



City of Parramatta	
File No:	DA/516/2022

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No:	DA/516/2022
Subject Property:	Lot 160 DP 36691, Lot 159 DP 36691, Lot 158 DP 36691, 8-12 Manson Street, TELOPEA NSW 2117
Proposal:	Demolition, tree removal and construction of a six storey residential flat building, comprising of 48 residential units over basement carparking and associated civil and landscaping works. The application is Nominated Integrated Development under Water Management Act 2000.
Date of receipt:	28 June 2022
Applicant:	Mr J Thompson
Owner:	Mr E K H Cheung and Mrs A N Y Chan-Cheung and Mr A B Carter and Mrs R E Carter and Ms K E Appleyard
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:	Sixteen (16)
Recommendation:	Deferred Commencement Approval
Assessment Officer:	Cade Tracey

1. 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 (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)• Parramatta Local Environmental Plan 2023
Zoning	R4 High Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	Yes

- *Water Management Act 2000 s90(2) Water Management Work Approval*
- Clause 4.6 variation** Yes – Clause 4.3 Building Height (1.45m or 6.5%)
- Delegation** **Parramatta Local Planning Panel (PLPP)** due to
- Sensitive Development (Residential Flat Building four or more stories)
 - Sixteen (16) submissions received

2. Executive Summary

Development application DA/516/2022 was lodged on 28 June 2022 for the demolition of three existing dwelling houses on three separate lots, tree removal and construction of a six-storey residential flat building, comprising of 48 residential units over three levels of basement carparking and associated civil and landscaping works of the site that is to be amalgamated into one site. The application is recognised as Integrated Development under the Water Management Act 2000 as the proposal requires a Water Supply Work approval (issued 27 July 2023) to facilitate the excavation of the basement component of the proposal.

The application is referred to the Parramatta Local Planning Panel for determination as the proposal is a residential flat building of more than four storeys. Furthermore, the application has received a total of 16 unique submissions after the proposal was notified and advertised in accordance with the Parramatta Notification Plan for the period between 7 July 2022 to 28 July 2022 (three weeks). The Key Concerns raised in the submissions are as follows:

Key concerns raised in the submissions are as follows:

- The street is narrow and presents traffic constraints and hazards.
- The proposal will have an impact to solar access for surrounding properties, proposed south facing units will not achieve sufficient sunlight.
- There will be visual and acoustic privacy issues for surrounding properties.
- The proposal is not in keeping with the neighbourhood character by way of building shape and lot size.
- The proposed height is excessive and should maintain a low or medium density character.
- The proposal will result in additional strain on existing utilities.
- The proposed tree removal is inappropriate.
- The proposal will result in non-compliant ADG building separation to side property boundaries.
- Views will be blocked for residents opposite Manson Street.

Section 4.14 Assessment Summary

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Consideration of technical matters by specialist sections of Council including but not limited to the Engineering, Traffic and Landscaping departments did not identify any fundamental issues of concern. Furthermore, comments from the Parramatta Design Excellence Advisory Panel also did not raise any fundamental issues and generally supported the proposal with only minor recommended changes which have since been responded to.

It is noted that a non-compliance regarding building height has been identified. The nature of the non-compliance is predominantly limited to the lift overrun located towards the centre of the proposed building which protrudes to a height of 23.45m at the greatest extent above natural ground level and results in a 1.45m (or 6.5%) variation to the control. The application is supported by a clause 4.6 variation request to vary from the development standard set out under clause 4.3 concerning building height.

Development Standard	Proposal	Variation
22 m	23.45 m	1.45 m (6.5%)

A review of the request together with other supporting documentation including comments from the Design Excellence Advisory panel, and consideration of the context of the site and immediate locality including its expected desired future High Density Residential character per the Telopea Land and Housing Corporation/Frazers Master Plan has resulted in the view of Council that the variation is reasonable and supportable.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended that the Panel support the recommendation to approve Development Application No. DA.516/2022 as a deferred commencement approval.

3. Site Description and Conditions

The subject site is legally described as Lots 158, 159 and 160 in DP 36691 and is also commonly known as 8-12 Manson Street, Telopea. The Site (combined site) has an approximate area of 2,062m². The Site is an irregular shaped, mid-block allotment and consists of sloping land with cross fall from the front to rear property boundaries of approximately 7 metres over a distance of 45 metres.

The Site currently accommodates:

- Lot 158 – single storey all clad and tile roof dwelling house;
- Lot 159 - single storey fibre cement and tile roof dwelling; and
- Lot 160 - part one and two storey brick with fibre cement clad and tile roof dwelling.

The lots also contain associated items such as carports, decks and paved hardstand areas including concrete driveways to Manson Street which the sites maintain a combined 45.6 metre frontage to. A total of 20 trees measuring between 3 to 19 metres in height are spread across the three separate sites.

The site is located within an established residential area comprising of low-density residential development predominantly categorised by single and double storey residential dwellings as well as dual occupancy developments. Other developments including a three-storey residential flat building with basement parking (approved 09/05/16 via DA711/2015) at 17 Manson Street, a multi-dwelling development located at 19-21 Manson Street (approved 15/02/11 via DA/952/2010) and two further recently constructed residential flat buildings located at 23 and 27 Manson Street are located nearby and demonstrate as existing examples of transition to a higher density built environment supported by the new LAHC/FRASERS Master Plan.

Additional points of interest include the Sydney Young Nak Presbyterian Church at 7 Manson Street, the Telopea Public school located east of the site and the planned Telopea light rail station located to the west of the site.

A gravity fed sewer main is located towards the southern portion of the site and runs in a general east-west direction. The site is not identified as being burdened by any easements, land restrictions or any further utilities.

To clarify the location of the application area and specifically that of the subject site, refer to the aerial image and photographs in **Figures 1 - 8** below.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined. Source: Nearmap: 14 September 2023.

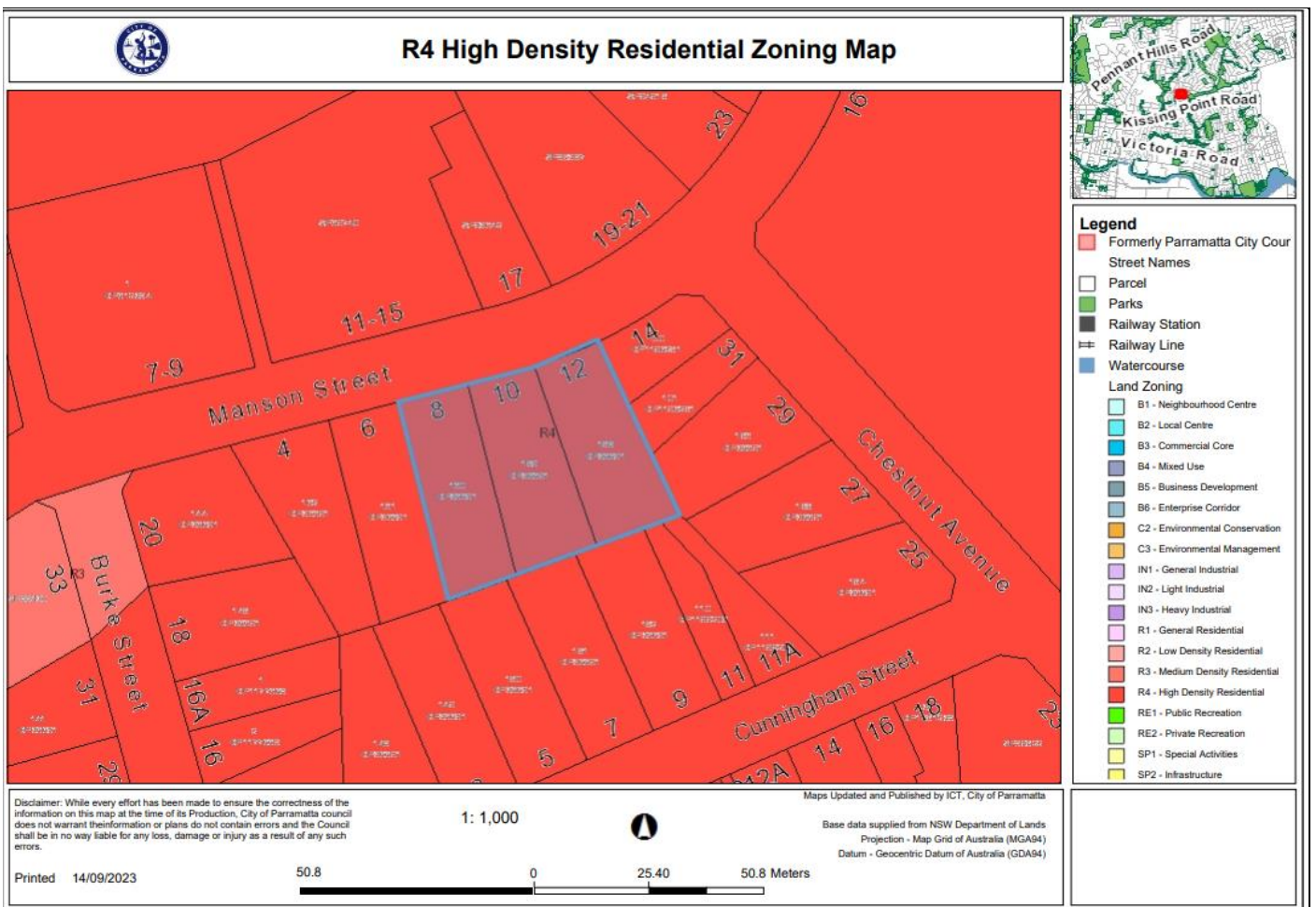


Figure 2: R4 High Density Residential Zoning Map (PLEP 2011).

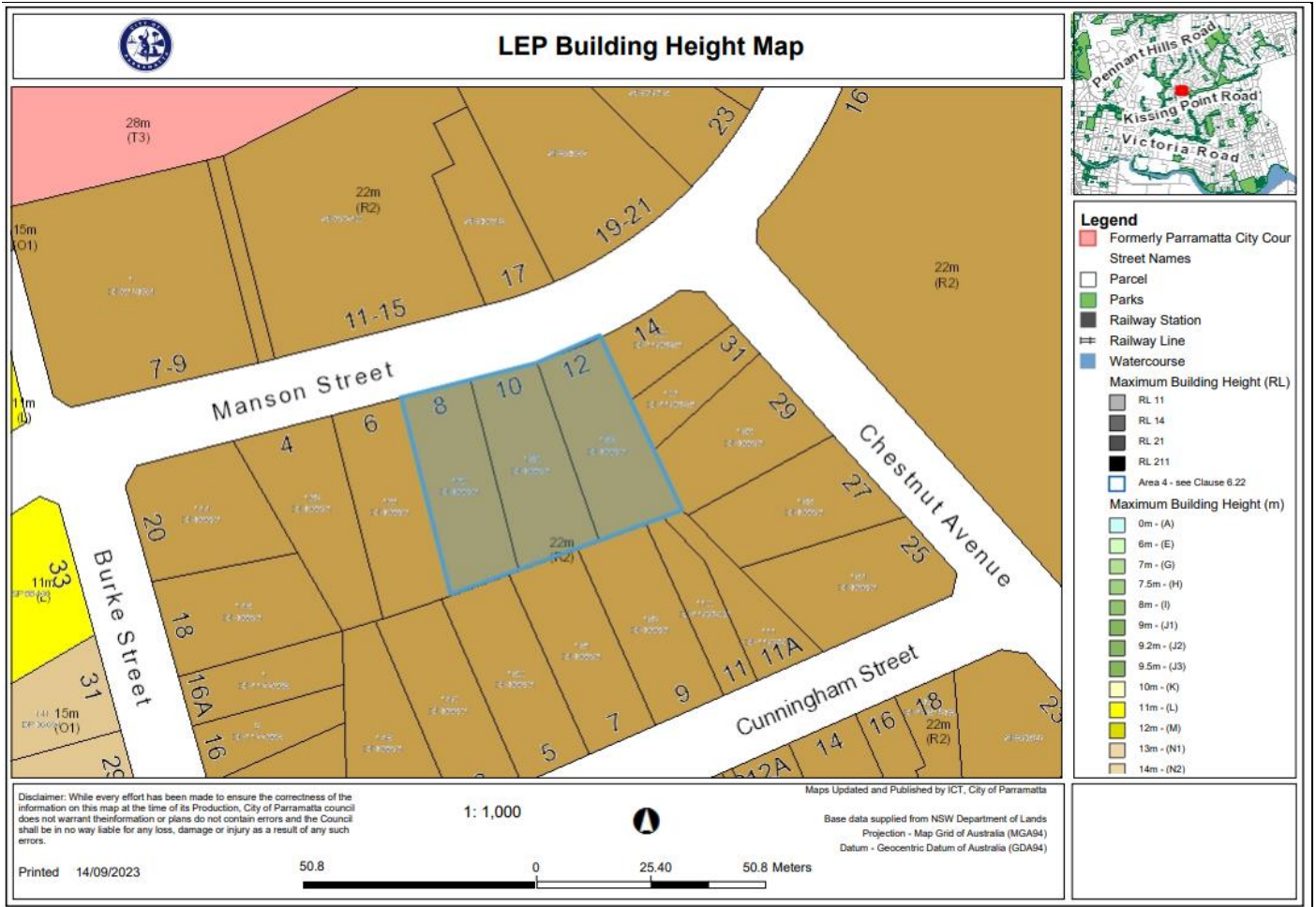


Figure 3: 22m (R2) Building Height Map (PLEP 2011).



Figure 4: Subject site (8 Manson Street). Source: Site Inspection (29/06/22).



Figure 5: Subject site (10 Manson Street). Source: Site Inspection (29/06/22).



Figure 6: Subject site (12 Manson Street). Source: Site Inspection (29/06/22).



Figure 7: Three storey Residential Flat Building opposite site as 17 Manson Street (extracted from submitted SEE).



Figure 8: Three storey townhouse development opposite site at 19-21 Manson Street (extracted from submitted SEE).

4. Relevant Site History

Council records indicates the site (combined site) do not contain any recent or relevant development approvals.

5. The Proposal

The development application seeks approval for tree removal and the demolition of the existing structures on site in order to construct a 6 storey 'Residential Flat Building' at 8 – 12 Manson Street (see Figures 9-10), Telopea. The development incorporates a total of 48 residential units over three levels of basement containing 53 car parking spaces. The development incorporates the following dwelling mix:

- 9 x 1 bedroom units
- 36 x 2 bedroom units and
- 3 x 3 bedroom units.

The development proposal includes a total of 53 parking spaces within three basement levels with the access ramp to the basement located on the north western section of the site. The parking breakdown is as follows:

- 43 residential spaces, including 3 accessible spaces; and
- 10 visitor spaces.

Amended plans and documentation was submitted to Council at various stages of assessment with amended plans including:

- Minor modifications to floor plans;
- Alterations to the landscape design plan; and
- Additional details of the proposed easement.

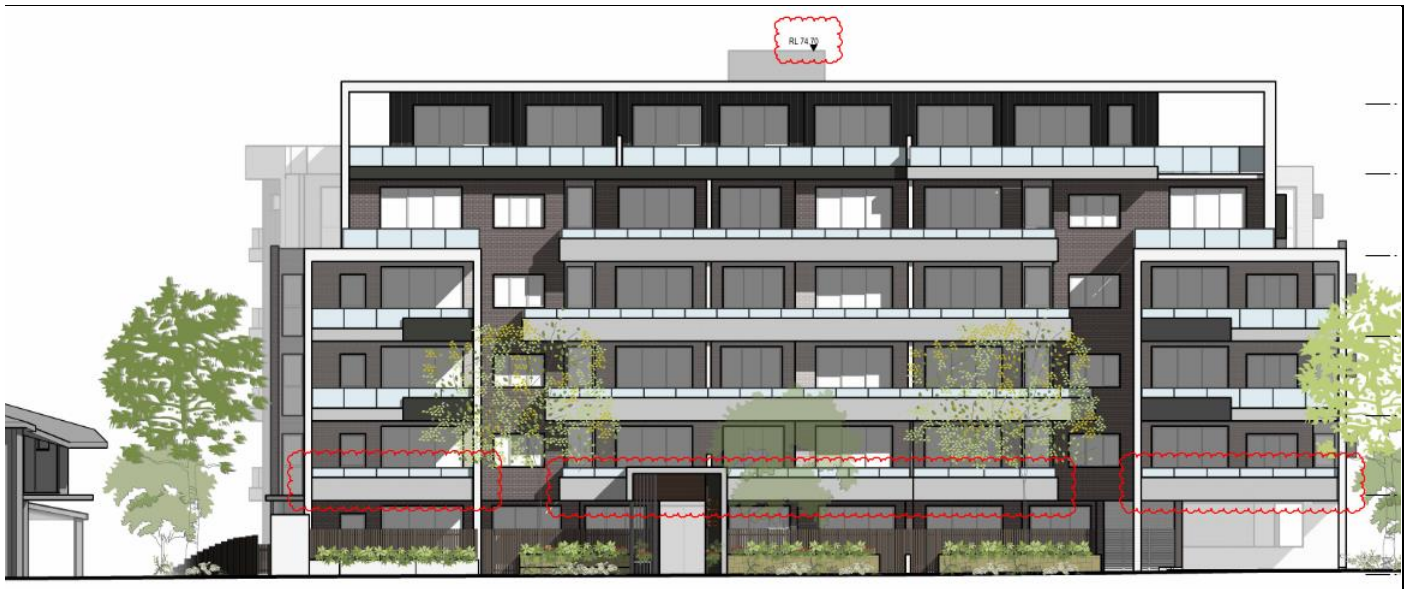


Figure 2: Northern front elevation (extracted from submitted plans).



