



City of Parramatta	
File No:	DA/405/2023

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No:	DA/405/2023
Subject Property:	LOT 22 DP 16064, 140 Alfred Street, HARRIS PARK NSW 2150
Proposal:	Construction of new single storey residential dwelling with included attic.
Date of receipt:	17 July 2023
Applicant:	McDonald Jones Homes
Owner:	Ms L T Roumanous
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:	No (0) Submissions
Recommendation:	Approval
Assessment Officer:	Caitlin Hopper

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• Parramatta Local Environmental Plan 2023 (PLEP 2023)• Parramatta Development Control Plan 2011 (PDCP 2011)• Parramatta Development Control Plan 2023 (PDCP 2023)
Zoning	R3 – Medium Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	Yes – Clause 4.3 Height of Buildings
Delegation	Parramatta Local Planning Panel (PLPP) due to Clause 4.6 variation greater than 10%.

1. Executive Summary

The subject site is known as 140 Alfred Street, Harris Park. The site and surrounding properties are zoned R3 Medium Density Residential. The site currently accommodates a vacant lot.

The site is located within an established residential area characterised by single storey residential dwellings, with the subject site adjoining single storey dwellings to the north, west and south.

The proposed development for the construction of new single storey residential dwelling with an included attic. The proposed development includes a variation (of 1.505m or 13.7%) to Clause 4.3 Height of Buildings under the Parramatta

Local Environmental Plan 2023. The extent of the variation to the RL11m height control applies to the attic addition proposed towards the rear of the dwelling to meet the flooding requirement of the site and provide refuge above the PMF level.

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

2. Site Description and Conditions

The subject site is legally described as Lot 22 DP 16064 and commonly known as 140 Alfred Street, Harris Park and has an approximate area of 486.8m².

The lot is currently vacant. However, Council's records do not indicate that approval was granted for the demolition of the dwelling house previously on the lot. Notwithstanding, the matter has been referred to Council's Compliance Team.

The site is located on relatively flat land, however there is a minor slope towards the east of 0.29m over a distance of approximately 19 metres.

The site has a street frontage of approximately 12.19m to Alfred Street.

It is located within an existing residential area comprising of low to medium density residential developments.

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



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in orange. Source: Nearmap: October 2023



Figure 2: Subject site as viewed from Alfred Street. Source: Site Inspection.



Figure 3: Adjoining site to the south (138 Alfred Street) as viewed from Alfred Street. Source: Site Inspection.



Figure 4: Adjoining site to the north (142 Alfred Street) as viewed from Alfred Street. Source: Site Inspection.



Figure 5: R3 Medium Density Residential Zoning Map extract (PLEP 2023).

3. The Proposal

Development Application DA/405/2023 was lodged on 17 July 2023 for the construction of new single storey residential dwelling with included attic. Specifically, the application seeks approval for:

- Construction of a single storey residential dwelling with an attic space.
Ground Level – Kitchen, dining, family/living, laundry, bathroom, three bedrooms and garage.
Attic Level – Shelter-in-place area.

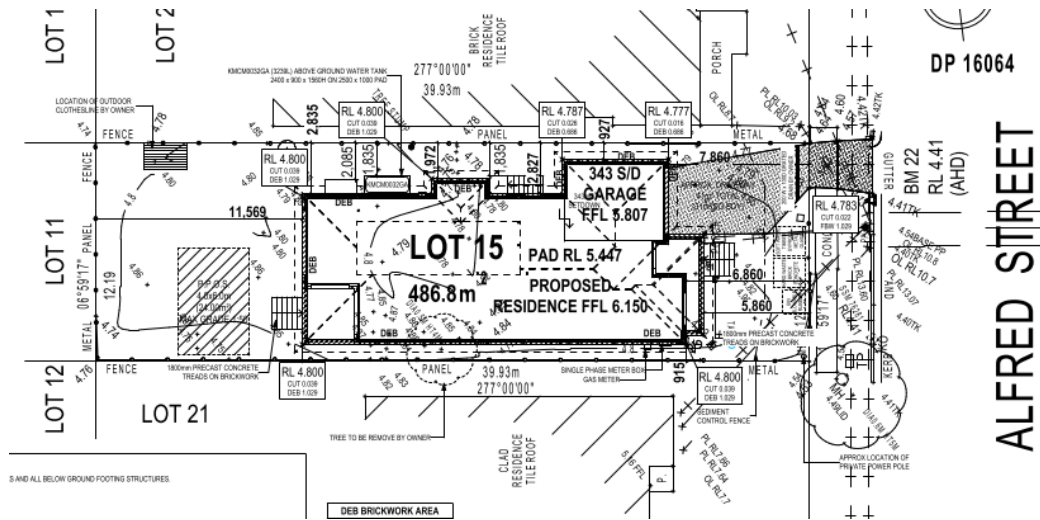


Figure 3: Site Plan. Source: McDonald Jones.

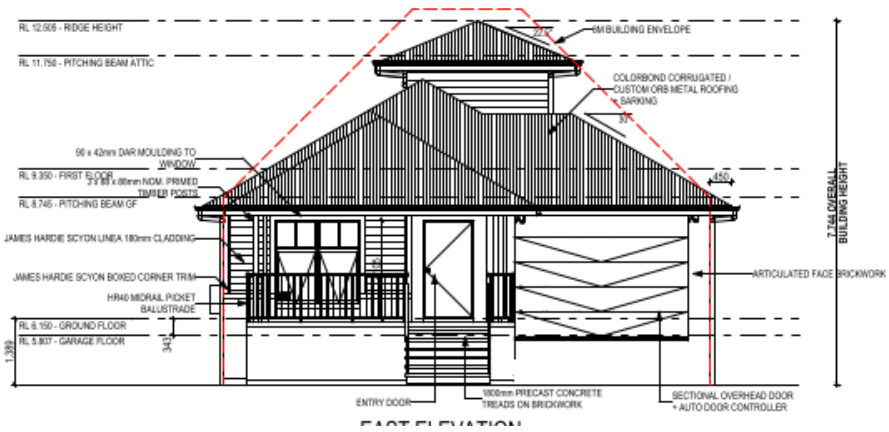


Figure 7: East Elevation (Front). Source: McDonald Jones.

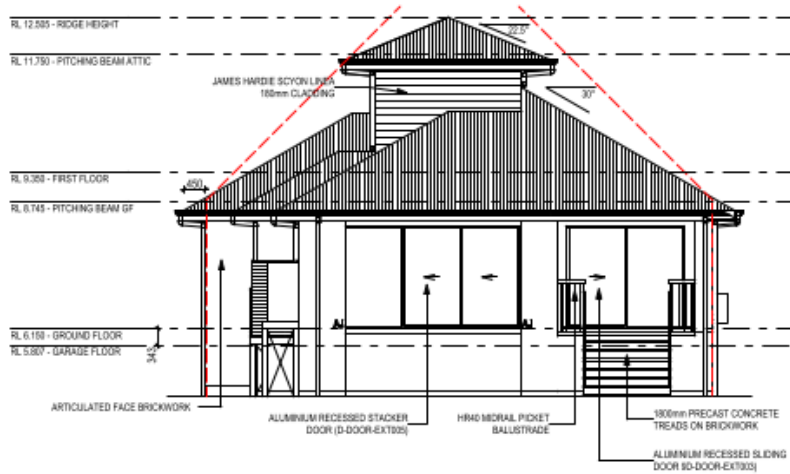


Figure 8: West Elevation (Rear). Source: McDonald Jones.

