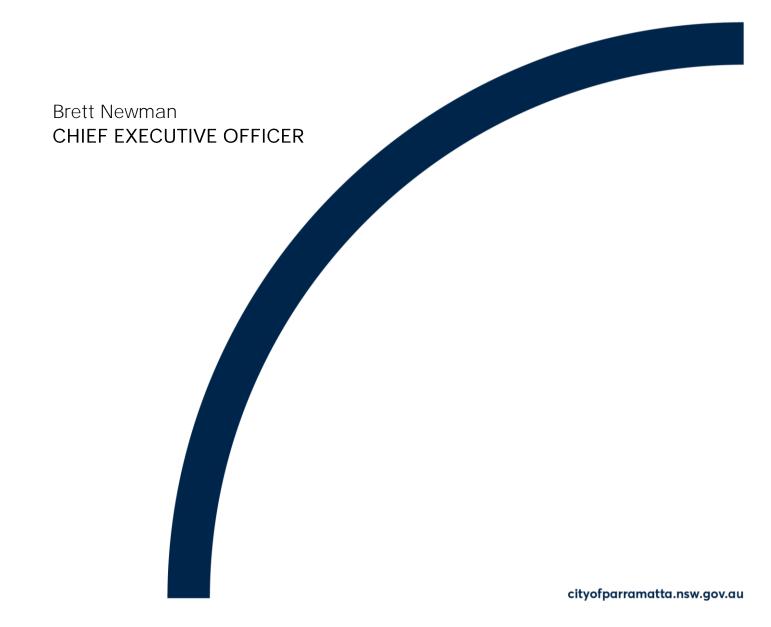


NOTICE OF LOCAL PLANNING PANEL MEETING PUBLIC AGENDA

A Local Planning Panel meeting will be held via audio-visual means on Wednesday, 17 August 2022 at 3:30pm.





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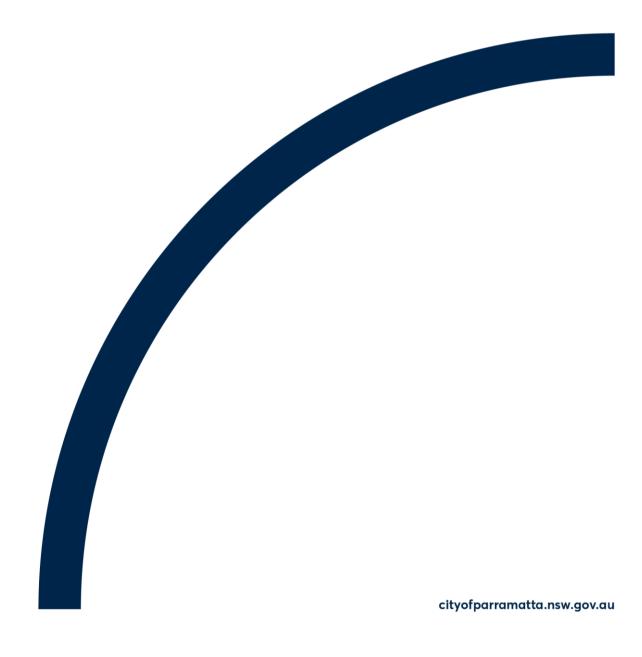


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1 ACKNOWLEDGMENT OF THE TRADITIONAL OWNERS OF LAND

The City of Parramatta Council acknowledges the Burramattagal people of The Darug Nation as the traditional owners of land in Parramatta and pays its respects to their ancient culture and to their elders, past, present and emerging.

2 WEBCASTING ANNOUNCEMENT

This public meeting will be recorded. The recording will be archived and available on Council's website.

All care is taken to maintain your privacy; however if you are in attendance in the public gallery, you should be aware that your presence may be recorded.

- 3 APOLOGIES
- 4 DECLARATIONS OF INTEREST
- 5 REPORTS DEVELOPMENT APPLICATIONS

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DEVELOPMENT APPLICATIONS

17 AUGUST 2022

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DEVELOPMENT APPLICATION

ITEM NUMBER 5.1

SUBJECT OUTSIDE PUBLIC MEETING: 51 Railway Street, GRANVILLE

NSW 2142 (Lot A DP 324641)

DESCRIPTION Demolition and construction of a 5 storey residential flat

building containing 4 units and basement parking.

REFERENCE DA/880/2021 - D08603781
APPLICANT/S Zed Corp Developments

OWNERS Railway 51 Pty Ltd

REPORT OF Group Manager Development and Traffic Services

RECOMMENDED Refusal

DATE OF REPORT 14 JULY 2022

REASON FOR REFERRAL TO LPP

The application is referred to the Parramatta Local Planning Panel (PLPP) as the proposal seeks a variation to the applicable building height to the site in excess of 10%.

EXECUTIVE SUMMARY

This is a summary of the full assessment of the application as outlined in Attachment 1, the Section 4.15 Report.

Site and Proposal

The proposed development includes the following components:

- 1. Enabling works which comprise:
 - a. Demolition of all existing structures on site
- 2. Construction of a five (5) storey residential flat building
 - a. 4/5 storey residential building fronting Railway Street and Marsden Street
 - b. Four (4) units (1 unit ground floor, level 1, Level 2 & Level 3)
 - c. Basement parking with access from Railway Street
 - d. Five (5) residential car parking spaces (1 accessible)
 - e. Rooftop communal open space

3. Site works and landscaping

The site is zoned R4 High Density Residential under the Parramatta Local Environmental Plan 2011. The proposed works are permissible with consent in the zone.

Contextually, the site is located within an R4 High Density Residential zone characterised by legacy developments. Adjoining the subject site to the north (side) and east (side) are existing 3 storey residential flat buildings. Directly opposite the site to the west are single storey detached dwelling houses and to the south is the Great Western highway.

Although there are dwelling houses in the area the housing stock primarily consists of multi-unit housing.

Notification

The application was notified in accordance with Council's consolidated notification procedures. In response, no submissions were received.

Assessment

The proposal includes variations to two development standards:

LEP 2011	Control	Proposed	Variation
CI 4.3	15m	17.6m	17.3%
Height			

It is considered that the application fails to address key issues related to flooding, bulk and scale. It is further noted that the proposed variation to Clause 4.3 is sought by way of an architectural roof feature which is not considered applicable.

The additional increase in height brought by the non-compliant residential amenity and flooding impacts would serve to weaken the existing precedence within the locality, being that all development within vicinity of the subject site maintain a compliant building height and achieves residential amenity requirements.

The objectives of the building height standard seek to introduce numerical standards for the suitable transition in building height amongst zones and precincts with reference to objectives (a), (b)&(c) of Clause 4.3 of the Holroyd Local Environmental Plan 2013. The proposed development fails to produce a quality development outcome that adheres to the existing and envisaged building heights within surrounding locality.

RECOMMENDATION

- (a) That the Parramatta Local Planning Panel not support the variation to Clause 4.3 Height of Buildings, pursuant to Clause 4.6 of the Parramatta Local Environmental Plan 2011.
- (b) **Further, that** the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, **refuse** development consent to DA/880/2021 for the demolition of existing structures and construction for a 5-storey residential flat building containing 4 units and basement parking on land at No.51 Railway Street, Granville.

REASONS FOR REFUSAL

- 1. State Environmental Planning Policy 65 Design Quality of Residential Flat Development
 - The proposed development is inconsistent with the following provision of SEPP 65 – Design Quality of Residential Flat Buildings:
 - 1. Part 3 Siting the development
 - Communal Open Space

- 2. Part 4 Designing the building
 - Apartment size and layout
 - Private open space and balconies
 - Storage

Section 4.15 (1)(a)(i) of Environmental Planning and Assessment Act 1979

2. Holroyd Local Environmental Plan 2013

- The proposed development is inconsistent with the following provisions of Holroyd Local Environmental Plan 2013:
 - 1. Clause 4.3 Height of buildings
 - 2. Clause 4.6 Exceptions to development standard
 - 3. Clause 5.6 Architectural Roof Features
 - 4. Clause 5.21 Flood Planning
 - 5. Clause 6.2 Earthworks

Section 4.15 (1)(a)(i) of Environmental Planning and Assessment Act 1979

3. Holroyd Development Control Plan 2013

 The proposed development is inconsistent with the following provisions of Holroyd Local Environmental Plan 2013:

Part A – General Controls

- 1. 2 Roads and Access
- 2. 3 Car Parking
- 3. 6 Soil Management
- 4. 7 Stormwater Management
- 5. 8 Flood Prone Land
- 6. 10 Safety and Security
- 7. 12 Services

Part B – Residential Controls – 6. Residential Flat Buildings

- 1. 6.1 Lot Size and Frontage
 - a. Frontage
 - b. Site Coverage
- 2. 6.3 Setback and Separation
 - a. Front setback
- 3. 6.4 Height
- 4. 6.6 Open Space
 - a. Communal Open Space
- 5. 6.7 Building Appearance
 - a. Facades
 - b. Roof Design
- 6. 6.12 Facilities and Amenities
- 7. Cut and Fill

Section 4.15 (1)(a)(iii) of Environmental Planning and Assessment Act 1979

4. Likely impacts

a) The proposed development does not adequately address residential amenity, would be impacted by environmental site constraints and act as a precedent undesirable for the surrounding locality.

Section 4.15 (1)(b) of Environmental Planning and Assessment Act 1979

5. Suitability of the site

a) Due to flood affection the proposed development would not be suitable for the subject site. It is further noted that the Clause 4.3 variation is not supported as it would be inconsistent relative to existing and approved residential flat buildings surrounding the subject site.

Section 4.15 (1)(c) of Environmental Planning and Assessment Act 1979

6. Public Interest

a) The proposed development represents a design that would result in an undesirable precedent and as such would not be in the public interest. Section 4.15 (1)(e) of Environmental Planning and Assessment Act 1979

Albert Dzang

Development Assessment Officer

<u>ATTACHMENTS</u>:

1 🗸 📆	Assessment Report	37 Pages
2 🗓 🖫	Locality map	1 Page
3🗓 🖫	Architectural plans used during assessment	9 Pages
4	Internal plans used during assessment (confidential)	8 Pages
5😃 🖫	Clause 4.6 - Building Height (Clause 4.3)	20 Pages

REFERENCE MATERIAL



City of Parramatta	
File No:	DA/880/2021

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No: DA/880/2021 **Subject Property:** Lot A DP 324641

51 Railway Street, Granville NSW 2142

Proposal: Demolition and construction of a 5-storey residential flat building containing 4

units with basement parking

Date of receipt: 22 September 2021

Applicant: Zed Corp Developments

Owner: Railway 51 Pty Ltd

Property owned by a Council The site is not known to be owned by a Council employee or Councillor

employee or Councillor:

Political donations/gifts disclosed: None disclosed on the application form

Submissions received: No submissions received

Recommendation: Refusal

Assessment Officer: Albert Dzang

Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979

- State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Precincts Central River City) 2021;
- Holroyd Local Environmental Plan 2013 (HLEP 2013);
- Holroyd Development Control Plan 2013 (HDCP 2013); and
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).

Zoning R4 – High Density Residential

Bushfire Prone LandNoHeritageNoHeritage Conservation AreaNoDesignated DevelopmentNoIntegrated DevelopmentNoClause 4.6 variationNo

Delegation Parramatta Local Planning Panel (PLPP)

Reason >10% variation HLEP2013 Development Standard – Clause 4.3 – Building Height

1. Executive Summary

Development Application DA/880/2021 was lodged on 22 September 2021 for the demolition of existing structures and construction of a 5-storey residential flat building containing 4 units with basement parking on land at 51 Railway Street, Granville. Associated civil engineering/catchment, earthworks and landscaping is also proposed.

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The application is made pursuant to State Environmental Planning Policy (No. 65 (Design Quality of Residential Apartment Development, which permits development for the purposes of a residential flat building on land zoned R4 High Density Residential.

In accordance with the Parramatta Consolidated Notification Requirements, the Development Application was notified and advertised from 6 October 2021 to 27 October 2021. It is noted that no objections were raised with this application.

In accordance with Section 9.1 – Directions by the Minister of the Environmental Planning and Assessment Act 1979, the application is reported to the Parramatta Local Planning Panel for determination as the proposed development proposal exceeds the maximum permissible building height by 2.6m which represents a **17.33% variation** to the development standard.

Section 4.15 Assessment Summary

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

The proposed development is appropriately located within the locality however exhibits a number of variations that remain non-compliant (as detailed in this report) in relation to the applicable provisions.

Having regard to the matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, it is recommended that the subject application be refused.

2. Site Description and Conditions

The subject site is legally described as Lot A DP 324641 and commonly known as No.51 Railway Street, Granville and has an approximate area of 464.5m².

The lot currently accommodates a dwelling house with vehicular access provided off Marsden Street to an at-grade garage. The site is located on a moderately sloped land, falling from the northern western corner to the south-eastern corner of approximately 2.3 metres over a distance of 34 metres.

The site has a frontage of approximately 15.24m to Railway Street and 30.48m to Marsden Street and is orientated towards the south.

Adjoining the subject site to the north (side) and east (side) are existing 3 storey residential flat buildings. Directly opposite the site to the west are single storey detached dwelling houses and to the south is the Great Western highway. Although there are dwelling houses in the area the housing stock primarily consists of multi-unit housing.

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 - 3** below.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. Source: NearMap: May 2022.



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



Figure 3: Subject site as viewed from Railway Street. Source: Site Inspection

3. Relevant Site History

The following table provides the relevant site history of the application.

Date		Comment
23 2020	September	Pre-Lodgement Meeting (PL/125/2020)
		Construction of a 5 storey Residential flat building containing 6 units over basement parking. It is noted that the proposal was not supported on the following grounds.
		Height The maximum height of the development exceeds the maximum allowable building height (15m). It is noted that the height variation is unlikely to be supported. At the time of PL, it was suggested that Clause 4.6 variation be accompanied during the lodgement of the DA. Upon receipt of the DA, a Clause 4.6 variation was included, during assessment it was noted that the height is still unsupported and is further discussed in the assessment below. Scale and Form The proposed form, street presentation and scale do not relate to the existing urban context of the block as it is built out. The site is surrounded by apartment building developments which are unlikely to change in the near future. The proposed building reads as a part 5 storey structure compared to the predominately 3 storey (including parking under-croft) scale of the surrounding area.

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Building Setbacks

At the street frontage, building setbacks should be in line with existing building alignments. The proposed building is in front of the existing building alignment, the proposed built form encroaches into the street front setbacks. The proposed building should be set back in line with existing building street frontage setbacks.

Basement Footprint

The basement should be in line with the building footprint. The proposed basement projects beyond the building footprint resulting in inadequate deep soil at the street boundary after road widening. The basement should be setback to the building footprint to ensure to ensure adequate, min 4m deep soil at the street frontage.

Site Coverage Landscape Area

The development does not comply with the maximum site coverage and minimum landscaped area required by the Holroyd Development Control Plan 2013. It was advised at the time that the non-compliance is unlikely to be supported.

Upon receipt of the DA, it is acknowledged that the site coverage does not maintain compliance and remains unsupported.

Accessibility

It is noted that accessibility issues were raised at the time of PL however were addressed satisfactorily. Conditions would have been imposed had the application been recommended for approval.

Flooding Issues

Council's Catchment Management Officer reviewed the plans and advised that the main possible concern regarding flooding is for the basement car parks. The basement car park entries, particularly the southern entry, may be below the 100-year flood level (from either the side of the street plus 0.5m freeboard). If this is the case, a driveway crest and wing walls raised to this level may need to be introduced to exclude flood waters from that basement. It is recommended that a flood engineer review the design in light of the available flood levels. Council's DCP 2011 and the former Holroyd DCP regarding flooding and a reasonable level of risk management. Official flood levels may be obtained by making a Flood Information.

Upon receipt of the amended plans dated 1 February 2022, it is acknowledged that the advice provided above was not taken into consideration.

22 September 2021

Lodgement of DA (DA/880/2021)

Demolition and construction of a 5-storey residential flat building containing 6 units, ground floor and basement parking with access from Marsden Street

4. The Proposal

Development Application DA/880/2021 was lodged on 22 September 2021 for the *Demolition and construction of a 5-storey residential flat building containing 6 units, ground floor and basement parking.* Specifically, the application seeks approval for:

- · Enabling works which comprise:
 - Demolition of all existing structures on site
- Construction of a five (5) storey residential flat building:
 - o 4/5 storey residential building fronting Railway Street and Marsden Street
 - Six (6) units (2 units on level 1, Level 2 & Level 3)
 - 1 unit dedicated as adaptable housing
 - o Two levels of parking with access from Marsden Street and internal access by way of Car lift
 - Eight (8) residential car parking spaces (1 accessible).
 - Rooftop communal open space

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- Four (4) bicycle spaces
- · Site works and landscaping

The original proposal was reported to the Design Excellence and Advisory Panel (DEAP) at its meeting on 28 October 2021. Noting the comments made by DEAP, amended plans were submitted by the applicant on 1 February 2022. The changes made a number of amendments relating to unit numbers and vehicular access as follows:

- Enabling works which comprise:
 - o Demolition of all existing structures on site
- Construction of a five (5) storey residential flat building
 - o 4/5 storey residential building fronting Railway Street and Marsden Street
 - o Four (4) units (1 unit ground floor, level 1, Level 2 & Level 3)
 - o Basement parking with access from Railway Street
 - o Five (5) residential car parking spaces (1 accessible)
 - o Rooftop communal open space
- Site works and landscaping



Figure 4: Amended Design (amended plans – 1 February 2022)

5. Relevant Application History

Date	Comment
22 September	Lodgement of DA (DA/880/2021)
2021	
	Demolition and construction of a 5-storey residential flat building containing 6 units, ground
	floor and basement parking with access from Marsden Street

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27 October 2021	Advertisement
	Development application advertisement period ends from 6 October 2021
28 October 2021	DEAP meeting
	First DEAP recommendation report was provided. It is noted that the Parramatta Design Excellence Advisory Panel did not support the proposal in its current form and advises that there were a number of issues with the proposal.
6 December 2021	Additional information was requested seeking an amendment to the proposed works
1 February 2022	Additional Information was received
	It is noted that the proposal was amended to seek <i>Demolition and construction of a 5-storey</i> residential flat building containing 4 units and basement parking with access from Railway Street.
17 May 2022	DEAP meeting
	Second DEAP recommendation report was provided. It is noted that the Parramatta Design Excellence Advisory Panel did not support the proposal in its amended form and advises that there were a number of issues with the proposal.

6. Referrals

Design Excellence Advisory Panel

The application was initially considered by Design Excellence Advisory Panel (DEAP) at a meeting on 28 October 2021. The panel was not supportive of the application in its current form, issuing the design a 'Red Light', and provided the following advice:

- 1. The Panel acknowledges that this site is highly constrained and will require substantial skill to resolve the resultant issues to achieve design excellence.
- 2. Given the above it is essential that a detailed contextual site analysis be undertaken that clarifies the final requirements for the road widening, as there appears to be some confusion by all parties as to the requirements for this. This will allow for the existing and proposed setback conditions to be reviewed and details of room uses for the adjoining property along the eastern boundary to be clarified. This is due to the minimal set back along this boundary currently shown at 1000mm.
- 3. The Panel noted that for a proposal on such a constrained site it is highly recommended that pre DA DEAP meetings be held. This would allow a series of options to be discussed and reviewed prior to the production of a DA package. The proponent noted that they had attended pre DA discussions with CoP but had made a strategic decision to not attend pre DA DEAP sessions.
- 4. The site conditions have resulted in the need for the majority of the ground floor level being dedicated to on grade parking. This has inevitably had an impact on the quality of the streetscape and entry sequence. A 6100mm wide driveway located on Marsden Street contributes to this impact and the Panel questions its location.
- 5. In addition to Panel concerns CoP have confirmed that the proposed car lift to the basement car park is not supported. This will obviously have a substantial impact on the proposal and maybe result in a lesser yield to accommodate revised parking. The Panel suggested that the proponent engage in further discussion with CoP regarding parking requirements.
- 6. Given the above it is the Panel's opinion that some leeward may need to be afforded to the proponent by Council, to allow this site to be developed. However, any redesign will need to meet design excellence to gain Panel support.
- 7. The entry sequence is compromised due to the issues already noted above and currently provides unsatisfactory circulation with no allowance for social interaction when leaving or on arrival.

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8. It is suggested that further design resolution be undertaken that considers a basement car park with the driveway access from Railway Street as this will allow an improved entry zone to be located on the south western corner of the proposal. If a basement level car park provides insufficient parking, then consideration could be given to the provision of one or two spaces at ground level along with an additional unit. This is preferable to two levels of full parking.

- 9. The proposed built form requires reconsideration given its bulk and scale. It currently appears top heavy, and this is exacerbated by its narrow frontage along Railway Street, the solid upturn at roof level and its odd proportion due to the height of the ground level relative to the floors above. The reconsiderations noted in point 8 above should assist in resolving these issues.
- 10. The window opening sizes appear to not meet ADG requirements and larger openings would also assist in the refining of the elevational treatment and improve amenity. Simplifying the external expression generally is advised.
- 11. The relocation of the lift and entry will result in a redesign of the apartment layouts, and these should ensure that kitchens are not located in circulation space and living spaces receive sufficient solar access. The minimal separation between buildings should also be addressed to ensure sufficient amenity is achieved.
- 12. There is currently insufficient storage provided and this should be addressed in any resubmission.
- 13. The provision of communal open space at roof level is supported however any resubmission should provide increased shade and a universal access WC.
- 14. In relation to the balconies, the Panel recommends that:
 - AC condensers be relocated onto the roof level if possible and adequately screened, as the current arrangement is not satisfactory.
 - Consider providing increased balcony space if HW heaters cannot be recessed into the walls.
 - All rainwater downpipes are thoughtfully designed and integrated into the building fabric, these are currently exposed.
- 15. 1:20 sections through balconies are provided indicating balustrade design and concealed balcony drainage methodology.

Amended plans were considered by Design Excellence Advisory Panel (DEAP) at a meeting on 17 May 2022. It is noted that the panel retained its position and was not supportive of the application in its amended form, issuing the design a Red Light, and provided the following advice:

- 1. As noted above, the application was previously considered by the Panel in October 2021.
- The Panel commends the applicant for making changes in response to the Panels comments in particular the relocation of the driveway to the lower level off Railway Street.
- Although deleted, the Panel does not object to the use of car stackers in this instance given the size and configuration of the site.
- 4. With regard to the current proposal, the Panel raised the following concerns;
 - The proposal still breaches the height limit.
 - b. The planter at the edge of the roof level adds unnecessary bulk and scale.
 - c. The blank wall above the driveway is bland and adds unnecessary bulk at the lower level.
 - d. There are no awnings over the main entrance and west facing patio of the ground floor unit for shading or protection in inclement weather.
 - The apartment layouts on each floor are different and circulation is convoluted with lobby spaces in different locations.
 - f. There are still entrances to apartments through kitchen areas and bathrooms off living areas.
 - g. Private open space on the north side of the ground floor unit is isolated and not connected to the living area.
 - h. The separation on the east side of the development is very narrow with windows that will need to open for ventilation. The opportunity to inset part of the façade and provide north/south facing windows should be considered.

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- i. There is no landscaping shown on the northern and western sides of the property.
- j. The vertical batten screens are randomly placed and do not appear to have any function other than visual aesthetic in most instances.
- 5. In response to the above, the panel makes the following suggestions.
 - a. To address the bulk and scale issue, the elevations need to be broken down in scale. This may be achieved by setting the rooftop planter box back from the edge of the building, providing low level shrubs that spill over the edge and soften the building, amending the ground floor layout to eliminate the blank wall above the driveway, provide an awning with plants above the ramp at the entrance to the basement, provide an awning over the main pedestrian entrance to identify the building and to provide shelter in inclement weather.
 - The vertical batten screens should be deleted or applied where needed for shading or privacy screening only.
 - c. Provide fencing and planting along the northern and western boundaries as appropriate including hedge type screen planting, shade planting, to provide a sense of enclosure and privacy to private open space and low edge planting to define the entrance to the building.
 - d. Incorporate letterboxes, bump space and seating as part of the entry sequence.
 - Provide a shade structure over the BBQ area on the rooftop common open space with suitable setbacks from the edges of the building.
 - f. Provide well designed and efficient apartment layouts and repeat on each level. Different layouts on each level is inefficient, creates difficulties with plumbing and other services and is unnecessary. Incorporate vertical stacks to accommodate services.
 - g. The lift lobby currently works best on the ground floor where it relates to the main entrance and street address. This should be repeated on all levels above to maintain the connection with the street.
 - h. Consider options such as 3 x 2b apartments on the northern side and 2 x studio apartments on the south overlooking Railway Street and the southeast corner of the site providing a total of 5 apartments. This option would result in a reduction in the height of the building making it comply with the height limit and consequential amenity benefits.
 - The open space adjacent to the ground floor apartment should be private with direct connections to the internal living area and north facing bedroom.
 - j. The apartments above should have living spaces facing north and overlooking Marsden Street.
- 6. The proposed layout and lift location is largely determined by the parking requirements given the difficult site constraints, and the unit mix is driven by parking rates.
- 7. Council's traffic engineers do not support car stacker or car lifts. If stackers are not provided, a reduction in parking spaces may be necessary. The site is well located relative to public transport, and this could be one reason to permit a reduced number of spaces. Another is that the site requires special treatment due to its isolation relative to the age of adjacent buildings that are unlikely to be redeveloped for some time.
- 8. Other suggestions raised by the panel with regard to the building layout was to align the lift and stair core eastwest to split the building with a view to relocating the lift / stair core and dividing the building into three parts.
- 9. Shifting the driveway slightly west to fit the lift on the eastern side was also discussed.
- 10. A zero setback with the entry core lift and stairs pushed to the side boundary was another potential option raised by the Panel (subject to mitigating amenity issues / privacy / ADG arguments) or to locate the lift and stair on the western edge of the building.
- 11. A detailed landscape plan needs to be provided showing the treatment of all ground floor and rooftop landscaping.
- 12. All north, east and west facing opening need to be shaded.
- 13. Provide a shade structure to the west facing patio of the ground floor apartment.
- 14. Utility requirements such as a hydrant booster cupboard need to be considered and integrated in the overall layout of the development.