Figure 3: Eastern side elevation (extracted from submitted plans).

6. Relevant Application History

Date	Comment
23 February 2022	<p>A pre-lodgement meeting (PL/6/2022) was held with plans considered as part of the meeting being sufficiently similar to those that relate to the current application. The meeting concluded with meeting advice indicating the proposal as being supported subject to the following threshold issues resolved at DA stage:</p> <ul style="list-style-type: none"> • Part 8.1 of the PLEP 2011, Arrangements for Designated State Public Infrastructure • Telopea Precinct DCP, demonstration of compliance with provisions of the Telopea DCP • Setbacks and Building Separations • Tree retention, not addressed at concept stage

	<ul style="list-style-type: none"> • Public Domain Plans, to be prepared at DA stage; • Accessibility, details demonstrating compliance to be provided at DA stage and • DEAP Recommendations (Amber light).
28 June 2022	DA/516/2022 was accepted for lodgement by City of Parramatta Council.
7 July 2022	Application began notification period (21 Days) in accordance with Appendix 1 of Consolidated Notification requirements of the City of Parramatta Community Engagement Strategy.
21 July 2022	Council issued a Request for additional information to the applicant to submit amended plans to Council for clarify/resolve Floor Space Ratio (FSR), building height, Public Domain drawings and Landscaping.
22 July 2022	Sydney Water Corporation provided formal comments to assist in planning the servicing needs of the proposed development.
28 July 2022	Application considered by the Parramatta Design Excellence Advisory Panel which indicated support for the proposal with minor recommendations (Green light).
4 August 2022	Additional information received by Council responding to Request for information letter. Information inclusive of responses to FSR, building height, Public Domain drawings and landscaping.
10 August 2022	Design Excellence Advisory Panel (DEAP) recommendations forwarded to application for consideration and action.
11 October 2022	<p>Amended plans and cover letter received by Council detailing responses to DEAP comments with changes including:</p> <ul style="list-style-type: none"> • Level 1 balconies changed to solid concrete wall to increase privacy to lower balconies • Additional information for the terracing of retaining walls to the rear unit courtyards added along with gates to rear fence of courtyards giving access to the rear communal open space area • Sunhoods added to windows on west elevation • Ceiling fans added to bedrooms and living rooms • Area suitable for future provisioning of solar panels is identified on the roof plan • Locations suitable for provisioning of EV charging bays to basement carpark identified on the plan • Modifications to landscaping of rear communal open space area (planting/access path) and around electrical substation and • Design of roof top communal entertaining terrace further developed, including roof line modified, additional feature roof to western side providing additional shade, play area further detailed. <p>Note: Amended plans resulted in substantially the same development and did not require renotification.</p>
19 October 2022	Council invitation sent to the applicant for Conciliation meeting (more than seven submissions received)
14 November 2022	<p>Amended architectural plans received by Council detailing minor floor plan alterations and Gross Floor Area (GFA) calculation plans demonstrating compliance with maximum FSR controls.</p> <p>Note: Amended plans resulted in substantially the same development and did not require renotification.</p>
18 November 2022	Additional information received by Council detailing the stormwater easement.
16 January 2023	The Applicant declined the conciliation meeting.
25 January 2023	Water NSW Request issued a Request for Information letter.
2 May 2023	Water NSW issued a notice of intention to refuse General Terms of Approval.
16 June 2023	Notice of intention to begin notification of State Voluntary Planning Agreement.
27 July 2023	Water NSW issued General Terms of Approval for the proposed development requiring a Water Supply Work approval under the Water Management Act 2000.
4 August 2023	State Voluntary Planning Agreement issued.

7. Referrals

7.1 Design Excellence Advisory Panel

Pre-lodgement meeting advice

The proposal was initially considered by the Design Excellence Advisory Panel (DEAP) as part of pre-lodgement advise. The following comments were made:

- The future DA package should consider and make reference to the Land and Housing Corporation / Frazers masterplan;
- The Panel queried the bin room, electrical substation and proximity to the front western ground floor unit;
- The Panel queried the depth / distance of the Manson Street entry to the main foyer entrance;
- More consideration of ground floor configuration to create more social interaction as “bump spaces” for residents and is recommended a dedicated mail parcel drop off area be provided;
- Configuration should be employed where the building isn’t suspended over the carpark entrance to soften the opening to the garage and two bedroom unit directly above the structure;
- The Panel suggested that the northern elevation reflect and reinforce the main pedestrian entry to the building;
- Support was given for the two levels of split apartments however recommended reconfiguration and utilisation of part of the basement to create a more useful ground floor apartment transition at the rear of the site;
- The Panel recommended altering the FFL of the building to achieve a flat level entrance off the Manson Street footpath interface;
- The Panel recommended that the Communal Open space be relocated to the roof and link via lift and stairs;
- The Panel recommended the proponent be mindful of snorkels and internal amenity of rooms and;
- The Panel deemed the plan form as extremely busy with a series of angled, projecting and recessive elements and suggested the scheme be simplified.

The Panel issued an Amber light.

Development application Panel recommendations

The application was considered by DEAP a second time (28 July 2022) after formal lodgement with Council. During review the Panel noted that changes from pre-lodgement stage and responses to previous Panel comments with significant progress made towards addressing issues raised.

The Panel made the following comments in relation to the scheme:

DEAP Comments	Response
<p>1. Context and Neighbourhood Character</p> <p>The Panel appreciated the further context analysis as requested from the pre-DA review relating to both the LAHC/FRASERS Master Plan and site specific DCP. It was noted that a street elevation provided shows the comparative built form of the DA scheme with projected building envelopes for sites either side; this clearly indicates the transition in scale that would be anticipated in the future.</p> <p>It is understood that this scheme is based on DCP compliant setbacks. Provided that sufficient deep soil zones can be achieved to ensure generous landscape treatment (so that amenity and privacy expectations can be realised), the Panel can support the ADG non compliant side setbacks proposed, given the front and rear setbacks proposed.</p>	<p>Noted.</p>

<p>2. Scale and Built Form</p> <p>As noted above, the Panel found the overall built form and envelope configuration acceptable, but subject to the response to detail issues raised below:</p> <ul style="list-style-type: none"> • For the lower ground floor 2 storey units (LG01, LG02 & LG03) more sections are needed to show how the set down courtyards for all 3 units are being resolved as they are south facing and shouldn't feel too 'subterranean'. • Increased benching or terracing were recommended to reduce the scale of the proposed retaining walls on the southern side of the building. Where terracing is not possible, such as in the vicinity of the TPZ of the existing tree on the southern boundary (next to Unit LG02), the retaining walls should be softened by climbers and groundcovers. • Unit LG02 does not have a formal entry with front door opening directly into the living area, and this could be addressed by swapping with the kitchen to create a small hallway and replanning the void space over. • Resolution of skylight locations on the roof was queried, and whether these were able to provide effective solar access under the ADG guidelines. It would be expected that ADG compliance for both solar and cross ventilation targets should be met. • Windows on north and west elevations did not have weather / solar protection and provision of screens or hoods would also assist façade articulation. • A Height Variation to Clause 4.3 Height of PLEP 2011 (Variation: 1.45m / 6.59%) was noted, and the Panel would support a Clause 4.6 application on the basis that no adverse impacts would result. 	<p>Additional cross sections provided, terracing for the lower ground floor units have been amended with more open area.</p> <p>Terraced retaining walls limited to predominantly lower ground floor units. Amended landscaping now includes ground covers and climbers to soften hard retaining elements.</p> <p>Unit LG02 has not been amended and this unit will be the only unit with entry door opening into living space. It is considered that the current design layout of the unit achieves the best outcome in terms of useability, although access will be directly to the living area, the floor plan of the unit as a whole will not be compromised.</p> <p>Skylight wells to the roof top communal terrace are at heights sufficient to direct solar access to apartments below with reflective surfaces in the well. This is a methodology mentioned as part of the ADG.</p> <p>Windows at balconies are shaded by roof/balcony over while windows between balconies are also shaded by the building roof or adjacent wall to the sides of adjacent balconies.</p> <p>A Clause 4.6 variation request has been submitted, in addition to DEAP it is also the view of Council that the variation request be supported.</p>
<p>3. Density</p> <p>The Applicant states compliance with the FSR control, however the Applicant's GFA calculation differs from the Council's and the basis for this discrepancy must be addressed and clearly identified on floor diagrams.</p> <p>Council has calculated a RSR of 2.12:1, which exceeds the maximum permitted FSR for the site resulting in a variation of approximately 5.8%, and this does not include the 'temporary bin holding area' that must be included in the GRA calculation.</p>	<p>Additional response provided with additional floor calculation plans clearly demonstrating areas of inclusion and exclusion with compliance to FSR control.</p> <p>The temporary bin holding area is stated to have a 1.38m high metalwork slat screen to the street elevation side (front) & is fully open to the roof from the top of the screen, therefore the space is not a fully enclosed area and is not habitable, hence it is excluded from the GFA calculation.</p> <p>Note: Plans demonstrate as accurate upon review of Council.</p>
<p>4. Sustainability</p> <p>The Panel noted concerns with the current energy cost situation and how this was reinforcing the need for energy management and all-electric power where possible. Strategies should be considered for:</p> <ul style="list-style-type: none"> • Incorporation of solar panels on roof / terrace and perhaps integrated with a pergola design (eg. 	<p>Amended plans demonstrate designated area provisioning for roof top solar panels.</p>

<p>The Commons development in Brunswick, Melbourne)</p> <ul style="list-style-type: none"> • Inclusion of ceiling fans raised to all bedrooms and living areas as low energy alternative to a/c systems. • Shared EV charging points in basement carpark. • Rain water capture for use in irrigation to landscaped areas. 	<p>Amended plans demonstrate ceiling fans.</p> <p>Amended plans demonstrate provisional locations for EV charging stations.</p> <p>Rainwater re-use not required by BASIX and not included in design plans.</p>
<p>5. Landscape</p> <p>Deep Soil – The development does not provide the minimum 30% deep soil required under the Teloepa DCP. The Panel recommends that the deep soil zones be optimised, in particular at the east and western boundaries, to improve screening and allow the planting of taller canopy trees than currently proposed.</p> <p>The Panel is of the opinion that the communal open space proposed at the rear of the building is highly constrained and would have limited use. The amenity of the lower ground floor units would be greatly improved if they were re- landscaped as functional private open spaces for Units LG 01, LG02.and LG 03.</p> <p>Refer also to Item 2 Scale and Built Form in relation to the use of lower retaining walls and landscaped terracing to mediate between the excavations in the vicinity of the lower ground units and the existing ground levels at the boundaries. The proposal would benefit from a greater number of cross sections illustrating these landscaped enhancements,</p> <p>Consideration should be given to the ease of maintenance and accessibility of garden equipment eg. Such as for a lawnmower to access the area of turf east of Unit G04. An alternative permeable planted surface may be more appropriate.</p> <p>The Panel notes that there is an access path to the OSD tank area along the west boundary, The path can be amended to serve as the maintenance pathway to the private gardens and screen planting at the rear.</p> <p>The Panel recommends a layer of substantial screen planting to the rear of the substation to act as a backdrop between it and the terrace of Unit G04</p>	<p>Council's assessment has concluded that total deep soil zones which includes the minimum 4m dimensions amounts to approximately 460m² (or 22.3%) for the site and represents a 158.6m² (or 25.6%) variation to the control.</p> <p>In this instance the proposal is not considered to result in unreasonable impacts for future residents of the site nor existing and future surrounding residents. It is also noted the proposal achieves compliance with the minimum deep soil control requiring 6m dimensions.</p> <p>Additional screening has also been included within the landscaping while the provisions of tree planting also remains to be satisfied. Despite the non-compliance the proposal is considered acceptable in this instance.</p> <p>Amended plans demonstrate this area as communal open space, however the intent of this space is largely for passive open space landscaping, providing a green outlook to the roof top entertaining area and Lower ground level units, and acts as a landscape buffer/green belt space to adjoining property to the rear.</p> <p>Additional and amended landscape and architectural plans have been submitted describing the outdoor areas of the lower ground level units which have been considered by Council and are reasonable.</p> <p>The space is considered large enough as a useful turfed area for use by individuals and families as well as maintenance. The space is considered to achieve a balance between ongoing use and design responses to natural slope which does not introduce any additional bulk and scale as part of disturbance to natural topography.</p> <p>Additional gates have been added along with a refined discreet path over the OSD tank.</p> <p>Amended landscaping plans have been submitted demonstrating increased screen planting added behind the substation.</p>

<p>The Panel supports the range of amenities provided on the roof top communal space (bbq, seating children's play etc) and anticipates that the design will be developed further to take into consideration the following : the addition of more shade trees, wind protection, details of the proposed canopy and climbers over the BBQ, material finishes, and appropriate screen planting and privacy in relation to the adjacent apartments, etc.</p> <p>In relation to the play area, further consideration should be given to function, safety, heights of railings (climbing safety etc) shade, and selection of the appropriate play equipment more suited to a residential roof top (including considering more abstract, multifunctional pieces).</p>	<p>The design has been further developed. The building line has been extended together with louver, pergola, shade sail and additional feature roof over seating on the western side there is adequate shaded and sheltered areas. An additional glass balustrade around the children's play area has been introduced to increase safety. Shade is provided by shade sail over most of the play area and passive/sensory pieces of play equipment has also been incorporated.</p>
<p>6. Amenity Level 1 balconies have glass balustrades that make unit interiors highly visible from the street and privacy / amenity issues that should be resolved with more solid balustrading similar to levels above.</p>	<p>Level 1 balconies now amended to be solid concrete wall.</p>
<p>7. Safety The incorporation of a kids' play area on the roof terrace was commended, but safety around the roof edges was noted and planter sections should be provided to show that there was adequate fall restraint with integrated balustrades.</p> <p>A main building entry gate should be considered close to the portal structure with security access for residents.</p>	<p>The design has been further developed. The building line has been extended together with louver, pergola, shade sail and additional feature roof over seating on the western side there is adequate shaded and sheltered areas. An additional glass balustrade around the children's play area has been introduced to increase safety. Shade is provided by shade sail over most of the play area and passive/sensory pieces of play equipment has also been incorporated.</p> <p>A gate has also been added to the main entrance design.</p>
<p>8. Housing Diversity and Social Interaction The range of unit types was appreciated, and incorporation of a bench as social 'bump' space at the entry gate for casual resident encounters. With reconfiguration of the south facing communal open space at the rear, the reliance on the roof terrace space for social interaction is critical, and further effort should be made to improve the scope for inclusivity and flexibility in that area.</p>	<p>The design of the roof top communal space has been further developed, incorporating large, shaded areas across the entire roof area, landscaping, kids play area, BBQ/eating area and different seating areas.</p>
<p>9. Aesthetics The overall material palette and façade modelling was considered well resolved and had been responsive to pre-DA comments suggesting less busy design approach. Inclusion of further articulation through sun hoods or screens would be of benefit. The south elevation does not clearly indicate how the lower levels are resolved relative to the sloping terrain, and further elevations and sections should be provided to clarify this in conjunction with landscape treatment.</p> <p>Façade sections at 1:20 should be included to demonstrate that materials and construction detailing was fully reconciled in the DA documentation.</p>	<p>Sun hoods have been incorporated into the design. An additional façade section has been added to the architectural drawing.</p>

“The Parramatta Design Excellence Advisory Panel supports the Proposal in its current form. The Panel advises that this is a well-considered and resented scheme and that the architectural, urban design and landscape quality is of a high standard.”

