2011 for the proposed development are outlined below:

Clause 1.2 Aims of Plan

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

- (a) to encourage a range of development, including housing, employment and recreation, that accommodates the needs of the existing and future residents, workers and visitors of Parramatta,
- (b) to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city,
- (c) to identify, conserve and promote Parramatta's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,
- (d) to improve public access to the city and facilitate the maximum use of improved public transport, together with walking and cycling,
- (e) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Parramatta, by incorporating principles of ecologically sustainable development into land use controls,
- (g) to improve public access along waterways where natural values will not be diminished,
- (h) to enhance the amenity and characteristics of established residential areas,
- (i) to retain the predominant role of Parramatta's industrial areas,
- (j) to ensure that development does not detract from the economic viability of Parramatta's commercial centres,
- (k) to ensure that development does not detract from the operation of local or regional road systems,
- (l) to ensure development occurs in a manner that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependant ecosystems,
- (m) to protect and enhance the viability, identity and diversity of the Parramatta City Centre and recognise it as the pre-eminent centre in the Greater Metropolitan Region,
- (n) to encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles.

It is considered that the development satisfactorily meets the aims of the plan.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R2 Low Density Residential under the Parramatta Local Environmental Plan 2011. The aims and objectives for the R2 zone in Clause 2.3 – Zone Objectives are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.
- To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.

The proposal is consistent with these objectives.

COMPLIANCE TABLE – LOCAL ENVIRONMENTAL PLAN

The relevant matters to be considered under the Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

Standards and Provisions	Compliance
Part 4 Principal development standards	
Clause 4.1 Minimum subdivision lot size	N/A Subdivision not proposed.
Clause. 4.3 Height of buildings Allowable: 9m	No (Supportable on merit) The development proposes a maximum height of 10.7m which exceeds the maximum height permissible for the site by 1.7m (or 18.8%). See discussion below.
Clause. 4.4 Floor space ratio Allowable: 0.5:1 (or 648m ²)	Yes The development proposes a total floor area of 0.37:1 (or 484.5m ²).
Clause. 4.6 Exceptions to Development Standards	Yes See discussion below.

Part 5 Miscellaneous provisions	
Clause 5.6 Architectural roof features	N/A An architectural roof feature is not proposed.
Clause 5.7 Development below the mean high water mark	N/A The proposal is not for the development of land that is covered by tidal waters.
Clause. 5.10 Heritage conservation	Yes The proposal is not identified as a heritage item. The proposal is located adjacent a general heritage item described as the Vineyard Creek and Vegetated Banks (Natural Area) (item No. 1613). The proposal is not considered to result in any impacts to the natural heritage item in this instance. The site is also marked as maintaining low Aboriginal Sensitivity.
Clause 5.11 Bushfire hazard reduction	Yes The site is mapped as impacted by bushfire. The proposal is supported by a Bushfire Assessment Report prepared by Blackash Bushfire Consulting which recommends construction to comply with BAL-40 and BAL-FZ in addition to the property being managed as an Inner Protection Area. The proposal has also been referred to NSW RFS who in letter dated 11 November 2022 indicates support for the proposal subject to recommended construction and site management conditions.
Clause. 5.21 Flood Planning	Yes The site is not mapped as susceptible to flooding. Council's Catchment Engineer has reviewed the proposal and considered management of overland flow paths to be supportable subject to conditions.
Part 6 Additional local provisions	
Clause 6.1 Acid sulfate soils	Yes The site is mapped as being affected by Acid Sulfate Soils class 5. In this instance the proposal is not considered to result in detrimental impact to soil or the water table.
Clause 6.2 Earthworks	Yes The proposal will require some cut to accommodate the dwelling however the extent of cut is not considered excessive as a majority of earthworks that would be required has already been completed to accommodate the existing dwelling. The proposal has been reviewed by Council's development engineer who raises no objection to the proposal subject to conditions.
Clause 6.4 Biodiversity protection	Yes The proposal is not impacted by the biodiversity overlay however adjoins land that is subject to biodiversity protection. The proposal has been referred to Council's Biodiversity Officer who raises no objection subject to imposition of conditions requiring the protection of adjoining biodiversity sensitive areas.
Clause 6.5 Water protection	N/A The proposal is not located on land identified under the Natural Resources – Riparian Land and Waterways Map.
Clause 6.6 Development on landslide risk land	N/A The site is not located on land identified as landslide risk.
Clause 6.7 Foreshore building line	N/A The site is not located on land identified within foreshore building line.