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The applicant is encouraged to consider alternate layouts such as those discussed above in diagrammatic form for consideration by the Panel. The Panel is willing to consider these prior to another DEAP meeting if necessary. Arrangements would need to be made with Council to facilitate the process.

Planner's comment:

On receipt of the additional information package, it is noted that the amended architectural plans provided by the applicant have not addressed all points raised by DEAP:

- 1. The proposal still breaches the allowable height limit;
- 2. The proposed eastern setback (1m) is unchanged and as a result does not comply with the visual privacy controls stipulated under the ADG (3m). It is further noted that the submitted plans does not appear to have investigated the neighbouring building uses for the adjoining eastern lot;
- In response to point 4 and 5, plans have been amended to demonstrate basement parking only with access from Railway Street instead of Marsden Street. This would therefore meet the recommendation under point 8;
- As noted by DEAP's comments below on the submitted amended plans, the proposal still maintains a bulk and scale that would be inappropriate with the context of the area. The bulk and scale impacts include (but are not limited to) –
 - Planters at the edge of the roof level;
 - Blank wall above the driveway;
- 5. The amended plans have not addressed all aspects of residential amenity (i.e., shading and access);
- 6. It is noted that the relocation of the lift and entry (along with the redesign for basement parking only) has resulted in an adjustment to the layout of each floor and a reduction of 6 units to 4 units. Notwithstanding, the kitchens for level 1-3 are still located in circulation spaces (such as hallway or entry space).

In lieu of amending plans, it is noted that no justification appears to have been made in response from the applicant as to why certain design amendments were made or retained. Council considers that many of the comments raised by DEAP are valid and should have been addressed with amended plans.

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

Referral Development Engineer (Catchment)

Comment

On 31 January 2020, Council issued flood advice based on the Final Draft Holroyd City Overland Flow Study 2017.

The 1% AEP flood level advised (beyond the site) is RL 14.00m AHD, resulting in a flood planning level of 14.50m AHD. The ground floor car park FFL is at an RL of 15.400m AHD including the lift lobby. As such, this is 900mm above the flood planning level.

Although the basement is below this level (FFL of RL 12.600m AHD), the area adjoining the site is only affected by overland flow from which the basement is protected by the ground floor level being approximately 1.4m above the 1% AEP overland flow water surface level. The building proposed at this time would therefore be considered adequate for flood protection and flood risk management.

A revised set of plans were submitted on 1 February 2022, a subsequent referral was made to Council's Catchment Officer. It was noted that proposed relocation of the driveway would be located at an RL of 14.00m AHD. It is further noted that the proposed basement would have an FFL of RL 12.40 AHD.

Given that the driveway location is now located at a lower point of the site, the floodwaters are likely to enter the basement in a 1% AEP event (i.e., below RL 14.00m AHD). As a result, Council would normally require crest and wingwalls on driveways at the boundary to protect the basement car park. The level of the crest would be required to be at the flood planning level (14.50m AHD). The provisions of a crest at RL 14.50m AHD would require a rise of 1.05m AHD from the gutter level (approximately 13.45m AHD) across the footway to RL 14.50m at the crest, over a distance of approximately 3.5m (1 in 3.5). The design may not be considered acceptable due to its steepness, meaning the crest would need to be set back inside the boundary.

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Furthermore, it is noted that the driveway must fall 1.100m from the crest at 14.50m AHD to the basement floor at RL 13.40m AHD (approximately 1 in 12 or steeper). The amended plans submitted show a distance of 12.050 metres from the boundary. Inclusive of the above, no sections of the proposed driveway have been provided and no other information such as headroom is available.

As such, a long section of the driveway, including headroom and other information, must be provided from the gutter, over the crest at RL 14.50m AHD, to the basement floor to ascertain that this can be achieved within Australian and Council standards (this may result in raising and/or warping the basement floor).

Reasons as to why further additional information was not sought:

It is acknowledged that Council's Catchment Officer raised no objections to the initial plans submitted to Council under DA/880/2021. Upon receipt of the amended plans, flooding impacts were subsequently raised.

A review of the Pre-lodgement advice provided on 9 November 2020 demonstrates that similar issues were raised.

In accordance with Section 2.3.2 of Council's Policy on Handling of unclear, insufficient and Amended Development Applications, it states that:

"No request for further information will be given where:

 A pre-lodgement meeting was held, and the applicant has not followed the advice given in that meeting in respect of the same issue"

It is for this reason that Council is not in a position to entertain further additional information.

Urban Design
(Accessibility)
Transport and
Traffic Engineer
Tree and

Supported, subject to conditions of consent.

Supported, subject to conditions of consent.

Supported, subject to conditions of consent.

PLANNING ASSESSMENT

7. Environmental Planning Instruments

7.1 OVERVIEW

Landscape

The instruments applicable to this application are:

- State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Precincts Central River City) 2021;
- Holroyd Local Environmental Plan 2013 (HLEP 2013);
- · Holroyd Development Control Plan 2013 (PDCP 2013); and
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).

Compliance with these instruments is addressed below.

7.2 PREVIOUS STATE ENVIRONMENTAL PLANNING POLICIES

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The subject application was lodged prior to the commencement of the Consolidated State Environmental Planning Policies on 1 March 2022. As the provisions within the previous SEPPs are generally the same, savings provisions do not apply to the new SEPPs. A comparison of the previous and consolidated SEPPS are demonstrated in the table below.

Old SEPP/SREP	New SEPP	New Location
(Vegetation in Non-Rural Areas) 2017	(Biodiversity and Conservation) 2021	Chapter 2
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)	(Biodiversity and Conservation) 2021	Chapter 10
No 55—Remediation of Land	(Resilience and Hazards) 2021	 Chapter 4
(Infrastructure) 2007	(Transport and Infrastructure) 2021	 Chapter 2

7.3 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The application is made pursuant to State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development, which permits development for the purposes of residential flat buildings on land within the R4 High Density Residential zone. The aims and objectives the policy are as follows:

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of highquality design.
- (3) Improving the design quality of residential apartment development aims—
 - (a) to ensure that it contributes to the sustainable development of New South Wales—
 - (i) by providing sustainable housing in social and environmental terms, and
 - (ii) by being a long-term asset to its neighbourhood, and
 - (iii) by achieving the urban planning policies for its regional and local contexts, and
 - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and
 - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and
 - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and
 - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and
 - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and
 - (g) to support housing affordability, and
 - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.
- (4) This Policy aims to provide—
 - (a) consistency of policy and mechanisms across the State, and
 - (b) a framework for local and regional planning to achieve identified outcomes for specific places.

Pursuant to Clause 29 of the Environmental Planning and Assessment Regulation 2021, a Design Verification Statement prepared by Robert Del Pizzo, Registered Architect (Registration No. 3972) was submitted with the application. This statement verifies that Robert Del Pizzo designed the proposal which has generally achieved the objectives of the design quality principles of SEPP 65.

Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts, and residential amenity of the development. The development's compliance with the ADG is assessed below:

PARAMETER	CONTROL			OL	PROPOSAL	COMPLIANCE
PART 2 Building envelopes						
Separation - Building separation is measured from the outer face of building envelopes which includes balconies			des balconies			
Separation	Up	to	4	storeys	It is noted that the northern side of the subject site	No, but
	(appi	roxima	ately	12m):	would have a building separation of 8.915m, and	acceptable

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	• 12m between	the eastern side would have a building separation	
	habitable	of 3.9m.	
	rooms/balconies		
	• 9m between	It is acknowledged that building separation is	
	habitable and non-	considered acceptable as the buildings directly	
	habitable rooms	adjacent to the site were developed prior to the	
	6m between non-	introduction of the ADG. Notwithstanding, further	
	habitable	details relating to habitable and non-habitable uses	
		would have been required for the adjoining building	
		to determine whether the proposed works would	
		result in significant privacy visual impacts.	
PART 3 Siting the	e development	result in eighnisum privacy visual impuster	
Communal open			
	have a minimum dimension	of 3m	
		d level, it should be provided on a podium or roof.	
Communal	Communal open space	The initial submission provided a combined area of	No
open space	has a minimum area	170.4m² of communal open space at ground level	140
open space	equal to 25% of the site	and rooftop.	
	or 107m ²	and roonop.	
	01 107111	The amended plans have resulted in altering the	
	Developments achieve a	ground floor communal open space to a private	
	minimum of 50% direct	courtyard and as such, communal open space. An	
	sunlight to the principal	assessment was therefore made for the amended	
	, ,		
	usable part of the	roof design resulting in a total area of 91m ²	
	communal open space	communal open space and would achieve	
	for a minimum of 2 hours	adequate solar access as required.	
	between 9 am and 3 pm	It is noted that the appear proposed on floors 1.2	
	on 21 June (mid-winter)	It is noted that the space proposed on floors 1-3	
		identified as 'communal open space' acts as a	
		circulation area between the lift and entry of the	
		unit. Furthermore, given its current design and	
		location, the spaces are unlikely to promote	
		outdoor recreation opportunities and would not	
		achieve a minimum of 50% direct sunlight. As such,	
		the space proposed on floors 1-3 is not considered	
		as communal open space and is likely to act for the	
		purposes of private open space.	.,
Deep Soil	Minimum of 7%	162m²	Yes
	(32.515m²), no minimum		
	dimensions		
Visual privacy			
		ies is provided to ensure visual privacy is achieved.	
	ifferent zone with a less den		
		conies, use habitable room separation.	
	n is required between blank		No but
Visual privacy	Up to 12m	The proposal seeks for a 5 storey (4 storey + 1 roof)	No, but
	(approximately 4	residential flat building on the subject site. It is	acceptable
	storeys): • 6m between	noted that the same assessment regarding building	
	6m between habitable and non-	separation would therefore apply to the subject	
	habitable and non-	site. Given the above, it is noted that the northern	
	3m between non-	side of the subject site would have a building	
	habitable	separation of 8.915m, and the eastern side would	
	Habitable	have a building separation of 3.9m.	
		Notwithstanding, further details relating to	
		habitable and non-habitable uses are required for	
		the adjoining building to determine whether the	
			Page 14 of 37

		proposed works would result in significant privacy	
		visual impacts.	
Parking and Bicyc		nt must be provided off street	
Parking and bicycle storage	For development in the following locations: The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council,	The amended plans submitted 1 February 2022 has satisfactorily addressed the requirements for parking spaces. It is noted that conditions would have been imposed to include three (3) bicycle spaces/racks on site. Notwithstanding this, the proposed driveway gradient for the basement car park is not supported due to flooding impacts. Refer to Catchment referral.	Yes
	whichever is less.		
PART 4 Designing Solar and daylight access	the building Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter in the Sydney Metropolitan Area.	100% of units (4) receives 2 hours of solar access between 9am and 3pm at mid-winter internally.	Yes
	A maximum of 15% of apartments in a building received no direct sunlight between 9am and 3pm at mid-winter.	All units would receive solar access internally.	Yes
Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a crossover or cross-through apartment does not	A total of 4 units (100%) are cross ventilated. No unit exceeds 18m in overall depth when measured from glass line to glass line.	Yes Yes
	exceed 18m, measured glass line to glass line.		
Ceiling Heights Note: Measured from finished floor level to finished ceiling level	Habitable rooms - 2.7m	The amended plans would result in the following floor to ceiling height levels – Ground: 3.4m Level 1 – 3: 3.1m	Yes
Apartment size an Note: The minimu by 5m² each.		e bathroom. Additional bathrooms increase the mini	mum internal area
Apartment size and layout	1-bedroom 50m ² 2-bedroom 70m ² 3-bedroom 95m ²	All units comply with the minimum areas required for the specified number of bedrooms.	Yes
	Every habitable room must have a window in an external wall with a	The proposal provides windows in every habitable room; however, the plans do not clearly	No

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	total minimum glass area	demonstrate whether the total minimum glass area	
	of not less than 10% of	is not less than 10% of the floor area of the room.	
	the floor area of the		
	room. Kitchens should not be	The proposed kitchens for Loyal 1.2 appear to be	
		The proposed kitchens for Level 1-3 appear to be	
	located as part of the	located as part of the main circulation space.	NI -
	main circulation space in		No
	larger apartments (such		
	as hallway or entry		
	In open plan layouts		
	(where the living, dining		
	and kitchen are	Yes	Yes
	combined) the maximum		
	habitable room depth is		
	8m from a window.		
	Master bedrooms have a		
	minimum area of 10m ²	The master bedrooms have a minimum area of	
	and other bedrooms 9m ²	10m².	Yes
	(excluding wardrobe	Tom .	
	space).		
	Bedrooms have a	Bedrooms have minimum dimensions of 3m.	
	minimum dimension of	All bedrooms are provided with a minimum	Yes
	3m.	dimension of 3 metres.	
	Living rooms or		
	combined living/dining		
	rooms have a minimum		
	width of:	All min. dimensions provided.	Yes
	- 3.6m for studio and 1-	All IIIII. difficults provided.	163
	bedroom apartments.		
	- 4m for 2- and 3-		
	bedroom apartments.		
	The width of cross-over		
	or cross-through		
	apartments are at least	The width of all apartments exceeds 4m in width	Yes
	4m internally to avoid	The width of all apartments exceeds 4m in width.	res
	deep narrow apartment		
	layouts.		
Private open Spac Note: Storage are:		I to the minimum balcony size.	
Private open	1 Bedroom = 8m ²	Proposed units containing 1-2-bedroom exhibit	No
space and	minimum with 2m depth	compliant balconies in regard to area and depth.	
balconies	2 Bedroom = 10m ² with	The three-bedroom unit however does not achieve	
	2m depth	the 12m ² balcony requirement.	
	3+ Bedroom = 12m ² with		
	2.4m depth		
	For apartments at	The ground level apartment has access to private	Yes
	ground level or on a	open space.	
	podium or similar		
	structure, a private open		
	space is provided		
	instead of a balcony. It		
	must have a minimum		
	area of 15m ² and a		
	minimum depth of 3m.		
	· · · · · · · · · · · · · · · · · · ·		

Storage				
Note: Storage is a	Note: Storage is accessible from either circulation or living areas.			
Storage provided	Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather			
proof and screened from view from the street.				
Storage	At least 50% of the required storage is to be	The proposal exhibits storage area within the units and basement in accordance with the provisions of	No	
	located within the	the ARHSEPP.		
	apartment. Left over space such as under stairs is used for	However, the plans do not clearly mark the volume of storage area for each unit in particular, the		
	storage	storage allocated within the basement parking area.		
	Studio apartments 4m³			
	1-bedroom apartments 6m ³			
	2-bedroom apartments 8m ³			
	3+ bedroom apartments			
	10m³	Na., 4		
Common	The maximum number of	Max 1	Yes	
circulation and	apartments off a			
spaces	circulation core on a single level is eight.			

7.4 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.

It is noted that the site would not require tree removal. Council's Tree and Landscape Officer has reviewed the application and have no objections.

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

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

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

7.6 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 - CHAPTER 4 REMEDIATION OF LAND

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

The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous non-residential land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. In addition, a Phase 1 Environmental Site Assessment prepared by Safe Work Environments (dated 12 March 2021) was submitted with the application.

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Geotechnical Consultants Australia Pty Ltd (GCA) were engaged to carry out a preliminary assessment of the site. GCA in their report dated 18 May 2021 concluded that:

"GCA considers that the potential for significant contamination of soil and groundwater within the site to be low. Therefore, we find that the site is suitable for the proposed development and land use, providing the recommendations in Section 12 below are implemented during the Construction Certificate (CC) stage."

The application along with the GCA report submitted by the applicant was reviewed by Council's Environmental Health team who determined that satisfactory evidence has been provided that the site can be made suitable for the proposed development subject to conditions of consent.

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

- The site reveals that there is no 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.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed development being a residential flat building.

Standard and special conditions relating asbestos, site audit statement, site investigation and contamination would have been imposed had the application been recommended for approval.

7.7 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 2.48: Electricity Infrastructure

The application is not subject to Clause 2.48 of the SEPP as the site is not within the vicinity of electrical infrastructure that would trigger the concurrence of the electricity supply authority.

Clause 2.97: Development adjacent to rail corridors

The application is not subject to Clause 2.97 of the SEPP as the subject site is not adjacent to a rail corridor.

Clause 2.18: Development with a frontage to a Classified Road

The application is not subject to Clause 2.118 of the SEPP as the site does not have frontage to a classified road.

Clause 2.121 Traffic Generating Development

The application is not subject to Clause 2.121 of the SEPP as the proposed development is not expected to cause significant impact on the surrounding road network.

7.8 STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS - CENTRAL RIVER CITY) 2021

On 1 March 2022, the NSW Government published the SEPP Environmental Planning Policy (Precincts – Central River City) 2021 which includes the Urban Renewal precincts mentioned under the Urban Renewal State Environmental Planning Policy (SEPP). The SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation. The first three precincts identified under the SEPP are Redfern-Waterloo, Granville Town Centre (that includes parts of Harris Park, Parramatta and Rosehill as well) and the Newcastle CBD.

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The key principle of the SEPP is to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and a broader range of housing and employment options. This is also sometimes referred to as transit-oriented development.

The subject site falls under the Granville Potential Precinct Map. In accordance with Part 6.2 Potential urban renewal precincts, Clause 6.8 of the SEPP, the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal as the proposed development facilitates the increased development of the site to assist in achieving the following objectives:

- (a) development of the potential precinct for higher density housing or commercial or mixed development,
- (b) the future amalgamation of sites for the purpose of any such development within the potential precinct,
- (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

8. Holroyd Local Environmental Plan 2013

This Development Application is made pursuant to the Holroyd LEP 2013 (HLEP 2013), however, any inconsistencies between the SEPP No. 65 – Design Quality of Residential Flat Development and the Holroyd LEP 2013 are noted. The relevant matters considered under the HLEP 2013 and SEPP No. 65 – Design Quality of Residential Flat Development 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 provide a clear framework for sustainable land use and development in Holroyd,
 - (b) to provide for a range of land uses and development in appropriate locations to meet community needs, including housing, education, employment, recreation, infrastructure and services,
 - (c) to promote ecologically sustainable development by facilitating economic prosperity, fostering social wellbeing and ensuring the conservation of the natural environment,
 - (d) to concentrate intensive land uses, increased housing density and trip-generating activities in close proximity to centres and major public transport nodes in order to retain the low-density character of other areas,
 - (e) to promote the efficient and equitable provision of public services, infrastructure and amenities,
 - (f) to protect the environmental and cultural heritage of Holroyd including—
 - (i) identifying, conserving and promoting cultural heritage as a significant feature of Holroyd's landscape and built form as a key element of its identity, and
 - (ii) effectively managing the natural environment (including remnant bushland and natural watercourses) to ensure its long-term conservation.

The proposed development of a residential flat building of this scale is unlikely to satisfy all housing amenity needs required for the future occupants on the subject site. It is noted that the proposal does not satisfactorily address uses pertaining to housing amenity and flooding impacts.

It is noted that the proposal is considered an overdevelopment for its site in comparison to the immediate surrounding locality and is unlikely to provide all the required services and facilities necessary to enable an efficient and safe operation of the use. Furthermore, the site is constrained by environmental factors such as flooding which is likely to vehicular access to and from the site.

As such, the development does not satisfactorily meet the aims of the plan.

Clause 2.3 Zone objectives and Land Use Table

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

- To provide for the housing needs of the community within a high-density residential environment.
- To provide a variety of housing types within a high-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

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The application proposes the demolition of existing structures and construction of a five (5) storey residential flat building containing 4 units and basement parking.

It is noted that the proposal remains inconsistent with the objectives pertaining to land zoned R4 High Density Residential.

Standards and Provisions	Compliance
Part 4 Principal development stand	ards
CI. 4.3 Height of buildings Allowable: 15m	Does not comply.
Proposed: 17.6m	The applicant has submitted Clause 4.6 in response to this non-compliance. See below.
CI 4.4 Floor Space Ratio Allowable: 1.2:1 (517.644m²)	Yes
Proposed: 0.9:1 (443.92m²)	Ground floor – 108.82m2
	Level 1 – 111.82m2 Level 2 – 111.64m2
	Level 3 – 111.64m2
CI. 4.6 Exceptions to Development Standards	Variation to Clause 4.3 'Height of Buildings' standard. See Below.
Part 5 Miscellaneous provisions	
CI 5.6 Architectural roof features	Not supported.
	The proposal has sought an architectural roof feature to facilitate equipment for the servicing of the building (including fire stairs and lift) only.
	It is considered however that this aspect of the proposal is not an architectural roof feature and forms part of the main elements of the building which represents a height exceedance under Clause 4.3 Height of Building.
	In response to the objectives, it is considered that the proposed roof element would not exhibit innovative or high-quality design as it is only used to facilitate building services, would contribute to the overall bulk and scale which would be inconsistent with the existing neighbourhood character and not be of a roof form that contributes positively to the streetscape.
CI. 5.10 Heritage conservation	The site is not identified as a heritage item and is not located within a heritage conservation area.
CI. 5.21 Flood Planning	Not supported. It is noted that the subject site is affected by the 1% AEP flood level along the Railway Street boundary. As such, consideration should be made to ensure that the development minimises the flood risk to life and property associated with the use of the land and to enable to safe occupation and efficient evacuation of people in the event of a flood.
	Council's Senior Catchment and Development Engineer reviewed the amended design and advised that the proposed driveway located on Railway Street would not adequately address the 1% AEP flood level along Railway Street and as such, the proposed basement would not be able to accommodate flooding impacts and moreover, impinge on the ability to achieve the required gradient to meet AS2890 for access and egress.
Part 6 Additional local provisions	In addition to the above, further additional information was not sought as a pre- lodgement advice provided on 9 November 2020 raised this matter.

CI. 6.2 Earthworks

Not supported

Associated earthworks to create a level building platform and the construction of a basement car park is proposed. The scale and location of the proposed earthworks are centred on the site.

The amended location of the driveway (fronting Railway Street) is likely to be impacted by 1% AEP flooding and subsequently, the basement car park. Given the above, it is considered that the proposed earthworks required to facilitate this proposal is not appropriate given the site constraints.

Clause 4.6 Exceptions to Development Standards Building Height

The proposal does not comply with the maximum 15m building height development standard detailed in Clause 4.3 of the Holroyd Local Environmental Plan 2013. The proposed RFB building height is **17.6m**.

The development proposal exceeds the maximum permissible building height by 2.6m which is a **17.3% variation** to the development standard.





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O LIFT/STAIRS ROOF 90 O ROOF TERRACE O LEVEL 3 - FOL 2700 O LEVEL 3 SELECTED FACEBRICK MASONR S-O LEVEL 2 - FCL POWDERCOATED ALUMINIUM FRAME SLIDING GLASS DOOR O LEVEL 2 SDE O LEVEL 1 - FCL MA WINDOW WITH FEATURE SHROUD AND WALL CLADDING O LEVEL 1 RENDERED OR SELECTED SPLIT FACE TEXTURED BLOCK WALL GROUND FLOOR - FOL 3000 O GROUND LEVEL O FOYER LEVEL

Figure 5: Elevation of proposed (amended plans – 1 February 2022)

Clause 4.6 of Holroyd Local Environmental Plan 2013 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

Consideration of Clause 4.6 is made as follows:

NORTH ELEVATION

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 (see Figure 5 in relation to height exceedance). 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:

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"It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 to permit a maximum building height of 17.6m which equates to a numerical variation of 2.6m, noting that the maximum height relates to the natural ground line. This results in a percentage variation of 17.3%. This variation is restricted to the lift overrun and the remainder of the architectural roof feature is restricted to a height of 16.8m or a variation of 1.8m (12%). This variation is over a small section of the roof as illustrated [...]. The SEE submitted with the DA indicates a specific request is included with the application to seek a variation of the HOB development standard. This report is the applicant's formal written request. [...]