7.2 Internal / External Referrals

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

7.2.1 Internal Referrals

Referral	Comment
Traffic Engineer	<p><i>“Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject traffic related conditions.”</i></p> <p>Supported, subject to conditions.</p>
Development Engineer	<p><i>“Stormwater calculations checked against 3rd edition UPRCT for sizing of the system. Special conditions / altered conditions have been applied to correct:</i></p> <ul style="list-style-type: none"> <i>• OSD configuration</i> <i>• Reduced flow (smaller orifice) for filters</i> <i>• Emergency overflows.</i> <p><i>A deferred commencement for an easement over the downstream property has been applied.</i></p> <p><i>A tanked basement condition has been applied due to the depth of the basement. Use of site condition has also been applied to ensure no groundwater is disposed of in Council’s stormwater system.</i></p> <p><i>Water NSW has applied conditions to ensure a fully watertight basement and no take of groundwater after OC is issued.</i></p> <p><i>Due to public domain works, a special condition has been applied for the applicant to consult with the Council’s Civil Assets Unit for their requirements for the interface and transitions with the existing infrastructure.</i></p> <p><i>The proposal satisfies the requirements of Council’s controls and can be supported, subject to standard and/or special conditions of consent.”</i></p> <p>Supported, subject to conditions.</p>
Landscape and Tree Management Officer	<p><i>“An assessment of the architectural plans and reports submitted, including the amended plans requires all existing vegetation to be removed, except for Tree No. 12 which will require conditions for protection during construction. There is no objection to tree removal to facilitate development both within the development site and within the proposed easement. This proposal is supported with conditions.”</i></p> <p>Supported, subject to conditions.</p>
Universal Design Officer	<p>Supported, subject to conditions.</p>
Public Domain Officer	<p>Supported, subject to conditions.</p>
Environmental Health (General/ Acoustic / Waste)	<p><u>Acoustic</u></p> <p><i>“An acoustic report was not submitted. Statement of Environmental Effects stated, the site is not located on a classified road or freeway and is not located in proximity to road that has an annual daily traffic volume greater than 20,000 vehicles per day. Accordingly, no further consideration of this clause “Impact of road noise or vibration on non-road development”.</i></p> <p><i>The proposal satisfies the requirements of Council’s controls and can be supported, subject to standard conditions of consent.</i></p> <p>Supported, subject to conditions.</p> <p><u>General</u></p> <p>The proposal satisfies the requirements of Council’s controls and can be supported, subject to conditions of consent.</p>

	Supported, subject to conditions.
	<p><u>Waste</u></p> <p>The proposal satisfies the requirements of Council's controls and can be supported, subject to conditions of consent.</p>
	<u>Supported, subject to conditions.</u>
Waste Management	<i>"Location and design of bin room facilities are acceptable. The holding area on ground level is suitable. The applicant has not provided a 10sqm area for storage of bulk household waste and this is to be located adjacent to the waste bin room. This will be a condition of consent."</i>
	<u>Supported, subject to conditions.</u>

7.2.2 External Referrals

Referral	Comment
Water NSW	<p>Part of the proposed development (basement) is to be constructed below the identified groundwater levels resulting in required dewatering and therefore requires consideration and concurrence (Water Management Work Approval) from Water NSW per Section 90(2) of the <i>Water Management Act 2000</i>.</p> <p>Water NSW has reviewed the application and is in support of the proposed tanked watertight basement approach and has therefore issued a General Terms of Approval dated 27 July 2023 with conditions to be included as part of the development consent.</p> <p>Supported, subject to conditions.</p>
Endeavour Energy	Supported, subject to conditions.
Sydney Water Corporation	Supported, subject to conditions.

PLANNING ASSESSMENT

8. Environmental Planning Instruments

8.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Parramatta Development Control Plan 2011 (PDCP 2011) and
- Parramatta Local Environmental Plan 2023.

Compliance with these instruments is addressed below.

8.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

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 all vegetation (including 19 trees) from the site except for one tree. Council's Landscape Officer has reviewed the proposal and supporting landscape plan which includes the planting of multiple replacement trees and does not raise objection to the proposal subject to conditions.

The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

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 (Building Sustainability Index – BASIX) 2004

A BASIX Certificate (refer to Certificate No. 1297502M, dated 9 June 2022) has been submitted with the application. The Certificate confirms that the development will meet the NSW Government's requirements for sustainability, if it is built in accordance with the relevant commitments.

8.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

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

Clause 4.6 of the SEPP requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use. During consideration of this matter the following points have been noted:

- 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 result in any reference to contamination on site or uses on the site that may have caused contamination
- 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 proposed residential use and
- The supporting documentation accompanying the application does not indicate the site as being contaminated.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is deemed suitable for the proposed development being a continued residential land use and is acceptable in this instance. Standard and special conditions relating to asbestos, site audit, site investigation and contamination have also been recommended.

8.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

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

Clause 2.119: Development with a frontage to a Classified Road

The application is not subject to Clause 2.119 of the SEPP as the site does not maintain frontage to a classified road.

Clause 2.122 Traffic Generating Development

This application does not concern development mentioned under Schedule 3 Traffic Generating development as the proposal does not consist of 300 or more dwellings and therefore a referral to TfNSW was not required. Despite this, the application is accompanied by a Traffic and Parking Assessment Report prepared by MLA Transport Planning, dated 10 June 2022. A summary of the report is outlined below:

- The proposed development has been estimated to generate a total of nine vehicle trips per hour. This level of development traffic is considered to be low and will not create and noticeable traffic impacts; and
- The master plan has identified a number of transport infrastructure projects to support the Telopea master plan. The subject proposed development will make appropriate funding contribution as required towards these transport infrastructure projects.

The proposal and associated intensity is considered compatible with the local road network and function and is satisfactory in this instance.

8.6 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The State Environmental Planning Policy No. 65 – Design Quality of Residential Development (SEPP 65), aims to improve the design quality of residential apartment buildings across NSW. It applies to development with four or more units and three or more storeys. In determining the application, Council is required to consider:

- The advice (if any) obtained from a design review panel;
- The design quality of the development when evaluated in accordance with the nine design quality principles; and
- The design quality assessed against the Apartment Design Guide (ADG).

This assessment demonstrates that the design response to the site and its context is appropriate and meets the controls of the SEPP and the design criteria of the ADG and is set out below:

Design Quality Principles

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas,</p>	<p>The proposal is to be located on a large, amalgamated site within the upzoned Telopea Precinct Development Control Plan (DCP) driven by the future light rail station. It is recognised that the proposal represents one of the first examples of a larger development permitted in the area which predominantly remains low density. However, when applying the context of the planning controls to the site and surrounding areas the proposal is considered of good design and sympathetic to the expected future social, economic, health and environmental conditions of the area.</p> <p>The proposal fits comfortably within the context of the future character of the locality which is expected to evolve towards a significant make up of higher density residential development.</p> <p>The development is considered to satisfy this principle.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
those undergoing change or identified for change.	
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The built form, bulk and height fits comfortably within the desired future character of the area. The proposal is considered to closely reflect the size and proportions of the newly amalgamated site in which it is to be located and the building height breach does not result in significant effect on the visual appearance of the building or amenity of surrounding properties. The building is expected to maintain a consistent impact with surrounding areas when considering the expected future character of the area in terms of building alignments and articulation and will have an appropriate definition of built form from the public domain.</p> <p>The development is considered to satisfy this principle.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The form and massing of the proposed building is akin to a high-density residential development expected within the area and has been architecturally designed to sit comfortably within the streetscape which is expected to maintain an entirely high-density residential character in future. A mix of well-articulated façade elements, setbacks and landscape planting will ensure a sympathetic relationship between the form and massing of the proposed building, the site conditions and surrounding development.</p> <p>The proposed density is supportive of the planned future infrastructure and transport initiatives for the area.</p> <p>The development is considered to satisfy this principle.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>A suitable BASIX Certificate has been supplied with the amended plans, which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access.</p> <p>A condition has been recommended in the consent requiring the installation of dual reticulation pipes. Amended plans demonstrate provisional electric vehicle infrastructure locations on plans which also supports a positive environmental outcome.</p> <p>The development (as amended) is considered to satisfy this principle.</p>
Landscape	

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p>Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site.</p> <p>The development (as amended) is considered to satisfy this principle.</p>
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p> <p>The proposal achieves a minimum two hours direct solar access to at least 70% of units. Internal floor plans have been designed to reduce where possible the conflicts between required living amenities and casual overlooking to adjoining sensitive areas. Individual layouts are fully functional and consistent with spatial recommendations outlined per the ADG. At least 60% of units are naturally cross ventilated and an appropriate number of units achieve required accessibility design.</p> <p>The development is considered to satisfy this principle.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal has been designed to reduce crime risk and opportunities for crime.</p> <p>The development is considered to satisfy this principle.</p>
<p>Housing Diversity and Social Interaction</p>	

SEPP 65 – Design Quality of Residential Flat Buildings	Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p> <p>The development is considered to satisfy this principle.</p>
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The design development of the proposal is supportive and is resulting in an interesting series of buildings that will enhance the neighbourhood.</p> <p>The development is considered to satisfy this principle.</p>

Apartment Design Guide (ADG)

The SEPP also requires the Consent Authority to take into consideration the requirements of the ADG with regard to the proposed residential apartment building. The following table addresses the relevant matters.

Clause	Proposal	Compliance
<p>Part 2 – Development Controls</p> <p>Note: This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls. It is used here only to ascertain degrees of compliance with the most applied controls under Parts 3 and 4 later in this table.</p>		
<p>2E – Building Depth</p> <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The proposed building ranges in depth generally between 6m to 16m.</p> <p>The proposed building depth allows for appropriately sized rooms with sufficient solar access and natural ventilation. Further, the building will not appear as overly dominant or out of character with the surrounding environment or the desired future character.</p>	<p>Yes</p>
<p>2F – Building Separation</p>		

Clause	Proposal			Compliance											
<p>Minimum separation distances for buildings up to 8 storeys should be:</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	<table border="1"> <thead> <tr> <th>Separation</th> <th>Control</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Rear</td> <td>9m</td> <td>10m</td> </tr> <tr> <td>East</td> <td>9m</td> <td>3-6m</td> </tr> <tr> <td>West</td> <td>9m</td> <td>3-6m</td> </tr> </tbody> </table>	Separation	Control	Proposed	Rear	9m	10m	East	9m	3-6m	West	9m	3-6m		<p>No (acceptable on merit)</p>
Separation	Control	Proposed													
Rear	9m	10m													
East	9m	3-6m													
West	9m	3-6m													
<p>2G – Street Setbacks</p> <p>Determine street setback controls relative to the desired streetscape and building forms, for example:</p> <ul style="list-style-type: none"> • Define a future streetscape with the front building line • Match existing development • Step back from special buildings • Retain significant trees • In centres the street setback may need to be consistent to reinforce the street edge • Consider articulation zones accommodating balconies, landscaping etc. within the street setback • Use a setback range where the desired character is for variation within overall consistency, or where subdivision is at an angle to the street • Manage corner sites and secondary road frontages 	<p>Building separation towards east and west boundaries are lessor than the specified separation controls. It is noted however that the window schedule which includes higher sill and reduced numbers of windows servicing the side elevations has been designed so as to minimise detrimental impacts to visual and acoustic amenity. Internal floor areas of side facing units have been designed to orientate towards the front and rear which directs potential conflicts away from side areas. Full compliance has been achieved towards rear setbacks which ensures sufficient separation from areas of potential casual overlooking including private open space areas adjoining the rear at Cunningham Street.</p> <p>The proposal is considered acceptable in this instance.</p> <p>Note: As the building is in and surrounded by land zoned R4 High Density, half the required distance is expected to be provided by adjoining sites.</p> <p>It is considered that the proposed building is of a high architectural quality and will define the street frontage for this portion of Manson Street. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments.</p> <p>The proposed building will sit within a landscaped setting, creating opportunities for lower level planting and an active street frontage.</p>			<p>Yes</p>											
<p>2H – Side and rear setbacks</p>				<p>Yes</p>											

Clause	Proposal	Compliance
<p>Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces:</p> <ul style="list-style-type: none"> • building separation and visual privacy • communal and private open space • deep soil zone requirements 	<p>The proposal achieves fully compliant side and rear building setbacks.</p> <p>Overshadowing of adjoining properties is limited where possible while appropriate building separation results in sufficient visual privacy and suitable deep soil zones.</p>	
<p>Part 3 - Siting the Development</p> <p>This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications</p>		
<p>3B Orientation</p> <p>Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The building layout has been orientated to predominantly face Manson Street and is not out of character with the existing streetscape.</p>	<p>Yes</p>
<p>3C Public domain interface</p> <p>Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.</p>	<p>The building has well defined private and communal open spaces that transition adequately from the public domain.</p>	<p>Yes</p>
<p>3D Communal & public open space</p> <p>Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.</p> <ul style="list-style-type: none"> • Provide communal open space with an area equal to 25% of site • Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June. 	<p>The ADG requires that the site provide 25% (515.5m²) as communal open space.</p> <p>Communal Open Space Provided: 33% (690m²).</p> <p>50% of the usable area of communal open space achieves direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June.</p> <p>Equitable, clear and safe access to all communal open space is accessible to all residents. The size, location and design of the proposed communal open space provides a functional, landscaped area which encourages social interaction for future occupants.</p>	<p>Yes</p>
<p>3E Deep Soil Zone</p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</p>	<p>Minimum of 7% (144.34m²) of the site area is to be deep soil.</p> <p>The development has provided 16.5% (or 342m²) of deep soil zones within the site with minimum dimensions of 6m.</p>	<p>Yes</p>

Clause	Proposal	Compliance																					
<p>Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 6m.</p>	<p>This is considered satisfactory.</p>																						
<p>3F Visual Privacy</p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="113 752 627 1086"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> <th>Non habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Non habitable rooms	Up to 12m (4 storeys)	6m	3m	Up to 25m (5-8 storeys)	9m	4.5m	<table border="1" data-bbox="662 577 1230 734"> <thead> <tr> <th></th> <th>Control</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Rear</td> <td>9m</td> <td>10m</td> </tr> <tr> <td>East</td> <td>9m</td> <td>3-6m</td> </tr> <tr> <td>West</td> <td>9m</td> <td>3-6m</td> </tr> </tbody> </table> <p>Building separation towards east and west boundaries are lessor than the specified separation controls. It is noted however that the window schedule which includes higher sill and reduced numbers of windows servicing the side elevations has been designed so as to minimise detrimental impacts to visual and acoustic amenity. Internal floor areas of side facing units have been designed to orientate towards the front and rear which directs potential conflicts away from side areas. It is further noted that DEAP supports the ADG non-compliant side setback controls, given the adequate front and rear setbacks proposed.</p> <p>The proposal is considered acceptable in this instance.</p>		Control	Proposed	Rear	9m	10m	East	9m	3-6m	West	9m	3-6m	<p>No (acceptable on Merit)</p>
Building Height	Habitable rooms & balconies	Non habitable rooms																					
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<p>3G Pedestrian Access & entries</p> <p>Pedestrian access, entries and pathways are accessible and easy to identify.</p>	<p>The development proposes a pedestrian entry to the building from Manson Street. The entry is accessible and well defined.</p>	<p>Yes</p>																					
<p>3H Vehicle Access.</p> <p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicle access and egress is proposed to be provided toward the north east of the site via Manson Street.</p> <p>The proposal provides for well-designed and safe vehicle and pedestrian access.</p>	<p>Yes</p>																					
<p>3J Parking Provisions.</p> <p><u>Car parking</u> For development on sites that are within 800m of a railway station, the minimum parking for residents and visitors to be as</p>	<p>The proposal is located within 800m of the Telopea Light Rail stop currently under construction.</p> <p>0.6 spaces per 1 bedroom unit:</p>	<p>Yes</p>																					