Clause 4.6 Exceptions to Development Standards Building Height

The proposal does not comply with the maximum 9m building height development standard detailed in Clause 4.3 of the PLEP 2011 as the proposed dwelling height is 10.7m.

The proposal exceeds the maximum permissible building height by 1.7m which represents a **18.8%** variation to the development standard (see figure 11 depicting visual representation of height variations).

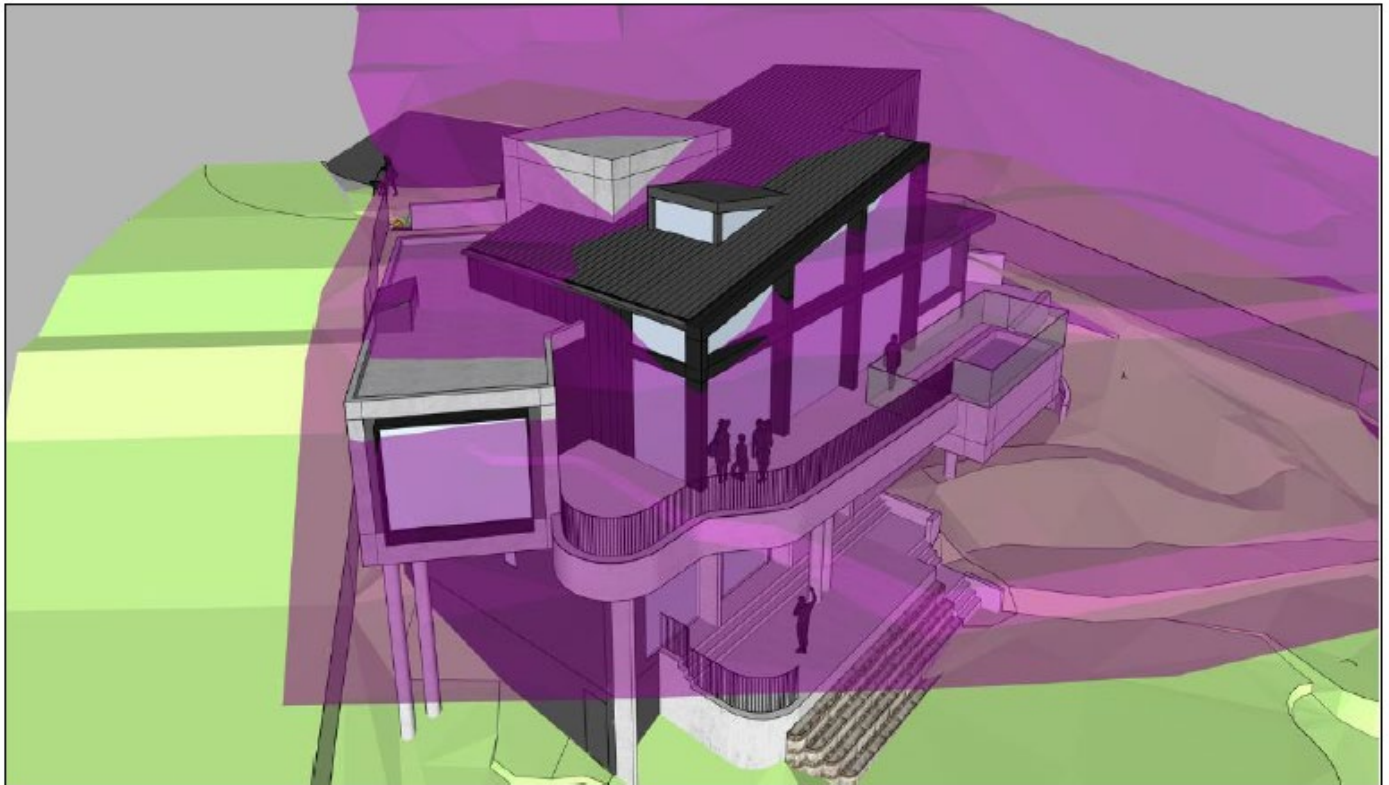


Figure 12: Rendering of proposed dwelling (looking southwest) with 9m height pane (extracted from cl4.6 document prepared by Willowtree Planning).