The following planning grounds are submitted to justify contravening the maximum HOB:

- The height breach is located at the south eastern corner of the site at the lowest point of the site. The proposed non-compliance of the roof form is limited to a non-habitable element which has been proposed in order to provide an interesting roof form with varying elements and to encapsulate the vertical circulation core together with a small roof element to provide weather protection over outdoor communal open space.
- The variation is over a small section of the roof area measuring 35m² (18% of the total roof space) and it ranges between a variation of 2.6m (lift overrun) to 1.8m for the remainder of the architectural roof feature.
- The site contains a dual frontage and has been designed to successfully address both Railway Street and Marsden Street. The non-compliant element is minor and will not be visually obtrusive form the streetscape when viewed by the casual observer. Given the non-compliance pertains to the architectural roof feature, this will not have a direct impact to the streetscape character.
- The proposal is compatible with the existing and desired future character of the locality. That is, the noncompliant element will not bring with it a form greater than anticipated by the relevant development standards
 and controls. The height breach is also, in part, a result of the site topography which falls diagonally across the
 length of the site.
- It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:
 - The tent of the additional height creates no significant adverse overshadowing impacts to a adjoining properties when compared to a compliant building envelope. The proposal will retain reasonable solar access to the neighbouring properties, with only negligible differences to a complaint building height., A such, the proposal will continue to retain adequate solar access to neighbouring properties.
 - The height breach is limited to non-habitable area and does not result in any adverse additional privacy impacts. As such, the non-compliance will have no greater impact on the privacy of adjoining properties when compared to a compliant built form; and
 - The height breach will not result in any significant view loss. The subject site does not contain any significant views across or from the public domain. The maximum height non-compliance is limited to a minor portion of the roof and therefore the extent of view loss caused by the non-compliant element would be insignificant.
- The social benefits of providing housing stock within a highly sought-after location should be given weight in the consideration of the variation request
- Insistence on compliance with the height control would result in a poor architectural design without any meaningful gains for the local built character or the amenity of adjoining neighbours
- The proposed development meets the objectives of the development standards and meets the objectives of the R4 HIGH Density Residential zone
- The proposed development achieves the objectives of Section 1.3 of the EPA Act, specifically:
 - a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
 - b. To promote the delivery and maintenance of affordable housing (1.3(d));
 - c. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

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The above environmental planning grounds are not generic comments. These are unique circumstance for the proposed development, given the minor nature of the non-compliance, sites isolated nature and that the proposal seeks to achieve a high level of architectural design for the subject site. Insistence on compliance with the height control will result in poor architectural design. The additional height does not adversely impact the amenity of the neighbouring properties (when compared to a compliant built form) and has been designed to ensure the additional height is not visually dominating from the public domain or neighbouring properties."

An assessment and analysis of the context of the site has been undertaken to determine whether compliance with the standard is 'unreasonable and unnecessary' and there are 'sufficient planning ground' as follows:

Context of the site

The surrounding area is generally characterised with older residential flat buildings and low-rise single developments forming the bulk of the streetscape. It should be noted that a recent 5 storey apartment development located at 53-57 Railway Street, Granville (DA/1254/2016) was approved by the Land and Environment Court of NSW with orders issued on 16 January 2019. Notwithstanding, legacy and new developments of both scales maintain the adopted 15m height limit which is sought to be reduced to 14m under the Draft Parramatta Local Environmental Plan 2020.

With reference to the below images, it can be seen that a majority of high-density development within the immediate locality exhibit compliant building heights with a 3-storey design and pitched roof. In reviewing DA/1254/2016, its noted that the approved plans demonstrate a 4-5 storey development inclusive of an accessible roof, however still retaining the allowable height limit of 15m. The subject site however exhibits a non-confirming building height with 2.6m more than what is allowable on the subject site and relative to neighbouring lots. As such, the proposed development would represent be incongruent to the prevailing building height that would undermine the surrounding Railway Street locality.

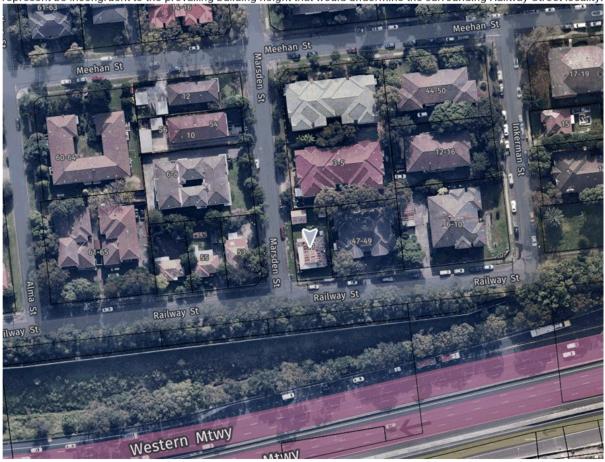


Figure 5: Locality map (nearmaps)

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Figure 6: View from Marsden Street

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Figure 7: View from Railway Street

An assessment against the relevant case law established in the Land and Environment Court of NSW 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.

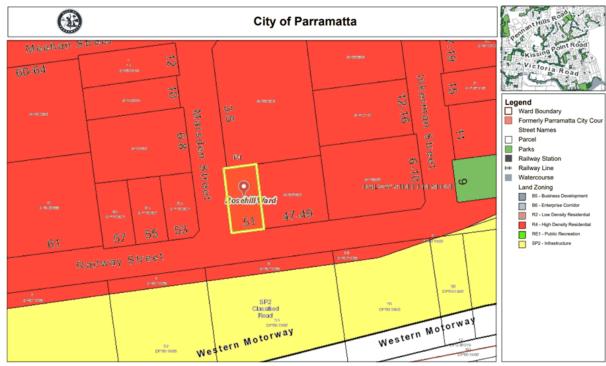
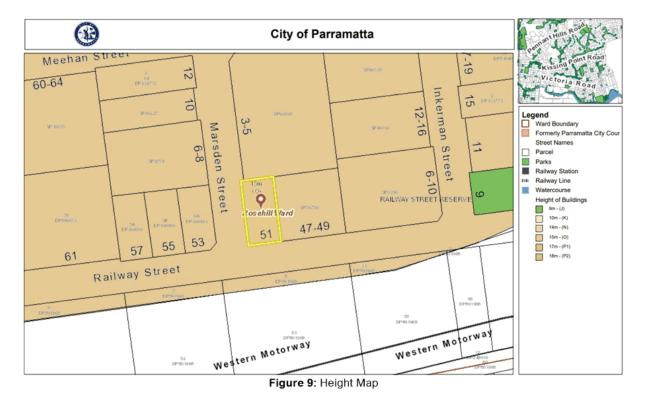


Figure 8: Zoning Map

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The subject site and the surrounding area are currently zoned R4 High Density Residential with a maximum height limit of 15m. Legacy developments and the approved residential flat building at Nos.53-57 Railway Street maintains this development standard.

Developments within the locality have been designed in a manner that has responded relative to its lot size and shape. In addition, the apartment development approved under DA/1254/2016 involved the consolidation of 3 lots. In consideration of the subject site, it is noted that consolidation of the site cannot be achieved and that the site itself is essentially isolated.

In consideration to the Draft Parramatta Local Environmental Plan 2020, it is noted that the draft LEP 2020 would reduce the allowable maximum height limit by 1m. As such, the proposal would remain inconsistent with the provisions of this draft LEP in the same manner as the current LEP 2013.

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:

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

Height of Buildings Objectives

(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,

Comment: The site is surrounded by apartment building developments which are unlikely to change in the near future. The proposal currently reads a 5 storey structure compared to the predominately 3 storey (including parking undercroft) scale of the neighbourhood. Furthermore, the proposal is unlikely to provide sufficient solar access for the proposed (Communal) open space located on the south-eastern corner of the RFB.

(b) to ensure development is consistent with the landform,

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Comment: It is noted that the subject site has a moderate slope from the northern western corner to the south-eastern corner of approximately 2.3 metres. Pre-lodgement advice provided on 9 November 2020 acknowledged the following:

"The main possible concern regarding flooding is for the basement car parks. The basement car park entries, particularly the southern entry, may be below the 100-year flood level (from either side of the street plus 0.5m freeboard)."

Comment: Upon receipt of amended plans on 1 February 2022, it was noted that the proposed driveway for the basement was relocated to front Railway Street along the south-eastern corner. Given the above, it is noted that the proposal would be affected by flooding and as such the development is inconsistent relative to the topography of the site.

(c) to provide appropriate scales and intensities of development through height controls.

Comment: It is noted that the maximum allowable height limit for the subject site is 15m. The proposal seeks for a total height of 17.6m resulting in a 17.3% variation. Given the proposed exceedance, the proposal does not achieve an appropriate scale and intensity that would response positively relative to the surrounding developments. Should the development be approved, it will likely result in a precedence within the locality.

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

Comment: The underlying objective of Clause 4.3 is to set a numerical standard in achieving an appropriate sense of scale for the locality and its surrounding zones. It is acknowledged that developments surrounding the subject site have been designed with consideration of the maximum height. In this regard the objectives of Clause 4.3 remain applicable to the development.

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

Comment: The objective of Clause 4.3 serves to provide a numerical basis for assessment. It is regarded that the 15m height restriction is maintained throughout the surrounding locality within the R4 High Density Residential area and that developments surrounding the subject site do not exceed the maximum height limit threshold. In this regard, the noncompliance with the proposed building height only serve to remove the proposal's ability to serve the objectives of Clause 4.3 and is likely to result in a precedence for future applications within the surrounding area.

The surrounding area is comprised mainly of three-storey developments with a pitched roof (inclusive of at-grade parking). An exception is made to 53-57 Railway Street (DA/1254/2016) which demonstrates a 4-storey development, with a rooftop area and basement car parking. Notwithstanding, the development has been designed effectively to respond to the subject site by way of bulk and scale and does not exceed the allowable height limit.

Upon review of the amended plans for the subject site, its noted that the proposed development is inconsistent with the prevailing height pattern and is of a bulk and scale that does not effectively respond to the lot size and shape. It is further noted that the proposal has sought an architectural roof feature to facilitate equipment for servicing of the building only. In response to the objectives, it is considered that the proposed roof element would not exhibit innovate or high-quality design, as it is only used to facilitate building services and would therefore be inconsistent with the existing neighbourhood character.

Further the current design would not provide acceptable amenity provisions (such as communal open space and solar access). It is noted in response to the constraints for basement parking, the driveway was amended to front Railway Street instead. In addressing this matter, consideration was not made to the flooding constraints impacting the site. Council's Catchment and Development Engineer noted that the site is affected by 1% AEP flood level and as such the basement/driveway would not be able to accommodate the flooding impacts. Had the matter been addressed in its current form, it is likely that the proposal may necessitate a further increase in height to facilitate the driveway gradient and crest which would further exacerbate the bulk, scale, and height of the development.

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In addition to the above, further additional information was not sought as pre-lodgement advice in response to the above flooding matters were provided on 9 November 2020.

In spite of the numerical provisions of building height under Clause 4.3, the proposal fails to address the likely impacts of the development in the locality set out under Clause 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.

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 standard is relevant and is not considered abandoned or destroyed. Council has noted that the surrounding developments maintain compliant development heights. As such, it is pertinent that the development complies with the height limit set out as to prevent erosion of the Clause 4.3's ability to enforce its objectives through a numerical standard.

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. The zoning of the site reflects Council's intention to locate High Density Residential development in appropriate areas.

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:
 - 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 proposed development does not exhibit site responsiveness due to poor residential amenity by way of communal open space and solar access (in reference to the private open space proposed in the circulation space for each unit within the south-western corner of the proposed development). In addition, the proposed internal layout is insufficient in terms of residential and internal amenity due to circulation and useability and does not provide satisfactory access and egress from the site.

The proposal has sought for an architectural roof feature to facilitate equipment for servicing of the main building and forms part of the main element of the building which represents a height exceedance under Clause 4.3 Height of Building. The resultant exceedance to height relative to the surrounding area containing legacy and approved residential flat buildings is likely to present a new precedence in the locality.

The site is also impacted by flooding due to the 1% AEP flood level along Railway Street. In response to the amended plans, Council's Catchment Engineer has advised that the proposed driveway and basement fronting Railway Street is

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likely to be impacted by flooding and would not enable the safe occupation and evacuation of people in the event of a flood to its design that would also impact on gradients to enable suitable vehicular access consistent with AS2890.

While is it noted that the subject development site is isolated and highly constrained due to its size, it is considered that the proposal has not been designed to respond to its context and surrounds but rather to achieve yield which has led to poor amenity and bulk and scale,

The proposed height exceedance would result in an incongruent building height relative to the surrounding development. It is therefore considered that there are no sufficient environmental planning grounds to support a variation to building height and as such, the proposal is not 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).

Is the exception well founded?

The additional increase to bulk and scale brought by the non-compliant building height would seek to erode and weaken the R4 zone and does not adequately address the amenity of the proposed residential flat building and the environmental constraints found on the subject site.

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 provides that the consent authority (or Commission in that instance) "had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified" [21].

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

An assessment on the written request for variation was made and it is noted that it has not adequately addressed the matters required to be demonstrated in reference to the exceedance in building height. Noting the design of the proposed development relative to the size of the lot together with the resulting non-compliance, the building represents an overdevelopment of the site.

The additional increase to bulk and scale brought by the non-compliant building height would serve to only weaken the retainment of compliant building heights exhibited in the R4 High Density Residential zone within the surrounding area and as such, the proposal has not demonstrated sufficient environmental planning grounds to support the variation. It is therefore recommended that the Clause 4.6 variation not be supported

9. Draft Environmental Planning Instruments

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

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

Control	HLEP 2013	Draft LEP 2020
Zoning	R4 High Density Residential	R4 High Density Residential

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Height	15m	14m
FSR	1.2:1	1.2:1

It is noted that the Draft LEP 2020 will reduce the allowable maximum height limit by 1m. As such, the proposal would remain inconsistent with the provisions of this Draft LEP in the same manner as the current LEP 2013.

10. Holroyd Development Control Plan 2013

The Holroyd DCP 2013 (HDCP 2013) contains specific controls relating to residential flat buildings. A consideration of the relevant sections of the HDCP 2013, which includes the controls for general residential development and residential flat buildings is provided below.

Development Control	Comment	Comply
Part A – General Controls		
1. Subdivision	No subdivision is proposed.	N/A
2. Roads and Access	It is noted that no new roads are proposed. The amended	No
	plans seeking access from Railway Street is not supported.	
	See comments from Council's Catchment Officer.	
3. Car Parking	Council's Traffic Officer has no objection to the proposed	No
	car parking spaces. Notwithstanding, it is noted the	
	Council's Catchment Officer does not support the	
	proposed driveway gradients due to flooding impacts.	N/A
4. Tree and Landscape Works	The second secon	
5 B'- 1''4-	and has no objection.	N1/A
5. Biodiversity	The proposal is not located within a biodiversity zone.	N/A
6. Soil Management	It is noted that the proposed development is of a bulk and	No
Cut and Fill	scale that is inconsistent with the neighbouring	
	developments. In addition, the proposed basement	
	designed to facilitate the residential flat building would be	
7 Stammuntan Managanan	impacted by flooding and is therefore not supported.	N-
7. Stormwater Management	Council's Catchment Officer does not support the driveway	No
8. Flood Prone Land	fronting Railway Street due to it being flood prone. See comments from Council's Catchment Officer.	
O Managing External Boad Noice	The subject site is not located within the vicinity of a	N/A
9. Managing External Road Noise and Vibration	classified road.	N/A
10. Safety and Security		
To. Safety and Security	has been undertaken under the ADG. It is noted that the	No
	proposal does not adequately address all the required	
	safety and security requirements in particular to design of	
	dwelling layouts.	
11. Waste Management	Conditions would have been imposed had the application	N/A
11. Waste Management	been recommended for approval.	18/75
12. Services	An assessment of the proposed services has been	No
12. 001 11003	undertaken under the ADG. It is noted that the proposal	140
	does not adequately address all the required services to	
	facilitate a residential flat building.	
Part B Residential Controls – 6. Residential		
6.1 Lot Size and Frontage	Marsden Street = 30.48m	No
	Railway Street = 15.24m	
Allowable = 24m	'	
6.2 Site Coverage	42.6% or 198m²	No
· ·		
No more than 30% or 129m ²		
6.3 Setbacks and Separation		
Front Setback	Prevailing setbacks	No
	Marsden Rd. = 4.5m	
No less than 6m or prevailing setback	Railway St. = 7.8m	
or on corner lots 4.0m for secondary	The state of the s	
frontage except where neighboring	Assessment	
properties are closer	Marsden Road setback = 4.5m	
	maraaan noud ootbuok nom	

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	Railway Street Setback = 4.6m	
	The front setback requirements are exclusive of any area required for road widening.	
	MESTERN FRINT	
	LEGEND 1.5m Road Widening	
	Road Closure	
	3m Splay Corner 4m No development Strip	
	e -	
Rear Setback	North = 4.5m to boundary East = 1.0m to boundary	No , but acceptable
Up to 4 storeys = 20% of site or 6m	Last = 1.011 to boundary	acceptable
whichever is greater	It is noted that the side setback provisions for the eastern	
Five storeys or greater = 30% site length	boundary is not compliant. Notwithstanding the ADG prevails in this case. Refer to ADG assessment above.	
Side Setback	North = 4.5m to boundary	No, but
Minimum 3m	East = 1.0m to boundary	acceptable
	It is noted that the side setback provisions for the eastern boundary is not compliant. Notwithstanding the ADG prevails in this case. Refer to ADG assessment above.	
Separation	It is acknowledged that the residential flat buildings	No, but
Up to 4 storovo	adjacent to the subject site were developed prior to the	acceptable
Up to 4 storeys 12m between habitable rooms and	implementation of the ADG. It is therefore considered that the proposed setbacks in regard to separation is	
balconies	considered acceptable. Refer to ADG assessment above.	
9m between habitable rooms and balconies and non-habitable rooms		
6m between non-habitable rooms		
5-8 storeys 18m between habitable rooms and balconies		
13m between habitable rooms and		
balconies and non-habitable rooms		
9m between non-habitable rooms		
6.4 Height	Ground floor – 3.4m Level 1-3 – 3.1m	No
floor to ceiling heights	Level 1-3 - 0. IIII	
= 2.7m habitable	The proposal is partially presented as a 5-storey	
= 2.4m non habitable	development when viewed from the street.	
Max building height	No, the proposal partially presents as 5 storeys when	
15m = 4 storeys max 6.5 Building depth	viewed from the street. Controls from the ADG prevail in this matter.	Yes
	provan in and matter	

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Maximum 18m		
6.6 Open Space	The manual indicates assumed as a second of the second of	N -
Communal Open Space Behind building line in one parcel, 4mx4m 10m2 per dwelling or 30% (139.35)	The proposal indicates communal open space of 91m² on the rooftop. It is noted that the communal open space marked on the ground floor is for private use and would not be considered as part of communal open space. In addition, the spaces dedicated on each floor would likely not be used for its intended purpose as communal open space.	No
of site, whichever greater		
Private Open Space and balconies 10m²/dwelling with minimum dimensions of 2.0m for 1 bed, 2.4m for 2+ bed	Each unit has at least 10m ² of private open space with acceptable minimum dimensions.	Yes
6.7 Building Appearance	The managed date and consolic with the decired building	N.
Facades	The proposal does not comply with the desired building form relative to the context of the surrounding area.	No
Roof Design Roofs shall be designed to relate to the desired built form and context and character of the street.	The predominant roof form is articulated pitched tiled rooflines	No
6.8 Building Entry and Pedestrian Access Building entries shall be a clearly identifiable element of the building. Entrances shall be visible from the street, sheltered and well lit. Clear lines of sight provided between one circulation space and the next. The main building entry is separate from car entries. The main building entrance shall be designed to be accessible from the street and car parking areas. Pedestrian and vehicle access ways are to be separate and clearly distinguishable.	The proposed building entry is clearly identified from Marsden Street. Entrances are considered visible and have a clear line of site between one circulation space and the next. It is noted that the main building entry is separate from car entries and is accessible from the street and car parking areas. The proposed pedestrian and vehicle access ways are separate and clearly distinguishable.	Yes
6.9 Parking and Vehicular Access	Council's Traffic Officer has reviewed the amended plans and have no objections subject to conditions of consent.	Yes
6.10 Dwelling Layout and Mix Dwelling Type Minimum Area	The ADG prevails in relation to this control. It is noted that the proposal satisfies the dwelling layout and mix.	Yes
6.11 Internal Circulation Locate habitable rooms with windows overlooking communal/public areas All common facilities within a development must be accessible. All staircases within a development shall be located internally	Habitable rooms with windows overlook communal/public areas towards the street. It is noted that all common facilities (i.e., rooftop) is accessible and all stairs are located internally.	Yes

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6.12 Facilities and Amenities	The proposal does not appear to comply with all the	No
0.12 Facilities and Amenities	requirements required for facilities and amenities of the	NO
Laundry provided for each unit	development.	
	, ,	
Limit to 1 x TV Antennae	This includes providing adequate screen of clothes drying	
	facilities for balconies (e.g., positioning of louvres). It is	
Fencing and Screen walls	further noted that storage has not been allocated for each	
Mailboxes	unit.	
Mailboxes shall be integrated with the		
design of landscaped areas, fences		
and buildings, and shall not dominate		
the street front. They are to be clearly		
defined and easily accessible from		
the main access point of the building.		
Storage		
6.13 Natural Ventilation	The proposal ensures that natural ventilation is provided for	Yes
	each unit.	
The site is to be planned to promote		
and guide natural breezes		
6.14 Maintenance	Conditions would have been imposed to ensure that the	N/A
	proposal would be maintained appropriately had the	
6.15 Waste Management	application been recommended for approval. Conditions would have been imposed had the application	N/A
0.13 Waste Management	been recommended for approval.	IN/A
7 Controls for Landlocked Sites	The site is not landlocked/ and there is no potential to	N/A
	amalgamate with neighbouring properties.	
To ensure the preservation of the		
environmental and developmental		
integrity of development sites in		
Residential R4 zones and to maintain		
a satisfactory level of environmental amenity where consolidation cannot		
be achieved.		
Landscaped Area	162.132m²	Yes
The majority of the provided		
landscape area for residential flat		
developments shall be provided as consolidated area at the rear of		
the building.		
30% of site for Residential Flat		
Buildings.		
Deep Soil Zone	127m²	No, but
		acceptable
30%, of which 50% is to be located at	Notwithstanding, the ADG prevails in this instance and	
the rear, with minimum dimensions of	satisfies this control.	
4m x 4m = 139.35m ² min total		
- 103.00III IIIIII total		

11. Development Contributions

As this Development Application was lodged on 22 September 2021, the City of Parramatta (Outside Parramatta) CBD Contributions Plan 2021 apply to the proposal. As such, Section 7.12 Development Contribution would be required to be paid. A standard condition of consent would have been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate had the application been recommended for approval.

12. Bonds

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

13. EP&A Regulation 2021

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

14. The likely impacts of the development

The assessment demonstrates that the proposed development is likely to have an impact on the residential amenity and design of the site. It is noted that the proposal does not achieve full compliance with the applicable planning instruments and controls. Furthermore, the proposal has not adequate addressed the environmental impacts of the site and how it would impact the development (i.e., flooding impacts). In the context of the site and the assessments provided by Council's experts, the development is not considered satisfactory in terms of environmental impacts.

15. Suitability of the Site

It is noted that the proposed development of a residential flat building of this scale is considered an overdevelopment of the site and would not adequately address the required services and facilities to enable efficient operation of the use and is further impacted by environmental constraints exhibited by the site.

It is noted that key considerations to facilitate the proposed residential flat building have not been provided to demonstrate that the site can be made suitable for the proposed development. It is further noted that the development would be inconsistent with the land use planning framework for the locality.

Site constraints, such as flooding impacts, were advised during pre-lodgement. It is noted that this was not taken into consideration with the design proposed with the amended plans submitted 1 February 2022. Council's Senior Catchment & Development Engineer has reviewed the plans and notes that the environmental impacts are likely to have an adverse impact on the proposed development.

Given the above, the site is not considered to be suitable for the proposed development.

16. Public Consultation

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised on one occasion from 6 October 2021 – 27 October 2021. It is noted that no submissions were made as part of this application.

17. Public interest

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

It is noted that the proposed development does not satisfactory address the applicable planning instruments and controls. The proposed Clause 4.3 variation sought in addition the bulk and scale of the development is likely to result in a precedence within the surrounding locality. The proposal would therefore be contrary to the public interest and is therefore not supported.

18. Conclusion

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. Having regard of the assessment taken place, the proposal is not suitable for the site and is not in the public interest. Therefore, it is recommended that the application be refused.