Clause	Proposal	Compliance
<p>per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p> <p>Bicycle Parking Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>9 x 1br = 5.4</p> <p>0/9 spaces per 2 bedroom unit: 36 x 2br = 32.4</p> <p>1.4 spaces per 3 bedroom unit: 3 x 3br = 4.2</p> <p>1 space per 5 units (visitor parking): = 9.6</p> <p>Total = 51.6 car spaces required</p> <p>Total provided = 53 (including 10 visitor)</p> <p>Adequate bike storage also proposed.</p>	
<p>Part 4 - Designing the Building This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications</p>		
<p>4A Solar & daylight access</p> <p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p> <p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p> <p>Design should incorporate shading and glare control, particularly for warmer months</p>	<p>37 of the 48 units (77%) achieve the minimum 2 hours of solar access during winter solstice. Notwithstanding numerical compliance with the ADG, the rear-facing double storey units achieve some solar access throughout the day and benefit from void spaces within the first floor to allow the filtration of ambient light into the floorplate.</p> <p>6 rear facing units (12.5%) do not achieve the minimum 2 hours direct sunlight.</p> <p>The BASIX Certificate is included with the application demonstrating that the proposal achieves required thermal comfort levels. Materials and finishes which incorporate shading and glare control measures including awnings are proposed.</p>	<p>Yes</p>
<p>4B Natural Ventilation</p> <p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p>	<p>29 units (60.4%) are naturally cross ventilated.</p>	<p>Yes</p>
<p>4C Ceiling Heights</p> <p>Ceiling height achieves sufficient natural ventilation and daylight access. The development is required to provide 2.7m minimum ceiling heights.</p>	<p>All floors achieve sufficient height.</p>	<p>Yes</p>

Clause	Proposal	Compliance																		
<p>4D Apartment size and layout</p> <p>Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> • Studio = 35m² • 1 bedroom = 50m² • 2 bedroom = 70m² • 3 bedroom = 90m² • 4 bedroom = 102m² <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan where the living, dining and kitchen are combined, there is to be a maximum depth of 8m from a window.</p> <p>Master bedrooms – minimum area 10m² Excluding wardrobe spaces.</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	<p>The proposed apartments have the following minimum internal areas:</p> <ul style="list-style-type: none"> • 1 bed units: all units comply • 2 bed units: all units comply • 3 bed units: all units comply <p>All of the apartments exceed the minimum requirements.</p> <p>All habitable rooms have a window compliant with the rates. All habitable room depths are no greater than 8m from a window.</p> <p>The master bedrooms, where proposed, have a minimum area of 10m², excluding wardrobe space.</p> <p>Living rooms/combined living/dining area have a minimum 4m width for 2 and 3 bedrooms, respectively.</p>	<p>Yes</p>																		
<p>4E Private Open Space and balconies</p> <p>All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="116 1491 555 1883"> <thead> <tr> <th>Dwelling type</th> <th>Min area</th> <th>Min depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m²</td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> <tr> <td>Ground or podium</td> <td>15m²</td> <td>3m</td> </tr> </tbody> </table>	Dwelling type	Min area	Min depth	Studio apartments	4m ²	N/A	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	Ground or podium	15m ²	3m	<p>The proposed apartments have the following minimum balcony areas:</p> <ul style="list-style-type: none"> • 1 bed units: all units comply • 2 bed units: all units comply • 3 bed units: all units comply <p>All of the apartments also exceed the minimum requirements for balcony depth.</p> <p>Ground level courtyards meet the required 15m² and minimum dimensions.</p>	<p>Yes</p>
Dwelling type	Min area	Min depth																		
Studio apartments	4m ²	N/A																		
1 bedroom	8m ²	2m																		
2 bedroom	10m ²	2m																		
3+ bedroom	12m ²	2.4m																		
Ground or podium	15m ²	3m																		
<p>4F Common circulation and spaces.</p> <p>The maximum number of apartments off a circulation core on a single level is 8.</p>	<p>The development proposes a maximum of nine (9) units to be accessed from the circulation space.</p>	<p>No (acceptable on merit)</p>																		

Clause	Proposal	Compliance								
	Lift core is to serve a maximum of 9 units per plate. Despite the minor departure adequate opportunity is provided for casual interaction and the centralized lift endures that typically 4 units are serviced off each side of the lift.									
<p>4G Storage</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="113 589 552 790"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>1 bedroom apt</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apt</td> <td>8m³</td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment.</p>	Dwelling type	Storage size volume	1 bedroom apt	6m ³	2 bedroom apt	8m ³	3 + bedroom apt	10m ³	<p>The storage provided consists of both storage space within the units and storage cages within the basement.</p> <p>In each unit, more than 50% of the storage is provided within the apartment.</p>	Yes
Dwelling type	Storage size volume									
1 bedroom apt	6m ³									
2 bedroom apt	8m ³									
3 + bedroom apt	10m ³									
<p>4H Acoustic privacy</p> <p>Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>Appropriate acoustic privacy will be provided for each apartment. Living rooms and balconies have generally been orientated away from services and plant rooms.</p> <p>Noisy areas within buildings (such as the entrance) are not located next to bedrooms.</p>	Yes								
<p>4K Apartment mix</p> <p>A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	<p>The development has incorporated the following apartment mix:</p> <ul style="list-style-type: none"> • 9 x 1 bedroom units (18.75%) • 36 x 2 bedroom units (75%) • 3 x 3 bedroom units (6.25%) <p>The proposed development provides housing choice which meets the needs of the community now and into the future.</p>	Yes								
<p>4M Facades</p> <p>Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual</p>	Yes								

Clause	Proposal	Compliance
Building facades are expressed by the façade.	scale and bulk of the development, visually reducing the apparent building mass. The development will reinforce the desired future character of the area and enhance the amenity of the locality.	
<p>4N Roof design</p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Opportunities to use the roof space for residential accommodation and open space are maximised.</p> <p>Roof design incorporates sustainability features.</p>	The development has proposed a relatively flat roof design which is integrated with the overall development. All plant equipment is adequately screened and located toward the centre of the roof.	Yes
<p>4O Landscape design</p> <p>Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable.</p> <p>Sites greater than 1,500m²: 1 large tree or 2 medium trees per 80m² of deep soil zone</p>	<p>A total of 720m² of deep soil areas (including areas with less than 6m dimensions) are provided throughout the site. 9 large trees or 18 medium trees (or combination) are therefore required.</p> <p>The accompanying landscape plan details planting of 24 trees. The proposal has been reviewed by Council's Landscape architect who supports the proposal subject to conditions.</p>	Yes
<p>4P Planting on structures</p> <p>Appropriate soil profiles are provided.</p>	<p>Planter boxes are proposed over built impervious areas with ample soil profiles provided.</p> <p>Council's Management Landscape Officer has reviewed the proposed planting scheme and has raised no objection.</p>	Yes
<p>4Q Universal design</p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to be provided.</p>	10 of the 48 units (or 20.8%) contain the 7 design measures to achieve a silver level of universal design.	Yes
<p>4U Energy efficiency</p> <p>Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>The development complies with solar access and natural ventilation requirements.</p> <p>A BASIX certificate is submitted with the application which indicates that the building will</p>	Yes

Clause	Proposal	Compliance
	meet the energy and water use targets set by the BASIX SEPP.	

9. 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.*

The proposal consists of a residential flat building within a High-Density Residential zone which also forms part of the new Land and Housing Corporation/Frazers masterplan. The proposal makes a commended use of available public transport including the future nearby light rail stop while other facilities and services are also located within proximity including the Telopea Public School.

The subject site is of sufficient size and location to provide required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties. The proposal is considered to satisfactorily meet the aims and objectives of the plan.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R4 High Density Residential. The aims and objectives for the R4 High Density Residential zone in Clause 2.3 – Zone Objectives are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

The proposal is considered consistent with these objectives as the proposal provides for the additional high density residential needs within a high-density locality with appropriate access to public transport, does not interfere with other land uses by way of amenity and enables other land uses to provide facilities and services to meet the needs of future residents.

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: 22m	No (Supportable on merit) The development proposes a maximum height of 23.45m which exceeds the maximum height permissible for the site by 1.45m (or 6.5%). See discussion below.
Clause. 4.4 Floor space ratio Allowable: 1.7:1 (or 3505.4m ²)	Yes A maximum floor space ratio of 1.7:1 is identified for the site per the LEP. Clause 6.17(3) of the LEP allows for a ratio of 2:1 for sites greater than 2000m ² . The amalgamated site will consist of a site area measuring 2062m ² and therefore a total floor area of 4124m ² is permitted. The proposal allows for a total floor space ratio of 1.9:1m ² (or 4122.8m ²). The proposal is therefore deemed compliant with the maximum floor space ratio control that applies per clause 6.17(3).
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 or within a Heritage Conservation Area. The proposal is located within 200m of a State listed heritage item 'Redstone the Winter House'. The proposal is not expected to result in any unreasonable impacts to the heritage item. The site is also marked as maintaining low Aboriginal Sensitivity.
Clause 5.11 Bushfire hazard reduction	N/A The site is not located on bushfire prone land.
Clause 5.21 Flood Planning	N/A

	The site is not mapped as susceptible to flooding. Council's Development Engineer has reviewed the proposed stormwater design and raises no issue 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 objective of this clause requires any earthworks of which development consent is required to not have a detrimental impact on environmental functions and processes, neighbouring land uses, cultural or heritage items, or features of the surrounding land. Earthworks to create a level building platform and enable the construction of the basement car park are proposed and will result in 9.14m of cut at the most maximum extent. It is noted that the proposed earthworks will be located within a site that experiences significant slope of approximately 7m from the front to rear property boundaries. Upon reflection of the natural context of the site together with the larger scale development to which the allocated higher density zone permits, the proposed earthworks can be considered logical and ordinarily required in the effort to support the acceptable development potential of the site. Furthermore, the scale and location of the proposed earthworks will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site, minimal changes to the line and level of the natural landscape will result and no relationships of impact between the earthworks and the streetscape or adjoining properties will be established. The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. In addition, adequate sediment and erosion control measures are proposed in support of the proposal as well as supporting conditions. A Geotechnical Assessment Report also accompanies the application with recommendations to be incorporated into the development consent.
Clause 6.4 Biodiversity protection	N/A The proposal is not impacted by the biodiversity overlay and is not in proximity to any areas with Biodiversity values.
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 6.12 Design Excellence Telopea Precinct	Yes See assessment below.
Clause 6.16 Height of buildings for certain land in Telopea Precinct	Yes The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.16(3) is applicable to the site. Clause 6.16 states that:

	<p><i>(3) Despite clause 4.3, the maximum height for a building on land identified as “Telopea Precinct” on the Key Sites Map may exceed the maximum building height identified for that land on the Height of Buildings Map, but only if the consent authority is satisfied that—</i></p> <p><i>(a) the building is in Zone B4 Mixed Use or Zone R4 High Density Residential, and</i></p> <p><i>(b) any additional height that exceeds the maximum will be used for or in relation to an open rooftop, and</i></p> <p><i>(c) there will be no additional overshadowing.</i></p> <p>A portion of the lift overrun exceeds the maximum building height identified for the land by 1.45m. The additional height that exceeds the maximum is used partly for the purposes of an open rooftop recreation area however also serves three apartments, therefore the proposal does not benefit from the clause. A clause 4.6 request to vary a development standard has therefore been submitted to accompany the application.</p>
<p>Clause 6.17 Floor space ratio for certain land in Telopea Precinct</p>	<p>Yes</p> <p>The subject site is identified as being within land identified as area C. Subclause 3 states the following:</p> <p><i>(3) Despite clause 4.4(2), the floor space ratio for a building on land shown edged heavy pink and identified as “Area C” on the Floor Space Ratio Map is not to exceed 2:1 if the site area is at least 2,000 square metres.</i></p> <p>The proposal consists of the amalgamation of three sites which together will measure 2,062m², therefore the proposal falls under the provisions of this clause and the Floor Space Ratio of 2:1 (or 4124m²) applies.</p> <p>The application proposes an floor space ratio of 1.9:1m² (or 4122.8m²).</p>
<p>Clause 6.18 Development requiring the preparation of a Development Control Plan</p>	<p>Yes</p> <p>The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.18 is applicable to the site. Clause 6.18 required the preparation of a Development Control Plan specific to the Telopea Precinct.</p> <p>The Development Control Plan for the Telopea Precinct came into effect on 25 October 2021 and is contained within Section 4.3.9 of Parramatta Development Control Plan 2011 (PDCP 2011). An assessment of the proposal against this Section of the PDCP 2011 is detailed below.</p>
<p>Clause 8.1 Arrangements for Designated State Public Infrastructure</p>	<p>Yes</p> <p>The subject site is identified as being located within the Intensive Urban Development Area of the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.1 is applicable to the site. Clause 8.1 states:</p> <p><i>(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.</i></p> <p><i>(2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements</i></p>

	<p><i>have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.</i></p> <p><i>(3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).</i></p> <p>Department of Planning and Environment has reviewed the proposal and in accordance with Division 7.1 of the EP&A Act, a Voluntary Planning Agreement has been issued requiring monetary contributions for the public infrastructure facilities or services before the development is carried out. A condition has also been included requiring adherence to satisfying the agreement prior to issue of an Occupation Certificate.</p>
<p>Clause 8.2 Public utility infrastructure</p>	<p>Yes</p> <p>The subject site is identified as being located within the Intensive Urban Development Area on the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.2 is applicable to the site. Clause 8.2 states:</p> <p><i>(1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.</i></p> <p>The public utility infrastructure that is essential for the proposed development is available and thus consent for the proposal can be granted.</p>

Clause 4.6 Exceptions to Development Standards Building Height

The proposal does not comply with the maximum 22m building height development standard detailed in Clause 4.3 of the PLEP 2011 as the proposed RFB measures 23.45m. The proposal exceeds the maximum permissible building height by 1.45 which represents a 6.5% variation to the development standard (see **Figure 13** demonstrating 3D height study).

Development Standard	Proposal	Variation
22 m	23.45 m	1.45 m (6.5%)



Figure 13: 3D imaging of 22m height limit (extracted from submitted plans).

The proposal does not comply with the maximum 22m building height development standard detailed in Clause 4.3 of the PLEP. The proposed Lift overrun building height is 23.45m (towards centre of building).

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 height of building development standard. In the justification the applicant states:

“The variation stems from providing communal open space and associated enclosed structure on the rooftop which could be removed however this would lead to a poor outcome for residents with reduced common open space”

Comment: The variation is almost exclusively limited to the necessary infrastructure required for facilitating access to the common open space area. Removing this would result in a significant detriment to available amenity for future residents of the proposed development.

“The proposal meets the 6 storey building height control in the DCP and does not present an attempt to attain additional development yield on the site given compliance with the FSR control applying to the site;”

Comment: The variation to the control is limited to the lift overrun, the main building component does not protrude beyond the height limit.

“The proposed variation is minor in nature with the majority of the building being compliant with the building height control and the variation is also due to the slight undulation of the site. The extent of non-compliance will also not be a visually prominent element in the streetscape;”

Comment: The variation is not considered numerically significant, the offending building component is located towards the centre of the building and will not have obvious views from the street. It is acknowledged and accepted that the site maintains natural characteristics that contribute towards compromising efforts made to address building height restrictions.

“The overall height of the development presents as a compatible form of development to the anticipated high density residential development that exist in the locality, noting that the emerging character is for 6 plus storey residential developments. The lift overrun that exceeds the height control is recessed behind the main building alignment to downplay visual dominance as viewed from the public domain and adjoining residential properties;”

Comment: The proposal is considered to conform well with the expected future high density residential character of the locality, the lift overrun is acknowledged to be located behind the main building alignment and is not considered to result in any overly bearing visual impacts towards the streetscape.

“The portion of the building that protrudes above the 22m height limit contains no habitable floor space and presents with a dominant 6 storey building design, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather a suitable contextual response to the locational characteristics on the site in order to achieve a suitable ground floor outcome with sufficient amenity;”

Comment: The proposal maintains the perceived six storey building appearance when viewed from the street despite the non-compliance. The proposed variation does not overly detract from the local characteristics of the site.

“The additional height does not generate any additional amenity impacts given the location of the breach and the surrounding site context;”

Comment: It is considered that the amenity impacts as a direct result of the non-compliance are negligible, minimal to no benefit would be achieved for surrounding areas should the entirety of the proposed variation be removed.