Clause 4.6 of the PLEP 2011 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes. The following represents the assessment of the variation request made under this clause:

Clause 4.6(1) – Objectives of Clause 4.6

The objectives of clause 4.6 of the PLEP 2011 are listed as follows:

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

Clause 4.6(2) – Operation of Clause 4.6

The operation of clause 4.6 is not limited by the terms of Clause 4.6(8) of this LEP, or otherwise by any other instrument.

Clause 4.6(3) – The Applicant’s written request 4.6

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

- “(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,*
- and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has submitted a written request justifying the variation to the building development standard for height. In the justification the applicant makes the following statements:

“It represents logical and coordinated development of the Site for low density residential development”

Comment: The proposal is considered to appropriately correspond with the site context as well as avoid unreasonable disruption to the streetscape and its low-density residential setting.

“It would result in an improvement to the existing layout and use of the Site through a carefully designed built form that is responsive to the Site context and its desired character”

Comment: The proposal is understood to present a high level of amenity for its occupants while conforming to the desired character of the area as well as providing reduced impacts to adjoining properties.

“The architectural design provides a high-quality built form outcome for the Site and is functional for the proposed outcomes”

Comment: The proposal is considered of a sound architectural design and is of a high-quality built form.

“The proposed dwelling has been designed to not be a dominant feature of the built form and would not be highly visible from the public domain on Stringer Place;”

Comment: The proposal is considered as a three-storey dwelling however presents as a recessed two storey dwelling when viewed from the street by making use of the topography that falls away from the street. The proposal does not dominate the streetscape and is not of a high visible character.

“The proposed variation to the building height would not give rise to any environmental or amenity impacts to the surrounding development in relation to views, overshadowing, solar access, noise and visual privacy;”

Comment: The proposed variation is not considered to result in any substantial impacts to environmental or visual amenity to surrounding areas. Enforcing numerical compliance is not likely to result in any meaningful benefit.

“Compliance may be achieved by reducing the scale of the development, but this would undermine both the visual quality and functionality of the design and the requirements of the low-density residential dwelling would not be achieved; and”

Comment: The proposal incorporates a design that responds to the aggressive typography challenges experienced. Enforcing compliance with the numerical control will result in a substantially diminished function and design of the dwelling. Furthermore, enforcing compliance would result in a perceived dwelling height with lesser transitional value when viewed from the streetscape as the reduced presence would be out of step with the emerging character of the street with new dwellings maintaining a larger street presence.

“Reducing the building height to achieve a compliant building height would not deliver any measurable environmental or amenity benefits; and”

Comment: The variation is not considered to present unreasonable visual impacts to surrounding areas. A reduced dwelling height is not likely to achieve any credible benefit for the area.

“Compliance with the remaining development standards applicable to the Site is achieved.”

Comment: Compliance with the remaining development standards is achieved.

An assessment against the relevant case law established in the NSW Land and Environment Court has been undertaken below. These cases establish tests that are utilised to determine whether a variation under Clause 4.6 of an LEP is acceptable and whether compliance with the standard is unreasonable or unnecessary.

In determining the adequacy of the applicant’s statements to satisfy the requirements set under clause 4.6(3), assistance offered from the relevant case law has been employed. The following case law and their respective key points have been addressed in detail below:

Wehbe v Pittwater Council

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a development standard may be well founded. In the case of *Wehbe v Pittwater Council [2007] NSWLEC 827* the presiding Chief Judge outlined the following five (5) circumstances:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

Height of Buildings Objectives

- (a) *to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*

Comment: The proposal incorporates a height that is considered to reasonably respond to the natural site constraints that are both compromising and unique to the site within the existing streetscape setting. Despite the noncompliance and the three-storey element, the proposal successfully achieves a perceived reduced presence to the streetscape and therefore will continue to confirm with the existing transition in built form of the low-density residential area. Noncomplying heights proposed are focused away from the streetscape which assists the dwelling to sit comfortably within the streetscape.

- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*

Comment: The proposal utilises the topography and its fall in natural ground level away from the street frontage to achieve a lower overall dwelling height when viewed from the streetscape. Furthermore, side setbacks approximately 50% larger than minimum requirements, together with the unique dimensions of the site, result in side boundaries spanning outwards towards the rear which also achieves a minimised visual impact for adjoining sites. The lack of privacy and solar impacts due to appropriate separation from adjoining properties is considered to ensure appropriate levels of amenity are retained.

- (c) *to require the height of future buildings to have regard to heritage sites and their settings,*

Comment: The proposed design of the site and its response to site constraints is not considered to result in adverse cumulative effects on any adjacent heritage sites or its settings.