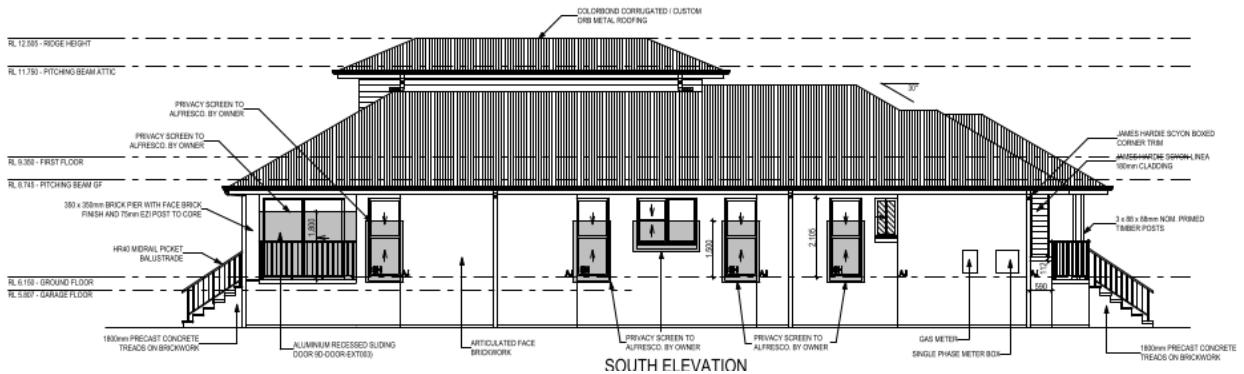


Figure 9: South Elevation (Side). Source: McDonald Jones.

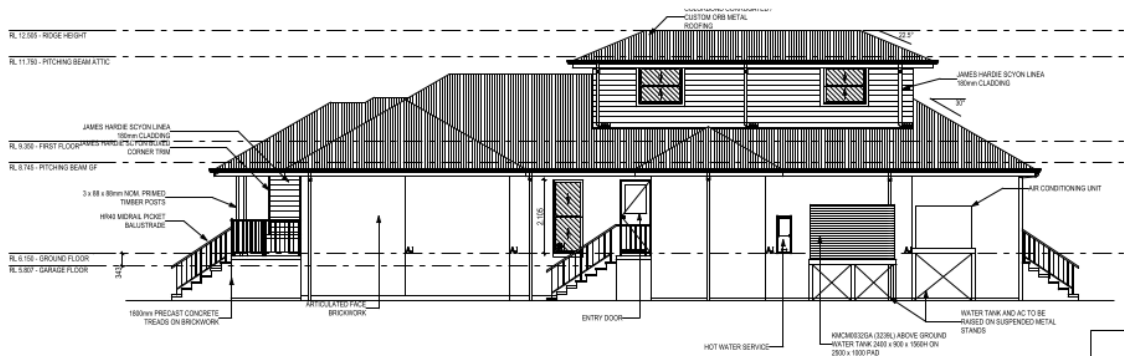


Figure 10: North Elevation (Side). Source: McDonald Jones.

4. Relevant Application History

Date	Comment
19 April 2022	DA/311/2022 was lodged to Council for construction of a new dwelling.
18 August 2022	DA/311/2022 was withdrawn due to flooding concerns.
28 October 2022	DA/877/2022 was lodged to Council for the construction of a single storey dwelling and associated landscaping.
23 February 2023	DA/877/2022 was withdrawn due to flooding concerns.
17 July 2023	DA/405/2023 was lodged to Council for the construction of new single storey residential dwelling with included attic.
25 September 2023	Additional information was request by Council.
12 October 2023	Additional information was received by Council.

5. Referrals

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

Referral	Comment
Engineering	<p>Supported, subject to conditions of consent.</p> <p>Council's Development Engineer reviewed the application and notes the following:</p> <ul style="list-style-type: none">• The proposed development includes construction of single storey residential dwelling with attic above the PMF level at 140 Alfred Street, Harris Park.• A 2D hydraulic model of the Clay Cliff Creek at the vicinity of the proposed development site at 140 Alfred Street was developed to assess the flood behaviour at the proposed development site and quantify the impact of flooding due to the proposed development to the adjoining properties. Council has a flood study for this site; however, a new flood model was requested to compare the pre and post development scenarios. The flood model prepared by BMB engineering did not consider modelling of Parramatta River. Hence, this model is only calibrated with the 1% AEP flood level at the development site provided by the council.• Based on information provided by Parramatta City Council, the 5% AEP, 1% AEP and PMF level at the development site is RL 4.50 m AHD, RL 5.60 m AHD and RL 9.30 m AHD respectively.• The modelled flood levels in the flood report by BMB engineers at the rear of 140 Alfred Street is RL 5.61 m AHD. This value is 10mm above the 1% AEP flood level provided by the council. Hence, this model is considered appropriate for flood impact assessment for the proposed redevelopment. The building footprint of the existing dwelling has been replaced by the footprint of the proposed building and raised in DEM (blocked the proposed dwelling footprint).• The 1% AEP flood level difference at the vicinity of the development site due to the proposed development, indicates that there is a localised increase in flood level at the western side of the proposed dwelling by up to 25mm. However, this increase ceases within the development site. The increase in flood level at property boundary is up to 13mm and adjoining property is up to 11mm. This increase is within the modelling tolerance and freeboard is available in the neighbouring properties, hence the impact is considered to be negligible. The model does not use 100% pipe blockage as the council model also did not use 100% pipe blockage factor. This was requested in previous DA but was not provided, however there is enough evidence to finalise the assessment.• There is no horizontal evacuation available from the site hence a vertical evacuation has been proposed as Shelter-in-place in the Attic space. The attic space will need to comply with BCA requirements and shall provide shelter up to 72 hours with adequate utilities.• It is recommended that the minimum habitable floor level of the proposed dwelling is to be RL 6.10 m AHD and garage is to be RL 5.70 m AHD. It is also recommended that the finished floor level of the attic shall be above PMF level i.e., RL 9.30 m AHD.

	Therefore, Council's Development Engineer raised no objections to the proposed development subject to conditions of consent.
Heritage	<p>Supported, subject to conditions of consent.</p> <p>Council's Senior Heritage Specialist reviewed the application and noted the following:</p> <ul style="list-style-type: none"> • The site is not a heritage item and not located within a Heritage Conservation Area. However, the site is partially mapped on the Aboriginal Sensitivity Map. Notwithstanding, an Aboriginal Heritage Assessment is not required. • Due to the site's flood affectation the proposed attic addition is considered to be supportable given: <ul style="list-style-type: none"> ○ The attic addition could be contained at the rear of the building and would not impact the streetscape. ○ The provision to allow shelter in place would be consistent with similar proposals in the same catchment that have heritage listing or are mapped in HCA. <p>Therefore, Council's Senior Heritage Specialist raised no objections subject to appropriate conditions of consent.</p>
Landscape	<p>Supported, subject to conditions of consent.</p> <p>Council's Landscape and Tree Management Officer reviewed the application and raised no objections subject to appropriate conditions of consent.</p>

PLANNING ASSESSMENT

6. Environmental Planning Instruments

6.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2023 (PLEP 2023)
- Parramatta Development Control Plan 2023 (PDCP 2023)
- Parramatta Development Control Plan 2011 (PDCP 2011)

Compliance with these instruments is addressed below.