21. Recommendation

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

- (a) That the Parramatta Local Planning Panel does not support a variation to Clause 4.3 Building Height of the Holroyd Local Environmental Plan 2013 as the application has not provided sufficient environmental planning grounds to warrant departure of the building height control in the circumstances of this case; and
- (b) That the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, refuse development consent to DA/880/2021 for the demolition of existing structures and construction for a 5-storey residential flat building containing 4 units and basement parking on land at No.51 Railway Street, Granville for the following reasons:

1. State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

The proposed development is inconsistent with the following provision of SEPP 65 – Design Quality of Residential Flat Buildings:

- · Part 3 Siting the development
 - Communal Open Space
 - Part 4 Designing the building
 - Apartment size and layout
 - Private open space and balconies
 - Storage

2. Holroyd Local Environmental Plan 2013

The proposed development is inconsistent with the following provisions of Holroyd Local Environmental Plan 2013:

- Clause 4.3 Height of buildings
- · Clause 4.6 Exceptions to development standard
- · Clause 5.6 Architectural Roof Features
- · Clause 5.21 Flood Planning
- Clause 6.2 Earthworks

3. Holroyd Development Control Plan 2013

The proposed development is inconsistent with the following provisions of Holroyd Local Environmental Plan 2013:

Part A - General Controls

- 2 Roads and Access
- 3 Car Parking
- 6 Soil Management
- 7 Stormwater Management
- 8 Flood Prone Land
- 10 Safety and Security
- 12 Services

Part B - Residential Controls - 6. Residential Flat Buildings

- 6.1 Lot Size and Frontage
 - Frontage
 - Site Coverage
- 6.3 Setback and Separation
 - Front setback
- 6.4 Height
- 6.6 Open Space
 - Communal Open Space
- 6.7 Building Appearance
 - Facades
 - Roof Design
- 6.12 Facilities and Amenities
- Cut and Fill

4. Likely impacts

Page 36 of 37

The proposed development does not adequately address residential amenity, would be impacted by environmental site constraints and represent an inappropriate residential apartment building development in the surrounding locality.

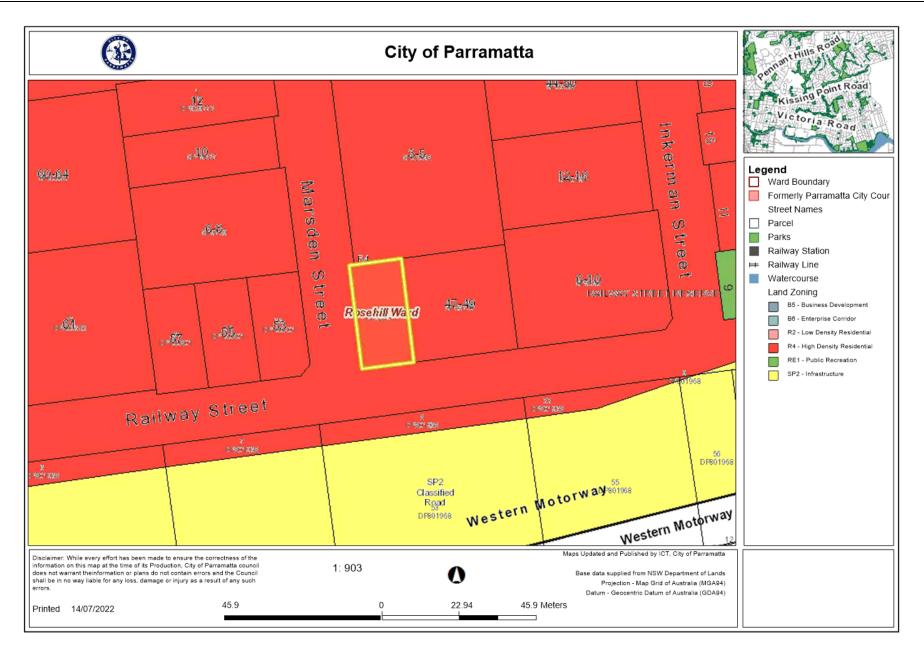
5. Suitability of the site

Due to flood affection the proposed development would not be suitable for the subject site. It is further noted that the Clause 4.3 variation is not supported as it would be inconsistent relative to existing and approved residential flat buildings surrounding the subject site.

6. Public Interest

The proposed development represents a design that would result in an inappropriate residential apartment building development and as such would not be in the public interest.

Item 5.1 - Attachment 2 Locality map



SITE INFORMATION

51 RAILWAY STREET, **GRANVILLE NSW 2142**

LOT & DP:

LOT A, DP 324641

SITE AREA: 464.5 m²

PARRAMATTA LOCAL ENVIRONMENTAL PLAN (PLEP) 2011

SITE AREA ZONING R4 HIGH DENSITY RESIDENTIAL RELEVANT CONTROLS CLASS 2, 7a PARRAMATTA COUNCIL COUNCIL LOT / DP No. LOT A DP 324641 FSR 1.2:1 HEIGHT OF BUILDING BUILDING DEFINED AS RESIDENTIAL FLAT BUILDING HERITAGE N/A ACID SULPHATE SOILS CLASS 5

FORESHORE BUILDING LINE GENERAL NOTES

NATURAL RESOURCE - BIODIVERSITY

FLOOD PRONE LAND RESERVATION ACQUISITION

THESE ARCHITECTURAL PLANS ARE TO BE READ IN CONJUNCTION WITH THE FOLLOWING REPORTS & DOCUMENTATION: ENSURE ALL LIMITATIONS & RECOMMENDATIONS NOTED IN THE FOLLOWING REPORTS ARE IMPLEMENTED TO THE PROJECT PRIOR TO CONSTRUCTION / DURING CONSTRUCTION &/OR POST CONSTRUCTION COMPLETION.

N/A

N/A

REFER TO TAYLOR SMITH CONSULTING - BASIX REPORT

2021353 BASIX REPORT

REFER TO VISTA ACCESS ARCHITECTS - ACCESS REPORT 21164 DA ACCESS REPORT

REFER TO KOIKOS ACOUSTICS - ACOUSTICAL REPORT

4761 - VERSION 1 REFER TO GEOTECHNICAL CONSULTANTS AUSTRALIA (GCA) -

PRELIMANARY SITE INVESTIGATION REPORT

E2187-1 REFER TO TELFORD CIVIL CONSULTING ENGINEERS -

STORMWATER MANAGEMENT PLAN

REFER TO TELFORD CIVIL CONSULTING ENGINEERS -DESKTOP STUDY FLOOD RISK MANAGEMENT PLAN/REPORT

TEL202122 - A

REFER TO STANBURY TRAFFIC PLANNING TRAFFIC & PARKING IMPACT ASSESSMENT

20-253-5

REFER TO TREEHAVEN ENVIRONSCAPES - TREE INSPECTION REPORT

TREE INSPECTION REPORT- 1729

REFER TO VISION DYNAMICS - LANDSCAPE CONCEPT PLAN

21098 -1

REFER TO QPC&C QUANTITY SURVEYORS -

COUNCIL COST ANALYSIS REPORT Q2020-CR297

REFER TO SPECIALIST TOWN PLANNING SERVICES -

STATEMENT OF ENVIRONMENTAL EFFECTS

SEE-V2 SEPT 2021

REFER TO LAND & ENGINEERING SURVEYORS - SITE SURVEY PLAN

CAR PARKING SCHEDULE FOR R4 ZONE

1 OF THE CARSPACE WILL BE ADAPTABLE

UNITS REQUIRED PROPOSED RESIDENTIAL (6 UNITS) 1 BED (1) 1 SPACE / 1 UNIT 2 BED (1) 1 SPACE / 1 UNIT 3 BED (2) 1 SPACE / 1 UNIT 2.4 VISITORS 1 SPACE / 5 UNIT 0.8 1 CARWASH BAY (PART OF VISITOR PARKING

COMPLIANCE			
CATEGORY	REQUIREMENT	PROPOSAL	
ZONING	R4 RESIDENTIAL HIGH		
FSR	Min. <va <="" <varies=""></va>	0.72 < 443.92 m²	
MAX. HEIGHT	15m rides v	V	
COMMUNAL OPEN SPACE	ADG Min. ie 25 % 116.1 m²	41 %ie 189.61 m²	
	DCP Min. \$ 30 % 139.4 m²	8	
LANDSCAPING	Min. 30 % 139.4 m ²	48 % 224.75 m²	
DEEP SOIL	Min. 7 % 32.5 m ²	13 % 78.5 m²	
	Min. 15 % 69.7 m ²		
SITE COVERAGE	Max. 30 % 139.4 m ²		
SOLAR ACCESS	70% OF UNITS = 3 UNITS	100% OF UNITS = 4 UNITS	
NATURAL VENTILATION	60% OF UNITS = 3 UNITS	100% OF UNITS = 4 UNITS	

SITE COVERAGE AREA CALC.			
%	AREA LOCATION AREA (m²)		
100%	ANDSCAPE AREA 196.7 m ²		
100%	SITE AREA 196.7 m ²		
	ANDSCAPE AREA 196.7 m²		

ADG - AREA CALCULATION

LANDSCAPE AREA (INC. PLANTERS ON ROOF TERRACE)

AREA TYPE

LOCATION	AREA (m²
LEVEL 1	111.82 m
LEVEL 2	111.64 m
LEVEL 3	111.64 m
LEVEL G	108.82 m
TOTAL GROSS FLOOR AREA	443.92 m

QUANTITY

	UNIT BREAKDOW	
4 (m²)	UNIT TYPE	
39.61 m²	1 BED	
78.5 m²	2 BED	
224.7 m²	3 BED	

UNIT FLOOR SPACE		
UNIT No. UNIT TYPE		
UNIT 1	3 BED	
UNIT 2	1 BED	
UNIT 3	2 BED	
UNIT 4	3 BED	

PRIVATE OPEN SPACE (POS) SCHEDULE			
LOCATION	POS	LEVEL	AREA (m²)
UNIT 2	BALCONY	LEVEL 1	9.1 m
UNIT 2	BALCONY	LEVEL 1	10.2 mi
UNIT 3	BALCONY	LEVEL 2	9.0 m ²
UNIT 3	BALCONY	LEVEL 2	10.2 m ²
UNIT 4	BALCONY	LEVEL 3	9.0 mi
UNIT 4	BALCONY	LEVEL 3	10.2 m ²
			57.8 m ²

EXTERNAL STORAGE SCHEDULE										
LEVEL	LOCATION	TYPE	VOLUME (m							
BASEMENT LEVEL	UNIT 1	SECURE STORAGE	5.79 n							
BASEMENT LEVEL	UNIT 2	SECURE STORAGE	5.83 n							
BASEMENT LEVEL	UNIT 3	SECURE STORAGE	5.83 n							
BASEMENT LEVEL	UNIT 4	SECURE STORAGE	5.83 n							
			23.29 n							

INTERNAL STORAGE SCHEDULE										
LEVEL LOCATION STORAGE TYPE VOLUME (m										
GROUND LEVEL	UNIT 1	Storage	3.18 m²							
LEVEL 1	UNIT 2	Storage	7.09 m²							
LEVEL 2	UNIT 3	Storage	7.09 m²							
LEVEL 3	UNIT 4	Storage	4.09 m²							
			21.47 m²							

RAWING No.	DRAWING NAME	REV. No
A-000	COVER SHEET	A
A-001	PERSPECTIVES	A
A-002	GENERAL NOTES	A
A-003	BASIX COMMITMENTS	A
A-004	CONTEXTUAL ANALYSIS	A
A-005	SITE ANALYSIS	A
A-006	SITE AREA CALCULATIONS	A
A-007	EROSION & SEDIMENT CONTROL PLAN	A
A-008	SITE ZONES	A
A-009	SITE FACILITIES PLAN	A
A-098	SITE DEMOLITION PLAN	A
A-099	SITE PLAN	A
A-100	BASEMENT FLOOR PLAN	A
A-101	GROUND FLOOR PLAN	A
A-102	LEVEL 1 - FLOOR PLAN	A
A-103	LEVEL 2 - FLOOR PLAN	A
A-104	LEVEL 3 - FLOOR PLAN	A
A-105	ROOF PLAN/COMMUNAL OPEN SPACE	A
A-120	BASEMENT - DETAIL PLAN	A
A-121	GROUND FLOOR - DETAIL PLAN	A
A-122	LEVEL 1 - DETAIL PLAN	A
A-123	LEVEL 2 - DETAIL PLAN	A
A-124	LEVEL 3 - DETAIL PLAN	A
A-125	ROOF TERRACE - DETAIL PLAN	A
A-200	ELEVATIONS - STREET VIEWS	A
A-201	ELEVATIONS - SHT 2	A
A-300	SECTIONS	A
A-400	WINDOW SCHEDULE	A
A-410	ADAPTATION DETAILS	A
A-411	DOOR SCHEDULE	A
A-412	DOOR SCHEDULE - Continue	A
A-420	SOLAR ACCESS DIAGRAMS	A
A-430	CROSS VENTILATION DIAGRAMS	A
A-450	SHADOW DIAGRAMS-WINTER SOLSTICE	A
A-451	SHADOW DIAGRAMS - EQUINOX	A
A-460	STRATA SUBDIVISION PLANS	A
A-470	MAX. HEIGHT PLANE	A
A-480	STREETSCAPE & MATERIAL SCHEDULE	A
A-500	CONTEXTUAL ANALYSIS	
A-501	CONTEXTUAL ANALYSIS 2	

· 120124 - 23/04/2020													
Nominated A Adriana Wiln (NEW Archite Registration 1 (SAT) Unit 43/2 SI	inton itects 1 Board RI	ODY CO	REGULATED DESCRIPTION OF THE DES	RIPTION	DP NAME	REG No	REV DATE DESCRIPTION	DP NAME	PROPOSED RESIDENTIAL FLAT BUILDING	ADDRESS 51 RAILWAY STREET, GRANVILLE NSW 2142	GENERAL NOTES		3 PM
Silverwater NSW 2128 PO BOX 42	97 8 127								FOR DEVELOPMENT APPLICATION NOT TO BE USED DURING CONSTRUCTION	CLIENT ZED CORP	PROJECT NUMBER 28783	DRAWN BY: BL DESIGNED BY: MT ISSUED FOR: DA	022 5:36:33
Merrylands New 2160 DESIGN GROUP Ph. (02) 364									SCALE: 1:200 @ A3	LOCAL COUNCIL CITY PARRAMATTA	DA-002	A ISSUE	31/01/2

LEGEND - SITE ANALSIS

DISTRICT VIEWS

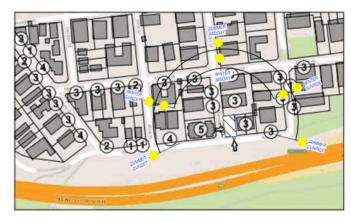
PREVALING WARM
EASTERLY WINDS
INSPRINGSUMMER
PREVALING WARM
WESTERLY WINDS
INSPRINGSUMMER
DISTANCE TO
PUBLIC TRANSPORT
ENTRY
(P) PEDESTRIAN
(V) VEHICLE
EXISTING SULLINGPROPOGED
DEVELOPMENT SITE

EXISTING BULLING
EXISTING BULLING
PROPOGED
DEVELOPMENT SITE

EXISTING BULLING

NOISE SOURCE







SITE ANALYSIS - EXISTING FEATURES







LEGEND - LAND ZONING

LOW DENSITY
ZONE - R2

MEDIUM DENSITY
ZONE - R3

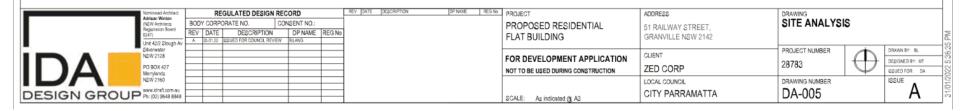
HIGH DENSITY
ZONE - R4

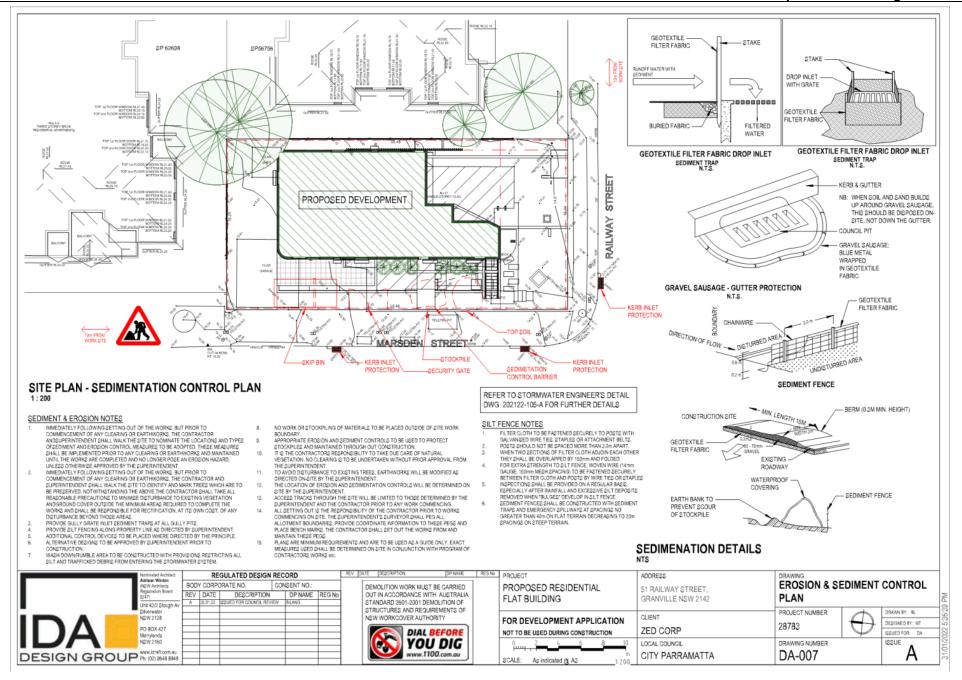
PUBLIC REGREATION
ZONE - RE1

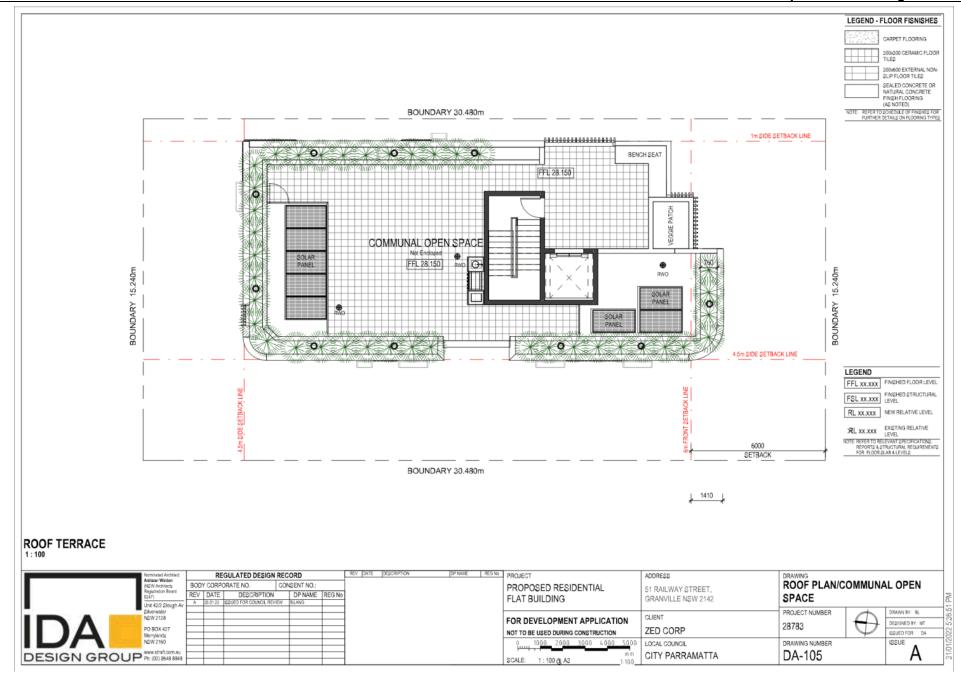
INFRASTRUCTURE
ZONE - SP2

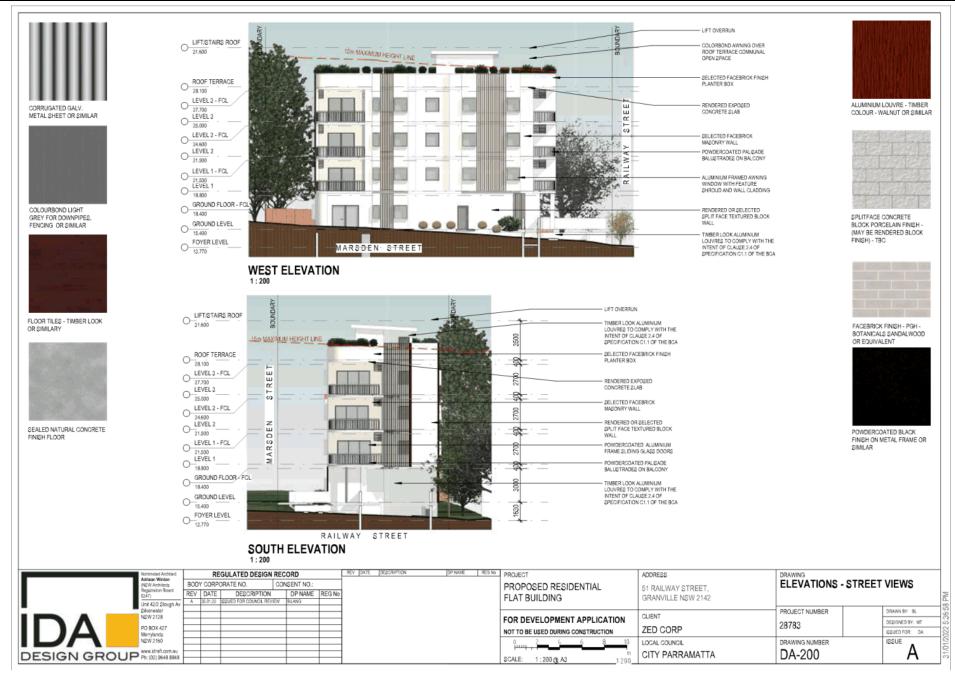
SITE LOGATION

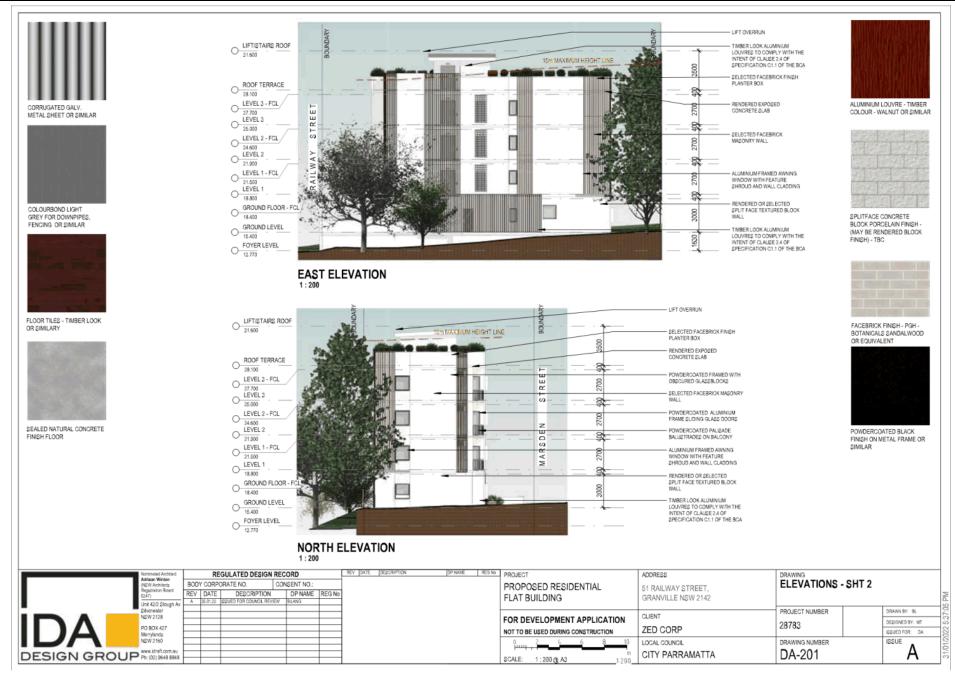
SITE ANALYSIS - ZONING

















SHADOW ON GROUND LEVEL RL15.400

SHADOW DIAGRAMS-W-9AM



SHADOW ON GROUND LEVEL RL15.400

SHADOW DIAGRAMS-W-3PM 1:750







SHADOW ON BUILDING-W-9AM SHADOW ON BUILDING-W12-noon SHADOW ON BUILDING-W-3PM

SHADOW DIAGRAMS-W-12noon 1:750

Adriaan V (NSW) Aco Registratio (SU47)	ed Architect Winton rohitects sion Board // Slough Av	REGULATED DESIGNATE NO. TE DESCRIPTION 22 SSUED FOR COUNCIL RE	CONSENT NO.: DP NAME	REG No			ADDRESS 51 RAILWAY STREET, GRANVILLE NSW 2142	SHADOW DIAGRAMS-I SOLSTICE	WINTER
Silvering NSW 211 PO BOX Merrylan	128 X 427				1	FOR DEVELOPMENT APPLICATION NOT TO BE USED DURING CONSTRUCTION	CLIENT ZED CORP	PROJECT NUMBER 28783	DRAWN BY: BL DESIGNED BY: MT ISSUED FOR: DA
NSW 216	160					SCALE: 1:750 @ A3	LOCAL COUNCIL CITY PARRAMATTA	DA-450	A SSUE