- (d) *to ensure the preservation of historic views,*

Comment: The site is not within proximity to historic views.

- (e) *to reinforce and respect the existing character and scale of low density residential areas,*

Comment: The proposal is expected to conform with the existing character and scale of the low-density residential area as the proposal will not achieve a visual dominance that is greater than other pre-existing dwellings within Stringer Place including the existing dwelling located adjacent at 5 Stringer Place. This is due to the proposal successfully achieving a recessed two storey dwelling appearance. Although the proposal will incorporate a height non-compliance, it will be unlikely that the noncompliance will be readily noticed from the streetscape. Therefore, the proposal is considered to reinforce and respect the existing character and scale of the area.

- (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.*

Comment: The proposal is not located within a commercial centre however will maintain sky exposure and daylight to existing buildings. The proposal will not result in a reduction in solar penetration on site nor will it lead to sunlight loss or overshadowing of surrounding areas.

2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*

Comment: The applicant does not challenge that the underlying objectives are not relevant. However, the Applicant does note that the height control prescribed in the PLEP 2011 cannot be taken as the jurisdictional bar for development consent or refusal, in accordance with clause 4.15 of the EP&A Act, and that the proposed height breach should be assessed on its merit with regards to the LEP standard and its objectives.

3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*

Comment: If compliance was required then the underlying objective would be prevented as full compliance would result in a dwelling design considered unreasonably diminished from the streetscape and therefore disruptive to the existing site context.

4. *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.*

Comment: The applicant does not challenge that the development standard is abandoned.

5. *The zoning of particular land is 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 also be unreasonable or unnecessary.*

Comment: The applicant does not challenge that the zoning is inappropriate or that the standard is unreasonable or unnecessary.

Al Maha v Huajun Investments & Baron Corporation v Council of the City of Sydney

The proposal has been assessed on merit and having regard to the principles in *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.

Al Maha provides that the consent authority (or Commissioner 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].

Comment:

In this instance, Council is satisfied that applicant’s Clause 4.6 Statement adequately addresses the matters in Clause 4.6(3) of PLEP2011. It has proven that strict compliance is not feasible as the noncompliance is required to appropriately respond to the site constraints and achieve conformity with the existing site context while simultaneously avoiding unreasonable compromise to the proposed dwelling’s form and function.

Clause 4.6(4) - Consent Authority Assessment of Proposed Variation

Clause 4.6(4) of PLEP 2011 outlines that development consent must not be granted for development that contravenes a development standard unless:

- “a) the consent authority is satisfied that:
 - i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- b) the concurrence of the Secretary has been obtained.”

Comment: The matters of clause 4.6(4)(a)(ii) and Clause 4.6(4)(b) have been dealt with in the preceding section.

Public Interest

Clause 4.6(4)(a)(ii) of PLEP 2011 states:

“The proposed development will be in the public interest because it is consistent with the objectives of the

particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

Comment:

The proposal and the resulting variation is not considered unreasonably inconsistent with the objectives for building height. The proposal makes sufficient effort to avoid detrimental impact and maintains reasonable alignment with the streetscape and context of the site.

The proposed development is consistent with the objectives of this standard and is in the public interest.

Concurrence

Clause 4.6(4)(b) of PLEP 2011 states:

“The concurrence of the Secretary has been obtained”.

Comment: With regards to Clause 4.6(4)(b), concurrence of the Secretary has been obtained as per NSW Department of Planning Circular ‘Variations to development standards’ Ref: PS 20-002 dated 5 May 2020. There is no limit to the level of non-compliance for which concurrence can be assumed.

Conclusion: It is considered that the applicant’s written request has adequately addressed the matters required to be demonstrated and that the request to vary the height development standard within Parramatta LEP 2011 can be supported as the proposal achieves the objectives of the height development standard and zone, there are sufficient site-specific reasons for the breach, and the proposal is in the public interest. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

9. Parramatta Local Environmental Plan 2023

Parramatta LEP 2023 was gazetted on 2 March 2023. Clause 1.8 of the LEP now repeals the following planning instrument which apply to the land:

- Parramatta Local Environmental Plan 2011

Clause 1.8A Savings provision relating to development applications states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The current DA was lodged on 10 October 2022, and therefore has been assessed under Parramatta Local Environmental Plan 2011. It is advised that, all future development applications shall be determined under the PLEP 2023.