“The proposal has been carefully designed to ensure that no adverse visual or acoustic amenity impacts will be created by the proposed building height along site boundaries as the upper levels are recessed behind the building perimeter;”

Comment: The variation will not maintain any influence over the greater building design and its impact as a whole towards surrounding areas by way of visual or acoustic amenity.

“The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors;”

Comment: The proposal nor the associated variation is considered to result in overly bearing privacy impacts.

“Given the sites orientation, and the minor height departure the additional height will not have any additional adverse overshadowing impacts on nearby developments that incorporate residential components;”

Comment: The variation does not cause any meaningful change to overshadowing impacts.

“The development proposal is consistent with the intent of the maximum height control and has a bulk and scale that is not discernible from a development that complies with the control;”

Comment: The proposed bulk and scale of the proposal is considered consistent with the expected future character of the locality.

“The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors with appropriate setbacks provided to promote view sharing opportunities;”

Comment: The variation will not result in additional impacts to existing view corridors.

“The non-compliance to the height control has no unacceptable impact on the setting of any items of environmental heritage or view corridors; and”

Comment: The variation does not result in any unreasonable impacts to environmental heritage or view corridors.

“The proposal will sit comfortably in the streetscape relative to the desired future character of the locality”

Comment: The variation is minor and physically limited and isolated and does not result any significant influence over the perceived bulk and scale of the proposal. The proposal is considered to remain compatible with the future character of the locality despite the non-compliance.

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

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: Many sites within this area are expected to be redeveloped in the near future. With respect to scale, the bulk of the building has been designed sympathetically to the surrounding area accounting for the topographical and environmental constraints of the site.

It is considered that the proposed bulk and scale of the building is generally a positive response to the site and is mitigated by appropriate facade modulation. The bulk and scale of the proposal is commensurate and compatible with that of future high density residential development within the expected evolved streetscape of Manson Street as well as the greater Telopea Precinct.

Overall, the building will sit comfortably within the streetscape, further it is considered that the development respects the desired future high density character of the area, any potential adverse effects on the surrounding

environment in respect to building height will be mitigated by way of expected efforts of progression to better align with the Telopea masterplan.

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

Comment: As shown in **Figure 13**, the elements of the proposed building which exceed the control are located towards the centre of the proposed building. The encroachment toward the centre of the building is not considered to be overly dominant or capable of achieving any significant detrimental influence from a visual perspective. The roof elements are generally centralised and therefore will not be readily noticed from the streetscape.

The proposal achieves compliance with setback controls which includes side and rear setbacks and therefore will maintain sufficient building separation which supports privacy and solar access interests. The proposed variation is limited to an insignificant portion of the building and therefore disruption of views as a result of the noncompliance will be negligible.

The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass and will provide a contemporary building, reinforce the desired future character of the area and enhance the amenity of the locality.

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

Comment: The scale of the development will be larger than the current situation, but the changes are considered positive and will not result in adverse cumulative effects on heritage sites or their settings.

(d) to ensure the preservation of historic views,

Comment: Future development will not dominate or detract from private views. The visual integrity and coherence of the historic views are maintained.

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

Comment: The site is located within a high-density residential area. The proposal is considered to support and reflect the character of the area and is consistent with the objectives of the High Density Residential Zone.

(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 proposed variation relates to the minor portion of the building and is not capable of significantly impacting or altering solar access on site or for surrounding areas. The Proposal achieves a consistent relationship with sky exposure that is expected of high density residential development.

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, only that the proposed height breach should be assessed on its merit and within the context of the proposal as a whole in 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: The applicant does not challenge that the development standard is abandoned.

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.

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 subject site can accommodate a development of a residential flat building of this scale as the site allows for services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding areas and is ideally located close to public transport links including the expected light rail stop. Surrounding properties are also zoned for higher density living and are expected to evolve into a scale similar to the proposal.

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: Such concurrence is assumed (refer to the Planning Circular PS 20-002, 5 May 2020).

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.

Clause 6.12: Design Excellence Telopea Precinct

The subject site is identified as being located within the Telopea Precinct on the Key Sites Map in the PLEP 2011. As such, Clause 6.12 is applicable to the site. Clause 6.12 states that:

(3) *Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*

The following matters are listed in the PLEP, which the consent authority must have regard to:

Requirement	Comment
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The proposed development has been designed by ZhinArchitects and accompanied by a Design Statement, and SEPP 65 Statement. The Design Excellence Advisory Panel has reviewed the proposal and provided comments generally supporting the proposal.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposed development responds to the existing and future local context. The quality and amenity of the public domain will be improved and attain higher consistency with the desired future public domain.
(c) whether the development detrimentally impacts on view corridors,	The proposed development is not considered to impact on any view corridors.
(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Parramatta Development Control Plan,	Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access and comply with the requirements of the PDCP 2011 and ADG standards.
(e) the requirements of the Parramatta Development Control Plan,	An assessment of the proposal the PDCP 2011 is detailed below.
(f) how the development addresses the following matters—	
(i) the suitability of the land for development,	The proposed development is considered to be a suitable development for the site, being permissible in the High Density Residential zone.
(ii) existing and proposed uses and use mix,	The proposed use is consistent with the zoning and expected future development.
(iii) heritage issues and streetscape constraints,	N/A
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,	The proposed development is adequately setback from neighbouring sites. Neighbouring amenity is maintained.
(v) bulk, massing and modulation of buildings,	The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass.
(vi) street frontage heights,	The proposed development exceeds the prescribed building height. A Clause 4.6 has been submitted as part of this Development Application.
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,	The development complies with solar access and natural ventilation requirements.

<p>(viii) the achievement of the principles of ecologically sustainable development,</p> <p>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</p> <p>(x) the impact on, and any proposed improvements to, the public domain.</p>	<p>A BASIX certificate is submitted with the application which indicates that the building will meet the energy and water use targets set by the BASIX SEPP.</p> <p>Vehicle access and egress is proposed to be provided toward the north via Manson Street, is supported by a traffic report and is consistent with Australian Standards.</p> <p>The proposal provides for well-designed and safe vehicle and pedestrian access and loading area.</p> <p>Public domain works are proposed, including the construction of a new footpath. The quality and amenity of the public domain will be improved as a result.</p>
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10. 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 28 June 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. The proposal does not unreasonably defer from the aims and objectives of the Parramatta LEP 2023.

11. Development Control Plans

Parramatta Development Control Plan 2011 (PDCP 2011)

The subject site is identified as being located within the Telopea Precinct, as such Part 4.3 (Strategic Precincts) of the PDCP 2011 is applicable. Part 4.3 (Strategic Precincts) of the PDCP 2011 contains specific provisions which relate to the subject site and prevail where there is any inconsistency with other sections of the PDCP 2011.

Development Control	Comment	Compliance
Part 2 Site Planning		
Views and Vistas	The site is not identified as containing significant views.	N/A
Water Management	Refer to assessment under PLEP 2011.	Yes
Soil Management	The erosion and sediment control plan submitted is considered to be sufficient. To be conditioned.	Yes
Land Contamination	Refer to assessment under SEPP Resilience and Hazards 2021.	Yes

Air Quality	The proposal is not likely to result in increased air pollution.	Yes
Development on Sloping Land	The development responds to the topography of the site, and appropriate excavation and fill is proposed enabling an adequate building platform.	Yes
Biodiversity	The site does not adjoin bushland or land zoned E2 or W1 and the proposal satisfies this clause.	Yes
Public Domain	The building appropriately addresses the public domain along Manson Street. Footpath replacement and street tree planting forms part of the proposal which has been reviewed by Council's Urban Design – Public Domain team who raises no issues with the proposal subject to conditions.	Yes
Part 3 Development Principles		
Building Form and Massing	It is considered that the proposed bulk and scale of the building is generally a positive response to the site and is mitigated by appropriate facade modulation. The bulk and scale of the proposal is commensurate and compatible with that of the expected future High Density character of the area. Overall, the building will reinforce, complement and enhance the visual character of the streetscape.	Yes
Building Façade and Articulation	The proposed building façade is well articulated toward Manson Street providing an attractive design.	Yes
Roof Design	The proposed roof design is integrated with the building's composition and form. Although the proposed lift overrun does protrude above the prescribed maximum building height control this is not considered to overly disrupt the roof design. The character of the streetscape is expected to remain maintained in this regard.	Yes
Energy Efficient Design	BASIX Certificate has been submitted.	Yes
Streetscape	It is considered that the proposed building is of a high architectural quality and will define the street frontage for this portion of Manson Street. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments and will sit comfortably within the streetscape defining and improving the street frontage.	Yes
Landscaping	Viable, sustainable landscaping is proposed within the communal open space areas and along the perimeters of the site. Council's Landscape Officer has reviewed the proposal and raises no issues subject to conditions.	Yes
Private and Communal Open Space	The communal open space has been designed to facilitate opportunities for recreational and social activities, passive amenity and landscaping.	Yes
Visual and Acoustic Privacy	It is acknowledged that the natural characteristics of the site which includes the substantial fall in natural ground level from the north to south property boundaries significantly compromises the ability of the site to completely mitigate against all privacy impacts. Despite this the proposed development has been designed to minimise opportunities for any unreasonable levels of overlooking or intrusion of aural privacy of adjoining properties. This has been achieved by providing	Yes

	<p>sufficient setbacks, screening elements, and highlight windows where needed.</p> <p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p>	
Solar Access and Cross Ventilation	<p>The applicant has demonstrated that the proposal would ensure adequate daylight to the main living areas of neighbours in the vicinity and adequate sunlight to all areas of private open space.</p> <p>(Note: complies with minimum ADG requirements)</p>	Yes
Water Sensitive Urban Design	<p>Part of the proposal also incorporates an on-site detention system. Council's Development Engineer has reviewed the proposal with regard to the proposed OSD and has noted the following:</p> <p><i>Stormwater calculations checked against 3rd edition UPRCT for sizing of the system and are generally ok. Special conditions / altered conditions have been applied to correct:</i></p> <ul style="list-style-type: none"> • <i>OSD configuration</i> • <i>Reduced flow (smaller orifice) for filters</i> • <i>Emergency overflows.</i> <p><i>A deferred commencement for an easement over the downstream property has been applied.</i></p> <p><i>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</i></p>	Yes
Waste Management	<p>The waste management plan is satisfactory, detailing the types and amounts of waste generated by the development and the methods of removal and disposal.</p> <p>The proposed waste service area will ensure all waste can be transferred and collected without compromising the amenity of residents or adjoining sites.</p>	Yes
Culture and Public Art	<p>An arts plan is not required as the application does not have a CIV of more than \$5,000,000.00 and is not located within:</p> <ul style="list-style-type: none"> - A local town centre - Land zoned B2 Local Centre or B4 Mixed Use - Land with a site area greater than 5000m² 	N/A
Access for People with Disabilities	<p>The proposed development has been designed and sited to ensure an appropriate level of accessibility so that all people can enter and use these premises is achieved.</p> <p>Further, Council's Urban Designer (Accessibility) reviewed the proposal and raised no objections subject to compliance with the recommended conditions.</p>	Yes
Amenities in Buildings Available to the Public	<p>The proposal is not a public building.</p>	N/A
Safety and Security	<p>The proposal has been designed to reduce crime risk and opportunities for crime.</p>	Yes
Heritage	<p>Refer to 'Clause 5.10 Heritage Conservation' comments under 'PLEP 2011' section above.</p>	Yes
Sustainable Transport	<p>A Travel Plan is not required.</p>	N/A

Accessibility and Connectivity	The site is not considered to be of a size or suitable location that would require a pedestrian through site link.	N/A
Subdivision	No subdivision is proposed. Note: Amalgamation of the three existing sites is proposed.	N/A
Site Consolidation and Development on Isolated Sites	The development will not result in isolation of the adjoining allotments.	Yes

4.3 Special Precincts

4.3.9 Telopea Precinct

4.3.9.1 Traffic and Transport

Vehicle Access

Complies – The proposed driveway has been located to the western side of the site to ensure impacts to the existing services within the road services are minimised. The driveway enables vehicles to enter and exit the basement carpark in a forward direction. The driveway is located 3m from the boundary.

Car Parking

Minimum car parking rates as per the relevant State Environmental Planning Policy.

Complies – 53 parking spaces are provided, as shown on the submitted plans, including 43 residential parking spaces and 10 visitor spaces.

Bicycle Parking

Minimum 29 bicycle spaces required.

Complies – 52 bicycle storage spaces are provided.

Electric Vehicle Charging Infrastructure

Minimum 3 electrical bicycle spaces required.

Complies – provisional charging infrastructure displayed in amended plans. Council's Traffic Engineer has recommended inclusion of a condition.

All residential and visitor car parking spaces must be provided Electric Vehicle Ready Connections.

Complies – not currently indicated on plans however conditioning has been included by Council's Traffic Engineer.

4.3.9.2 Development and Design

Street Frontages and Access

C.18 Buildings must:
a. address a street.

Complies – The building layout has been orientated to predominantly face Manson Street.

b. be articulated with depth, relief and shadow on the street façade. A minimum relief of 150mm between the masonry finish and glazing face must be achieved.

Complies – It is considered that the proposed building is of a high architectural quality and will define the street frontage. The building is well-articulated at all levels, with a mix of balcony elements and façade treatments. The proposed building will sit within a landscaped setting, creating opportunities for lower-level planting and an active street frontage. The architectural design is also supported by DEAP.

c. Utilise legible architectural elements and spatial types such as doors, windows, loggias, reveals, pilasters, sills, plinths, frame and infill. Plinths are particularly encouraged in Telopea so that the topography is emphasised.

Complies – The proposal including the associated design has been supported by DEAP.

Development within Precincts

C.2 Development of a residential flat building should have a minimum site frontage of 24 metres, except 18 metres for sites with two street or lane frontages.

C.3 New development must provide between a 4 to 6 metre setback to the street as outlined in Figure 4.3.9.4.

C.4 The minimum setback to the side boundaries is 3 metres for part of the length of the building. Where apartments habitable rooms only face the side boundary, allow a 6 metre wide side setback, as outlined in Figure 4.3.9.4.

C.5 The rear setback is to be a minimum of 10 metres or 15% of the total length of the site as measured from centre of the rear boundary (whichever is the greater), as shown in Figure 4.3.9.4. The setback can be averaged to align with the building footprint where the rear alignment is not regular.

C.7 30% of balconies or architectural elements such as bay windows, may project up to 400mm into front building setbacks only.

C.8 Provide a minimum of 30% of deep soil zone on the site area, with the following requirements:

a. A minimum of half of the total deep soil area is located at the rear of the site.

b. A minimum of 7% of the total site area which is provided as deep soil area shall be designed to have a minimum dimensions of 6 metres (or greater). The remaining deep soil areas shall provide minimum dimensions of 4 metres (or greater). Noting that a deep soil with a minimum dimension of less than 4 metres does not contribute to the deep soil calculation.

C.9 Deep soil should be designed to create a contiguous deep soil network formed with adjacent lots.

C.10 Removal of existing trees should be avoided, and new trees should be planted,

Complies – The site (amalgamated) will maintain a site frontage significantly in excess of 24m.

Complies – A 4-6m front setback is provided.

Non-compliant (supported on merit) – 6m side setbacks are provided towards the rear however the front portion of the proposed building contains some living rooms with a 3m side setback. It is noted that a majority of spaces with 3m side setbacks comprised of bedrooms, living areas are limited towards the front however are directed towards the street. Unreasonable impacts to amenity is not expected as a result of the noncompliance and is therefore considered reasonable in this instance.

Complies – 10m is provided.

Side (south-east):

Min. 9.1m (habitable rooms)

Complies – Min. 12m

Complies – The architectural and articulation zone is setback 4-6m

Non-compliant (supported on merit)

Council's assessment has concluded that total deep soil zones which includes the minimum 4m dimensions amounts to approximately 460m² (or 22.3%) for the site and represents a 158.6m² (or 25.6%) variation to the control.

It is accepted that significant portions of the site do serve as deep soil although does not meet minimum dimensions for purposes of site calculation.

In this instance the proposal is not considered to result in unreasonable impacts for future residents of the site nor existing and future surrounding residents. It is also noted the proposal achieves compliance with the minimum deep soil control requiring 6m dimensions.

Complies – Substantial amount of deep soil at the year is provided to form a contiguous deep soil network.