SHADOW ON GROUND LEVEL RL15.400

SHADOW DIAGRAMS-E-9AM 1:750



SHADOW ON GROUND LEVEL RL15.400



SHADOW DIAGRAMS-E-3PM 1:750



SHADOW ON ADJ. BUILDING-E-3PM

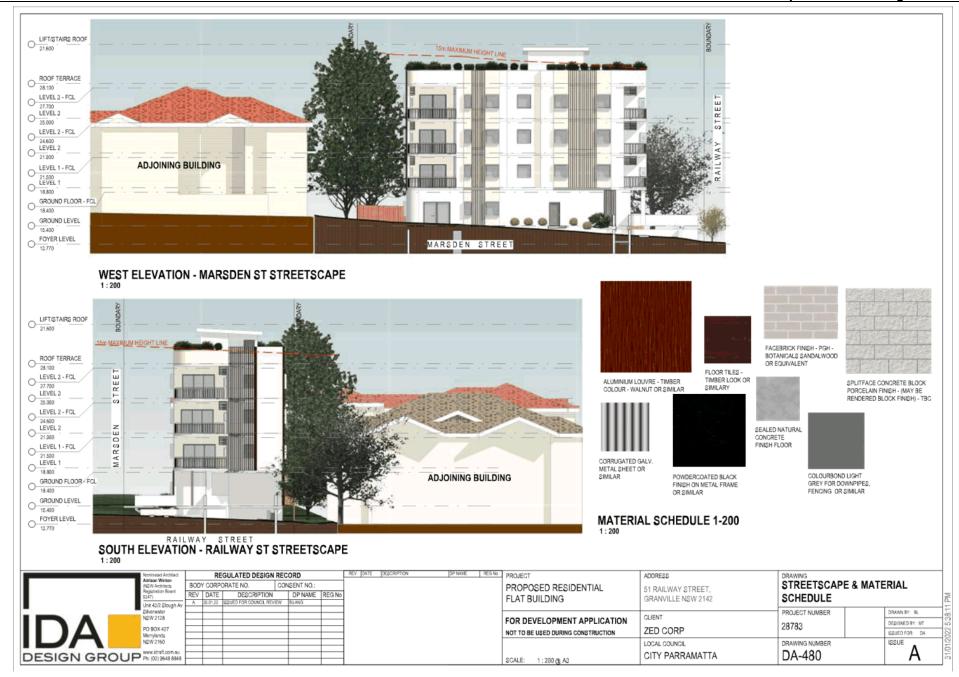


SHADOW ON BUILDING-E-9AM SHADOW ON BUILDING-E12-noon SHADOW ON BUILDING-E-3PM



SHADOW DIAGRAMS-E-12noon

Nomineled Architect Addisan Winton (NSW Architects				GULATED DESIGN DRATE NO.		ORD SENT NO.:		PROJECT PROPOSED RESIDENTIAL	ADDRESS 51 RAILWAY STREET,	DRAWING SHADOW DIAG	RAMS -	EQUINOX
	Registration Sound 5347) Unit 43/2 Stough Av	REV	/ DATE 25.01.22	DESCRIPTION ISSUED FOR COUNCIL REV		DP NAME F	REG No	FLAT BUILDING	GRANVILLE NSW 2142			DM C
	Silverwater NSW 2128	H			_			FOR DEVELOPMENT APPLICATION	CLIENT	PROJECT NUMBER	1	DRAWN BY: BL 20
П	PO BOX 427 Merrylands				=			NOT TO BE USED DURING CONSTRUCTION	ZED CORP	28783	$\overline{\mathcal{V}}$	ISSUED FOR: DA
	NSW 2160 DESIGN GROUP Ph: (02) 9648 8848							SCALE: 1:750 @ A3	CITY PARRAMATTA	DA-451		A SE





Precautionary Clause 4.6 Variation Request – Building Height (Clause 4.3)

Residential Apartment Development

51 Railway Street, Granville NSW 2142

(Lot A, DP 324641)

September 2021

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1. Introduction

The proposed development includes architectural roof feature which is permissible under Clause 5.6 of Holroyd Local Environmental Plan 2013 (HLEP 2013). The statement of environmental effects (SEE) submitted with the development application provides detailed discussion on the architectural roof feature. This Clause 4.6 Variation Statement is prepared in the interest of abundant caution with an intention to remove any impediment to approval of the application should the Council not agree with our position to consider the architectural roof feature from the height exceedance point of view.

This report has been prepared on behalf of the applicant Idraft Architects Pty Ltd to further assist with the consideration of the Development Application (DA) for the proposed demolition of existing structures and construction of a part 4 part 5 storey residential apartment development accommodating a total of 6 units over ground and basement level parking and associated works and the variation sought to Clause 4.3 of the HELP 2013.

Therefore, this request is to vary the HELP 2013 HOB standards under the provisions of Clause 4.6 of the HELP 2013.

1.1 Height of Buildings Standard

As detailed in the SEE which accompanies this DA, the design has had consideration of the Height of Building (HOB) standard contained in Clause 4.3 of HELP 2013, the proposal will result in a variation to the HOB standards in Clause 4.3 of the HELP 2013 Height of Building Mapping.

Clause 4.3 of HELP 2013 refers to the Height of Buildings Map. The relevant map identifies the subject site as having a maximum height of 15m. Building height is defined as:

building height (or height of building) means—

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The relevant map [sheet HOB_008] indicates that the maximum building height permitted at the subject site is 15m.

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Image 1 - Height Map - 15m - Source - HELP 2013

1.2 Proposed Variation to HOB Standards

The architectural plans submitted with the DA indicate that the proposed development has a maximum height of 17.6m when measured to the maximum ridge height (RL31.655) from the natural ground line in accordance with the definition of height under HELP 2013. The proposal is therefore non-compliant with the development standard and seeks a maximum variation of 2.6m or 17.4%. This is depicted in the following images 2 to 7 below. As mentioned, Clause 5.6 of the HELP 2013 allows council to determine the proposal with an architectural roof feature despite an exceedance of the height development standard in HELP 2013. However, for abundant caution, this written request is submitted in accordance with Clause 4.6 of HELP 2013 to vary the maximum building height development standard under Clause 4.3 of HELP 2013.

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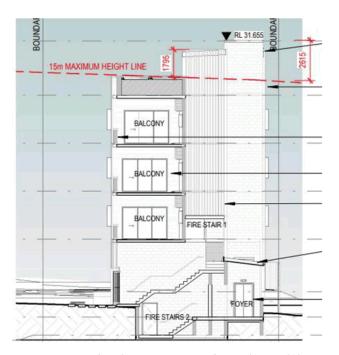
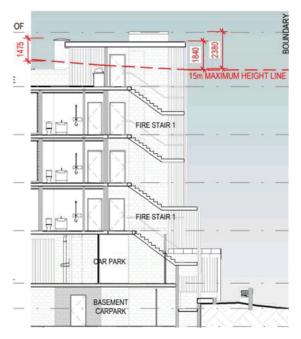


Image 2 – Extent of Height Variation – Extract from Architectural Plans



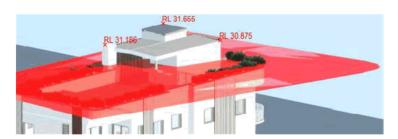
 $Image\ 3-Extent\ of\ Height\ Variation-Extract\ from\ Architectural\ Plans$

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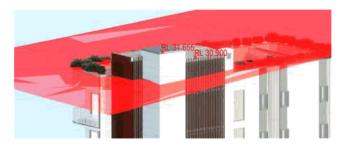
Version 1, dated Sep 2021



Image 4 – Extent of Height Variation – Extract from Architectural Plans



 $Image \ 5-Extent \ of \ Height \ Variation-Extract \ from \ Architectural \ Plans$



 $Image\ 6-Extent\ of\ Height\ Variation-Extract\ from\ Architectural\ Plans$

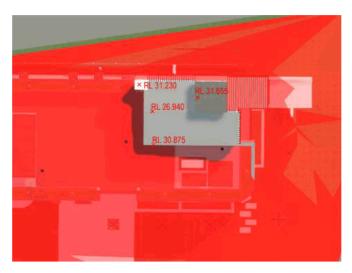


Image 7 – Extent of Height Variation – Extract from Architectural Plans

2. Clause 4.6 Variation Request

This Clause 4.6 variation request has been prepared having regard to:

- The NSW Department of Planning & Environment's Guideline Varying Development Standards: A Guide, August 2011, and
- Relevant principles identified in the applicable Case law, (established tests) in the following judgements:
 - o Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
 - o Wehbe v Pittwater Council [2007] NSWLEC 827
 - o Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')
 - o Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90
 - Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')
 - o Project Venture Developments v Pittwater Council [2005] NSWLEC 191
 - o Ex Gratia P/L v Dungog Council [2015] (NSWLEC 148)
 - o Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118:

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ has further clarified the correct approach to the consideration of clause 4.6 requests including that the clause does not require that a development that contravenes a development standard must have a 'neutral or better' environmental planning outcome than one that does not.

The relevant paragraphs from "Initial Action" have been considered below:

[13] The permissive power in cl 4.6(2) to grant development consent for a development that contravenes the development standard is, however, subject to conditions. Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.

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[14] The first precondition, in cl 4.6(4)(a), is that the consent authority, or the Court on appeal exercising the functions of the consent authority, must form two positive opinions of satisfaction under cl 4.6(4)(a)(i) and (ii). Each opinion of satisfaction of the consent authority, or the Court on appeal, as to the matters in cl 4.6(4)(a) is a jurisdictional fact of a special kind: see Woolworths Ltd v Pallas Newco Pty Ltd (2004) 61 NSWLR 707; [2004] NSWCA 442 at [25]. The formation of the opinions of satisfaction as to the matters in cl 4.6(4)(a) enlivens the power of the consent authority to grant development consent for development that contravenes the development standard: see Corporation of the City of Enfield v Development Assessment Commission (2000) 199 CLR 135; [2000] HCA 5 at [28]; Winten Property Group Limited v North Sydney Council (2001) 130 LGERA 79; [2001] NSWLEC 46 at [19], [29], [44]-[45]; and Wehbe v Pittwater Council (2007) 156 LGERA 446; [2007] NSWLEC 827 at [36].

[15] The first opinion of satisfaction, in cl 4.6(4)(a)(i), is that the applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (cl 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b)). The written request needs to demonstrate both of these matters.

[16] As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe v Pittwater Council at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 — Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.

[17] The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43].

[18] A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45].

[19] A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46].

[20] A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].

[21] A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the

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Version 1, dated Sep 2021

circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act.

[22] These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

[23] As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

[24] The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].

[25] The consent authority, or the Court on appeal, must form the positive opinion of satisfaction that the applicant's written request has adequately addressed both of the matters required to be demonstrated by cl 4.6(3)(a) and (b). As I observed in Randwick City Council v Micaul Holdings Pty Ltd at [39], the consent authority, or the Court on appeal, does not have to directly form the opinion of satisfaction regarding the matters in cl 4.6(3)(a) and (b), but only indirectly form the opinion of satisfaction that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3)(a) and (b). The applicant bears the onus to demonstrate that the matters in cl 4.6(3)(a) and (b) have been adequately addressed in the applicant's written request in order to enable the consent authority, or the Court on appeal, to form the requisite opinion of satisfaction: see Wehbe v Pittwater Council at [38].

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[26] The second opinion of satisfaction, in cl 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under cl 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in cl 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in cl 4.6(4)(a)(ii).

[27] The matter in cl 4.6(4)(a)(ii), with which the consent authority or the Court on appeal must be satisfied, is not merely that the proposed development will be in the public interest but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest. If the proposed development is inconsistent with either the objectives of the development standard or the objectives of the zone or both, the consent authority, or the Court on appeal, cannot be satisfied that the development will be in the public interest for the purposes of cl 4.6(4)(a)(ii).

[28] The second precondition in cl 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes the development standard is that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (cl 4.6(4)(b)). Under cl 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.

[29] On appeal, the Court has the power under cl 4.6(2) to grant development consent for development that contravenes a development standard, if it is satisfied of the matters in cl 4.6(4)(a), without obtaining or assuming the concurrence of the Secretary under cl 4.6(4)(b), by reason of s 39(6) of the Court Act. Nevertheless, the Court should still consider the matters in cl 4.6(5) when exercising the power to grant development consent for development that contravenes a development standard: Fast Buck\$ v Byron Shire Council (1999) 103 LGERA 94 at 100; Wehbe v Pittwater Council at [41].

This report explains how flexibility is justified in this case in accordance with the matters required to be considered and addressed under Clause 4.6 in a written request from the applicant. This report also addresses where relevant other matters the consent authority is required to be satisfied when exercising the discretion of the assumed concurrence of the Planning Secretary.

2.1 Applicable Environmental Planning Instrument (EPIs)

The Environmental Planning Instrument (EPI) to which this variation relates is the Holroyd Local Environmental Plan 2013 (HELP 2013).

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2.2 Zoning of the Land

In accordance with Clause 2.2 of the HELP 2013 the site is zoned R4 High Density Residential.

2.3 Development Standard to be Varied

The development standard being varied is the "Height of Building" (HOB) standard shown in the HELP 2013 HOB Map.

The development standard being varied is prescribed under Clause 4.3 of the HELP 2013. The HELP 2013 HOB Map identifies the subject site with the designation 'O = 15m', see Image 1. The land is zoned R4 High Density Residential under the HELP 2013 zoning map. Therefore, under Clause 4.3, the HELP 2013 HOB Map and this clause apply.

2.4 Objectives of the Development Standard

- 4.3 Height of buildings
- (1) The objectives of this clause are as follows—
 (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,
 - (b) to ensure development is consistent with the landform,
 - (c) to provide appropriate scales and intensities of development through height controls.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

As discussed in the SEE, the proposal is consistent with the objectives of height standard in that:

- The proposed height exceedance relates to architectural roof feature that offers visually
 interesting roof element without impacting on the solar access or privacy of adjoining
 neighbours. This architectural roof feature accommodates vertical circulation core and a
 small roof over outdoor communal open space.
- The subject site has a fall of approximately 2.6m from north west to south east. The
 proposed height variation is generally due to the land topography.
- The variation only relates to a small corner of the proposed development that does not include any habitable floor.

This development standard relates to the maximum permitted height of a building, as Clause 4.3 of the HELP 2013 falls within the scope of a "development standard" as defined under Section 4 of the Environmental Planning and Assessment Act 1979, (EP&A Act).

3. Matters to be Considered under Clause 4.6

Matters to be considered under Clause 4.6 of the HELP 2013 and associated planning commentary is provided in this section:

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—
 (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

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- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) 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 Planning Secretary has been obtained.
 - (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
 - (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note-

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6

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Transition, Zone R5 Large Lot Residential, Zone E3 Environmental Management or Zone E4 Environmental Living.

- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4.

3.1 Objectives - Clause 4.6 (1)(a)(b)

The objectives of this clause expressly indicate a degree of flexibility should be applied "in particular circumstances". This is such a circumstance to enable a flexible approach to the outcome sought by this DA.

3.2 HOB Standard is not excluded from application of Clause 4.6 - Clause 4.6(2)

The HOB standard is not excluded from operation of this clause.

3.3 Written request to vary a development standard - Clause 4.6(3)

It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 to permit a maximum building height of 17.6m which equates to a numerical variation of 2.6m, noting that the maximum height relates to the natural ground line. This results in a percentage variation of 17.3%. This variation is restricted to the lift overrun and the remainder of the architectural roof feature is restricted to a height of 16.8m or a variation of 1.8m (12%). This variation is over a small section of the roof as illustrated in Images 2 – 7 above. The SEE submitted with the DA indicates a specific request is included with the application to seek a variation of the HOB development standard. This report is the applicant's formal written request.

3.4 Compliance is unreasonable or unnecessary in the circumstances of the case -Clause 4.6(3)(a)

Of relevance to Clause 4.6(3)(a), in Wehbe V Pittwater Council (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding noncompliance with the standard

The judgement goes on to state that:

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The rational is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be necessary (it is achieved anyway) and unreasonable (no purpose would be served).

The requirement for consideration and justification of a Clause 4.6 variation necessitates an assessment of the criteria. It is acknowledged that it is not merely sufficient to demonstrate a minimisation of environmental harm to justify a Clause 4.6 variation, although in the circumstance of this case and in the absence of any environmental impacts, the request is of considerable merit.

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy. Those 5 ways are reproduced as follows, with our emphasis placed on number 1 for the purposes of this Clause 4.6 variation:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- 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;
- 5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The proposed HOB variation is assessed against the above tests in the same order as under:

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

Clause 4.3 does have stated objectives, and it is considered that the variation still achieves the stated objectives of the development standard as stated earlier in this report and discussed throughout the SEE.

The breach of the HOB standard does not cause inconsistency with these objectives, and therefore the intents of clause 4.3 of HELP 2013 is also achieved.

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The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

There are stated objectives of the standard in Clause 4.3 and as discussed above, the objectives of Clause 4.3 are relevant to the DA and can be maintained by the overall architectural design and the architectural roof feature.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

As the stated previously the objectives of the standard can still be maintained, and therefore the purpose will not be defeated or thwarted by the variation requested and strict compliance is unreasonable.

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;

It is noted that Council has varied the HOB standard from time to time based on the merits of each case. However, the standard is relevant and it is not considered abandoned or destroyed. In this particular HOB variation, the standard is considered unnecessary and unreasonable.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Not applicable.

In summing up, requiring strict compliance with the standard is unreasonable or unnecessary because:

- the development is consistent with the standard and zone objectives, even with the proposed variation (refer to Section 3.7 below);
- there are no additional significant adverse impacts arising from the proposed noncompliance; and
- important planning goals are achieved by the approval of the variation. On this basis, the requirements of Clause 4.6(3)(a) are satisfied.

3.5 Sufficient environmental planning grounds - Clause 4.6(3)(b)

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard reference can be drawn to Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (paragraph 24) states:

[24] The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning

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grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].

The Statement of Environmental Effects (SEE) prepared for this DA provides a comprehensive environmental planning assessment of the architectural design and concludes that there are sufficient environmental planning grounds to support the DA. The following planning grounds are submitted to justify contravening the maximum HOB:

- The height breach is located at the south eastern corner of the site at the lowest point of the
 site. The proposed noncompliance of the roof form is limited to a non-habitable element
 which has been proposed in order to provide an interesting roof form with varying elements
 and to encapsulate the vertical circulation core together with a small roof element to
 provide weather protection over outdoor communal open space.
- The variation is over a small section of the roof area measuring 35m² (18% of the total roof space) and it ranges between a variation of 2.6m (lift overrun) to 1.8m for the remainder of the architectural roof feature.
- The site contains a dual frontage and has been designed to successfully address both
 Railway Street and Marsden Street. The non-compliant element is minor and will not be
 visually obtrusive form the streetscape when viewed by the casual observer. Given the noncompliance pertains to the architectural roof feature, this will not have a direct impact to
 the streetscape character.
- The proposal is compatible with the existing and desired future character of the locality.
 That is, the non-complaint element will not bring with it a form greater than anticipated by the relevant development standards and controls. The height breach is also, in part, a result of the site topography which falls diagonally across the length of the site.
- It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:
 - The extent of the additional height creates no significant adverse overshadowing impacts to adjoining properties when compared to a compliant building envelope. The proposal will retain reasonable solar access to the neighbouring properties, with only negligible differences to a compliant building height. As such, the proposal will continue to retain adequate solar access to neighbouring properties.
 - The height breach is limited to non-habitable area and does not result in any adverse additional privacy impacts. As such, the non-compliance will have no greater impact on the privacy of adjoining properties when compared to a compliant built form; and
 - The height breach will not result in any significant view loss. The subject site does not contain any significant views across or from the public domain. The maximum

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height non-compliance is limited to a minor portion of the roof and therefore the extent of view loss caused by the non-compliant element would be insignificant.

- The social benefits of providing housing stock within a highly sought after location should be given weight in the consideration of the variation request.
- Insistence on compliance with the height control would result in a poor architectural design without any meaningful gains for the local built character or the amenity of adjoining neighbours.
- The proposed development meets the objectives of the development standard and meets the objectives of the R4 High Density Residential zone (as further detailed in Section 3.7 below):
- The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
 - b. To promote the delivery and maintenance of affordable housing (1.3(d));
 - c. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).

The above environmental planning grounds are not generic comments. These are unique circumstances for the proposed development, given the minor nature of the non-compliance, sites isolated nature and that the proposal seeks to achieve a high level of architectural design for the subject site. Insistence on compliance with the height control will result in poor architectural design. The additional height does not adversely impact the amenity of the neighbouring properties (when compared to a compliant built form) and has been designed to ensure the additional height is not visually dominating from the public domain or neighbouring properties.

3.6 The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 - Clause 4.6(4)(a)(i)

Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council details how Clause 4.6(4)(a) needs to be addressed. In accordance with paragraphs 15 and 26 of the judgment (reproduced under Section 2 of this report) the following commentary is offered:

The first point of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). In that

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and,
- b) that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) and Clause 4.6(3)(b) in preceding sections of this report.

The second point of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second point of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or

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the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in clause 4.6(4)(a)(iii) are addressed in Section 3.7 below.

3.7 The proposed development will be in the public interest – Clause 4.6(4)(a)(ii)

Objectives of Clause 4.3 of HELP 2013 are as under:

- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,
- (b) to ensure development is consistent with the landform,
- (c) to provide appropriate scales and intensities of development through height controls.

As discussed in Section 2.4 of this report, the proposal is consistent with the objectives of Clause 4.3.

Objectives of R4 zone:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level.
- To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.

The proposal is consistent with the R4 zone objectives for the following reasons and as detailed throughout the SEE submitted with the development application:

- The proposal will provide high quality accommodation with public transport, education, health, entertainment and employment opportunities available in proximity;
- The proposal will provide residential accommodation that is well-integrated with the existing high density built character of the area;
- The proposal will convert the last undeveloped remaining lot within this block that will
 contribute towards meeting housing targets within the Granville area;
- Through the incorporation of high-quality urban design, the proposed development will
 positively contribute towards revitalization of the area;
- The proposal has provided adequate setbacks and building separation from the adjoining residential properties to the north and east; and
- The proposed development has been designed to facilitate passive surveillance of the public domain along Railway and Marsden Streets.

3.8 Concurrence of the Planning Secretary - Clause 4.6(4)(b)

The second precondition in cl 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes the development standard is that the concurrence of the Secretary (of the Department of Planning and the

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Environment) has been obtained. Under Clause 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice, attached to the Planning Circular PS 20-002 issued on 5 May 2020, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.

3.9 Weather contravention of the development standard raises any matter of significance for State or Regional environmental planning - Clause 4.6(5)(a)

Contravention of the maximum height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

3.10 Public benefit of maintaining the development standard - Clause 4.6(5)(b)

Pursuant to Ex Gratia P/L v Dungog Council (NSWLEC 148), the question that needs to be answered is "whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development".

There is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the maximum height of buildings standard, whilst better planning outcomes are achieved.

As detailed in this submission there are no unreasonable impacts that will result from the proposed variation to the maximum building height. As such there is no public benefit in maintaining strict compliance with the development standard.

We therefore conclude that the benefits of the proposal outweigh any disadvantage and as such the proposal will be in the public interest.

3.11 Consent authority to keep a record of its assessment – Clause 4.6(7)

The Consent Authority must keep a record after determining this DA.

4. Conclusions

This Clause 4.6 variation request to Clause 4.3 of HELP 2013 should be supported on the basis that the strict application of the development standard to the DA is both unreasonable and unnecessary given the variation is well founded and detailed in this report and will provide for quality residential apartment development for the needs of the community.

The residential apartment development has been designed so as to ensure the portion of the building fronting Railway Street does not involve any GFA protruding through the 15m HOB standard under Clause 4.3 of the HELP 2013.

The overall development has been designed to cater for the slope of the site from its frontage to Marsden Street (being the highest point of the site) to its frontage with Railway Street (being the lowest point of the site), in an effort to reduce the amount of level changes throughout the ground floor level across the site to ensure for accessible pathways throughout and via proposed landscaped areas.

For the reasons set out in this report, the residential apartment development should be approved with the exception to the numerical HOB standard in Clause 4.3. Importantly, the development as

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proposed achieves the stated objectives of the standard and zone despite the minor numerical non-compliance with the development standard.