Whilst the application has been assessed under Parramatta LEP 2011, it is noted that there were no changes made to the zoning, FSR and height of building controls for the subject site and surrounding area under Parramatta LEP 2023.

9. Parramatta Development Control Plan 2011

The relevant matters to be considered under the Parramatta Development Control Plan 2011 for the proposed development are outlined below:

Development Control	Comment	Comply
Part 2 Site Planning		
2.4.1 Views and Vistas	The site is not identified as containing significant views.	Yes
2.4.2 Water Management	Refer to assessment under PLEP 2011 of this report.	Yes

2.4.3 Soil Management	Adequate sediment and erosion control measures are proposed as part of this development. The proposal will be conditioned to comply with requirements.	Yes
2.4.4 Land Contamination	Refer to assessment under SEPP (Resilience and Hazards) 2021	Yes
2.4.5 Air Quality	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised during construction.	Yes
2.4.6 Development on Sloping Land	The development responds to the topography of the site. The building is stepped, and appropriate excavation and fill is proposed enabling an adequate building platform.	Yes
2.4.7 Biodiversity	Council's Landscape Officer has raised no objections to the removal of three trees and supports the application subject to conditions. Council's Biodiversity Officer has reviewed the proposal and raises no objections subject to conditions managing the protection of the adjacent biodiversity sensitive areas. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.	Yes
Part 3 Development Principles		
3.1.3: Building Height	Refer to assessment under the PLEP 2011 of this report.	No
3.1.3 Floor Space Ratio	Refer to assessment under the PLEP 2011 of this report.	Yes
3.1.3: Minimum Site Frontage: Required: 15m	No subdivision or boundary realignment is proposed as part of the application. The existing 13.7m street frontage is unaltered.	N/A
3.13: Front Setback: Required: 5m – 9m (consistent with prevailing)	The proposal allows for a minimum front setback of 7.8m which is relatively consistent with the prevailing setbacks as well as that of the existing dwelling to be replaced which maintains similar setbacks.	Yes
3.13: Side Setback: Required: 900mm	Provided: East: 1.5m West: 1.5m	Yes
3.13: Rear Setback: Required: 30% site length (or 12.7m)	Provided: 12.2m The unique dimensions of the site presents challenges in meeting the 12.7m minimum setback required. In this instance the noncompliance is negligible and represents an insignificant portion of the dwelling as a majority of the proposal allows for rear setbacks significantly in excess of the minimum requirement. The proposal is therefore considered acceptable in this instance.	Yes
3.1.3: Landscaped Area: 40% of the site (or 518.4m ²)	Provided: 50.8% (or 659m ²)	Yes
3.1.3: Deep Soil: 30% of the site (or 388.8m ²)	Provided: 50.8% (or 659m ²)	Yes
3.2.1: Building Form and Massing	The proposal consists of an appropriate form and massing that corresponds with the site and existing local development pattern.	Yes
3.2.3: Roof Design	The proposed roof form is not considered to unreasonably detract from the existing streetscape character.	Yes
3.2.4: Energy Efficient Design	The proposal incorporates and meets the commitments of the applicable design principles embodied in the Building Sustainability Index.	Yes
3.2.5: Streetscape	The overall form of the development and design is considered compatible with the current streetscape. Although the proposal represents a three storey dwelling, the proposal is considered to remain in conformity with the development pattern and is not overbearing, disruptive or dismissive of existing development patterns along the streetscape.	Yes
3.2.6: Fences	No front fence is proposed	N/A
3.3.2: Private Open Space:	The proposal allows for private open space measuring significantly in excess of minimum requirements and includes areas in excess of 100m ² and 6m minimum dimensions.	Yes