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

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

No vegetation removal is proposed.

6.3 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 6 WATER CATCHMENTS

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

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

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

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

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

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

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

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

CLAUSE	COMMENT
electricity infrastructure	The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
frontage to a classified road	The subject site does not have frontage to a classified road.
average daily traffic volume of more than 20,000 vehicles.	Alfred Street has an average daily traffic volume of less than 20,000 vehicles per day. As such, clause 2.120 is not applicable to the development application.

6.6 STATE ENVIRONMENTAL PLANNING POLICY BASIX

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

7. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

The relevant matters considered under the PLEP 2023 for the proposed development are outlined below:

Clause 1.2 Aims of Plan

(2) The particular aims of this Plan are as follows—

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

(a) to protect and enhance the identity, diversity and viability of Parramatta City Centre and recognise its role in the Central River City of the Six Cities Region,

(b) to create an integrated, balanced and sustainable environment that contributes to environmental, economic, social and physical wellbeing,

(c) to identify, conserve and promote the City of Parramatta’s natural and cultural heritage,

(d) to protect and enhance the natural environment, including urban tree canopy cover and areas of remnant bushland,

(e) to ensure development occurs in a way that protects, conserves and enhances natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems,

(f) to encourage ecologically sustainable development,

(g) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas,

(h) to improve public access along waterways if the access does not adversely impact the natural value of the waterways,

- (i) to improve public access to, and within, the City of Parramatta and facilitate the use of public transport, walking and cycling,
- (j) to encourage a range of development to meet the needs of existing and future residents, workers and visitors,
- (k) to enhance the amenity and characteristics of established residential areas,
- (l) to retain the predominant role of industrial areas,
- (m) to ensure development does not detract from the economic viability of commercial centres,
- (n) to ensure development does not detract from the operation of local or regional road systems.

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

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R3 Medium Density Residential under the Parramatta Local Environmental Plan 2023.

The aims and objectives for the R3 zone in Clause 2.3 – Zone Objectives are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if the activities will not adversely affect the amenity of the neighbourhood.
- To provide a range of community facilities that serve the needs of people who live in, work in and visit residential neighbourhoods.

The proposal is consistent with these objectives.

Standards and Provisions	Comment	Compliance
Part 4 Principal development standards		
Cl. 4.1 Minimum Lot Size	N/A for this application	N/A.
Cl. 4.3 Height of buildings Allowable: RL11m	Proposed: RL12.505 AHD Variation: 1.505m or 13.68% Note: The proposed development has a maximum height of 7.725m, when an RL12.505 is compared against the NGL below at 4.78 AHD. Notwithstanding the above, pursuant to Clause 4.3 'Height of Buildings' of the PLEP 2023, the maximum height allowable on the site is RL11m. Given the proposal has a top of roof level of RL12.505 AHD, the proposal exceeds the maximum height allowable on the site by 1.505m or 13.68%.	Refer to Assessment below.
Cl. 4.4 Floor space ratio Allowable: N/A	Proposed: 167.23m ² or 0.34:1	N/A.
Cl. 4.6 Exceptions to Development Standards	Variation to Clause 4.3 'Height of Buildings' standard. See Below.	Refer to Assessment below.
Part 5 Miscellaneous provisions		
Cl. 5.1A Development on land intended to be acquired for public purposes	The proposal is not identified on the map.	N/A.
Cl. 5.6 Architectural roof features	An architectural roof feature is not proposed.	N/A.
Cl. 5.7 Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.	N/A.
Cl. 5.10 Heritage conservation	The subject site does not contain a heritage item, is not in the vicinity of an item and does not fall within a heritage conservation area. However, opposing the subject site is the Elizabeth Farm Heritage Conservation Area. Council's Senior Heritage Specialist has reviewed the application and raises no objections subject to conditions of consent.	Yes.
Cl. 5.11 Bush fire hazard reduction	The site is not identified as bushfire prone.	N/A.

Cl. 5.21 Flood Planning	The subject site is identified as flood prone. Council's Development Engineer has reviewed the application and raises no objections subject to conditions of consent. Refer to Referrals section above.	Yes.
Part 6 Additional local provisions		
Cl. 6.1 Acid sulphate soils	The site is identified as containing Class 4 Acid Sulphate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared.	Yes.
Cl. 6.2 Earthworks	The proposed development is in keeping with the objectives of the clause.	Yes.
Cl. 6.4 Biodiversity protection	The site is not identified on this map.	N/A.
Cl. 6.5 Stormwater Management	Council's Catchment and Development Engineers have reviewed the application and raised no objections subject to conditions of consent.	Yes.
Cl. 6.6 Foreshore Area	The site is not located in the foreshore area.	Yes.
Cl. 6.8 Landslide risk	The site is identified on this map.	N/A.

Clause 4.6 Exceptions to Development Standards Building Height

- The proposal does not comply with building height development standard detailed in Clause 4.3 of the PLEP.
- The development proposal exceeds the maximum permissible by 1.505m which is a **13.68% variation** to the development standard.
- Clause 4.6 of PLEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.
- This application was lodged prior to the changes made under State Environmental Planning Policy Amendment (Exceptions to Development Standards) 2023 (Amending SEPP), which came into effect on 1 November 2023.

Clause 4.6(1) – Objectives of Clause 4.6

The objectives of clause 4.6 of the PLEP 2023 are considered as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) 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 maximum permitted building height as per the height of buildings map is 11m RL, requiring the ridge level of the dwelling not to exceed 11m, not an overall height of 11m. The proposed dwelling provides a maximum height of 7.744m, however a ridge level of 12.505m RL, due to the attic design for shelter in place requirements as the site is identified as being within the flood planning area.

The maximum height proposed requires a variation of 1.505m to the maximum height of buildings therefore results in a percentage variation of 13.7%. The exception to the development standard is requested as a direct result of the flood planning requirements and result of the attic being used as a shelter in place area for the dwelling.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The requested variation to the maximum building height provision is considered to be a reasonable and appropriate design outcome for the following reasons:

- The development standard objectives and zone objectives are able to be maintained despite contravention to the numerical requirement.
- The proposed development responds to the flood constraints on the site as well as providing a suitable refuge area within the attic space. The variation to the maximum permitted height will not detrimentally impact upon privacy or shadows cast, ensuring the amenity of the adjoining properties is maintained.
- The proposed dwelling responds to the constraints on the site and maintains suitable ceiling heights and bulk to avoid any adverse impacts upon adjoining properties or the environment.
- The application had a pre-lodgement meeting where it was discussed the attic space needed to have a suitable ceiling level to be considered a refuge area and this resulted in the variation to the height. As the height variation will not have any unreasonable impact, the benefits of having a refuge area are considered to outweigh any perceived negative impacts as a result of the height.
- The increase in height will not have an excessive impact upon the streetscape or adjoining properties and is considered to result in an appropriate outcome for the resident's needs.
- The dwelling is well designed and will remain consistent with the existing and future character of Alfred Street.
- The ceiling heights provided are not excessive and are minimized as much as possible whilst meeting with the requirements of the residents and maintaining internal amenity. Any further reduction would have a detrimental impact upon internal amenity and the dwelling design overall.
- As mentioned above, the building height variation is largely the result of the floor level requirements and refuge area as a result of the site being flood affected. Minimal impact as a result of the minor roof protrusion is anticipated and therefore, the variation is requested to be considered in this instance.