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DEVELOPMENT APPLICATION

ITEM NUMBER 5.2

SUBJECT OUTSIDE PUBLIC MEETING: Silverwater Road, SYDNEY

OLYMPIC PARK NSW 2127 (sign is located between Clyde

Street and Parramatta River)

DESCRIPTION Digital conversion of the existing static advertising sign. The

application is being re-advertised to reflect the correct property

address.

REFERENCE DA/247/2022 - D08602867

APPLICANT/S JCDecaux Australia Holdings Pty Ltd

OWNERS Sydney Olympic Park Authority

REPORT OF Group Manager Development and Traffic Services

RECOMMENDED Approval

DATE OF REPORT 4 JULY 2022

REASON FOR REFERRAL TO LPP

In accordance with the *Environmental Planning and Assessment Act, 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development is on Council owned land.

EXECUTIVE SUMMARY

Development Application DA/247/2022 was lodged on 25 March 2022 for the digital conversion of the existing static advertising sign on land at Silverwater Road, Sydney Olympic Park, where the sign is located between Clyde Street and Parramatta River.

The application is made pursuant to State Environmental Planning Policy Industry and Employment 2021 which regulates signage, provides consents, and regulates the display of advertising in transport corridors, and ensures that public benefits may be derived from advertising in and adjacent to transport corridors.

Development Application DA/247/2022 was lodged with Council on 25 March 2022. Therefore, this application is subject to the SEPP Industry and Employment 2021.

SITE & LOCALITY

The subject site is located at Silverwater Road, Sydney Olympic Park. The property description is Part of DP262179. The site is located on the southern side of the Parramatta River, east of Silverwater Road and Bridge. The site is zoned SP2 – Road Infrastructure. The surrounding properties are zoned RE1 – Public Recreation and IN1 – General Industrial, with the Parramatta River located to the north of the site which is zoned both W1 – Natural Waterway and W2 – Recreational Waterway. The subject site currently accommodates a pole-mounted sign, which can be viewed from Silverwater Road from the north and south. The existing sign is located within a public car park associated with the Silverwater Boat Ramp and at its base, is surrounded by existing vegetation lining Silverwater Road.

To the east of the site, construction has commenced for the NSW Cricket Centre of Excellence, a multi-storey facility. Further to the east of the site is the Silverwater Correctional Complex, a State Significant Heritage Item.

CONSULTATION

The application was notified between 5 April 2022 and 22 April 2022, in accordance with Parramatta Council's notification procedures. The application was then renotified between 14 April 2022 and 4 May 2022 to reflect the correct property address. In response no submissions were received.

RECOMMENDATION

That the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act, 1979*, **grant development consent** to DA/247/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

REASONS FOR APPROVAL

- 1. The development is permissible subject to existing use rights in accordance with Division 4.11 of the *Environmental Planning and Assessment Act, 1979*.
- 2. The development will replace static advertising signage with LED signage and is consistent with the relevant provisions of SEPP Industry and Employment 2021 and Auburn LEP 2010.
- 3. The development will be compatible with the existing and planned future character of the area.
- 4. The proposed development will not have any unacceptable impacts on surrounding development.
- 5. For the reasons given above, and given that the proposal has attracted no objections, approval of the application is in the public interest.

Felicity Lam

Development Assessment Officer

ATTACHMENTS:

Assessment Report and Draft Conditions 27 Pages
Locality Map 1 Page
3 Plans used during assessment 3 Pages

REFERENCE MATERIAL



City of Parramatta

File No: DA/247/2022

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No: DA/247/2022

Subject Property: Silverwater Road, Sydney Olympic Park (sign is located between Clyde

Street and Parramatta River)

Proposal: Digital conversion of the existing static advertising sign.

Date of receipt: 25 March 2022

Applicant: JCDecaux Australia Holdings Pty Ltd

Owner: City of Parramatta Council

Property owned by a Council The site is not known to be owned by a Council employee or Councillor

employee or Councillor:

Political donations/gifts None disclosed on the application form

disclosed:

Submissions received: Nil

Recommendation: Approval, subject to conditions

Assessment Officer: Emma Ziegenfusz, Planning Ingenuity (Town Planning Consultants)

Legislative Requirements

Relevant provisions considered • under section 4.15(1)(a) of the Environmental Planning and •

Assessment Act 1979

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Auburn Local Environmental Plan 2010
- Draft Parramatta Local Environmental Plan 2020

Auburn Development Control Plan 2010

Zoning SP2 – Road Infrastructure

Bushfire Prone Land No
Heritage No
Heritage Conservation Area No
Designated Development No
Integrated Development No
Clause 4.6 variation No

Delegation Parramatta Local Planning Panel (PLPP)

1. Executive Summary

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Development Application DA/247/2022 was lodged on 25 March 2022 for the digital conversion of the existing static advertising sign on land at Silverwater Road, Sydney Olympic Park, where the sign is located between Clyde Street and Parramatta River.

The application is made pursuant to State Environmental Planning Policy Industry and Employment 2021 which regulates signage, provides consents, and regulates the display of advertising in transport corridors, and ensures that public benefits may be derived from advertising in and adjacent to transport corridors.

Development Application DA/247/2022 was lodged with Council on 25 March 2022. Therefore, this application is subject to the SEPP Industry and Employment 2021.

The application was notified between 5 April 2022 and 22 April 2022, in accordance with Parramatta Council's notification procedures. The application was then renotified between 14 April 2022 and 4 May 2022 to reflect the correct property address. In response no submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development is on Council owned land.

Section 4.15 Assessment Summary

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

The proposed development is appropriately located within the locality and some variations (as detailed in this report) in relation to the SEPP Industry and Employment 2021 and Auburn LEP 2010 are sought.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/247/2022 be approved with the recommended conditions of consent.

2. Site Description and Conditions

The subject site is located at Silverwater Road, Sydney Olympic Park. The property description is Part of DP262179. The site is located on the southern side of the Parramatta River, east of Silverwater Road and Bridge. The site is zoned SP2 – Road Infrastructure. The surrounding properties are zoned RE1 – Public Recreation and IN1 – General Industrial, with the Parramatta River located to the north of the site which is zoned both W1 – Natural Waterway and W2 – Recreational Waterway. The subject site currently accommodates a pole-mounted sign, which can be viewed from Silverwater Road from the north and south. The existing sign is located within a public car park associated with the Silverwater Boat Ramp and at its base, is surrounded by existing vegetation lining Silverwater Road.

To the east of the site, construction has commenced for the NSW Cricket Centre of Excellence, a multi-storey facility. Further to the east of the site is the Silverwater Correctional Complex, a State Significant Heritage Item.

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Figure 1. Aerial Photo (NearMap)

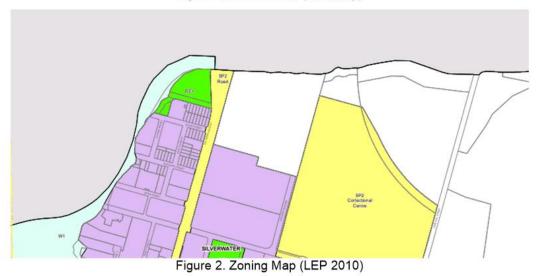




Figure 3. Northern elevation of the existing sign, as viewed from Silverwater Road.



Figure 4. Southern elevation of the existing sign, as viewed from Silverwater Road.

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Figure 5: Eastern elevation of the existing sign, as viewed from the adjoining car park.

Table 1 below provides details of existing approvals relating to the site.

	Description
Development Application	Existing Signage approved under DA/11/1998 on 17 August 1998.
DA/11/1998	

3. The Proposal

The proposed development includes the following components:

 Digital conversion and reduction in overall size of an existing static advertising sign on the eastern side of Silverwater Road in Sydney Olympic Park from 114m² to 90.24m².

4. 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
	Council's Heritage Advisor considers that the proposal will have a minimal and acceptable impact on heritage items within the vicinity. Accordingly, the proposal is supported, subject to recommended conditions of consent (included in the proposed conditions).
•	TfNSW raises no objections to the proposal and supports the application subject to compliance with certain requirements.

PLANNING ASSESSMENT

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5. Environmental Planning Instruments

5.1 Overview

The instruments applicable to this application are:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Auburn Local Environmental Plan 2010
- Draft Parramatta Local Environmental Plan 2020
- Auburn Development Control Plan 2010

Compliance with these instruments is addressed below.

STATE ENVIRONMENTAL PLANNING POLICY - RESILIENCE AND HAZARDS 2021

The site is not identified in Council's records as being contaminated. A review of the site's history does not reveal a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

STATE ENVIRONMENTAL PLANNING POLICY - INDUSTRY AND EMPLOYMENT 2021

The proposal is subject to Chapter 3 Advertising and Signage of SEPP – Industry and Employment 2021 given the proposal is for advertising signage that is visible from a public place. TfNSW has provided concurrence to the proposal as required under clause 3.16 of the SEPP and provided conditions of consent.

An assessment of the proposed signage against Schedule 5 of the SEPP and the Transport Corridor Advertising Guidelines 2017 has been undertaken below.

Schedule 5 Assessment Criteria		
Consideration	Compliance	
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The proposed sign is generally consistent with the existing sign and the conversion to a digital format will remain compatible with the character of the locality.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. There is no established theme for signage in the locality however the proposed sign is consistent with the existing sign on the site and will improve the quality of the advertising structure to provide a contemporary advertising medium and more visually appealing structure, appropriate for the locality.	
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes. The sign will not be readily visible from the Parramatta River and will largely only be viewed from Silverwater Road. The sign is located away from nearby heritage items and there is not considered to be any impact on significant view corridors or the fabric of heritage items within the vicinity.	
3 Views and vistas		
Does the proposal obscure or compromise important views?	Yes. There are no important views which are impacted by the proposed sign.	
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes. The sign will project above the existing tree line however this is consistent with the existing sign on the site. The proposal will not reduce the quality of existing vistas as it is not located within any important view corridors.	
Does the proposal respect the viewing rights of other advertisers?	Yes. The proposal will replace an existing sign and therefore will not impact other advertisers.	
4 Streetscape, setting or landscape		

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Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The sign will replace an existing sign whilst slightly reducing its size. The proposed sign is considered to be of an appropriate scale for its locality.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The proposal will improve the appearance of the existing sign and provide a more visually pleasing advertising structure. The sign does not form part of an urban streetscape, rather it will replace an existing sign that sits relatively isolated next to a major road.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes. The proposal reduces the area of the existing signage.
Does the proposal screen unsightliness?	Yes. The proposal does not act as a screen.
Does the proposal protrude above buildings,	Yes. The proposed sign will continue to protrude above the tree
structures or tree canopies in the area or locality?	line established by vegetation at its base. However, this is considered acceptable given the existing sign sits above the tree line and the proposal will sit below the height of the existing sign.
Does the proposal require ongoing vegetation management?	Yes. The proposal will not have any adverse impacts on surrounding vegetation that require ongoing management. Should any works to vegetation be necessary in the future, the applicant will be required to obtain development consent if required.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The sign is consistent with the scale of the existing sign on the site and is considered appropriate for the locality given the scale established by the adjoining bridge and multi-storey development currently under construction to the east.
Does the proposal respect important features of the site or building, or both?	Yes. The proposal respects Silverwater Road, the road reserve it sits within, and provides improved signage as viewed from the roadway.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes. The new sign provides for conversion of a static sign to a contemporary LED technology, improving its display, appearance and ability to manage and maintain signage on the site over time.
6 Associated devices and logos with advertise	ements and advertising structures
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes. The sign will be fitted with a security camera to ensure it is working properly, and a compliant operator logo is proposed at the bottom of the screen.
7 Illumination	
Would illumination result in unacceptable glare?	Yes. The sign will not result in unacceptable glare that would have any safety impacts. This is confirmed in a specialist lighting report submitted by the applicant.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Yes. This is confirmed in a specialist lighting report and traffic report submitted by the applicant and TfNSW supports the application from a road safety point of view.
Would illumination detract from the amenity of any residence or other form of accommodation?	Yes. There are no residential land uses located within close proximity of the site that would be impacted by the sign's illumination.
Can the intensity of the illumination be adjusted, if necessary?	Yes.
Is the illumination subject to a curfew?	Yes. The Statement of Environmental Effects states that a post- curfew operational period applies to the sign where illumination is reduced during 11pm and 6am. This aspect of use will be conditioned.
8 Safety	
Would the proposal reduce the safety for any public road?	Yes. Subject to conditions of consent the sign will have no adverse impact on the safety of road users. Concurrence has been granted by TfNSW.
Would the proposal reduce the safety for pedestrians or bicyclists?	Yes. As above.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Yes. The proposed sign will not have any impact on sightlines, particularly those at the ground plane.

TRANSPORT CORRIDOR ADVERTISING AND SIGNAGE GUIDELINES 2017

Land Use Compatibility Criteria – Transport Corridor Advertising		
Criteria	Compliance	

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i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.	The sign is not permissible within the SP2 zone, however benefits from existing use rights under Division 4.11 of the EP&A Act 1979.
ii. Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas:	The proposal is not inconsistent with the land use objectives. The sign will be visible at a distance from a residential area on the northern side of the Parramatta River, and from surrounding heritage items, including the Silverwater Prison Complex.
environmentally sensitive area heritage area (excluding railway stations) natural or other conservation area open space (excluding sponsorship advertising at	However, the distance at which it will be viewed and the fact that the proposal replaces an existing sign with a sign that is of lesser area means that the proposed sign will not have any significant impact on the amenity of these areas or sites.
sporting facilities in public recreation zones) waterway residential area (but not including a mixed residential and business zone, or similar zones) scenic protection area	The illumination of the sign has been considered in a specialist lighting report and is considered to be acceptable.
• national park or nature reserve.	
iii. Advertising structures should not be located so as to dominate or protrude significantly above the skyline or to obscure or compromise significant scenic views or views that add to the character of the area.	The sign will project above the existing tree line however this is consistent with the existing sign on the site. The proposal will not reduce the quality of existing vistas as it is not located within any important view corridors.
iv. Advertising structures should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.	The proposal replaces an existing sign of similar scale and appearance and in terms of bulk and location it is sufficiently separated from the nearby heritage items. The proposal will have no impact on significant view corridors or on the heritage fabric of the heritage items in the vicinity.
v. Where possible, advertising structures should be placed within the context of other built structures in preference to non-built areas. Where possible,	The signage does not sit within the context of immediately surrounding buildings however the proposal will replace an existing sign that has occupied the site for many years. The
signage should be used to enhance the visual landscape. For example, signs may be positioned adjacent to,	proposed signage is suitably located adjacent to Silverwater Road, and its relationship to vegetation at its base will not change as a result of the proposal. Existing vegetation assists
or screening, unsightly aspects of a landscape, industrial sites or infrastructure such as railway lines or power lines.	with screening of the base of the structure to a degree which is beneficial.
Freestanding Advertisements Criteria Criteria	Compliance
a. The advertising structure must not	Compliance The sign will project above the existing tree line however this is
protrude above the dominant skyline, including any buildings, infrastructure or tree canopies, when viewed from ground	consistent with the existing sign on the site, noting that the proposal will sit at a lower height than the existing sign.
level within a visual catchment of 1km. Note: This impact should be measured from the vehicle approach location and any other critical viewpoints.	The proposal will not reduce the quality of existing vistas as it is not located within any important view corridors.
For a freestanding advertisement greater than 45sqm that requires consent from local council, a DCP must be in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct.	The proposal has been assessed against the Auburn DCP 2010. The DCP does not contain area or precinct specific analysis or controls. However, the proposal relies on existing use rights, replacing an existing sign, and the DCP must not derogate from the existing use rights. The proposal has been considered against the relevant provisions of the DCP, as well as the SEPP, and is considered to warrant approval.
c. Where the sign is in a transport corridor a landscape management plan may be required as part of the DA approval for a freestanding advertisement. This may include requirements to provide appropriate vegetation behind and adjacent to the advertising structure to minimise unintended visual impacts. Landscaping should include trees, shrubs and ground covers to provide adequate screening, softening, colour, soil stabilisation and weed reduction.	Given the sign is existing and the proposal will not alter the base of the sign, a landscape management plan is not required.
Criteria	Compliance

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a. Each advertisement must be displayed in a	Yes. Advertisements will be displayed in a static manner for a
completely static manner, without any motion, for	dwell time of 25 seconds as required by (d) below.
the approved dwell time as per criterion (d) below.	(4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4
b. Message sequencing designed to make a driver	Yes. This is addressed by a condition of consent.
anticipate the next message is prohibited across	
images presented on a single sign and across a	
series of signs.	Voc. This is addressed by a condition of concept
c. The image must not be capable of being mistaken:	Yes. This is addressed by a condition of consent.
i. for a prescribed traffic control device because it	
has, for example, red, amber or green circles,	
octagons, crosses or triangles or shapes or	
patterns that may result in the advertisement being	
mistaken for a prescribed traffic control device	
ii. as text providing driving instructions to drivers.	
d. Dwell times for image display must not be less	Yes. The proposal has a dwell time of 25 seconds given the
than:	speed limit for Silverwater Road is over 80km/h.
i. 10 seconds for areas where the speed limit is	This is addressed by a condition of consent.
below 80 km/h	
 25 seconds for areas where the speed limit is 80km/h and over. 	
e. The transition time between messages must be	Yes. A transition time of 0.1 seconds is proposed.
no longer than 0.1 seconds, and in the event of	This is addressed by a condition of consent.
image failure, the default image must be a black	
screen.	
f. Luminance levels must comply with the	Yes. According to the Lighting Impact Assessment submitted
requirements in Section 3 below.	with the application, the proposal complies with the
	requirements. This will be conditioned.
g. The images displayed on the sign must not	Yes. This is addressed by a condition of consent.
otherwise unreasonably dazzle or distract drivers	
without limitation to their colouring or contain flickering or flashing content.	
h. The amount of text and information supplied on	Yes. This is addressed by a condition of consent.
a sign should be kept to a minimum (e.g. no more	Tes. This is addressed by a condition of consent.
than a driver can read at a short glance).	
i. Any sign that is within 250m of a classified road	N/A. The sign will not be visible from a school zone.
and is visible from a school zone must be switched	
to a fixed display during school zone hours.	
j. Each sign proposal must be assessed on a case-	Yes. The proposed digital signage is not considered to have
by-case basis including replacement of an existing	adverse impacts when viewed from Silverwater Road in either
fixed, scrolling or tri-vision sign	direction, as assessed throughout this report.
with a digital sign, and in the instance of a sign being visible from each direction, both directions	
for each location must be assessed	
on their own merits.	
k. At any time, including where the speed limit in	Yes. This is addressed by a condition of consent.
the area of the sign is changed, if detrimental effect	,
is identified on road safety post installation of a	
digital sign, RMS reserves the right to re-assess the	
site using an independent RMS-accredited road	
safety auditor. Any safety issues identified by the	
auditor and options for rectifying the issues are to	
be discussed between RMS and the sign owner and	
operator. I. Sign spacing should limit drivers' view to a single	N/A. The sign is not located within close proximity to other
sign at any given time with a distance of no less	signage.
than 150m between signs in any one corridor.	
Exemptions for low speed, high pedestrian zones	
or CBD zones will be assessed by RMS as part of	
their concurrence role.	
m. Signs greater than or equal to 20sqm must	Yes. The proposal has received concurrence from TfNSW.
obtain RMS concurrence and must ensure the	
following minimum vertical clearances;	The proposed signage sits approximately 21.8m above
i. 2.5m from lowest point of the sign above the	Silverwater Road.
road surface if located outside the clear zone	
 5.5m from lowest point of the sign above the road surface if located within the clear zone 	
(including shoulders and traffic lanes) or the	
(moraumy shoulders and traine lanes) of the	Page 9 of 14

deflection zone of a safety barrier if a safety barrier is installed. If attached to road infrastructure (such as an overpass), the sign must be located so that no portion of the advertising sign is lower than the minimum vertical clearance under the overpass or supporting structure at the corresponding location.	
n. An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.	Yes. This is addressed by a condition of consent.
o. A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12-month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS, the report is to be provided to the Department of Planning and Environment as well.	Yes. This is addressed by a condition of consent.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION 2021

The site is identified within the Sydney Harbour Catchment, and as such the provisions of SEPP (Biodiversity and Conservation) 2021 have been considered in the assessment of the development application.

The application is considered to be consistent with the aims of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

The application is subject to clause 2.118 of the SEPP as the site has frontage to a classified road.

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

6. Auburn Local Environmental Plan 2010

The relevant matters to be considered under Auburn Local Environmental Plan 2010 for the proposed development are outlined below.

Development standard	Compliance
Permissibility	The site is zoned SP2, within which advertising signage is not permissible. However, the site was lawfully used for advertising signage on 29 October 2010 being the time that ALEP 2010 came into effect and prohibited advertising signage in the zone. The use has been continuous since that time and the site enjoys existing
	use rights. Pursuant to Section 4.67 of the EP&A Act and Part 7 of the EP&A Regulation 2021 the proposed alterations and additions to the existing sign are permissible with consent.
Zone Objectives	The proposal relies on existing use rights and accordingly is for a use that is not envisaged by the LEP for the zone. Notwithstanding, the proposal is

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	not antipathetic to the zone objectives in that signage is often associated	
	with major arterial roads and the proposal will not detract from, or be	
	incompatible with, the provision of the road infrastructure.	
Minimum lot size	N/A.	
N/A		
Height of Buildings	N/A.	
N/A		
Floor Space Ratio	N/A.	
N/A		
Development on land intended to be	The proposal is not identified on the map.	
acquired for public purposes		
Development below mean high water	The proposal is not for the development of land that is covered by tidal	
mark	waters.	
Heritage Conservation	The site itself is not identified as a heritage item or located within a heritage	
	conservation area.	
	The site is located within the vicinity of the following heritage items:	
	Silverwater Bridge', Silverwater Road, Ermington; and	
	'Wetlands', Parramatta River, Camellia (and Ermington;	
	Parramatta; and Rydalmere)	
	'Silverwater Prison Complex Conservation Area', Holker Street,	
	Silverwater	
	Council's Heritage Advisor has assessed the proposal and concludes that	
	the proposal will have no unacceptable impact on significant view corridor	
	or on the heritage fabric of the heritage items in the vicinity.	
Aboriginal Places of Heritage significance	N/A.	
Acid sulphate soils	Yes. An Acid Sulphate Soils Management plan is not required to be	
	prepared.	
Earthworks	No earthworks are proposed as part of this application.	
Flood planning	The site is not identified by council as being flood prone.	
Biodiversity protection	The site is not identified on this map.	
Water protection	The site is not identified on this map.	
Development on landslide risk land	The site is not identified on this map.	
Affected by a Foreshore Building Line	The site is not located in the foreshore area.	
Bushfire Prone Land	The site is not identified on this map.	
Exceptions to development standards	N/A.	

7. Draft Parramatta Local Environmental Plan 2020

Draft Parramatta LEP 2020 was placed on public exhibition on 31 August 2020, with exhibition closing on 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council. The draft LEP must be considered when assessing this application, under cl 4.15(1)(a)(ii). The Draft LEP will not change the zoning of the site or have any other implications for the proposal. The proposed development is considered to be consistent with the objectives of the Draft LEP and the primary provisions that apply to the development will remain in the SEPP – Industry and Employment 2021.

8. Auburn Development Control Plan 2010

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

Development Control	Compliance
2.0 Advertising and Signage Controls D1 Advertising and signs shall be consistent with State Environmental planning Policy No. 64-Advertising and	The proposed signage is considered to be consistent with the provisions of SEPP (Industry and Employment) 2021 (previously SEPP 64), as discussed within this report.
Signage 3.0 Language of advertising and signage D1 Advertising and signage shall be displayed in	According to the Statement of Environmental Effects submitted with the application, signage will be displayed in English. This is
English but may include translation in another language.	addressed by a condition of consent.

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9. Other Matters

Roads Act 1993

Under Section 138 of the Roads Act 1993, the application requires approval from Transport for NSW since the proposal relates to works located above a public road. The application was referred to Transport for NSW who raised no objections with the proposal subject to Council's satisfaction and the following requirements:

- 1. Signage displays must not contain/use:
 - Flashing lights.
 - Electronically changeable messages.
 - Animated display, moving parts or simulated movement.
 - Complex displays that hold a driver's attention beyond "glance appreciation".
 - Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'.
 - A method of illumination that distracts or dazzles.
- The proposed digital sign, its operation and illumination levels must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.
- 3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Silverwater Road.
- 4. All works associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

10. Development Contributions

As this Development Application was lodged on 21 June 2021, the City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5) applies to the land. As such, a development contribution based on the cost of the proposed development is required to be paid. As the site is owned by Council, no conditions relating to contributions are recommended.

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. As the site is owned by Council, no conditions relating to bonds are recommended.

12. EP&A Regulation 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, 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 planning experts, the development is considered satisfactory in terms of environmental impacts.

14. Suitability of the Site

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The subject site can accommodate a signage of this scale as the site required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located.

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

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

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

15. Public Consultation

The application was notified between 5 April 2022 and 22 April 2022, in accordance with Parramatta Council's notification procedures. The application was then renotified between 14 April 2022 and 4 May 2022 to reflect the correct property address. In response no submissions were received.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

Conciliation Conference – Not required

The application received no unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

16. Public interest

Subject to amend 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

Conditional consent

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.