Complies – Council's Landscape Tree Management Officer raises no objections to the removal of trees required for development.

as detailed in Section relating to Tree Preservation and Enhancement of this DCP.

C.11 Where significant excavation is required as part of new development, it must be demonstrated that deep soil back fill must comprise constructed horticultural soil profiles in order to support local vegetation communities.

C.12 Basements are to be located predominately under the footprint of the building, as shown in Figures 4.3.9.5 and 4.3.9.6. As detailed in the Design Principles for Sloping Sites contained in this DCP, there may be conditions where basements may extend into the front setback to avoid raising from ground at the rear and/or extending into the rear setback.

C.13 Basement car parking entries are encouraged to be located under the apartment building as shown in Figures 4.3.9.6 and 4.3.9.7. Any above ground car parking structures should be of a solid, masonry construction. Vents to car parking must not be located at the street frontage.

C.14 Basement car parking structures should be predominantly located below existing ground level. Where the slope conditions mean this is unachievable, the basement structures may project to a maximum of 1 metre above ground, except within the front setback where it may project up to 1.5m above ground where it helps prevent re-grading the site in other locations (see Figure 4.3.9.5 Indicative Street Section).

C.15 Front setbacks are to be landscaped. Where trees are located in the front setback above a basement structure, a minimum soil depth of 1 metre above drainage layer is to be cut into the slab.

C.16 Impervious surface at ground level must be minimised in all setback areas.

C.18 Development of 3 and 4 storeys should be designed as a street wall building.

N/A - Deep soil back fill is not proposed.

Complies – The proposed basement is within the building footprint.

Complies – Basement carparking is proposed.

Non-Compliant (supported on merit)

The proposed basement carparking partly protrudes more than 1 metre above ground level. The portions of the basement that protrude beyond this level is not considered significant with genuine effort employed to reduce impacts of the basement to increased bulk and scale. The proposal will not result in unreasonable visual impacts from the rear or side properties and appears completely within basement level from the street.

Upon considering the significant slope of the site the proposal is deemed reasonable in this instance.

Complies – Front landscaping is proposed and is reasonable.

Complies – Impervious surface area is minimised and is predominantly limited to the OSD tanks located within the rear.

Complies – Adequate design of street wall building is utilised.

<p>C.19 Development of 5 and 6 storeys in height may be designed as a street wall building or provide one upper level storey setback of 3 metre from the building line, as outlined in Table 4.3.9.3.</p> <p>C.23 Buildings are to occupy approximately 75% of the street frontage to maximise potential for apartments facing the street as outlined in Figure 4.3.9.7.</p> <p>C.24 Where the length of a perimeter building exceeds 50 metres, it is to be broken into two or more components. Building breaks should be a minimum of 3 metres deep and 3 metres wide.</p> <p>C.25 Front fences are to be designed to:</p> <ol style="list-style-type: none"> be articulated at any gates and visually permeable in part to enhance the feeling of address and passive surveillance along this edge of the development. <p>C.26 Retaining walls must:</p> <ol style="list-style-type: none"> be located within the lot boundaries on all development lots or on the boundary if the land is within the same ownership; be designed in consultation with Council if adjoining existing or future Council owned land; retain a horizontal line, with minimal stepping; vary to suit the topography with a maximum height of approximately 1500mm. be of fully masonry construction or a combination of masonry and timber utilise terracing where necessary to subtly manipulate the existing landscape, avoiding large areas of cut and fill. 	<p>Complies – Adequate design of street wall building is utilised with upper level of the building maintaining an increased setback.</p> <p>Complies – Approximately 80% of the street frontage is occupied.</p> <p>N/A – Street length approximately 36m</p> <p>N/A – No front fence proposed.</p> <p>Complies – All retaining walls are proposed wholly within the site, have been terraced where practically possible and is primarily of masonry construction.</p>
<p>4.3.9.4 Sustainability Dual Water Systems</p>	<p>Non-Compliant – Dual Water Systems have not been proposed, the applicant’s statement of it being very costly is the sole reason why this has not been proposed. It is the opinion of Council that this is an essential service with regards to the style of development within the Telopea precinct and will not be supported without. This is an approach corroborated with the Sydney Water response received by Council 22 July 2022.</p> <p>Conditioning has been included for dual water systems to be provided.</p>

<p>Urban Heat, Vertical Facades, Awnings, Heating and Cooling Systems – Heat Rejection, Green Roofs & Solar light reflectivity (glare)</p>	<p>Complies – 50% of the top floor level is communal open space with shade structures, building overhang components and tree planting. HVAC systems to be incorporated on individual balconies and solar light sensitivity of external building materials is less than 20%.</p>
<p>Water Sensitive Urban Design The proposed development is considered to be in compliance with WSUD Strategy and demonstrates water efficiency.</p>	<p>Complies –The development incorporates appropriate WSUD measures to reduce pollution and nutrient runoff.</p>

12. Parramatta Development Control Plan 2023

The Parramatta Development Control Plan 2023 (draft PDCP) was placed on public exhibition from 13 March 2023 to 1 May 2023. The draft PDCP will replace the five previous DCPs that applied within the Local Government Area and serves as a primary supportive planning document to the Parramatta Local Environmental Plan 2023 for guiding development and land use decisions made by Council.

On Monday 28 August Council adopted the PDCP, formal commencement of the PDCP began 18 September 2023.

Section 1.4 of the adopted PDCP which concerns the relationship to other plans and policies is outlined below:

If a Development Application has been lodged before the commencement of the draft DCP in relation to land to which the draft DCP applies, and the Development Application has not been finally determined before the commencement of the draft DCP, the Development Application must be determined as if the draft DCP had not commenced.

In this instance the application was lodged 28 June 2022 and therefore is to be assessed under the Parramatta Development Control Plan 2011. However, it is acknowledged that all future development is to be assessed under the new consolidated PDCP.

Whilst the application has been assessed under the Parramatta Development Control Plan 2011, it is noted that the proposal does not unreasonably defer from the aims and objectives of the PDCP and is considered complimentary of the expected future design and character of the area.

13. Development Contributions

13.1 Special Infrastructure Contributions

The subject site is identified as being located within the Intensive Urban Development Area of the Intensive Urban Development Area Map in the PLEP 2011. As such, Clause 8.1 is applicable to the site. Subclause (3) is as follows:

(3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act).

Department of Planning and Environment has reviewed the proposal and in accordance with Division 7.1 of the EP&A Act, a Voluntary Planning Agreement has been executed with the deed dated 4 August 2023 and requires the payment of monetary contributions for the public infrastructure facilities or services before the development is carried out. This is discussed under Clause 8.1 Arrangements for Designated State Public Infrastructure of the Parramatta Local Environmental Plan 2011.

13.2 City of Parramatta (Outside CBD) Development Contributions Plan 2021.

The City of Parramatta (Outside CBD) Development Contributions Plan 2021 commenced on 20 September 2021. It was prepared by the City of Parramatta Council under section 7.11 of the Environmental Planning and Assessment Act 1979.

A section 7.11 contribution is applicable since the proposed development is identified on land to which this contribution plan applies and results in a net population increase of residents. The payable contributions are calculated as follows.

Contribution Type	Amount
Open space and outdoor recreation	\$ 554,826.58
Indoor sports courts	\$ 50,568.61
Community facilities	\$ 66,508.64
Aquatic facilities	\$ 15,500.38
Traffic and transport	\$ 156,433.11
Plan administration	\$ 8,135.05
Total	\$ 851,972.37

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

14. EP&A Regulation 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 1.

15. The likely impacts of the development

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and 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.

16. Suitability of the Site

The site is suitable for the development given the following:

- The proposal's bulk and scale respond to the current and future density of residential flat buildings in the area.
- The proposal satisfies the objectives of the Telopea Precinct Part of the DCP
- The future context of the area will comprise of buildings of greater height than the current existing and proposed developments in the area.
- the proposed development achieves reasonable compliance with the SEPP 65 and ADG, the PLEP 2011 and the PDCP 2011.
- The site is suitable for the development for the proposed residential flat building in its current form. Suitable investigations and documentation have been provided to demonstrate that the site can be made suitable for the proposed development and the development is consistent with the land use planning framework for the locality.
- No natural hazards or site constraints exist that are likely to have an unacceptably adverse impact on the proposed development.

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

17. Public Consultation

Application began notification period (21 days) from 7 July 2022 in accordance with Appendix 1 of Consolidated Notification requirements of the City of Parramatta Community Engagement Strategy. In total, 16 unique submissions were recorded against the application.

Key concerns raised in the submissions are addressed below.

Issue	Response
<p>The street is narrow and presents traffic constraints and hazards.</p>	<p>The application is accompanied by a Traffic and Parking Assessment Report prepared by MLA Transport Planning, dated 10 June 2022. A summary of the report is outlined below:</p> <ul style="list-style-type: none"> • “The proposed development has been estimated to generate a total of nine vehicle trips per hour. This level of development traffic is considered to be low and will not create and noticeable traffic impacts.” <p>The application is also accompanied by a Traffic Noise Assessment Report prepared by Rodney Stevens Acoustics, dated 23 March 2022. This report concluded with the following:</p> <ul style="list-style-type: none"> • “Based on the noise impact study conducted, the proposed development is assessed to comply with the SEPP (Infrastructure) 2007 noise criteria with recommendations from this report. It is therefore recommended that planning approval be granted for the proposed development on the basis of acoustics.” <p>The application has also been reviewed by Council’s Traffic Engineer who has stated the following:</p> <ul style="list-style-type: none"> • “Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on the surrounding road network. The proposal can be supported on traffic and parking grounds subject traffic related conditions.” <p>The proposal has also incorporated a driveway design considered to satisfactorily service the development and achieves full compliance with Council’s driveway controls as well as Australian Standards. The proposal also meets minimum requirements for onsite parking and includes 10 additional off-street visitor car spaces. Furthermore, as the proposal consists of the amalgamation of three existing sites into one, the proposal will therefore result in the reduction from four to a single vehicle access crossing (8 Manson currently utilising two points of vehicle entry) which results in less points in which vehicles turn off and onto Manson Street.</p>
<p>The proposal will have an impact to solar access for surrounding properties, proposed south facing units will not achieve sufficient sunlight</p>	<p>Shadow diagrams have been provided demonstrating that the proposed units and adjoining residential properties receive sufficient solar access. The proposal achieves a minimum two hours direct solar access to at least 70% of units.</p> <p>The breach in building height will not lead to a reduction in solar penetration on site nor will it lead to sunlight loss or overshadowing in a way that is considered to be unreasonable.</p>

<p>There will be visual and acoustic privacy issues for surrounding properties.</p>	<p>It is acknowledged that the natural characteristics of the site which includes the substantial fall in natural ground level from the north to south property boundaries significantly compromises the ability of the site to completely mitigate against all privacy impacts.</p> <p>Despite this the proposed development has been designed to minimise opportunities for any unreasonable levels of overlooking or intrusion of aural privacy of adjoining properties. This has been achieved by providing sufficient setbacks, screening elements, and highlight windows where needed.</p> <p>Appropriate residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access is achieved.</p>
<p>The proposal is not in keeping with the neighbourhood character by way of building shape and lot size.</p>	<p>The proposal achieves general compliance with building envelope, shape, size and bulk and scale. Although the proposal represents a first of its kind in terms of scale within the locality, it is expected that the proposal will comfortably fit in and reflect the desired future neighbourhood character of the area as it transitions to high density residential.</p>
<p>The proposed height is excessive and should maintain a low or medium density character.</p>	<p>The proposal is located within the R4 High-density residential zone with a maximum prescribed height of 22m. The proposal is supported by a clause 4.6 variation request which has been reviewed and is considered reasonable. It is noted that the height non-compliance primarily relates the lift overrun which is not expected to result in significant impacts to surrounding areas.</p> <p>It is acknowledged by Council that the lift overrun does not appear to serve as the primary concern regarding height as it is the entire building in general raised as the concern including portions of the building achieving full compliance with height controls. This prescribed height is consistent with all surrounding areas towards all directions and is reflective of the LAHC/Frasers masterplan and expected future character of the Telopea precinct. The proposed height is considered reasonable when reflecting on the context of the site and circumstances of the desired future character of the area.</p>
<p>The proposal will result in additional strain on existing utilities.</p>	<p>The proposal will include additional dwellings compared to what currently exists. The site is zoned for higher density residential development which ordinarily requires higher usage of utilities. Contributions will apply for the facilitation and management of demand for utilities.</p>
<p>The proposed tree removal is inappropriate.</p>	<p>The proposal requires significant tree removal to facilitate the development and has been accompanied by a landscape plan proposing significant planning that exceeds landscaping requirements for replacement planting. The proposal has been reviewed by Council's Landscape Officer who supports the proposal subject to conditions.</p>
<p>The proposal will result in non-compliant ADG building separation to side property boundaries.</p>	<p>The proposal has been assessed under the ADG and other planning controls concerning setbacks. Despite partially not complying with building separation requirements sufficient setbacks are achieved and amenity for surrounding areas is not considered to be unreasonably disrupted as a result.</p>
<p>Views will be blocked for residents opposite Manson Street.</p>	<p>The proposal is not located within an area that maintains view corridors. While existing nearby views may be disrupted as a result of the proposal, these impacts are considered necessary and reasonable when reflecting on the existing height controls that apply to the site as well as all immediate surrounding areas. Furthermore, imposing restrictions as part of an effort to reduce impacts to existing views would result in an unreasonable burden to the site and other nearby sites upon future development and result in detrimental variances to the expected future character of the Telopea precinct.</p> <p>The proposal is considered reasonable in this instance.</p>

18. Public interest

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

19. Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls.

The proposed development is appropriately located within the locality, some variations (as detailed above) in relation to the SEPP No. 65 and Parramatta LEP 2011 are sought. The request to vary the height standard is considered to be well founded for reasons including, but not limited to, the constraints imposed by the site and the desirability of providing a suitable scale of development that genuinely reflects the desired future character of the area.

Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been appropriately designed and will provide acceptable levels of amenity for future residents. It is considered that the proposal sufficiently minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

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

20. Recommendation

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

- A. **That**, the Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons:
- b) 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,
 - c) That the proposed noncompliance will result in negligible visual impact to adjoining properties and the streetscape and,
 - d) That the proposed noncompliance will result in negligible impact to bulk and scale as the proposed noncompliance is visually minor and is predominantly directed towards the centre of the building and not readily viewed from the streetscape.
- A. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **grant deferred commencement approval** to development consent to DA/516/2022 for the Demolition, tree removal and construction of a six storey residential flat building, comprising of 48 residential units over basement carparking and associated civil and landscaping works on land at 8-12 Manson Street, Telopea for the following reasons:
- a. The development is permissible in the R4 zone pursuant to the Parramatta Local Environmental 2011.
 - b. The development will be compatible with the emerging and planned future character of the area.
 - c. The development will provide housing and employment that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.
 - d. For the reasons given above, approval of the application is in the public interest.

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

DRAFT DEFERRED COMMENCEMENT CONDITIONS

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

Development Consent No.: DA/516/2022
Property Address: Lot 160 DP 36691, Lot 159 DP 36691, Lot 158 DP 36691

Schedule 1:

DAA0002 #Interallotment Drainage Easement

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

Submission to Council of suitable documentary evidence issued by the NSW Land Registry Services confirming the creation of an easement to drain water 1 metres wide over a downstream property or properties benefiting the subject lot known as 158, 159 & 160 of DP36691 (8-12 Manson Street, Telopea) and burdening the downstream property known as lots 149 & 150 of DP36691 (3 & 5 Cunningham Street, Telopea) has been registered with the NSW Land and Property Information Service.

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

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

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

Advisory Note:

Requesting Operational Consent: Once logged into the NSW Planning Portal, locate and open the development application with the deferred commencement in your Active work – Select “Request Operational Consent” from the Actions dropdown Menu – Enter the details of the Request – Upload your documents and categorise the file type before clicking attach – Click on the submit button

If you need more information, or experience any issues, you will need to liaise directly with ServiceNSW. To contact ServiceNSW, please phone 1300 305 695 or email info@service.nsw.gov.au.