Sufficient environmental planning grounds that are particular to the circumstances of the proposed development

There are sufficient environmental planning grounds in these circumstances to justify contravening the building height development standard. The development is not considered to be overdevelopment of the site and sufficient grounds for the variation are provided below:

- The development proposed is able to maintain the objectives of the R3 Zone, as well as the objectives of development standards Clause 4.3 Height of buildings.
- The proposal is a well considered, high quality design solution that sensitively responds to the site context and character and scale of the surrounding built form to ensure the privacy, view sharing and solar access of the subject site and surrounding properties is maintained.
- The height variation does not result in any detrimental impact upon surrounding properties or public areas.
- As the height variation will not have any unreasonable impact, the benefits of having a refuge area are considered to outweigh any perceived negative impacts as a result of the height.
- The ceiling heights provided are minimized as much as possible whilst meeting with the requirements of the residents and maintaining a suitable internal amenity. Any further reduction would have a detrimental impact upon internal amenity and the dwelling design overall.
- The height variation is largely the result of the site constraints. This requires an increased floor level. The overall height of the dwelling is breached as a result of the increased floor level and maintenance of streetscape character. The dwelling is considered to be a reasonable addition to the street and will not have a detrimental impact upon bulk and scale.”

Comment: An assessment has been undertaken to determine whether compliance with the standard is ‘unreasonable and unnecessary’ and whether there are ‘sufficient planning grounds.’ Given the above, Council concurs with the following matters:

- The proposed development responds to the flood constraints on the site by providing a suitable refuge area within the attic space.

Based on information provided by Council, the 5% AEP, 1% AEP and PMF level at the development site is RL 4.50 m AHD, RL 5.60 m AHD and RL 9.30 m AHD respectively. Council's Catchment Development Engineer has reviewed the proposal and notes that there is no opportunity for horizontal evacuation available from the site and hence vertical evacuation to a place above the PMF level is required. The proposal includes an attic space with a finished floor level (FFL) of RL9.35m (50mm above the PMF Level) and also provides appropriate and compliant ceiling heights to allow for shelter up to 72 hours. A reduction in building height could result in non-compliances with flooding requirements and internal amenity.

- As the proposal is for a single storey dwelling with an attic space, the proposed bulk and scale is not considered to be inconsistent with the site's R3 Medium Density Residential zoning. As the proposed attic space is located at the rear of the site, the proposal is not expected to have an adverse impact on the existing streetscape or low-density character of the area.
- The proposed development maintains compliance with the applicable planning controls concerning privacy and solar access, ensuring the amenity of adjoining properties is maintained.

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.

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

Wehbe v Pittwater Council

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

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

The objectives of Clause 4.3 Height of Buildings are as follows:

(a) to provide appropriate height transitions between buildings,

Comment: The subject site and surrounding properties have a maximum building height of RL11m. However, land north of the site has a maximum building height of RL14m pursuant to Clause 4.3 of the PLEP 2023. The bulk and scale of the proposed building remains predominantly single storey, with the exception of the attic space for shelter-in-place purposes. The proposed attic space has been located on the northern side of the dwelling towards the rear to reduce visual bulk and to remain consistent with the streetscape and the transition of building heights from RL11m to RL14m.

(b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,

Comment: As stated above, the subject site and surrounding properties have a maximum building height of RL11m, however, land to the north of the site has a maximum building height of RL14m. Whilst the proposed development denotes a non-compliant building height, the proposed building remains predominantly single storey, with the exception of the proposed attic space. It is noted that there are historical approvals for developments on 109 Alfred Street (DA98/1188 and 18-20 Gregory Place (DA163/557/2) which exceed the permissible building height and denote 2-3 storeys.

As the subject site and surrounding properties are zoned R3 Medium Density Residential, the proposal being for a single storey dwelling with an attic space, constitutes a general scale which is compatible with a R3 zone and the existing streetscape. Further, due to the site constraints and flooding requirements the proposed development will remain compatible with the desired future character of the surrounding area.

(c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,

Comment: The subject site is not a heritage item nor is it located within a heritage conservation area, however, the site located opposite the Elizabeth Farm Heritage Conservation Area. Council's Senior Heritage Specialist has reviewed the application and notes that as the site is flood affected, the attic addition is considered to be supportable considering that the attic addition would be contained to the rear of the dwelling and would not impact the streetscape and the provision to allow shelter in place would be consistent with similar proposal in the

same catchment that have heritage listing or are mapped in heritage conservation areas. Therefore, the application has been supported from a heritage perspective.

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

Comment: The proposed development, being for a single storey dwelling with an attic space, will maintain the existing character and scale of a low-density residential area, despite being zoned R3 Medium Density Residential. As stated above, the attic space has been located towards the rear of the dwelling and is not anticipated to impact on the existing streetscape, respecting the existing single storey character of the immediate locality.

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

Comment: As the proposed attic space is located toward the rear of the dwelling, the proposal is not expected to impact on the existing streetscape and the visual impact of the development is considered to be consistent with the immediate locality. The proposed development maintains compliance with the PDCP 2011 regarding privacy and solar access to adjoining properties, therefore the proposal is not expected to result in the loss of privacy or solar access to adjoining properties beyond acceptable means.

(f) to preserve historic views,

Comment: The applicant states that no historic views are impacted by the proposed development. Pursuant to Appendix 2 of the PDCP 2011, the subject site is located along View Corridor 1. Due the flooding requirements of the site and the proposed scale of the development Council's Senior Heritage Specialist has raised no objection to the proposal from a heritage perspective. Therefore, the proposed development is not anticipated to have an adverse impact on historic views from the Elizabeth Farm Heritage Conservation Area.

(g) to maintain satisfactory sky exposure and daylight to—

- i. existing buildings in commercial centres, and*
- ii. the sides and rear of tower forms, and*
- iii. key areas of the public domain, including parks, streets and lanes.*

Comment: Given the scale and location of the proposed development, the proposal is unlikely to impact on the sky exposure or daylight of any existing buildings in commercial centre, the side and rear of tower forms or key areas of the public domain, including parks, streets and lanes.

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

Comment: The applicant does not challenge that the underlying objectives are not relevant. However, the Applicant does note that despite the proposed variation, the proposed dwelling is able to achieve the objectives of the development standard as the proposal is not considered to have any adverse impacts on the street character.

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

Comment: If compliance was required then the underlying objective would be prevented as full compliance would result in a dwelling design that would not be able to appropriately consider the flood constraints of the site or provide a suitable refuge area within the attic space.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

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

5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

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

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

The proposal has been assessed on merit and having regard to the principles in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* and *Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61*.

Al Maha provides that the consent authority (or Commissioner in that instance) “*had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified*” [21].

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

Comment: In this instance, Council is satisfied that applicant’s Clause 4.6 Statement adequately addresses the matters in Clause 4.6(3) of PLEP2023. It has proven that strict compliance is not feasible as the noncompliance is required to appropriately respond to the site’s flooding constraints while simultaneously avoiding unreasonable compromise to the proposed dwelling’s form and function.

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

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

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

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

Public Interest

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

“The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out”.

Comment: The proposal and the resulting variation is not considered to be unreasonably inconsistent with the objectives for building height. The proposal responds to the flooding requirements of the site whilst making sufficient effort to avoid detrimental impact and maintaining reasonable alignment with the streetscape and context of the site.