Required: minimum 100m ² with minimum 6m dimensions		
3.3.3 Visual and Acoustic Privacy	<p>The proposal is not expected to result in an increase of impacts to adjoining properties in terms of visual and acoustic privacy due in part to the orientation of the proposed dwelling and the adjoining lands comprising the Vineyard Creek Reserve. In this instance the reserve acts to buffer and isolates potential opportunities for causal overlooking into adjoining land that would ordinarily be heavily vulnerable to detrimental privacy impacts. Furthermore, the site dimensions allow for reasonable separation between the proposal and adjacent dwellings and their respective private open space areas while the existing topography as well as significant vegetation also acts to support mitigation efforts that ensure visual and acoustic privacy is maintained.</p> <p>Internally, the proposal limits windows facing adjoining properties to nonliving areas of the proposed dwelling while the external components including cantilevered pool and balcony are orientated to the rear of the property which is contrary to the existing dwelling which maintains a balcony directly facing the eastern side property boundary.</p> <p>In this instance the proposal is considered to result in an enhancement of visual and acoustic amenity and is acceptable.</p>	Yes
3.3.4 Acoustic Amenity	The site is not located within proximity to any noise generating land uses.	Yes
3.3.5 Solar Access and Cross Ventilation	The proposal will result in sufficient solar access and cross ventilation. Impacts to solar access experienced by adjoining properties will be negligible both in part due to the stepping of the proposed dwelling away from side property boundaries as well as the topography of the site which generally places the adjoining properties at higher average natural ground levels.	Yes
3.3.6 Water Sensitive Urban Design	The proposal will not result in substantial change to quantity of stormwater runoff, existing downstream flow will remain unaltered and impacts to existing downstream flora and fauna will be negligible. The proposal is considered acceptable in this instance.	Yes
3.3.7 Waste Management	To be conditioned.	Yes
3.5 Heritage	Refer to assessment under PLEP 2011 section of this report above.	Yes
3.6.2 Parking and Vehicular Access	Two car spaces are provided.	Yes

11. Development Contributions

In accordance with the City of Parramatta (Outside CBD) Development Contributions Plan 2021, a Section 7.11 Development Contribution is not required to be paid as the proposal consists of demolition of an existing dwelling house and construction of a replacement single dwelling house which is listed as development that is exempted from this plan.

12. 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.

13. 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.

14. 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 build 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.

15. Suitability of the Site

The subject site can accommodate a development for a residential dwelling of this scale as the scale and dimensions of the site are large and unique to the locality. The proposal will allow for a high amenity dwelling that reasonably mitigates impacts to surrounding areas and appropriately confirms with the existing development pattern.

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.

16. Public Consultation

The application was notified between 20 October 2022 and 3 November 2022 in accordance with Council's notification procedures contained within Appendix 1 of the Consolidated Notification Requirements of the City of Parramatta Community Engagement Strategy. In response, no submissions were received.

The application was not required to be notified upon receiving amended plans on 10 March as the changes made did not result in substantial changes to the proposal and did not result in an increased impact to surrounding areas.

17. 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.

18. 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 the locality, some variations (as detailed above) in relation to the Parramatta LEP 2011 and Parramatta DCP 2011 are sought. The request to vary the height standard is well founded for reasons including, but not limited to, the constraints imposed by the site and the negligible change in impact should the proposal be enforced to achieve compliance.

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 current and future residents while avoiding unreasonable impact to amenity currently experienced by adjoining residents. 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.

21. 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 under the provisions of Clause 4.6 for the following reasons:
- a) That compliance with the development standard for height would be unnecessary upon reflection of the unique context and scale of the site and natural constraints present and,
 - b) That the proposed noncompliance will result in negligible visual impact to adjoining properties and the streetscape and,
 - c) That the proposed noncompliance will result in negligible impact to bulk and scale as the proposed noncompliance is visually minor and is predominantly directed away from any visually sensitive land areas.
- B. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **approve** development consent to DA/797/2022 for the alteration and additions to the existing dwelling on land at 30 Stanley Road, Epping for the following reasons:
- a. The development is permissible in the R2 zone pursuant to the Parramatta Local Environmental plan 2011 and satisfies the requirements of all applicable planning standards controls.
 - b. The development will be compatible with the emerging and planned future character of the area.
 - c. The development will provide housing needs for the community within a low-density residential environment.
 - d. 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.

DRAFT CONDITIONS OF CONSENT

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

Development Consent No.: DA/797/2022
Property Address: Lot 18 DP 206883
4 Stringer Place, OATLANDS NSW 2117

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 prepared by: Group Architects

Drawing/Plan No.	Issue	Plan Title	Dated
2021-036-100	6	Site Plan	30/08/2022
2021-036-102	7	Garage/Level 3 Plan	01/03/2023
2021-036-103	6	Level 2 Plan	30/08/2022
2021-036-A04	6	Level 1 Plan	30/08/2022
2021-036-200	7	Elevations 1	01/03/2022
2021-036-201	7	Elevations 2	01/03/2023
2021-036-300	7	Sections 1 & 2	01/03/2023
2021-036-300	7	Sections 3	01/03/2023
2021-036-D01	5	Demolition Plan	08/08/2022