Schedule 2:

PART A – GENERAL CONDITIONS

PA0001 #Approved Plans & Support Documents

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: Zhinarchitects

Drawing/Plan No.	Issue	Plan Title	Dated
DA – 100	B	Basement 3	13/09/2022
DA – 101	D	Basement 2 – Lower Ground	11/11/2022
DA – 102	C	Basement 1 - Mezzanine	11/11/2022
DA – 103	D	Ground Floor	18/08/2023
DA – 104	C	Level 1	11/11/2022
DA – 105	C	Level 2	11/11/2022
DA – 106	C	Level 3	11/11/2022
DA – 107	C	Level 4	11/11/2022
DA – 108	C	Level 5	11/11/2022
DA – 109	C	Roof Plan / Site Plan / Demolition	13/09/2022
DA – 200	C	Elevation North – Street View	13/09/2022
DA – 201	C	Elevation South	13/09/2022
DA – 202	B	Elevation West	13/09/2022
DA – 203	B	Elevation East	03/08/2022
DA – 204	B	Internal Section 1	03/08/2022
DA – 205	C	Internal Section 2	13/09/2022
DA – 206	B	Ramp Section and Façade Detail	03/08/2022
DA – 207	B	Material Schedule	13/09/2022

Drawing/Plan No.	Issue	Plan Title	Dated
SP - 104	C	Public Domain & Alignment Drawings	18/08/2023

Stormwater Design Drawings prepared by: SGC Consulting Engineers

Drawing/Plan No.	Issue	Plan Title	Dated
SW200	A	Basement 03 Plan	07/06/2022
SW201	A	Basement 02 Plan	07/06/2022
SW202	A	Basement 01 Plan	07/06/2022
SW203	A	Ground Floor Plan	07/06/2022
SW204	A	Easement Plan	20/06/2022
SW205	A	Roof Plan	07/06/2022
SW300	A	Sheet Details	20/06/2022
SW301	A	Sheet Details 2	20/06/2022
SW400	A	Plan and Details	20/06/2022
SW500	A	Plan and Details	20/06/2022

Landscape Drawings prepared by: Canvas Landscape Architects

Drawing/Plan No.	Issue	Plan Title	Dated
DA-L101	C	Landscape General Arrangement Plan	30/09/2022
DA-L102	C	Landscape Plan: basement 02	30/09/2022
DA-L103	D	Landscape Plan: ground floor	28/08/2022
DA-L104	C	Landscape Plan: level 05	30/09/2022
DA-L105	C	Existing tree location plan	30/09/2022
DA-L201	A	Landscape sections	30/09/2022

Specialist Reports

Document	Prepared By	Dated
Arboricultural Impact assessment report	Rain Tree Consulting	22/06/2022
Traffic and Parking Assessment	MLA Transport Planning	10/06/2022
Access Report	Vista access architects	17/06/2022
Stormwater management Report	S&G Consultants	20/06/2022
Traffic Noise Assessment	Rodney Stevens Acoustics	23/03/2022

Report		
Waste Management Plan	Dickens Solutions	March 2022
Geotechnical Assessment Report	Precision Engineering Group	16/03/2022
BASIX Certificate No. 1297502M	Designview	09/06/2022
Water NSW General Terms of Approval	David Stephens	27/06/2023
Endeavour Energy Response Letter	Cornelis Duba	07/07/2022
Sydney Water Corporation Response Letter	Kristine Leitch	22/07/2022
Voluntary Planning Agreement	Minister administrating the <i>Environmental planning and assessment act 1979</i>	04/08/2023

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 approved demolition plan prepared by Zhinarchitects, dated 13 September 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 Saturday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on 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

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

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
Hoarding: \$2,652-\$10,609 per street frontage in current financial year.	\$3,170.00
Nature Strip and Roadway: 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.	\$25,750.00

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 516/2022;
- (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.

LA0001 #Tree Retention

7. Trees to be retained are:

Tree No.	Name	Common Name	Location	Tree Protection Zone (m)
12	<i>Cinnamomum camphora</i>	Camphor laurel	Rear boundary	11.4 m

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

EPA0062 Soil and Water Management – Stockpiles

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

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

EPA0063 Nuisance Lighting

9. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Interim Australian Standard DR AS/NZS 4282:2018 The Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of the surrounding neighbourhood from the emission of light.

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.

EWA0002 Amenity of waste storage areas

12. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

EWA0006 Provide waste storage room on premises

13. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Waste DCP including:

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

14. Prior to issue of a construction certificate, amended plans shall be provided to the satisfaction of the principle certifying authority that demonstrate full compliance with the Access Report prepared by vista access architects, dated 17 June 2022.

Reason: To ensure BCA compliance for universal access requirements.

15. The requirements outlined in the letter prepared by Endeavour Energy, dated 7 July 2022 shall be complied with throughout the construction process.

Reason: To ensure compliance with Endeavour Energy requirements.

16. The requirements outlined in the General Terms of Approval issued by Water NSW, dated 27 June 2022 shall be complied with throughout the construction process.

Reason: To ensure compliance with Water NSW requirements.

17. The requirements outlined in the letter prepared by Sydney Water Corporation, dated 22 July 2022 shall be complied with throughout the construction process.

Reason: To ensure compliance with Sydney Water Corporation requirements.

EWA0005 Garbage Chutes

18. Any garbage chutes must be designed in accordance Council's Waste DCP. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

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.)

DB0001 Stormwater Disposal

19. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

DB0002 Retaining walls

20. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600mm in height or within 900mm of any property boundary.

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated, then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

21. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website

<http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DB0004 Dial Before you Dig Service

22. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To ensure Council's assets are not damaged.

DB0007 Basement carpark and subsurface drainage

23. The perimeter walls and floor of the basement shall be constructed using a "Tanked Construction" method, to prevent any flood and ground waters seeping through the basement walls and floor base. This must be provided using a diaphragm wall and membrane or other approved form of construction and not through permanent draining of the basement structure.

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

Details demonstrating compliance are to be submitted to the satisfaction of the principle Certifying Authority prior to release of relevant Construction Certificate.

The basement stormwater pump-out system is to only cater for stormwater generated from the driveway and water that has been

tracked in by vehicles. Groundwater is not permitted to be pumped to Council's stormwater system. The pump out system must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: Protection of the environment and public health.

DB0009 Collect&discharge of dirty water from car wash bay

24. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

DB0012 #On Site Detention

25. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth

Edition), the relevant Australian Standards and the National Construction Code.

(i) **“Stormwater Management Plan”, Drawing No SW100, SW200-SW205, SW300, SW301, SW400, SW500, Issue A,** dated 20/06/2022, prepared by SGC.

- (b) A Site Storage Requirement of 330 m³/ha and a Permissible Site Discharge of 130 L/s/ha (when using 3rd edition of UPRCT’s handbook)
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank. If any grates are sealed, suitably designed ventilation shafts shall be provided.
- (d) The orifice shall be centred over the centre of the outlet.
- (e) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.

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

DB0013 #Water treatment for stormwater

26. 6 690 Psorb StormFilter water quality treatment devices must be installed to manage surface runoff water to Cunningham Street to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

DB0014 Underground electricity supply for townhouses&above

27. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

Reason: To enable future upgrading of electricity services.

DB0015 Shoring for adjoining Council property

28. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A

copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

DB0017A Construction of a heavy duty vehicular crossing

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

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

Reason: To ensure appropriate vehicular access is provided.

DB0018 Exhaust fumes

30. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 2015 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

Reason: To preserve community health and ensure compliance with acceptable standards.

DB0019 #Disabled parking

31. A total of three (3) accessible car-parking spaces must be provided as part of the total car-parking requirements. These spaces and access to these spaces must comply with AS2890.6 - 'Parking facilities' - 'Off-street parking for people with disabilities and AS1428.1 - 'Design for access and mobility' - General requirements for access - New building work' 2001 and 2009 and AS1428.4 - 'Design for access and mobility' - 'Tactile ground surface indicators for orientation of people with vision impairment' - 'Means to assist the orientation of people with vision impairment - Tactile ground surface indicators' 1992 and 2009.

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

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

DB0020 Security roller shutters for basement car parking

32. Where a security roller shutter or boom gate prevents access to visitor carparking, an intercom system is required to be installed to enable

visitor access to the car parking area. Details of the system and where it is to be located is to accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure visitor carparking is accessible.

DB0021 Impact on Existing Utility Installations

33. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

DB0022 Support for Council Rds, footpath, drainage reserv.

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

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

Reason: To protect Council's infrastructure.

DB0026 Driveway Grades

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

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

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

36. Prior to the issue of an Occupation Certificate, the Certifying Authority shall ensure the stormwater management plans are revised to demonstrate:

- a. An overflow chamber shall be provided located past the OSD system. The underdrains from the stormwater filters and the HED pit shall drain into the overflow chamber.
- b. Except for the SF weir, all walls around the SF chamber are to be set as high as 1% AEP Top Water Level (TWL) in the OSD tank (or full height). There should be generally no backflow from the OSD tank to the SF chamber in the majority of storm events
- c. The HED chamber (Discharge Control Pit (DCP)) is to be located downstream of the SF weir.
- d. Overflow from the SF chamber is discharged to the HED chamber where the HED orifice is located.
- e. An equivalent flow to the SF chamber outflow shall be reduced from the Permissible Site Discharge (PSD) in the OSD calculations and the orifice size shall be adjusted to account for the flow through the SF chamber.

Reason: To ensure satisfactory stormwater disposal.

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

37. Prior to the issue of an Occupation Certificate, the Certifying Authority is to ensure that all plans are revised to ensure all external areas can drain via surface flows to the OSD tank. Areas downstream of the OSD system (i.e. bypass areas) shall be graded towards the legal discharge point. No areas shall be graded towards the building.

Reason: To ensure emergency overflows do not enter the building.

LB0001 Planter Box Details

38. The proposed landscape documentation is required to be updated to include construction details showing substrate depth, drainage, waterproofing for ground floor and roof top planter boxes and is to form part of the application for a Construction Certificate.

Reason: To ensure the creation of functional gardens.

LF0001 Landscape maintenance

39. All landscape works shall be maintained for a minimum period of one (1) year following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions.

Reason: To ensure restoration of environmental amenity.

PB0008 No external service ducts for multi-unit develop

40. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the quality built form of the development.

PB0012 Single master TV antenna

41. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To protect the visual amenity of the area.

PB0028 SEPP 65 verification

42. Design Verification issued by a registered architect is to be provided with the application for a Construction Certificate detailing the construction drawings and specifications are consistent with the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

43. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

PB0032 Constr. Noise Managt. Plan for townhouses & above

44. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

- (a) Identification of nearby residences and other sensitive land uses.
- (b) Assessment of expected noise impacts.
- (c) Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts.
- (d) Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

Reason: To prevent loss of amenity to the area.

PB0033 Energy Provider requirements for Substations

45. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

Reason: To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

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

46. The development must incorporate five (5) adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

Reason: To ensure the required adaptable dwellings are appropriately designed.

PB0051 #Par.Dev.Contrib.Plan2021–Outs CBD 2021 (Amend 1)

47. A monetary contribution comprising **\$851,972.37** is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *City of Parramatta (Outside CBD) Development Contributions Plan 2021 Amendment 1*. Payment must be made by direct bank transfer or credit/debit card only. Payment can be made by contacting Council's Customer Contact Centre on 1300 617 058.

Contribution Type	Amount
Open space and outdoor recreation	\$ 554,826.58
Indoor sports courts	\$ 50,568.61
Community facilities	\$ 66,508.64
Aquatic facilities	\$ 15,500.38
Traffic and transport	\$ 156,433.11
Plan administration	\$ 8,135.05
Total	\$ 851,972.37

Timing of payment

The contribution is to be paid to Council prior to issue of Construction Certificate. Deferred payments of contributions will not be accepted, and requests for payment by multiple instalments will not be granted.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

The *City of Parramatta (Outside CBD) Development Contributions Plan 2021 Amendment 1*. can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

TB0001 #Car Parking Condition

48. The PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002 #Bicycle parking condition

49. 52 bicycle spaces/racks, as shown on the plans, are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS2890.3-2015. Shared bicycle storage facilities and visitor bicycle parking spaces are to include 10A e-bike charging outlets to 10% of spaces with no space being more than 20 metres away from a charging outlet. Chargers are to be provided by the owner. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

TB0003 #Parking Provision

50. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 53 parking spaces is to be provided and be allocated as follows:

- a) 43 parking spaces for the residential units including five (5) accessible spaces;
- b) 10 visitor parking spaces.

An EV Ready Connection must be provided to at least one car parking space per dwelling. All car share spaces and spaces allocated to visitors

must have a Shared EV connection. Details are to be illustrated on plans submitted with the construction certificate application.

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

TB0012 #Convex Mirror

51. Convex mirrors are to be installed at the bends along the internal ramps, with their height and location adjusted to allow drivers a full view of the driveway in order to see if another vehicle is coming through. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure safety of drivers.

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

52. Pavement markings of all EV spaces are to be provided in accordance with Table 6.1 of the Austroads '*Standardised Signage and Pavement Symbols for Low and Zero Emission Vehicles*' research report (AP-R667-22) for electric-powered vehicles. Any EV infrastructure installed should not impact the dimensions of any parking spaces. Details are to be illustrated on plans submitted with the construction certification application.

Reason: To comply with Council's parking requirements and Austroads Guidelines.

53. Prior to the issue of any construction certificate, the applicant must ensure the bulk items storage area is made into its own separate area with independent access.

Reason: this is to ensure that the bins and bulk waste items do not inhabit the same space and cause issues with blockage. i.e. the bins blocked access to the bulk waste and vice versa.

54. Amended plans are to be prepared and submitted to the satisfaction of the principal certifying authority demonstrating the inclusion of dual water systems as per requirements of part 4.3.9.4 of the Parramatta Development Control Plan 2011.

Reason: To ensure compliance with Sydney Water requirements.

55. Amended plans are to be provided to the satisfaction of the Principal Certifier demonstrating a mixture of left and right hand transfers onto the pan within the adaptable bathrooms.

Reason: To bring the units up to the intent of the BCA.

Bulk waste room and access

56. Prior to issue of the Construction Certificate the applicant is to amend the plans relating to locating and design of a bulk waste room. The bulk waste room must have an independent access to and from the loading dock and not via the residential waste holding area.

Reason: To ensure residents can store bulk household rubbish for Council's clean up without placing it on public land which causes illegal

dumping and amenity issues. Further, ensures council and its contractors can safely access the bulk waste room and access is not impeded.

1. Public Domain Construction Drawings - Prior to the issue of a Construction Certificate

57. Prior to the issue of a Construction Certificate for any construction work relating to the ground floor, c works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not be limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, forecourt, front setback.
- Any works in carriageway, and
- Onsite landscape work

Grading of the pedestrian footway:

- Detailed design spot levels and designed contour lines are required.
- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved public domain drawings,
- The approved public domain alignment drawings
 - D09111332 : Updated Plans - Additional Information - 8-12 Manson Street Telopea
 - PUBLIC DOMAIN & ALIGNMEN DRAWINGS – Drawing no. SP – 104 – Issue C by Zhinar Architects
 - 8-12 MANSON STREET, TELOPEA - CIVIL WORKS CONCEPT DESIGN
 - C100 COVER SHEET Rev C
 - C201 PUBLIC DOMAIN - CIVIL WORKS - GENERAL ARRANGEMENT PLAN Rev C
 - C301 PUBLIC DOMAIN - CIVIL WORKS - LONGITUDINAL SECTIONS Rev C
 - C401 PUBLIC DOMAIN - CIVIL WORKS - CROSS SECTIONS Rev C
 - C601 CIVIL WORKS - BULK EARTHWORKS C
- The approved landscape drawings, and

- DA-L103 Rev C Dated 28/08/23 Landscape Plan – Ground Floor
- All the conditions listed in this consent.

Important: The Public Domain Construction Drawings must be prepared after test pits have been dug and inspected within the public domain, and it is confirmed that all proposed trees shown on the stamped DA drawings can be planted and there are no clashes with any services, existing or proposed.

Council will not entertain deleting / removal of any trees at CC stage due to a services coordination or any other construction issue.

It is assumed at this stage that there are no clashes or conflicts with any services existing or proposed.

Reason: To comply with Public Domain Guidelines.

Footway Specifications

58. Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, the following requirements shall be included in the Public Domain Construction Drawings:

Footpath

The standard concrete paving, as per the PDG and Council Standard detail DS 3, shall be applied to Manson Street to the full length of the development site. Detailed design spot levels are required.

A footpath width of 1500 mm is required. A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

Vehicle Crossing

Council's standard vehicle crossing is to be provided. Refer Council's design standards DS9 and DS 10. If the adjacent property driveways are damaged during construction, they are to be reconstructed to the above specifications.