Therefore, 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 2023 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.

8. PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

The Parramatta Development Control Plan 2023 (PDCP 2023) came into effect on 18 September 2023. The PDCP 2023 provides a consolidated set of controls that repeals the five previous DCPs that apply within the Local Government Area. The PDCP 2023 will serve as a primary supportive planning document to the Parramatta Local Environmental Plan 2023 for guiding development and land use decisions made by Council.

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 17 July 2023 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.

9. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

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

Development Standard	Comment	Compliance
Part 2 Site Planning		
2.4.1 Views and Vistas	Pursuant to Appendix 2 of the PDCP 2011, the subject site is located along View Corridor 1 which consists of historical views from Elizabeth Farm and the Harris Park colonial precinct. Council's Senior Heritage Specialist has reviewed the application and raises no objection to the proposed variation to the building height development standard as the attic addition is located at the rear of the dwelling. Therefore, the proposed development is not expected to have an adverse impact on the existing view corridor and is considered to be supportable.	Yes.
2.4.2 Water Management		
2.4.2.1 Flooding	Refer to assessment under PLEP 2023.	Yes.
2.4.3 Soil Management		
2.4.3.1 Sedimentation	Appropriate conditions of consent have been imposed to ensure adequate sediment and erosion control measures are undertaken as part of the proposed development.	Yes.
2.4.3.2 Acid Sulphate Soils	Refer to assessment under PLEP 2023.	Yes.
2.4.3.3 Salinity	N/A	N/A.
2.4.4 Land Contamination	Refer to assessment under SEPP (Resilience and Hazards) 2021.	Yes.

2.4.5 Air Quality	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised during construction	Yes.
2.4.6 Development on Sloping Land	As the site slopes towards the east of the site, the FFL of ground floor of the dwelling is a maximum of 1.38m above the NGL at the front of the dwelling. It is noted that a FFL of RL 6.10 AHD is required to mitigate mainstream flooding that impacts the site. The potential privacy impacts associated with an increased floor level have been mitigated by directing the visual gaze to the street or reducing visual access with obscure glazing and privacy screens on the proposed side elevations. The proposed development is considered to be adequately designed to respond to the constraints of the site.	Yes.
2.4.7 Biodiversity	Council's Tree and Landscape Officer has reviewed the application and raised no objections subject to the imposition of conditions of consent.	Yes.
2.4.8 Public Domain	The proposal meets the controls.	Yes.
Part 3 Development Principles		
3.1.3: Building Height <i>Required: 9m; max 2 storeys</i>	Refer to assessment under PLEP 2023.	Yes.
3.1.3 Floor Space Ratio	Refer to assessment under PLEP 2023.	Yes.
3.1.3: Front Setback <i>Required: consistent with the prevailing setback and not less than 3m</i>	Proposed: 5.86m Note: The proposed front setback is considered to be supportable as would be consistent with the prevailing setbacks along Alfred Street.	Yes.
3.1.3: Side Setback <i>Required: 900mm</i>	Proposed: min 915mm	Yes.
3.1.3: Rear Setback <i>Required: min 6m (small lot)</i>	Proposed: 11.569m	Yes.
3.1.3: Deep Soil <i>Required: 30% of the site (146.04m²)</i>	Proposed: 161.15m ² or 33.1% Note: A deep soil zone covering 161.15m ² or 33.1% of the site is proposed, therefore, meeting the 30% total deep soil area outlined in the Parramatta DCP 2011. Additionally, 82.9% of the deep soil area is located to the rear of the site and 17.1% of the deep soil area is located at the front of the site, meeting the respective 50% and 15% requirements.	Yes.
3.1.3: Landscaped Area <i>Required: 40% of the site (194.72m²)</i>	Proposed: 198.63m ² or 40.8%	Yes.
3.2.1 Building Form and Massing	The bulk and scale is suitable for the site given the site constraints and flooding requirements and positively responds to the surrounding context.	Yes.
3.2.2 Building Façade and Articulation	The proposal has been designed with contemporary articulation and façade treatment.	Yes.
3.2.3 Roof Design	The proposed roof design is appropriate for the development and the locality and minimises the bulk and scale of the building.	Yes.
3.2.4 Energy Efficient Design	Refer to assessment under State Environmental Planning Policy (BASIX) 2004.	Yes.
3.2.5 Streetscape	The overall form of the development and design is considered suitable for the site and is conducive of the site constraints.	Yes.
3.2.6 Fences <i>Required: Max. 1.2m</i>	No front fence is proposed.	N/A.
3.3.1 Landscaping	Council's Tree and Landscape Officer has reviewed the application and raises no objection to the proposal subject to conditions of consent.	Yes.
3.3.2 Private Open Space <i>Required: min 100m²</i>	Proposed: 133.65m ²	Yes.
3.3.3 Visual and Acoustic Privacy	The proposed dwelling adheres to the required side setbacks to alleviate visual overlooking onto adjoining properties. The windows along the northern façade of the attic element facilitate the required shelter-in-place area. This space is considered to be of low traffic and the windows are proposed to be glazed. Therefore, the proposed windows are not expected to induce the risk of visual overlooking beyond acceptable means. As stated above, the FFL of ground floor of the dwelling and rear alfresco is a maximum of 1.38m above the NGL. It is noted that a FFL of RL 6.10 AHD is	Yes.

	required to mitigate mainstream flooding that impacts the site. The potential privacy impacts associated with an increased floor level have been mitigated by directing the visual gaze to the street or reducing visual access with obscure glazing and privacy screens on the proposed side elevations. The proposed development is considered to be adequately designed to respond to the constraints of the site.	
3.3.4 Acoustic Amenity	The subject site does not adjoin a noise generating land use.	N/A.
3.3.5 Solar Access	The primary living areas and private open space of the subject site, as well as neighbouring properties, will receive a minimum of 3 hours sunlight from 9am to 3pm during the winter solstice given the building design and orientation of the site.	Yes.
3.3.5 Cross Ventilation	The proposal achieves sufficient cross ventilation.	Yes.
3.3.6 Water Sensitive Urban Design	Council's Development Engineer has reviewed the application and raises no objections subject to conditions of consent.	Yes.
3.3.7 Waste Management	A sufficient waste management plan has been provided.	Yes.
3.4.4 Safety and Security	The development will not increase any opportunity for antisocial or criminal behaviour to occur.	N/A.
3.5 Heritage	Refer to assessment under PLEP 2023.	Yes.
3.6.2 Parking and Vehicular Access <i>Required: Min. 2 car spaces per dwelling</i>	Proposed: 2 car spaces Note: A single garage is proposed for the dwelling with dimensions 4.24m x 5.5m. An additional car space can be provided on the driveway. The proposed garage does not exceed a width of 6.3m and is stepped behind the front building line. Therefore, the proposed garages are considered to be supportable.	Yes.
Part 4 Special Precincts		
Heritage Conservation Areas & Special Precincts	The subject site is not a heritage item and is not located within a heritage conservation area or a special character area. However, the subject site is located within the Harris Park Strategic Precinct under Section 4.3 of the PDCP 2011.	<i>See Below.</i>
4.3.2 Harris Park		
Height of Buildings	Refer to assessment under Clause 4.6 of the PLEP 2023 and Section 2.4.1 View Corridors of the PDCP 2011.	No – supportable on merit.
Building Design	The main entry of the proposed development addresses the street. The proposed building also reduces building bulk through articulation and modulation. The proposed attic protrudes beyond the main roof form. to the FFLs required to ensure an adequate shelter-in-place above the PMF, it is not feasible to contain the attic space to proposed roof form. Notwithstanding, the proposed pitched roof form features elements of the immediate locality. Therefore, the proposed building design is considered to be supportable.	Yes.
Landscaping	The proposed development provides a landscaped area in excess of 30% and thereby complies with the applicable landscaping controls.	Yes.
Transport and Accessibility	The proposed carparking is consistent with the locality.	Yes.
View Corridors	As stated above, due to the flooding requirements of the site as place of refuge above the PMF level is required for the site. The proposed development includes an attic space which exceeds the maximum allowable building height pursuant to PLEP 2023. The height and design of the dwelling have been carefully considered to reduce the impact of the dwelling on the existing views corridors from Elizabeth Farm. It is further noted that Council's Senior Heritage Specialist has reviewed the application and raised no objections as the proposed attic space has been located to towards the rear to further reduce the impact of the development on the streetscape. Therefore, the proposed development is considered to be supportable on merit grounds.	Yes.
4.3.2.1 Special Areas	The subject site is located within the Area of National Significance under Section 4.3.2.1 of the Parramatta DCP 2011. The scale, form, siting, materials and use of the proposed development are not expected to adversely affect the heritage significance of the Area of National	Yes.