18. Recommendation

APPROVAL SUBJECT TO CONDITIONS

That the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979, grant development consent to DA/247/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

It has been recommended for approval for the following reasons:

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- The development is permissible subject to existing use rights in accordance with Division 4.11 of the Environmental Planning and Assessment Act 1979.
- 2. The development will replace static advertising signage with LED signage and is consistent with the relevant provisions of SEPP Industry and Employment 2021 and Auburn LEP 2010.
- The development will be compatible with the existing and planned future character of the area.
- The proposed development will not have any unacceptable impacts on surrounding development.
- For the reasons given above, and given that the proposal has attracted no objections, approval of the application is in the public interest.

The reasons for the conditions imposed on this application are as follows:

- 1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant State and Council Planning instruments.
- 2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
- To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
- 4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.

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"Appendix 1" to Section 4.15 Assessment Report - DA/247/2022

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/247/2022

Property Address: Silverwater Road, Sydney Olympic Park

(sign is located between Clyde Street and

Parramatta River)

PART A – GENERAL CONDITIONS

Approved Plans & Support Documentation

 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 expressively require otherwise:

Architectural Drawings (Dennis Bunt Consulting Engineers Pty Ltd)

Drawing No.	Issue	Plan Title	Dated
DA01	Α	Existing General Arrangement	03/11/21
DA02	E	Proposed General Arrangement	01/12/21
DA03	Α	Survey Drawing	18/03/22

Specialist Reports

Document	Issue	Prepared By	Dated
Statement of Environmental Effects	Rev 2	Keylan Consulting	17/02/22
Heritage Impact Statement		Weir Phillips Heritage and Planning	17/02/22
Lighting Impact Assessment	Rev A	Electrolight Australia	10/12/21
Concept Design Road Safety Audit	Rev B	McClaren Traffic	22/12/21
Structural Assessment Statement		Dennis Bunt Consulting Engineers	23/11/21

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

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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

Construction Certificate

 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.

No encroachment on Council and/or Adjoining property

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.

Demolition work carried out in accordance with Australia Standards

4. Demolition work must be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

LSL Payment

5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy 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.

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.)

Infrastructure & Restoration Adm. fee for all DAs

6. 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.

Erosion and Sediment Control Plan

- 7. Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
 - Council's development control plan,
 - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
 - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

Waste Management Plan

- 8. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
 - (a) Council's Waste Management Development Control Plan
 OR
 - (b) Details the following:
 - the contact details of the person(s) removing the waste
 - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - the address of the disposal location(s) where the waste is to be taken

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

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

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

Appointment of PCA

- 9. 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.

Enclosure of the site

10. 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.

Site Sign

- 11. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
 - (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

Public liability insurance

- 13. 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.

Site Maintenance

- 14. 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 refuge 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.

Transport for NSW

15. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Silverwater Road.

Reason: To avoid any adverse traffic impacts on the surrounding road network.

 All works associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

Reason: To ensure all costs are borne by the sign owner and/oe operator.

PART D – WHILE BUILDING WORK IS BEING CARRED OUT

Building Work Compliance BCA

17. 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.

Copy of development consent

18. 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.

Dust Control

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

Reason: To protect the amenity of the area.

Materials on footpath

20. 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.

Hours of work and noise

- 21. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:
 - 7am to 5pm on Monday to Friday
 - 8am to 5pm on Saturday

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

Complaints register

- 22. 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 affect;
- (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.

Construction Noise

23. 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.

Road Occupancy Permit

24. 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.

Oversize vehicles using local roads

25. 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.

No work on public open space

26. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

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Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

Uncover Relics/Aboriginal Objects

27. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

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

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

Responsibility for changes Public InfrastructureWhile building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

Waste Management

29. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill

- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Occupation Certificate

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.

Record of inspections carried out

- 31. 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.

Repair of Infrastructure

32. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified

PART F - OCCUPATION AND ONGOING USE

Management of signage content

- 33. Signage displays must not contain/use:
 - a. Flashing lights;
 - b. Electronically changeable messages;
 - c. Animated display, moving parts or simulated movement;
 - d. Complex displays that hold a driver's attention beyond "glance appreciation";
 - e. Message sequencing that make a driver anticipate the next message;
 - f. Displays resembling traffic signs or signals, or giving instruction to traffic with text or by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'.
 - g. A method of illumination that distracts or dazzles; and
 - h. Advertising that is not displayed in English (Note advertising is to be displayed in English but may include translation in another language).

Reason: To comply with legislative controls.

Dwell time

34. The proposed digital sign must have dwell times for image display of at least 25 seconds.

Reason: To comply with legislative controls.

Transition time

35. The proposed digital sign must have a transition time between messages which does not exceed 0.1 seconds.

Reason: To comply with legislative controls.

Luminance levels

36. The proposed digital sign, its operation and illumination levels must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.

Reason: To maintain amenity for surrounding sites.

Illumination curfew

37. A post-curfew operational period applies to the sign where illumination is required to be reduced during 11pm and 6am Monday to Sunday.

Reason: To maintain amenity for surrounding sites.

No flashing illumination of advertisement

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38. The signage and/or lighting associated with this consent are not permitted to be flashing and/or moving.

Reason: To maintain amenity for adjoining properties.

TfNSW review of road safety

39. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, TfNSW reserves the right to re-assess the site using an independent TfNSW-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between TfNSW and the sign owner and operator.

Reason: To ensure ongoing road safety for road users.

Electronic Log

40. An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or TfNSW to allow a review of the sign's activity in case of a complaint.

Reason: To ensue ongoing road safety for road users.

Road safety check

41. A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent TfNSW-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the TfNSW, the report is to be provided to the Department of Planning and Environment as well.

Reason: To maintain amenity for adjoining properties.

Graffiti Management

42. 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.

Date: 4 July 2022

Responsible Officer: Emma Ziegenfusz, Planning Ingenuity



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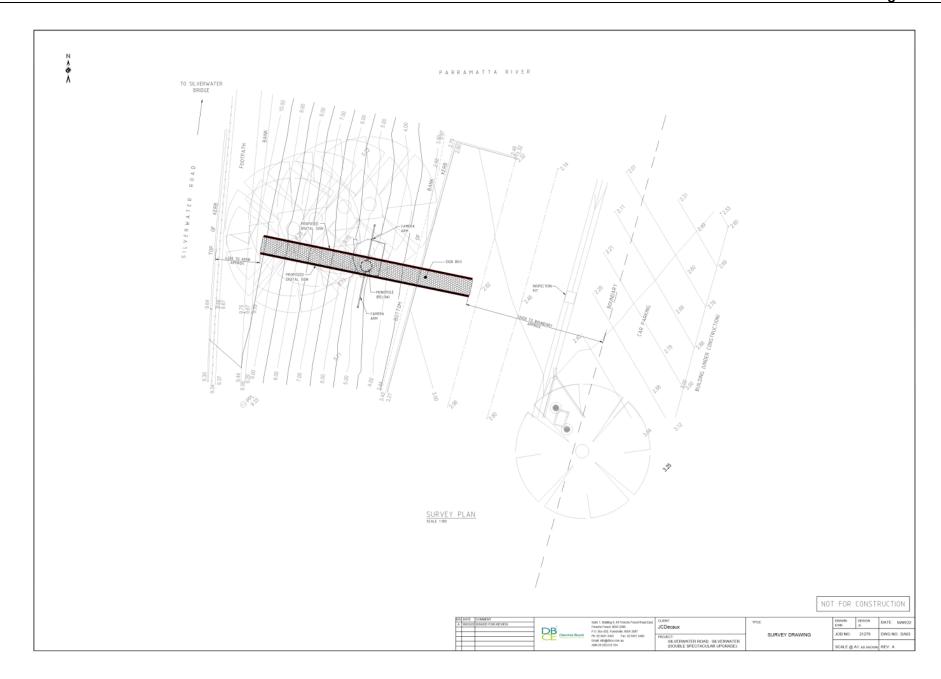
Item 5.2 - Attachment 2

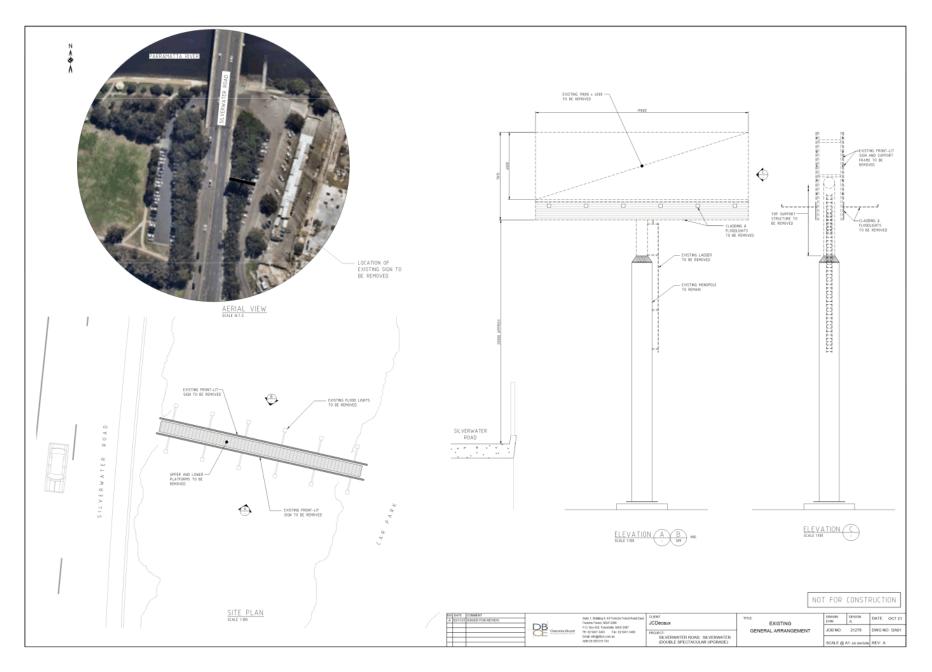


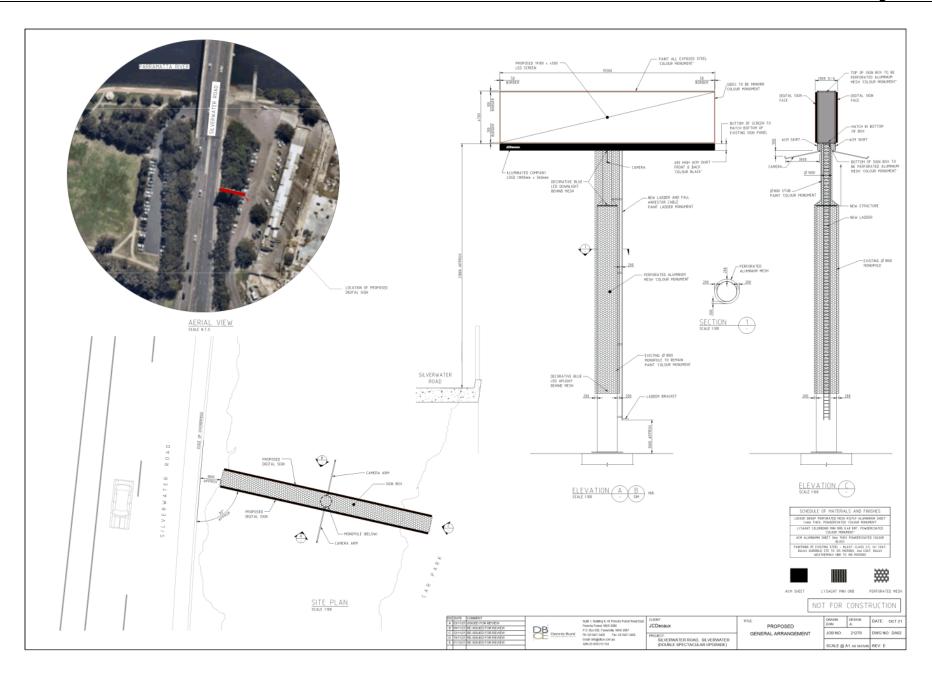
DA/247/2022

Silverwater Road, Sydney Olympic Park (sign is located between Clyde Street and Parramatta River)

Digital conversion of the existing static advertising sign. The application is being re-advertised to reflect the correct property address.







DEVELOPMENT APPLICATION

ITEM NUMBER 5.3

SUBJECT OUTSIDE PUBLIC MEETING: Junction Street, SILVERWATER

NSW 2128 (adjacent to the Northern side of M4 Motorway)

DESCRIPTION Digital conversion of the existing static advertising sign at

Junction Street, Silverwater overhanging the M4 Motorway.

REFERENCE DA/273/2022 - D08602876
APPLICANT/S Cody Outdoor Advertising
OWNERS City of Parramatta Council

REPORT OF Group Manager Development and Traffic Services

RECOMMENDED Approval

DATE OF REPORT 4 JULY 2022

REASON FOR REFERRAL TO LPP

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development is on Council owned land.

EXECUTIVE SUMMARY

Development Application DA/273/2022 was lodged on 5 April 2022 for the digital conversion of the existing static advertising sign on land at Junction Street adjacent to the Northern side of M4 Motorway.

The application is made pursuant to State Environmental Planning Policy Industry and Employment 2021 which regulates signage, provides consents, and regulates the display of advertising in transport corridors, and ensures that public benefits may be derived from advertising in and adjacent to transport corridors.

Development Application DA/273/2022 was lodged with Council on 5 April 2022. Therefore, this application is subject to the SEPP Industry and Employment 2021.

The application was notified between 19 April 2022 and 4 May 2022, in accordance with Parramatta Council's notification procedures. In response no submissions were received.

SITE & LOCALITY

The subject site is located on Junction Street, adjacent to the M4 Motorway to the south. The current property description is part of Lot 2 in DP1007079, which is owned by Transport for NSW. The site is located on the eastern side of Junction Street, north of the M4 Motorway. The existing sign sits by a large industrial zoned site identified as Lot 1 in DP713708.

The site is zoned IN1 – General Industrial.

The surrounding properties are also zoned IN1 – General Industrial, with SP2 – Infrastructure zoning to the south of the site accommodating the M4 Motorway.

Further from the site, zonings consist of W1 – Natural Waterway, IN3 – Heavy Industrial, B6 – Enterprise Corridor and small pockets of RE1 – Public Recreation. The nearest residential land is located 450m to the south of the site, on the opposite side of the M4 Motorway, whilst the nearest residential land on the same side of the Motorway, is separated from the site by over 600m of industrial land use.

The subject site currently accommodates an existing static pole-mounted sign, which can be viewed from the M4 Motorway from the east and west. The existing sign is located to the east of Junction Street, surrounded by existing vegetation at its base.

The site is surrounded by general industrial land uses.

CONSULTATION

The application was notified in accordance with Parramatta Council's notification procedures. In response no submissions were received.

RECOMMENDATION

That the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979*, **grant development consent** to DA/273/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

REASONS FOR APPROVAL

- 1. The development is permissible subject to existing use rights in accordance with Division 4.11 of the *Environmental Planning and Assessment Act 1979*.
- 2. The development will replace static advertising signage with LED signage and is consistent with the relevant provisions of SEPP Industry and Employment 2021 and Auburn LEP 2010.
- 3. The development will be compatible with the existing and planned future character of the area.
- 4. The proposed development will not have any unacceptable impacts on surrounding development.
- 5. For the reasons given above, and given that the proposal has attracted no objections, approval of the application is in the public interest.

Development Assessment Officer

ATTACHMENTS:

1 Assessm Assessment Report and Draft Conditions 27 Pages 2<u>U</u> **3 3** Plans used for assessment 8 Pages 1 Page Locality Map

REFERENCE MATERIAL



City of Parramatta

File No: DA/273/2022

SECTION 4.15 ASSESSMENT REPORT Environmental Planning & Assessment Act 1979

DA No: DA/273/2022

Subject Property: Junction Street, Silverwater (adjacent to the Northern side of M4

Motorway).

Proposal: Digital conversion of the existing static advertising sign.

Date of receipt: 5 April 2022

Applicant: JCDecaux Australia Holdings Pty Ltd

Owner: City of Parramatta Council

Property owned by a Council The site is not known to be owned by a Council employee or Councillor

employee or Councillor:

Political donations/gifts None disclosed on the application form

disclosed:

Submissions received: Nil

Recommendation: Approval, subject to conditions

Assessment Officer: Emma Ziegenfusz, Planning Ingenuity (Town Planning Consultants)

Legislative Requirements

Relevant provisions • considered under • section 4.15(1)(a) of the • Environmental Planning •

- State Environmental Planning Policy (Resilience and Hazards) 2021
 State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

and Assessment Act

Auburn Local Environmental Plan 2010

Draft Parramatta Local Environmental Plan 2020
Auburn Development Control Plan 2010

Zoning IN1 – General Industrial

Bushfire Prone Land No Heritage No

Heritage Conservation No

Area

Designated Development No Integrated Development No Clause 4.6 variation No

Delegation Parramatta Local Planning Panel (PLPP) due to 16th August Panel

1. Executive Summary

Page 1 of 14

Development Application DA/273/2022 was lodged on 5 April 2022 for the digital conversion of the existing static advertising sign on land at Junction Street adjacent to the Northern side of M4 Motorway.

The application is made pursuant to State Environmental Planning Policy Industry and Employment 2021 which regulates signage, provides consents, and regulates the display of advertising in transport corridors, and ensures that public benefits may be derived from advertising in and adjacent to transport corridors.

Development Application DA/273/2022 was lodged with Council on 5 April 2022. Therefore, this application is subject to the SEPP Industry and Employment 2021.

The application was notified between 19 April 2022 and 4 May 2022, in accordance with Parramatta Council's notification procedures. In response no submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development is on Council owned land.

Section 4.15 Assessment Summary

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

The proposed development is appropriately located within the locality and some variations (as detailed in this report) in relation to the SEPP Industry and Employment 2021 and Auburn LEP 2010 are sought.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/273/2022 be approved with the recommended conditions of consent.

2. Site Description and Conditions

The subject site is located on Junction Street, adjacent to the M4 Motorway to the south. The current property description is part of Lot 2 in DP1007079, which is owned by Transport for NSW. The site is located on the eastern side of Junction Street, north of the M4 Motorway. The existing sign sits by a large industrial zoned site identified as Lot 1 in DP713708.

The site is zoned IN1 - General Industrial.

The surrounding properties are also zoned IN1 – General Industrial, with SP2 – Infrastructure zoning to the south of the site accommodating the M4 Motorway. Further from the site, zonings consist of W1 – Natural Waterway, IN3 – Heavy Industrial, B6 – Enterprise Corridor and small pockets of RE1 – Public Recreation. The nearest residential land is located 450m to the south of the site, on the opposite side of the M4 Motorway, whilst the nearest residential land on the same side of the Motorway, is separated from the site by over 600m of industrial land use.

The subject site currently accommodates an existing static pole-mounted sign, which can be viewed from the M4 Motorway from the east and west. The existing sign is located to the east of Junction Street, surrounded by existing vegetation at its base.

The site is surrounded by general industrial land uses.

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Figure 1. Aerial Photo (NearMap)

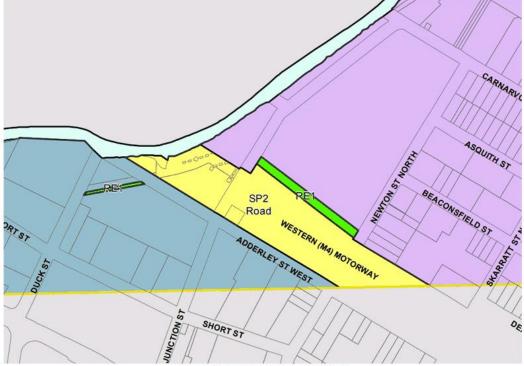


Figure 2. Zoning Map (LEP 2010)

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Figure 3. Eastern elevation of the existing sign, as viewed from M4 Motorway.



Figure 4. Western elevation of the existing sign, as viewed from M4 Motorway.

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Figure 5: Base of the existing sign, as viewed from Junction Street.

Table 1 below provides details of existing approvals relating to the site.

Development Application	Description
Development Application DA/60/1998	The existing sign was approved under DA/60/98 on 8 May 1998.

3. The Proposal

The proposed development includes the following components:

• Digital conversion and reduction in overall size of an existing static advertising sign on the northern side of M4 Motorway, at Junction Street, Silverwater from 114m² to 90.24m².

4. 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
Transport for	TfNSW raises no objections to the proposal and supports the application subject to
NSW (TfNSW)	conditions.

PLANNING ASSESSMENT

5. Environmental Planning Instruments

5.1 Overview

The instruments applicable to this application are:

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- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Auburn Local Environmental Plan 2010
- Draft Parramatta Local Environmental Plan 2020
- Auburn Development Control Plan 2010

Compliance with these instruments is addressed below.

STATE ENVIRONMENTAL PLANNING POLICY - RESILIENCE AND HAZARDS 2021

The site is not identified in Council's records as being contaminated. A review of the site's history does not reveal a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

STATE ENVIRONMENTAL PLANNING POLICY - INDUSTRY AND EMPLOYMENT 2021

The proposal is subject to Chapter 3 Advertising and Signage of SEPP – Industry and Employment 2021 given the proposal is for advertising signage that is visible from a public place. TfNSW has provided concurrence to the proposal as required under clause 3.16 of the SEPP and provided conditions of consent.

An assessment of the proposed signage against Schedule 5 of the SEPP and the Transport Corridor Advertising Guidelines 2017 has been undertaken below.

Consideration	Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The proposed sign is generally consistent with the existing sign and the conversion to a digital format will remain compatible with the character of the locality.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. There is no established theme for signage in the locality however the proposed sign is consistent with the existing sign on the site and will improve the quality of the advertising structure to provide a contemporary advertising medium and more visually appealing structure, appropriate for the locality.
2 Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Yes. The sign will not be visible from any environmentally sensitive areas and will largely be viewed from industrial areas and the M4 Motorway.
3 Views and vistas Does the proposal obscure or compromise important views?	Yes. There are no important views which are impacted by the proposed sign.
Does the proposal dominate the skyline and reduce the quality of vistas?	Yes. The sign will project above surrounding structures, infrastructure and vegetation however will be no greater in height than the existing sign on the site. The proposal will not reduce the quality of existing vistas as it is not located within any important view corridors.
Does the proposal respect the viewing rights of other advertisers?	Yes. The proposal will replace an existing sign and therefore will not impact other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The sign will replace an existing sign whilst slightly reducing its size. The proposed sign is considered to be of an appropriate scale for its locality.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The proposal will improve the appearance of the existing sign and provide a more visually pleasing advertising structure. The sign does not form part of an urban streetscape, rather it will replace an existing sign that sits relatively isolated next to a major road.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes. The proposal reduces the area of the existing signage.

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Does the proposal screen unsightliness?	Yes. The proposal does not act as a screen.
Does the proposal protrude above buildings,	Yes, the sign will project above surrounding structures,
structures or tree canopies in the area or	infrastructure and vegetation however will be no greater in height
locality?	than the existing sign on the site.
Does the proposal require ongoing vegetation	Yes. The proposal will not have any adverse impacts on
management?	surrounding vegetation.
5 Site and building	
Is the proposal compatible with the scale,	Yes. The sign is consistent with the scale of the existing sign on
proportion and other characteristics of the site	the site and is considered appropriate for the locality which
or building, or both, on which the proposed	consists of industrial uses and road infrastructure.
signage is to be located?	
Does the proposal respect important features of	Yes. The proposal respects surrounding development and the M4
the site or building, or both?	Motorway, and provides improved, and smaller, signage as
,	viewed from the roadway.
Does the proposal show innovation and	Yes. The new sign provides for conversion of a static sign to a
imagination in its relationship to the site or	contemporary LED technology, improving its display, appearance
building, or both?	and ability to manage and maintain signage on the site over time.
6 Associated devices and logos with adver	
Have any safety devices, platforms, lighting	Yes. The sign will be fitted with a security camera to ensure it is
devices or logos been designed as an integral	working properly, and a compliant operator logo is proposed at
part of the signage or structure on which it is to	the bottom of the screen.
be displayed?	and bottom of the screen.
7 Illumination	
Would illumination result in unacceptable glare?	Yes. The sign will not result in unacceptable glare that would have
Troute mammaton rocalt in anaccoptable glare.	any safety impacts. This is confirmed in a specialist lighting report
	submitted by the applicant.
Would illumination affect safety for pedestrians.	Yes. This is confirmed in a specialist lighting report and traffic
vehicles or aircraft?	report submitted by the applicant and TfNSW supports the
Tomorous of an orant.	application from a road safety point of view.
Would illumination detract from the amenity of	Yes. There are no residential land uses located within close
any residence or other form of accommodation?	proximity of the site that would be impacted by the sign's
any residence of other form of decommodation:	illumination.
Can the intensity of the illumination be adjusted,	Yes
if necessary?	166.
Is the illumination subject to a curfew?	Yes. The Statement of Environmental Effects states that a post-
To the mannager subject to a carrent.	curfew operational period applies to the sign where illumination is
	reduced during 11pm and 6am. This aspect of use will be
	conditioned.
8 Safety	
Would the proposal reduce the safety for any	Yes. Subject to conditions of consent the sign will have no
public road?	adverse impact on the safety of road users. Concurrence has
passe road.	been granted by TfNSW.
Would the proposal reduce the safety for	Yes. As above.
pedestrians or bicyclists?	1 103.715 415010.
Would the proposal reduce the safety for	Yes. The proposed sign will not have any impact on sightlines.
pedestrians, particularly children, by obscuring	Too. The proposed sign will not have any impact on signalities.
sightlines from public areas?	
Signames nom public areas :	

TRANSPORT CORRIDOR ADVERTISING AND SIGNAGE GUIDELINES 2017

Land Use Compatibility Criteria – Transport Corri Criteria	Compliance
 The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP. 	The sign is not permissible within the IN1 zone, however benefits from existing use rights. The proposal is not inconsistent with the land use objectives, which are dealt with in relation to ALEP 2010 below.
ii. Advertisements must not be placed on land where the signage is visible from the following areas, if it is likely to significantly impact on the amenity of those areas: • environmentally sensitive area • heritage area (excluding railway stations) • natural or other conservation area • open space (excluding sponsorship advertising at sporting facilities in public recreation zones) • waterway	The sign will be visible from Duck River, a nearby waterway, however, will not have any adverse amenity impacts on the waterway, particularly when compared to the existing sign on the site.