Stormwater Design Drawings prepared by: Stellen Consulting

Drawing/Plan No.	Issue	Plan Title	Dated
DR-001	2	Roof Layout	17/08/2022
DR-002	1	Pipe Layout	17/08/2022
DR-003	1	Details	01/06/2022

Landscape Drawings prepared by: Ground Ink

Drawing/Plan No.	Issue	Plan Title	Dated
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LDA-01	A	Site Plan	22/08/2022
LDA-02	A	Landscape Plan	22/08/2022
LDA-03	A	Plant Palette	22/08/2022
LDA-04	A	Landscape Details	22/08/2022

Specialist Reports

Document	Prepared By	Dated
Overland Flow Assessment	Stellen Consulting	08/03/2023
Schedule of Finishes	Group Architects	August 2022
Arborist Report	Jack Williams	15/06/2022
BASIX Certificate No.1284995S	Expressrate Pty Ltd	20/06/2022
RFS Determination Letter	Kalpana Varghese	11/11/2022
Waste Management Plan	Group Architects	22/07/2022

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 structures as indicated in the demolition plan prepared by Group Architects, dated 8 August 2022, 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 469 of the Work Health and Safety Regulation 2017.

- (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> \$250,000 (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 of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or 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. 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: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$2,575.00

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 DA 797/2022;
- (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) 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.

LA0002 #Demolition & tree removal (Delete N/A Councils)

7. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or unless approved in the conditions of consent.

Reason: To preserve existing landscape features.

LA0001 #Tree Retention

8. Trees to be retained are as follows: refer to the Arboricultural Impact Assessment prepared by Urban Arbor dated 15 June 2022:

Tree No's 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28

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

ECA0006 Require to notify about new contamination evidence

9. 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.

EPA0068 Erosion and Sediment Control Measures

10. 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.

EPA0069 Erosion and Sediment Control - Run Off

11. 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.

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.)

PB0030 Infrastructure & Restoration Adm. fee for all DAs

12. 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.

LB0006 #Statement on specific tree protection

13. A Tree Protection Plan, prepared by a suitably qualified consulting arborist (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered 2-5 and 7 – 28 (refer to submitted Arborist Report by Urban Arbor dated 15 June 2022) during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed and supervised by the project arborist:
- (a) Tree Protection Measures inclusive of canopy, trunk and tree root protection in accordance with AS 4970-2009 - Protection of Trees on Development Sites
 - (b) Supervision of any excavation to be undertaken within the calculated Tree Protection Zones of the above nominated trees and/or within three (3) metres of any other existing tree equal to or greater than five (5) metres in height located on any adjoining property
 - (c) Construction of any structure which requires a footing
 - (d) Installation of services (i.e. bridging of roots) and Back filling
 - (e) Landscaping
 - (f) Any other stages that the project arborist deems necessary;
- Reason:** To ensure adequate protection of existing trees to be retained within the site.

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

14. Fencing along the side and front boundaries must not impede flood water conveyance and must therefore be proposed with an open or pool style base to the 1% AEP flood level. Retaining walls are not supported within the 1% AEP flood affected area. No cut or fill is permitted within the flood affected area. Compliance with the above must be clearly indicated on the detailed stormwater and architectural plans submitted to the Principal Certifying Authority for approval prior to the release of a Construction Certificate.
- Reason:** flood mitigation

DB0026 Driveway Grades

15. 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.

DB0025 #Foundations adjacent to existing drainage pipes

16. Foundations adjacent to the existing 450 mm diameter drainage pipe, within the 1.5 m wide drainage easement, must be constructed in accordance with Council's Code, "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements". Details must accompany an application for a Construction Certificate.

Reason: To ensure structural stability of the stormwater pipe.

DB0024 Proposed inlet pit

17. 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.

DB0021 Impact on Existing Utility Installations

18. 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.

DB0017 Construction of a standard vehicular crossing

19. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 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.

DB0003 Sydney Water Quick check

20. 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.

DB0002 Retaining walls

21. 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.

DB0001 Stormwater Disposal

22. 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.

PB0055 Waste Management Plan (DIEP Mandatory Cond)

23. 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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

PC0010 Compliance with Home Building Act (If Applicable)

24. 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).

PC0005 Public liability insurance

25. 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.

PC0003 Site Sign

26. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2021 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.

PC0002 Enclosure of the site

27. 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.

PC0001 #Appointment of PCA

28. 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.