	<p>Significance. No change is proposed to the existing allotment and development pattern and as discussed above, the development is not expected to adversely affect the existing views into and out of Elizabeth Farm. Council's Senior Heritage Specialist has reviewed the application and raises no objection to the proposed development.</p> <p>Therefore, the proposed development is considered to be supportable on merit grounds.</p>	
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10. Development Contributions

The proposed development is exempt from the payment of Section 7.11 Contribution Plan as the proposal consists of the construction of a replacement single dwelling.

11. Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

12. 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.

13. 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.

14. Suitability of the Site

The subject site can accommodate a development of a single residential dwelling of this scale without causing impacts to the amenity of adjoining properties beyond what is considered supportable. The proposal adequately addresses the site's flooding constraints and provides a suitable shelter-in-place. Therefore, subject to the conditions provided within the recommendation to this report, the site is considered to be suitable for the proposed development.

15. Public Consultation

In accordance with the City of Parramatta Notification Requirements, the Development Application was notified.

- The application was notified between 17 July 2023 and 31 July 2023.
- In response, no (0) submissions were received.

16. 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.

17. 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.

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.

18. Recommendation

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

- A. **That the Parramatta Local Planning Panel**, following consideration of written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2011, **APPROVE** a variation to cl. 4.3 (height of buildings) as:
- a. compliance with cl 4.3 (height of buildings) is unreasonable or unnecessary in the circumstances.
 - b. there are sufficient environmental planning grounds to justify contravening the development standards.
 - c. the applicant's written request adequately address the matters required to be addressed under cl 4.6 (3) of the LEP; and
 - d. the development is in the public interest because it is consistent with the objectives of cl 4.3 (height of buildings) of the LEP and the objectives for development in the R2 Low Density Residential zone; and
 - e. the concurrence of the secretary has been assumed.
- B. **That the Parramatta Local Planning Panel**, exercising the functions of Council under section 4.16 of the Environmental Planning and Assessment Act 1979, **APPROVE** development consent for for the following reasons:
- a. The development is permissible in the R3 zone pursuant to the Parramatta Local Environmental 2023 and satisfies the requirements of all applicable planning standards controls.
 - b. The development will be compatible with the emerging and planned future character of the area.
 - c. The development will provide housing that accommodates the needs of the existing and future residents of Parramatta.
 - d. For the reasons given above, approval of the application is in the public interest.
- C. **That Council** advise those who made a submission of the determination.

DRAFT CONDITIONS OF CONSENT

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

Development Consent No.: DA/405/2023
Property Address: LOT 22 DP 16064
140 Alfred Street, HARRIS PARK NSW 2150

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 McDonald Jones, Project No. 606567)

Drawing/Plan No.	Issue	Plan Title	Dated
1/21	12	Cover Sheet	26/09/2023
3/21	12	Site Plan	26/09/2023
5/21	12	Cut & Fill Plan	26/09/2023
7/21	12	Ground Floor Plan	26/09/2023
8/21	12	Window & Door Schedules	26/09/2023
9/21	12	Attic Plans	26/09/2023
11/21	12	Elevations/ Section	26/09/2023
12/21	12	Elevations	26/09/2023

Civil Drawings/Stormwater (Prepared by Ibrahim Stormwater Consultants, Project No. M10639-606567)

Drawing/Plan No.	Issue	Plan Title	Dated
1 of 2	3	Stormwater layout SH.1	03/07/2023
2 of 2	3	Stormwater layout SH.1	03/07/2023

Landscape Drawings (Prepared by mYard Landscape Design, Project No. 606567)

Drawing/Plan No.	Issue	Plan Title	Dated
LP-22158	C	Landscape Plan	03/11/2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Clause 4.6 Variation to maximum Height of Buildings	-	-	Local Consultancy Services Pty Ltd	12/10/2023
Waste Management Plan	-	-	Samantha Richards	14/02/2022

Finishes Schedule	-	-	Brickworks	-
BASIX Certificate No.1293270S_03	-	-	Energy Advance	27/06/2023
Flood Impact Assessment Report	FSR1961/022	V1	Muna Pradhan obo BMB Engineers	05/04/2023

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.

PA0013 LSL Payment Const> \$250,000

4. 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

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

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$ 2,575.00

The payments will be used for the cost of:

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

- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

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

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

Note: The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/405/2023;
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

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

- Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent. No trees on public property (footpaths, roads, reserves) are permitted to be removed, pruned or damaged during the construction including for temporary access.

Reason: To preserve existing landscape features.

EPA0068 Erosion and Sediment Control Measures

- 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

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

Reason: To ensure no adverse impacts on neighbouring properties.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

DB0001 Stormwater Disposal

9. 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

10. 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

11. 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.

DB0005 #Charged Drainage system

12. Prior to the issue of a Construction Certificate, the Certifying Authority is to be satisfied that stormwater disposal from site is adequate and detail stormwater plans are provided with compliance:

- (a) The design for the charged system satisfying minimum pressure head of 1.5m.
- (b) The proposed absorption trenches are designed on the basis of 2.5 m³ per 100 m² of roof and impervious area connected, and otherwise in accordance with AS 3500.3 Stormwater Drainage 2003.

Reason: To manage satisfactory stormwater disposal.