Pit Lids, Frames and Grates

All Pit lids and grates in paved areas of the public domain should be level with the paving around and aligned with the paving pattern as per the PDG. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material.

All Pit lids, frames and covers in the public domain must be of class 'C' load bearing capacity in all pedestrian areas and class 'D' for all shared zones.

Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Lighting

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket. Streetlights in the public domain to be located at the back of kerb within the furniture zone as per the PDG.

Green Pillars

Green Pillars for electrical connections, where required / or where existing, should be coordinated with public domain elements, be outside the clear path of travel and must be neatly located 100mm away from the face of the building / property boundary wall / footpath (as applicable), in agreement with Council's Public Domain team. Any existing green pillars must be moved and located as stated above.

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To comply with the Public Domain Guidelines.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

DC0001 Construction and Traffic Management Plan

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

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

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

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

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

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

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

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

DC0002 Road Opening Permits - DA's involving drainage wrk

61. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

Reason: To protect Council's assets throughout the development process.

DC0003 Dilapidation survey & report for private properties

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

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

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

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

Reason: Management of records.

DC0004 Geotechnical report

63. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.
 - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations.

Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.

- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

DC0006 Erosion and Sediment Control measures

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

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

DC0007 Site Maintenance

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

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

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

DC0008 Shoring and adequacy of adjoining property

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

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

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

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

DC0009 Special Permits

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

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

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

Reason: Proper management of public land.

DC0010 Driveway Crossing Application

68. 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.

DCNSC Non-standard - Prior to Work Commencing

69. Non-standard conditions – Prior to Work Commencing

Details of the proposed kerb and gutter and the road pavement reconstruction works must be submitted and approved by Council's Civil Assets team prior to the commencement of works.

Reason: To ensure the protection of Council infrastructure.

LC0002 #Tree protection as per arborist report

70. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by Rain Tree Consulting Ref No. 6722 dated 22.06.22 and the conditions of consent.

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

LC0006 Pruning/works on tree(s)

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

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

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

PC0001 #Appointment of PCA

72. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

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

Reason: To ensure public safety.

PC0003 Site Sign

74. 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.

PC0005 Public liability insurance

75. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

Note: Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

PC0007 Footings and walls near boundaries

76. Prior to the commencement of work, a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary. This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

PC0010 Compliance with Home Building Act (If Applicable)

77. 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).

EWC0003 Waste management plan – demolition

78. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- b) destination of each type of waste, including the name, address and contact number for each receiving facility.

The Waste Management Plan is to be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any works on site.

Reason: To ensure waste is managed and disposed of properly.

EWC0002 Asbestos – signage

79. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the

words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW Safework Authority hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of the NSW Safework Authority.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

DD0002 #Stormwater must be connected to the kerb & gutter

80. Stormwater must be connected to the kerb and gutter within the property frontage of Manson Street.

Reason: To ensure satisfactory storm water disposal.

DD0005 Erosion & sediment control measures

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

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

82. 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.

DD0007 Construction of a concrete footpath

83. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

DD0009 Car parking & driveways

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

Reason: To ensure appropriate car parking.

DD0010 Vehicle egress signs

85. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.
Reason: To ensure pedestrian safety.

DD0011 Nomination of Engineering Works Supervisor

86. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.
Reason: To ensure Council's assets are appropriately constructed.

LD0004 Material storage and trees

87. No materials (including waste and soil), equipment or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the Tree Protection Zone (TPZ) of any tree whichever is greater. All activities involving soil level changes, excavation, all types of cleaning, and refuelling are prohibited within the TPZ.
Reason: To ensure the protection of the tree(s) to be retained on the site.

LD0006 #Excavation to be supervised by arborist

88. All services, including the proposed sewer realignment, and any structural footing installed within 11.4 metres of *Cinnamomum camphora* (Camphor Laurel) located at the rear boundary identified as Tree No. 12 within the Arboricultural Impact Assessment and Tree Protection Plan prepared by Rain Tree Consulting Ref No. 6722 dated 22.06.22 will be installed by directional drilling or in manually excavated trenches. Machine excavation including trenching is not permitted. Pruning of roots greater than 30mm in diameter or larger is not permitted. The directional drilling bore will be a minimum of 600mm in depth. All work is to be supervised by an Australian Qualifications Framework (AQF) Level 5 arborist (Project Arborist) at all times. Once the work is completed the Project Arborist is to provide certification to the Principal Certifying Authority.
Reason: To provided adequate protection of trees.

LD0008 No attachments to trees

89. 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).

LD0011 Tree Removal

90. Trees to be removed are:
Trees to be removed are numbered 1 to 11 and 13 to 20 as specified in the Arboricultural Impact Assessment Prepared by Rain Tree Consulting dated 22.06.22
Reason: To facilitate development.

LD0013 Removal of trees by an arborist

91. 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.

PD0006 Hours of work and noise

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

- **7am to 5pm on Monday to Friday**
- **7am 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.

PD0020 Building Work Compliance BCA

93. 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.

TD0001 Road Occupancy Permit

94. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

95. 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.

EPD0001 Dust Control

96. 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 maintained

97. 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.

EWC0001 Asbestos – hazardous management strategy

98. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the

commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

EWD0001 Asbestos–records of disposal & licensed waste fac.

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

Reason: To ensure appropriate disposal of asbestos materials.

EWD0002 Asbestos–handled & disposed of by licensed facilit

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

Reason: To ensure appropriate disposal of asbestos materials.

EWD0004 Hazardous/intractable waste disposed of in accord.

101. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safe work 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.

Reason: To ensure no adverse impacts on neighbouring properties.

EWD0005 General requirements for liquid and solid waste

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

Reason: To prevent pollution of the environment.

EWD0008 Contaminated waste to licensed EPA landfill

103. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

EWD0013 Polluted water excavat.- analysis before discharge

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

Reason: To prevent pollution of waterways.

EWD0014 De-watering of Excavated Sites

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

neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

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

106. Prior to delivery of any Trees to site for installation the applicant must submit:
- 3 photographs of each tree to be planted, showing left side, right side and front-on of the tree in the ground with stakes and ties. These photographs must be accompanied with a 'Nursery Certificate' noting their state of health and their care, including the location details. This certificate must be provided by the nursery that grew/supplied the tree; and
 - Imported top soil data sheet

These certificates are to be provided to the Tree Operations team within Council's Parks and Open Spaces team before the delivery of trees to site and / or prior to raising the inspection request.

Reason: To ensure suitability of tree planting within the public domain.

Prior to the Commencement of Construction in Public Domain

107. Prior to any work the Principal Certifying Authority is to confirm the ground floor slab levels, including finishes, will be flush with the existing public domain as per the approved Public Domain Alignment Drawings

As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.

All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact **Council's Inspection Officer** for each inspection listed below. At least **48 hour** notice must be given for all inspections, except tree inspections which require a 7 days' notice

The required inspections include the followings :

- Commencement of public domain works including tree protection measures installed, and set out of tree pits;
- Formwork inspection for all footpaths and footpath crossing call 9806 8250 minimum of 24 hours in advance of the required inspection.
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments.
- Completion of concrete blinding layer before any paver to be laid; and set out/location of furniture installation.
- Completion of (raised) planting beds with required sub-drainage layer installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection.
- Delivery of street trees to site.
- Installation of street trees including required sub-drainage layer installed as specified. Council's Tree Operations team should be notified 7 days prior to installation to enable inspection at the time of installation.
- Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.
- Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.

Note: Additional daily inspections by Council Officers may occur to view progressive paving set out and construction depending on the project size and type.

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

Reason: To ensure the quality of public domain works complies with Council standards and requirements and to ensure the public domain is constructed in accordance with Council standards.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

108. 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.

DE0001 Construction of a concrete footpath

109. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

DE0003 Work-as-Executed Plan

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

- (a) A WAE survey shall be conducted and plans prepared showing the 'as built' of the complete on-site detention system including (but not limited to) discharge point into Council system, storage tank (including all critical elements), all pipes and pits connected to the OSD system, overland flow swale and surface levels that control surface flows to the OSD system and by design bypassing the OSD system.
- (b) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (c) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- (d) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table
- (e) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The certificate must only be provided after conducting a satisfactory final inspection. The final inspection shall include the application of all the ancillary components of the system including but not limited to: step-irons, orifice plate, trash screen with appropriate wall attachment, hinged lockable grates, confined space sign, functioning return lap valve and relief drains within DCP sump etc.
- (g) Certificate of Structural compliance of the OSD tank shall reference the structural elements including floor slab/foundations, walls and cover slab from a qualified structural engineer

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

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

DE0005 OSD Positive Covenant/Restriction

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

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

Council's standard application form shall be lodged, accompanied by the required documents and plans, only after the completion, final inspection and certification of the on-site detention system.

The Positive Covenant and Restriction on the Use of Land is to be created through an application to NSW Land Registry Services using forms 13PC and 13RPA.

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

Electronic colour photographs in jpg format of the on-site detention facility shall accompany the application for the Positive Covenant and the

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

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

DE0006 Section 73 Certificate

112. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Reason: To ensure the requirements of Sydney Water have been complied with.

DE0007 Street Numbering

113. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

DE0011 Signal system

114. To prevent vehicle collisions where a single lane access/egress ramp exists a signal system shall be installed and located:

- (a) Within the building adjacent to the street alignment; and
- (b) Along the ramp.

The system is to illuminate green when it is safe to use the ramp and red when a vehicle is negotiating the ramp.

Certification the system is in working order is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To properly manage vehicle entry to, and exit from the subject site.

DE0014 Lot consolidation

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

Reason: To comply with the Conveyancing Act 1919.

DE0015 Driveway Crossover

116. 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.

DE0018 Reinstatement of laybacks etc

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

Reason: To provide satisfactory drainage.

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

118. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

PE0001 Occupation Certificate

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

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

PE0006 Street Number when site readily visible location

120. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

Reason: To ensure a visible house number is provided.

PE0007 #BASIX Compliance

121. 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. 1297502M, will be complied with prior to occupation.

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

PE0008 Completion of Public Utility Services

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

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

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

PE0025 SEPP 65 verification statement OC stage

123. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction

certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

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

124. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

Reason: To ensure the requirements of DCP 2011 have been met.

PE0027 Post Constr. Private Property Dilapidation Report

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

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

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

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

EWB0002 Separate waste bins for general & recycling waste

126. Separate waste bins are to be provided on site for recyclable waste.

Reason: To provide for the appropriate collection/recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.

Waste Inspection

127. Prior to the issue of any Occupation Certificate, communal waste facilities and associated vehicle access on the site shall be inspected and approved by Council’s Waste Service Team. Written confirmation of the waste facility approval from Council shall be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To ensure that appropriate waste collection facilities are provided.

Waste by law

128. Prior to the issue of any Occupation Certificate, a draft strata by-law with the insertion of waste specific by-laws is to be provided to Council's Waste Service Team. The waste specific by-laws can be provided by Council's Waste Service Team.

Reason: To ensure that appropriate waste collection facilities are adequately managed by the authorised representatives and occupants of the building and to ensure no waste activities generated on site is placed on public land.

VPA Contributions

129. The person holding the benefit of the approved development is to pay the Minister or the Minister's nominee each contribution amount as outlined under Schedule 4 of the executed State Voluntary Planning Agreement issued by the NSW Department of Planning, dated 4 August 2023.

Reason: To ensure that appropriate satisfaction of the requirements of Part 7 of the *Environmental Planning and Assessment Act 1979*.

EWE0009 Waste Room Positive Covenant/Restriction

130. A right of access and easement for Council to facilitate waste and recycling removal, using terms available from Council, must be registered on the land title with NSW Land Registry Services pursuant to Section 88B of the Conveyancing Act 1919.

The easement must entitle Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, including vehicles and other equipment, for the purposes of waste and recycling collection.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate.

Reason: To ensure appropriate access to waste storage room(s) for removal of waste.

EWE0008 Vehicle washing—general requirement for waste water

131. Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bounded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater agreement shall be obtained from Sydney Water before operation of the wash bay commences and a copy of the permit submitted to Council's Environment and Health Unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.

Reason: To ensure proper disposal of waste water.

EWE0006 Ventilation – waste storage rooms

132. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

Reason: To ensure compliance with BCA requirements.

Street Tree Specifications

133. Notwithstanding the approved plan sets as they relate, the required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
Manson Street	<i>Tristaniaopsis laurina</i>	Water Gum	100l	3 Nos. - As per approved drawings or average spacing, whichever is greater	Typically, 8-10m, or as shown on the approved drawings or as agreed by Manager Urban Design or Landscape Management Officer

Note:

- **Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.**
- **Evidence of the order for trees must be submitted to the DTSU with the Public Domain Construction Drawings.**
- **When the construction drawings are submitted, it is assumed that all tree locations have been coordinated with existing and proposed services. Reduction in number of trees as shown on the construction drawings is not permissible and Council will not entertain any changes to the tree numbers (or agreed soil volumes) once drawings have been approved.**

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018. Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standards with adequate clearances to other street elements in accordance with the Public Domain Guidelines. The tree trunks are to be setback minimum 750mm from the back of kerb and an organic mulch ring is to be provided around the tree at level with the turf.

Calculations demonstrating tree pit and soil volume compliance as per the PDG are to be included in the Public Domain Construction Drawings. Soil volume calculations are to be based on a maximum depth of 1.2 m excluding any drainage layers.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To ensure high quality street trees are provided, and to minimise plant failure rate and ensure quality of stock utilised.

Trees within Property Boundary in Setbacks – specifications

134. Notwithstanding the approved plan sets as they relate, the provision of suitable species of tree shall be planted in the setbacks specified below, **in deep soil**. The required tree species, quantities and supply stocks are as per the approved landscape drawings mentioned earlier.

Note:

- ***Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.***
- ***Evidence of the order for trees must be submitted to the DTSU with the Public Domain Construction Drawings.***

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

The requirements for height, calliper and branch clearance for trees should be in accordance with AS2303:2018. Consistent tree pit size and construction is to be used throughout the setback areas around the site for the tree planting.

Calculations demonstrating tree pit and soil volume compliance as per the PDG are to be included in the Public Domain Construction Drawings. Soil volume calculations are to be based on a maximum depth of 1.2 m excluding any drainage layers.

Documentary evidence of compliance with these requirements is to be confirmed in the **Public Domain Construction Drawings** and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To ensure high quality trees are provided in the setbacks to provide good shading and public amenity and to achieve the council's aspiration to facilitate development in a way that provides for mature tree vegetation and natural shade in the LGA and the NSW targets, and to minimise plant failure rate and ensure quality of stock utilised.

135. Prior to **issue** of an Occupation Certificate, the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a **final approval** obtained from Council's Assets & Environment Manager.

The **Work-as-Executed Plans** shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.

Council will issue the **final approval** for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A **final inspection** will be conducted by Council's Assets and Environment Team after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.

A two year (104 week) maintenance and defects period is required for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc., to be carried out by the developer following final OC approval of the public domain works by Council's Assets and Environment Manager.

Reason: To ensure the quality of public domain works is completed to Council's satisfaction.

PART F – OCCUPATION AND ONGOING USE

DFNSC Non-standard - The Use of the Site

136. The development must not pump any groundwater into Council's Stormwater System.

Reason: To protect the environment

PF0004 External Plant/Air-conditioning noise levels

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

Reason: To minimise noise impact of mechanical equipment.

PF0049 Graffiti Management

138. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

Reason: To ensure the removal of graffiti.

PF0054 Release of Securities/Bonds

139. 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.

TF0002 #Roller shutter door intercom is installed

140. If a roller shutter door is to be provided at the driveway entry and exit from Manson Street, it is to be operated via remote control. If an intercom is installed, it is to be provided at the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

EWF0005 Management of waste storage facilities

141. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

EWF0006 Storage of bins between collection periods

142. 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.

EWF0003 Remove putrescible waste at sufficient frequency

143. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

EAF0001 #Use is not to cause offensive noise or vibration

144. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

EAF0004 No 'offensive noise'

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

Reason: To reduce noise levels.

EAF0007 Noise from mechanical equipment

146. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

EAF0009 Use of Premises

147. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy;
- (a) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines

for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.

Reason: To prevent loss of amenity to the area.

Date: 18 September 2023

Responsible Officer: Cade Tracey