LC0002 #Tree protection as per arborist report

29. 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 prepared by Urban Arbor (Ref No – 220615_4Stringer_AIA_R1) dated 15 June 2022 and the conditions of consent.

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

DC0010 Driveway Crossing Application

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

DC0007 Site Maintenance

31. 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.

DC0006 Erosion and Sediment Control measures

32. 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.

DC0002 Road Opening Permits - DA's involving drainage wrk

33. 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.

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

TD0002 Oversize vehicles using local roads

35. 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) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

TD0001 Road Occupancy Permit

36. 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.

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

37. 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.

PD0010 Survey Report

38. 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.

PD0008 Construction Noise (DPIE Mandatory Cond)

39. 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.

PD0007 Complaints register

40. 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 complaint; 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.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

41. 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.

PD0004 Materials on footpath

42. 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.

PD0003 Dust Control

43. 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.

PD0001 Copy of development consent

44. 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.

LD0013 Removal of trees by an arborist

45. 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.

LD0011 Tree Removal

46. Trees approved to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Callistemon viminalis</i>	Bottlebrush	Front
6	<i>Cyathea australis</i>	Tree Fern	Rear
29	<i>Waterhousia floribunda</i>	Weeping Lilly Pilly	Rear

Reason: To facilitate development.

LD0009 Planting Requirements

47. 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.

LD0008 No attachments to trees

48. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

Reason: To ensure the protection of the tree(s).

LD0004 Material storage and trees

49. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

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

DD0006 Damage to public infrastructure

50. 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.

DD0005 Erosion & sediment control measures

51. 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.

EPD0001 Dust Control

52. 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 Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

EWD0003 Waste data file maintained

53. 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.

54. 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.

PD0011 Swimming Pool Filter Noise

55. Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with

appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority.

Reason: To minimize the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintain the residential amenity of the adjoining and adjacent properties.

PD0012 Swimming Pools - Surface Waters

56. Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

Reason: To protect the amenity of the adjoining neighbours.

PD0013 Swimming Pools Concourse - Grades

57. The concourse/coping/impervious area surrounding the swimming pool must be graded back toward the pool so as to prevent water flowing into the neighbouring property(s).

Reason: To protect the amenity of the adjoining properties.

PD0014 Swimming Pool - Fences

58. The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2012), prior to the filling of the pool with water.

The fence shall be installed to the satisfaction of the Principal Certifying Authority.

Reason: To comply with the Legislative requirements.

PD0015 Swimming Pool Water to Sewer

59. The swimming pool water including the overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed by Sydney Water.

Reason: To comply with the Legislative requirements.

PD0016 Pool Safety Requirements

60. The owner of the pool shall display a notice showing:

- (a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.
- (b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words *“YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”*, *“POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”*, and *“KEEP ARTICLES, OBJECTS*

AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES”,

Note: This notice shall be kept in a legible condition and at the pool side.

Reason: To ensure an adequate level of safety for young pool users and compliance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

PD0017 Registration of Swimming Pool/Spa

61. Prior to the issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

Reason: To comply with NSW legislative requirements relating to Swimming pools and Spas.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

PE0007 #BASIX Compliance

62. Under Section 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 1284995S, will be complied with prior to occupation.

Reason: To comply with legislative requirements of section 75 of the Environmental Planning & Assessment Regulation 2021.

PE0006 Street Number when site readily visible location

63. 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.

PE0001 Occupation Certificate

64. 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.

LE0003 Landscaping shall be completed prior to occupation

65. The landscaping must be completed in accordance with the consent and approved plans, prior to occupation/use of the premises.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

DE0018 Reinstatement of laybacks etc

66. 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.

DE0015 Driveway Crossover

67. 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 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: Pedestrian and Vehicle safety.

DE0004 #Creation of a floodway restriction

68. Prior to the issue of the Occupation Certificate, the applicant must create of a restriction on the title of the subject property.

The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared by Stellen Consulting, dated 08/03/2023 preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

Parramatta City Council is to be the Authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment.

BE0001 Record of inspections carried out

69. 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.

PART F – OCCUPATION AND ONGOING USE

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

70. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to Council 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.

PF0049 Graffiti Management

71. 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.

PF0004 External Plant/Air-conditioning noise levels

72. 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.

EWF0006 Storage of bins between collection periods

73. 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.

Date: 11 May 2023
Responsible Officer: Cade Tracey