DB0006 Absorption trenches

13. The proposed absorption trenches must be designed on the basis of, 2.5 m³ per 100 m² of roof and impervious area connected. Details of the proposed trenches must be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

DB0010 Design to withstand flooding

14. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to and including the **PMF** flood levels. Prior to the issue of a Construction Certificate, the certifying authority to ensure:
- a) The design and construction of the proposed development shall **generally** comply with the principles set out in the publication “Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas”, published by the NSW Government.
 - b) Flood Planning Levels (FPLs) are in accordance with levels suggested in the flood report by BMB Engineering dated 05/04/2023 and Councils Lower Parramatta River Flood Risk Management Study.
 - c) The FPLs for the site for habitable space for the dwelling must be 6.10m AHD, underside of the slab and shelter in place (artic area) with a floor level of 9.3m AHD.
 - d) No unapproved filling and/or change in the natural ground level is proposed within the 1% AEP flood extent.
 - e) All recommendations provided in the latest version of the flood report are met.
 - f) Only flood-resistant material is to be used below the PMF flood level.
 - g) All structures to have flood-compatible building components below the PMF.
 - h) All services and utilities connected to the property are required to be floodproof.
 - i) All services, such as rainwater tanks and air-conditioning units, are to be raised on platforms above the flood planning level to ensure they do not create an obstruction to floodwater. The platform is to be an open style to allow floodwater to flow freely.
 - j) Water must be allowed to flow freely along all boundaries into the site .
 - k) All fencing and retaining structures must not impede this flow. All proposed fences will be open-style or have an opening under up to the 1% AEP level and will provide enough space for floodwater to enter and exit the site.

The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction prepared by qualified and experienced stormwater and flood engineer.

Reason: To ensure compliance

DB0017 Construction of a standard vehicular crossing

15. A standard vehicular crossing shall be constructed in accordance with Council’s Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Reason: To ensure appropriate vehicular access is provided.

DB0021 Impact on Existing Utility Installations

16. 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.

DB0026 Driveway Grades

17. 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

18. Plans shall be amended to the Shelter In Place facility large enough to accommodate 4 people and suitably designed and equipped with services such as drinking water, toilet, and other provisions necessary for a stay by all occupants for up to 72 hours. It will require skylights or windows that will provide light, ventilation and access to the roof. The Attic space shall comply with BCA requirements.

Reason: to ensure compliance

PB0030 Infrastructure & Restoration Adm. fee for all DAs

19. 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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

DC0006 Erosion and Sediment Control measures

21. 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

22. 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.

DC0010 Driveway Crossing Application

23. 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.

LC0004 Protective fencing

24. Prior to the commencement of any demolition, excavation or construction works, retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy Tree Protection Zone or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

LC0006 Pruning/works on tree(s)

25. 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

26. 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

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

Reason: To ensure public safety.

PC0003 Site Sign

28. 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

29. 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.

PC0010 Compliance with Home Building Act (If Applicable)

30. 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).

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

DD0005 Erosion & sediment control measures

31. 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

32. 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.

PD0001 Copy of development consent

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

Reason: To ensure compliance with this consent.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise

35. 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.

PD0007 Complaints register

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

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

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

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

PD0008 Construction Noise

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

OR

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

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

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

(a) All footings/ foundations

(b) At other stages of construction – any marks that are required by the principal certifier

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

PD0020 Building Work Compliance BCA

39. 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

40. 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

41. 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.

EWD0002 Asbestos handled & disposed of by licensed facility

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

Reason: To ensure appropriate disposal of asbestos materials.

EWD0003 Waste data file maintained

43. 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.

EWD0013 Polluted water from excavation analysis

44. 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.

EPD0001 Dust Control

45. 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.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

46. 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.

DE0004 #Creation of a floodway restriction

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

The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared by BMB Engineering, project number FSR1961/022, issue V1, dated 05/04/2023. preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

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

Reason: To protect the environment.

DE0015 Driveway Crossover

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

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

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that

demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

Reason: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

49. 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.

DENSC Non-standard - Prior to issue of Occ/Sub Cert.

50. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall be satisfied that all flood mitigation and risk management measures have been constructed into the development and are consistent with the following:

- a. Only flood-resistant materials have been used below the designated floor level.
- b. All services and utilities connected to the property are floodproofed.
- c. There has been no alteration to the existing ground levels except as shown on the DA-approved plans. A works-as-executed plan shall be provided to the PCA in this regard.
- d. Floor levels have been elevated such that there is a minimum of 500 mm freeboard above the 1% AEP flood levels to the underside of the ground floor slab.
- e. Openings have been incorporated in the boundary fences that they do not obstruct the flow of overland floodwater.
- f. The requirements of Section 2.4.2.1 of Council's DCP and flood study prepared by BMB engineering dated 05/04/2023 have been implemented on the plans approved for construction.
- g. The driveway levels have been constructed consistent with the levels recommended in the flood study and shown on the DA approved plans.
- h. The ground surface within the subfloor structure has been finished with levels consistent with the levels recommended in the flood study and a surface treatment that will maintain the area in a non-vegetated state and prevent floodwater scouring or erosion that could compromise the structure.

A Work-As-Executed plan shall also be prepared by a registered surveyor overlaid on the approved construction plans and submitted to the Principal Certifying Authority. A clear and legible copy of the Work-As-Executed plan shall accompany the Occupation Certificate forwarded to Council.

Reason: To ensure the development is resilient to flooding.

LE0003 Landscaping shall be completed prior to occupation

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

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

PE0001 Occupation Certificate

52. 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

53. 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

54. 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. 1293270S_03, will be complied with prior to occupation.

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

PART F – OCCUPATION AND ONGOING USE

PF0049 Graffiti Management

55. 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

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

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

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

PF0004 External Plant/Air-conditioning noise levels

57. 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.

EAF0010 Air Conditioners in Residential Buildings

58. The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day.
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

EWF0006 Storage of bins between collection periods

59. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must

be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

Date: 15 November 2023
Responsible Officer: Caitlin Hopper

DRAFT CONDITIONS OF CONSENT

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

Development Consent No.: DA/405/2023
Property Address: LOT 22 DP 16064
140 Alfred Street, HARRIS PARK NSW 2150

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 McDonald Jones, Project No. 606567)

Drawing/Plan No.	Issue	Plan Title	Dated
1/21	12	Cover Sheet	26/09/2023
3/21	12	Site Plan	26/09/2023
5/21	12	Cut & Fill Plan	26/09/2023
7/21	12	Ground Floor Plan	26/09/2023
8/21	12	Window & Door Schedules	26/09/2023
9/21	12	Attic Plans	26/09/2023
11/21	12	Elevations/ Section	26/09/2023
12/21	12	Elevations	26/09/2023

Civil Drawings/Stormwater (Prepared by Ibrahim Stormwater Consultants, Project No. M10639-606567)

Drawing/Plan No.	Issue	Plan Title	Dated
1 of 2	3	Stormwater layout SH.1	03/07/2023
2 of 2	3	Stormwater layout SH.1	03/07/2023

Landscape Drawings (Prepared by mYard Landscape Design, Project No. 606567)

Drawing/Plan No.	Issue	Plan Title	Dated
LP-22158	C	Landscape Plan	03/11/2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Clause 4.6 Variation to maximum Height of Buildings	-	-	Local Consultancy Services Pty Ltd	12/10/2023
Waste Management Plan	-	-	Samantha Richards	14/02/2022

Finishes Schedule	-	-	Brickworks	-
BASIX Certificate No.1293270S_03	-	-	Energy Advance	27/06/2023
Flood Impact Assessment Report	FSR1961/022	V1	Muna Pradhan obo BMB Engineers	05/04/2023

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.

PA0013 LSL Payment Const> \$250,000

4. 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

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

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$ 2,575.00

The payments will be used for the cost of:

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

- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

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

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

Note: The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- Have no expiry date;
- Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/405/2023;
- Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

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

- Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent. No trees on public property (footpaths, roads, reserves) are permitted to be removed, pruned or damaged during the construction including for temporary access.

Reason: To preserve existing landscape features.

EPA0068 Erosion and Sediment Control Measures

- 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

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

Reason: To ensure no adverse impacts on neighbouring properties.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(Note: Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

DB0001 Stormwater Disposal

9. 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

10. 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

11. 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.

DB0005 #Charged Drainage system

12. Prior to the issue of a Construction Certificate, the Certifying Authority is to be satisfied that stormwater disposal from site is adequate and detail stormwater plans are provided with compliance:

- (a) The design for the charged system satisfying minimum pressure head of 1.5m.
- (b) The proposed absorption trenches are designed on the basis of 2.5 m3 per 100 m2 of roof and impervious area connected, and otherwise in accordance with AS 3500.3 Stormwater Drainage 2003.

Reason: To manage satisfactory stormwater disposal.

DB0006 Absorption trenches

13. The proposed absorption trenches must be designed on the basis of, 2.5 m3 per 100 m2 of roof and impervious area connected. Details of the proposed trenches must be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

DB0010 Design to withstand flooding

14. The building must be designed and certified by a registered structural engineer to ensure the building does not fail due to floodwater forces, debris and buoyancy effects from flooding in events up to and including the **PMF** flood levels. Prior to the issue of a Construction Certificate, the certifying authority to ensure:
- a) The design and construction of the proposed development shall **generally** comply with the principles set out in the publication “Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas”, published by the NSW Government.
 - b) Flood Planning Levels (FPLs) are in accordance with levels suggested in the flood report by BMB Engineering dated 05/04/2023 and Councils Lower Parramatta River Flood Risk Management Study.
 - c) The FPLs for the site for habitable space for the dwelling must be 6.10m AHD, underside of the slab and shelter in place (artic area) with a floor level of 9.3m AHD.
 - d) No unapproved filling and/or change in the natural ground level is proposed within the 1% AEP flood extent.
 - e) All recommendations provided in the latest version of the flood report are met.
 - f) Only flood-resistant material is to be used below the PMF flood level.
 - g) All structures to have flood-compatible building components below the PMF.
 - h) All services and utilities connected to the property are required to be floodproof.
 - i) All services, such as rainwater tanks and air-conditioning units, are to be raised on platforms above the flood planning level to ensure they do not create an obstruction to floodwater. The platform is to be an open style to allow floodwater to flow freely.
 - j) Water must be allowed to flow freely along all boundaries into the site .
 - k) All fencing and retaining structures must not impede this flow. All proposed fences will be open-style or have an opening under up to the 1% AEP level and will provide enough space for floodwater to enter and exit the site.

The construction certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction prepared by qualified and experienced stormwater and flood engineer.

Reason: To ensure compliance

DB0017 Construction of a standard vehicular crossing

15. A standard vehicular crossing shall be constructed in accordance with Council’s Standard Drawing numbers DS8 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

Reason: To ensure appropriate vehicular access is provided.

DB0021 Impact on Existing Utility Installations

16. 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.

DB0026 Driveway Grades

17. 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

18. Plans shall be amended to the Shelter In Place facility large enough to accommodate 4 people and suitably designed and equipped with services such as drinking water, toilet, and other provisions necessary for a stay by all occupants for up to 72 hours. It will require skylights or windows that will provide light, ventilation and access to the roof. The Attic space shall comply with BCA requirements.

Reason: to ensure compliance

PB0030 Infrastructure & Restoration Adm. fee for all DAs

19. 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.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

DC0006 Erosion and Sediment Control measures

21. 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

22. 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.

DC0010 Driveway Crossing Application

23. 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.

LC0004 Protective fencing

24. Prior to the commencement of any demolition, excavation or construction works, retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence is to be fully supported at grade, to minimise the disturbance of existing ground conditions within the canopy Tree Protection Zone or the setback nominated on the approved landscaping plan. The fencing is to be in place for the duration of the construction works. "Tree Protection Zone" signage must be attached to the protective fencing.

Reason: To protect the environmental amenity of the area.

LC0006 Pruning/works on tree(s)

25. 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

26. 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

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

Reason: To ensure public safety.

PC0003 Site Sign

28. 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

29. 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.

PC0010 Compliance with Home Building Act (If Applicable)

30. 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).

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

DD0005 Erosion & sediment control measures

31. 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

32. 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.

PD0001 Copy of development consent

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

Reason: To ensure compliance with this consent.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise

35. 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.

PD0007 Complaints register

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

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

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

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

PD0008 Construction Noise

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

OR

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

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

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

(a) All footings/ foundations

(b) At other stages of construction – any marks that are required by the principal certifier

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

PD0020 Building Work Compliance BCA

39. 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

40. 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

41. 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.

EWD0002 Asbestos handled & disposed of by licensed facility

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

Reason: To ensure appropriate disposal of asbestos materials.

EWD0003 Waste data file maintained

43. 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.

EWD0013 Polluted water from excavation analysis

44. 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.

EPD0001 Dust Control

45. 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.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

46. 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.

DE0004 #Creation of a floodway restriction

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

The restriction is to be over the 100 year ARI flood zone identified in the flood report prepared by BMB Engineering, project number FSR1961/022, issue V1, dated 05/04/2023. preventing the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within the identified zone.

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

Reason: To protect the environment.

DE0015 Driveway Crossover

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

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

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that

demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

Reason: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

49. 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.

DENSC Non-standard - Prior to issue of Occ/Sub Cert.

50. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall be satisfied that all flood mitigation and risk management measures have been constructed into the development and are consistent with the following:

- a. Only flood-resistant materials have been used below the designated floor level.
- b. All services and utilities connected to the property are floodproofed.
- c. There has been no alteration to the existing ground levels except as shown on the DA-approved plans. A works-as-executed plan shall be provided to the PCA in this regard.
- d. Floor levels have been elevated such that there is a minimum of 500 mm freeboard above the 1% AEP flood levels to the underside of the ground floor slab.
- e. Openings have been incorporated in the boundary fences that they do not obstruct the flow of overland floodwater.
- f. The requirements of Section 2.4.2.1 of Council's DCP and flood study prepared by BMB engineering dated 05/04/2023 have been implemented on the plans approved for construction.
- g. The driveway levels have been constructed consistent with the levels recommended in the flood study and shown on the DA approved plans.
- h. The ground surface within the subfloor structure has been finished with levels consistent with the levels recommended in the flood study and a surface treatment that will maintain the area in a non-vegetated state and prevent floodwater scouring or erosion that could compromise the structure.

A Work-As-Executed plan shall also be prepared by a registered surveyor overlaid on the approved construction plans and submitted to the Principal Certifying Authority. A clear and legible copy of the Work-As-Executed plan shall accompany the Occupation Certificate forwarded to Council.

Reason: To ensure the development is resilient to flooding.

LE0003 Landscaping shall be completed prior to occupation

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

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

PE0001 Occupation Certificate

52. 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

53. 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

54. 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. 1293270S_03, will be complied with prior to occupation.

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

PART F – OCCUPATION AND ONGOING USE

PF0049 Graffiti Management

55. 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

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

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

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

PF0004 External Plant/Air-conditioning noise levels

57. 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.

EAF0010 Air Conditioners in Residential Buildings

58. The air conditioner/s must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7.00am and after 10.00pm on any other day.
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those as specified in (1), which exceeds the background (LA90, 15 minute) by more than 5dB(A).

The source noise level must be measured as a LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

EWF0006 Storage of bins between collection periods

59. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must

be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

Date: 15 November 2023
Responsible Officer: Caitlin Hopper