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 residential area (but not including a mixed residential and business zone, or similar 	
zones)	
scenic protection area	
• national park or nature reserve.	
iii. Advertising structures should not be located	The sign will project above surrounding structures, infrastructure
so as to dominate or protrude significantly	and vegetation however will be no higher, and will be smaller, than
above the skyline or to obscure or compromise	the existing sign on the site.
significant scenic views or views that add to the	The proposal will not reduce the quality of existing vistas as it is
character of the area.	not located within any important view corridors.
iv. Advertising structures should not be located	The proposal replaces an existing sign of similar appearance and
so as to diminish the heritage values of items or	in terms of bulk and location it is sufficiently separated from the
areas of local, regional or state heritage	nearby heritage items. The proposal will cause no adverse impact
significance.	on significant view corridors or on the heritage fabric of the
71.	heritage items in the vicinity.
v. Where possible, advertising structures	The proposed signage is suitably located adjacent to the M4
should be placed within the context of other	Motorway.
built structures in preference to non-built areas.	
Where possible, signage should be used to enhance the visual landscape.	
For example, signs may be positioned adjacent	
to, or screening, unsightly aspects of a	
landscape, industrial sites or infrastructure	
such as railway lines or power lines.	
Freestanding Advertisements Criteria	
Criteria	Compliance
a. The advertising structure must not protrude	The sign will project above nearby structures, infrastructure and
above the dominant skyline, including any	vegetation however this is consistent with the existing sign on the
buildings, infrastructure or tree canopies, when	site, noting that the proposal will sit at a lower height than the
viewed from ground level within a visual	existing sign.
catchment of 1km. Note: This impact should be	
measured from the vehicle approach location	The proposal will not reduce the quality of existing vistas as it is
and any other critical viewpoints.	not located within any important view corridors.
b. For a freestanding advertisement greater than	The proposal has been assessed against the Auburn DCP 2010.
45sqm that requires consent from local council, a DCP must be in force that has been prepared	The DCP does not contain area or precinct specific analysis or controls. However, the proposal relies on existing use rights,
on the basis of an advertising design analysis	replacing an existing sign, and the DCP must not derogate from
for the relevant area or precinct.	the existing use rights. The proposal has been considered against
The same states and a second s	the relevant provisions of the DCP, as well as the SEPP, and is
	considered to warrant approval.
c. Where the sign is in a transport corridor a	Given the sign is existing and the proposal will not alter the base
landscape management plan may be required	of the sign, a landscape management plan is not required.
as part of the DA approval for a freestanding	
advertisement. This may include requirements	
to provide appropriate vegetation behind and	
adjacent to the advertising structure to minimise	
unintended visual impacts. Landscaping should	
include trees, shrubs and ground covers to	
provide adequate screening, softening, colour, soil stabilisation and weed reduction.	
Digital Sign Criteria	
Criteria	Compliance
a. Each advertisement must be displayed in a	Yes. Advertisements will be displayed in a static manner for a
completely static manner, without any motion,	dwell time of 25 seconds as required by (d) below.
for the approved dwell time as per criterion (d)	
below.	
b. Message sequencing designed to make a	Yes. This is addressed by a condition of consent.
driver anticipate the next message is prohibited	
across images presented on a single sign and	
across a series of signs.	
c. The image must not be capable of being	Yes. This is addressed by a condition of consent.
mistaken:	
i. for a prescribed traffic control device because it has, for example, red, amber or	
green circles, octagons, crosses or triangles	
or shapes or patterns that may result in the	
or shapes or patterns that may result in the	

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advertisement being mistaken for a prescribed traffic control device ii. as text providing driving instructions to	
drivers.	
d. Dwell times for image display must not be less than:	Yes. The proposal has a dwell time of 25 seconds given the speed limit for Silverwater Road is over 80km/h. This is addressed by a
i. 10 seconds for areas where the speed limit is below 80 km/h	condition of consent.
ii. 25 seconds for areas where the speed limit is 80km/h and over.	
e. The transition time between messages must	Yes. A transition time of 0.1 seconds is proposed. This is
be no longer than 0.1 seconds, and in the event	addressed by a condition of consent.
of image failure, the default image must be a black screen.	
f. Luminance levels must comply with the	Yes. According to the Lighting Impact Assessment submitted with
requirements in Section 3 below.	the application, the proposal complies with the requirements. This is addressed by a condition of consent.
g. The images displayed on the sign must not	Yes. This is addressed by a condition of consent.
otherwise unreasonably dazzle or distract	
drivers without limitation to their colouring or	
contain flickering or flashing content.	
h. The amount of text and information supplied	Yes. This is addressed by a condition of consent.
on a sign should be kept to a minimum (e.g. no	
more than a driver can read at a short glance).	
i. Any sign that is within 250m of a classified	N/A. The sign will not be visible from a school zone.
road and is visible from a school zone must be	
switched to a fixed display during school zone	
hours.	Vos. The proposed digital signage is not considered to have
j. Each sign proposal must be assessed on a case-by-case basis including replacement of an	Yes. The proposed digital signage is not considered to have adverse impacts when viewed from the M4 in either direction, as
existing fixed, scrolling or tri-vision sign	assessed throughout this report.
with a digital sign, and in the instance of a sign	assessed unroughout this report.
being visible from each direction, both	
directions for each location must be assessed	
on their own merits.	
k. At any time, including where the speed limit in	Yes. This is addressed by a condition of consent.
the area of the sign is changed, if detrimental	
effect is identified on road safety post	
installation of a digital sign, RMS reserves the	
right to re-assess the site using an independent	
RMS-accredited road safety auditor. Any safety issues identified by the auditor and options for	
rectifying the issues are to be discussed	
between RMS and the sign owner and operator.	
I. Sign spacing should limit drivers' view to a	N/A. The sign is not located within close proximity to other
single sign at any given time with a distance of	signage.
no less than 150m between signs in any one	
corridor. Exemptions for low speed, high	
pedestrian zones or CBD zones will be assessed	
by RMS as part of their concurrence role.	
m. Signs greater than or equal to 20sqm must	Yes. The proposal has received concurrence from TfNSW. The
obtain RMS concurrence and must ensure the	proposed signage sits approximately 13m above the M4
following minimum vertical clearances;	Motorway.
i. 2.5m from lowest point of the sign above the road surface if located outside the clear	
zone ii. 5.5m from lowest point of the sign above	
the road surface if located within the clear	
zone (including shoulders and traffic	
lanes) or the deflection zone of a safety	
barrier if a safety barrier is installed.	
If attached to road infrastructure (such as an	
overpass), the sign must be located so that	
no portion of the advertising sign is lower	
than	
the minimum vertical clearance under the	
overpass or supporting structure at the	
corresponding location.	B
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n. An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or RMS to allow a review of the sign's activity in case of a complaint.	Yes. This is addressed by a condition of consent.
o. A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent RMS-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to RMS and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the RMS, the report is to be provided to the Department of Planning and Environment as well.	Yes. This is addressed by a condition of consent.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION 2021

The site is identified within the Sydney Harbour Catchment, and as such the provisions of SEPP (Biodiversity and Conservation) 2021 have been considered in the assessment of the development application.

The application is considered to be consistent with the aims of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

The application is subject to clause 2.118 of the SEPP as the site has frontage to a classified road. The application was referred to Transport for NSW and no objections were raised in relation to the proposal.

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

8. Auburn Local Environmental Plan 2010

The relevant matters to be considered under Auburn Local Environmental Plan 2010 for the proposed development are outlined below.

Development standard	Compliance
Permissibility	The site is zoned IN1 General Industrial, within which advertising signage is not permissible.
	However, the site was lawfully used for advertising signage on 29 October 2010 being the time that ALEP 2010 came into effect and prohibited advertising signage in the zone. The use has been continuous since that time and the site enjoys existing use rights.
	Pursuant to Section 4.67 of the EP&A Act and Part 7 of the EP&A Regulation 2021 the proposed alterations and additions to the existing sign are permissible with consent.
Zone Objectives	The proposal relies on existing use rights and accordingly is for a use that is not envisaged by the LEP for the zone. Notwithstanding, the proposal is not antipathetic to the zone objectives in that it will not adversely impact

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	surrounding industrial uses, employment generation or the natural	
	environment.	
Floor Space Ratio	N/A.	
Development below mean high water	The proposal is not for the development of land that is covered by tidal	
mark	waters.	
Heritage Conservation	No.	
Aboriginal Places of Heritage significance	ance No.	
Acid sulphate soils	Yes. An Acid Sulphate Soils Management plan is not required to be	
	prepared.	
Earthworks	No earthworks are proposed.	
Flood planning	The site is not identified by council as being flood prone.	
Biodiversity protection	The site is not identified on this map.	
Water protection The site is not identified on this map.		
Development on landslide risk land The site is not identified on this map.		
Affected by a Foreshore Building Line	The site is not located in the foreshore area.	
Bushfire Prone Land	The site is not identified on this map.	
Exceptions to development standards	N/A.	

6. Draft Parramatta Local Environmental Plan 2020

Draft Parramatta LEP 2020 was placed on public exhibition on 31 August 2020, with exhibition closing on 12 October 2020. The draft LEP will replace the five existing LEPs that apply within the Local Government Area and will be the primary legal planning document for guiding development and land use decisions made by Council. The draft LEP must be considered when assessing this application, under cl 4.15(1)(a)(ii). The Draft LEP will not change the zoning of the site or have any other implications for the proposal. The proposed development is considered to be consistent with the objectives of the Draft LEP and the primary provisions that apply to the development will remain in the SEPP – Industry and Employment 2021.

7. Auburn Development Control Plan 2010

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

Development Control	Compliance
2.0 Advertising and Signage Controls D1 Advertising and signs shall be consistent with State Environmental planning Policy No. 64-Advertising and Signage	The proposed signage is considered to be consistent with the provisions of SEPP (Industry and Employment) 2021 (previously SEPP 64), as discussed within this report.
3.0 Language of advertising and signage D1 Advertising and signage shall be displayed in English but may include translation in another language.	According to the Statement of Environmental Effects submitted with the application, signage will be displayed in English. This will be conditioned.

8. Other Matters

Roads Act 1993

Under Section 138 of the Roads Act 1993, the application requires approval from Transport for NSW since the proposal relates to works located above a public road. The application was referred to Transport for NSW and has reviewed the submitted application and provides concurrence under Clause 3.16 of the State Environmental Planning Policy (Industry and Employment) 2021 subject to the following conditions being included in any consent issued by Council:

The proposed sign location is on the border of meeting the required Stopping Sight Distance (SSD) as per the guidelines. TfNSW has concerns with the location and potential adverse safety implication. It is essential that the dwell time and illumination of the sign be conditioned, highlighted and if possible, enforced. The dual sided signage must have a minimum dwell time of 25 seconds.

To ensure drivers vision is not affected by the illumination of the signage, it is requested that the brightness of the digital signage comply with the requirements outlined within the Transport Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards. As per the Transport Outdoor Advertising and

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Signage Guidelines 2017, a road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the TfNSW Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent TfNSW-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the TfNSW, the report is to be provided to the Department of Planning and Environment as well.

The proposed digital sign, its operation and illumination levels must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the M4 Western Sydney Motorway.

All works associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

9. Development Contributions

As this Development Application was lodged on 21 June 2021, the City of Parramatta Council Section 94A Development Contributions Plan (Amendment No. 5) applies to the land. As such, a development contribution based on the cost of the proposed development is required to be paid. As the site is owned by Council, no conditions relating to contributions are recommended.

10. 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. As the site is owned by Council, no conditions relating to bonds are recommended.

11. EP&A Regulation 2021

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, 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.

12. 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 planning experts, the development is considered satisfactory in terms of environmental impacts.

13. Suitability of the Site

The subject site can accommodate a signage of this scale as the site required services and facilities to enable efficient and safe operation of the use without causing further impacts on the amenity of surrounding properties and is ideally located.

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

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

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

14. Public Consultation

The application was notified in accordance with Parramatta Council's notification procedures. In response no submissions were received.

CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

Conciliation Conference - Not required

The application received no unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

15. Public interest

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

16. Conclusion

Conditional consent

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to conditions.

17. Recommendation

APPROVAL SUBJECT TO CONDITIONS

That the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the Environmental Planning and Assessment Act, grant development consent to DA/273/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent. It has been recommended for approval for the following reasons:

- The development is permissible subject to existing use rights in accordance with Division 4.11 of the Environmental Planning and Assessment Act 1979.
- The development will replace static advertising signage with LED signage and is consistent with the relevant provisions of SEPP – Industry and Employment 2021 and Auburn LEP 2010.
- 3. The development will be compatible with the existing and planned future character of the area.
- 4. The proposed development will not have any unacceptable impacts on surrounding development.
- For the reasons given above, and given that the proposal has attracted no objections, approval of the application is in the public interest.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant State and Council Planning instruments.

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- 2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
- 3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
- 4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.

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"Appendix 1" to Section 4.15 Assessment Report - DA/273/2022

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/273/2022

Property Address: Junction Street, Silverwater (adjacent to

the Northern side of M4 Motorway).

PART A - GENERAL CONDITIONS

Approved Plans & Support Documentation

 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 expressively require otherwise:

Architectural Drawings (Dennis Bunt Consulting Engineers Pty Ltd)

Drawing No.	Issue	Plan Title	Dated
DA01	В	Existing General Arrangement	09/11/21
DA02	E	Proposed General Arrangement	01/12/21

Specialist Reports

Document	Issue	Prepared By	Dated
Statement of Environmental Effects	Rev 2	Keylan Consulting	17/02/22
Waste Management Plan		JCDecaux	24/03/22
Lighting Impact Assessment	Rev A	Electrolight Australia	10/12/21
Concept Design Road Safety Audit	Rev B	McClaren Traffic	22/12/21
Structural Assessment Statement		Dennis Bunt Consulting Engineers	23/11/21

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

Note:

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

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

Construction Certificate

 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.

No encroachment on Council and/or Adjoining property

 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.

Demolition work carried out in accordance with Australia Standards

 Demolition work must be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

LSL Payment

5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy 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.

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.)

Infrastructure & Restoration Adm. fee for all DAs

6. 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.

Erosion and Sediment Control Plan

- 7. Before the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:
 - Council's development control plan,
 - the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and
 - the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

Waste Management Plan

- 8. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
 - (a) Council's Waste Management Development Control Plan **OR**
 - (b) Details the following:
 - the contact details of the person(s) removing the waste
 - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - the address of the disposal location(s) where the waste is to be taken

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

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

PART C - BEFORE THE COMMENCEMENT OF BUILDING WORK

Appointment of PCA

- 9. 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.

Enclosure of the site

10. 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.

Site Sign

- 11. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
 - (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

Public liability insurance

- 13. 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.

Site Maintenance

- 14. 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 refuge 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.

Transport for NSW

15. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the M4 Western Sydney Motorway.

Reason: To avoid any adverse traffic impacts on the surrounding road network.

16. All works associated with the proposed sign, including maintenance activities, shall be at no cost to TfNSW.

Reason: To ensure all costs are borne by the sign owner and/oe operator.

PART D - WHILE BUILDING WORK IS BEING CARRED OUT

Building Work Compliance BCA

 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.

Copy of development consent

18. 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.

Dust Control

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

Reason: To protect the amenity of the area.

Materials on footpath

20. 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.

Hours of work and noise

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

Complaints register

- 22. 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 affect;
 - (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.

Construction Noise

23. 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.

Road Occupancy Permit

24. 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.

Oversize vehicles using local roads

25. 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.

No work on public open space

26. The applicant must not enter or undertake any work within any adjoining public parks or reserves without the prior written consent of Council.

Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

Uncover Relics/Aboriginal Objects

27. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly

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

In this condition:

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

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

Responsibility for changes Public Infrastructure

28. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

Waste Management

29. While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource

Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the

records to the principal certifier and Council.

Reason: To require records to be provided, during construction,

documenting that waste is appropriately handled

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

Occupation Certificate

 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.

Record of inspections carried out

- 31. 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.

Repair of Infrastructure

32. Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified

PART F - OCCUPATION AND ONGOING USE

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Management of signage content

- 33. Signage displays must not contain/use:
 - a. Flashing lights;
 - b. Electronically changeable messages;
 - c. Animated display, moving parts or simulated movement;
 - d. Complex displays that hold a driver's attention beyond "glance appreciation":
 - e. Message sequencing that make a driver anticipate the next message;
 - f. Displays resembling traffic signs or signals, or giving instruction to traffic with text or by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'.
 - g. A method of illumination that distracts or dazzles; and
 - h. Advertising that is not displayed in English (Note advertising is to be displayed in English but may include translation in another language).

Reason: To comply with legislative controls.

Dwell time

34. The proposed digital sign must have dwell times for image display of at least 25 seconds.

Reason: To comply with legislative controls.

Transition time

35. The proposed digital sign must have a transition time between messages which does not exceed 0.1 seconds.

Reason: To comply with legislative controls.

Luminance levels

36. The proposed digital sign, its operation and illumination levels must comply with the requirements in Transport Corridor Outdoor Advertising and Signage Guidelines 2017 and relevant Australian Standards.

Reason: To maintain amenity for surrounding sites.

Illumination curfew

37. A post-curfew operational period applies to the sign where illumination is required to be reduced during 11pm and 6am Monday to Sunday.

Reason: To maintain amenity for surrounding sites.

No flashing illumination of advertisement

38. The signage and/or lighting associated with this consent are not permitted to be flashing and/or moving.

Reason: To maintain amenity for adjoining properties.

TfNSW review of road safety

39. At any time, including where the speed limit in the area of the sign is changed, if detrimental effect is identified on road safety post installation of a digital sign, TfNSW reserves the right to re-assess the site using an independent TfNSW-accredited road safety auditor. Any safety issues identified by the auditor and options for rectifying the issues are to be discussed between TfNSW and the sign owner and operator.

Reason: To ensure ongoing road safety for road users.

Electronic Log

40. An electronic log of a sign's operational activity must be maintained by the operator for the duration of the development consent and be available to the consent authority and/or TfNSW to allow a review of the sign's activity in case of a complaint.

Reason: To ensue ongoing road safety for road users.

Road safety check

41. A road safety check which focuses on the effects of the placement and operation of all signs over 20sqm must be carried out in accordance with Part 3 of the RMS Guidelines for Road Safety Audit Practices after a 12 month period of operation but within 18 months of the signs installation. The road safety check must be carried out by an independent TfNSW-accredited road safety auditor who did not contribute to the original application documentation. A copy of the report is to be provided to TfNSW and any safety concerns identified by the auditor relating to the operation or installation of the sign must be rectified by the applicant. In cases where the applicant is the TfNSW, the report is to be provided to the Department of Planning and Environment as well.

Reason: To maintain amenity for adjoining properties.

Release of Securities/Bonds

42. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with council policy.

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.

Graffiti Management

43. 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.

Date: 4 July 2022

Responsible Officer: Emma Ziegenfusz, Planning Ingenuity



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AMENDING DEVELOPMENT APPLICATION, WESTMEAD LOT 4

Residential Development

3 Farmhouse Road Westmead formerly known as

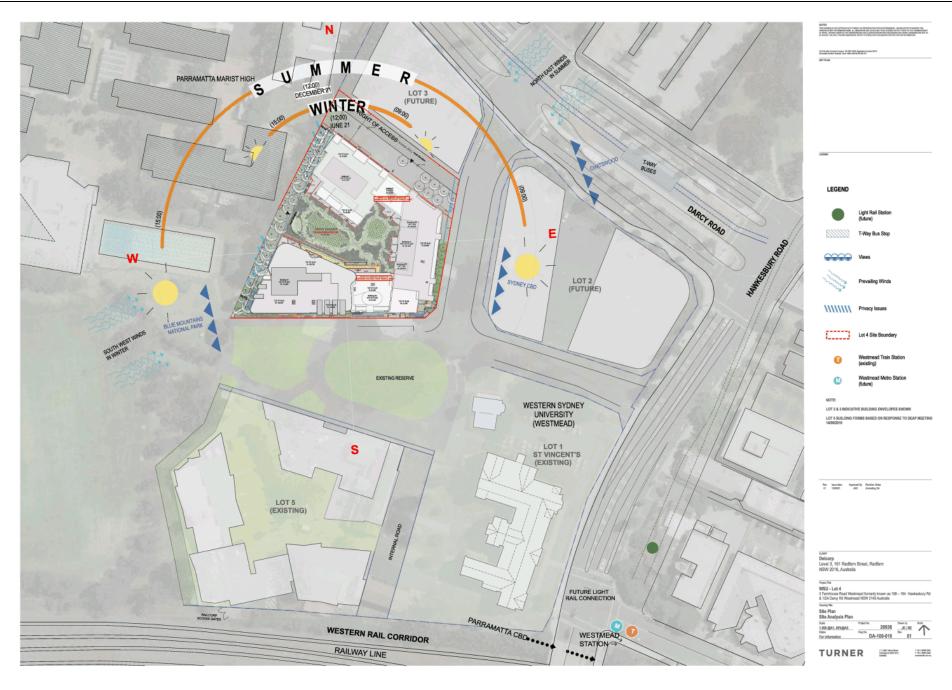
158 – 164 Hawkesbury Rd & 1/2A Darcy Rd, Westmead
September 2021



SERIES 000 General	Drawing No.	Drawing Name	Scale	Revision
000 General	DA-001-000	Title Sheet		02
100 Site Plan	DN-001-000	Tibe dilett		- UZ
	DA-100-010	Site Analysis Plan	1:500	01.
	DA-100-020	Site Plan	1:500	01
110 GA Plans				
	DA-105-B01 DA-105-B03	Basement 01 Basement 02-03	1:200	02 02
	DA-105-B03	Basement 02-03 Basement 04	1:200	02
	DA-105-804 DA-110-001	Lower Ground Floor	1:200	02
	DA-110-002	Ground Floor	1:200	01
	DA-110-010	Level 01	1:200	01
	DA-110-020	Level 02	1:200	01
	DA-110-030	Level 03	1:200	01
	DA-110-040	Level 04	1:200	01
	DA-110-050	Level 05	1:200	01
	DA-110-060	Level 06	1:200	01
	DA-110-070	Level 07	1:200	01
	DA-110-080	Level 08	1:200	01
	DA-110-090	Level 09	1:200	01
	DA-110-100	Level 10	1:200	02
	DA-110-110	Level 11-12	1:200	02
	DA-110-130 DA-110-140	Level 13 Level 14	1:200	02
	DA-110-140 DA-110-150	Level 14 Level 15	1:200	02
	DA-110-150 DA-110-160	Level 15 Level 16-17	1:200	02
	DA-110-180	Level 16-17 Level 18-19	1:200	01
	DA-110-200	Level 20-22	1:200	01
	DA-110-230	Level 23	1:200	01
	DA-110-240	Level 24 Plant and Roof	1:200	02
	DA-110-250	Roof Plan	1:200	02
120 Adaptable + Livable Apartment Pl				
	DA-120-001	Adaptable Apartment Plans		01
	DA-120-002	Livable Apartment Plans		01
210 GA Elevations				
	DA-210-001	North Elevation	1:200	02
	DA-210-002	East Elevation	1:200	02
	DA-210-003	South Elevation	1:200	02
310 GA Sections	DA-210-004	West Elevation	1:200	02
310 GA Sections	DA-310-001	Section A-A	1:200	02
	DA-310-001	Section R-R	1:200	02
	DA-310-003	Section C-C	1:200	02
710 Shadow Diagrams	DHOIDOU	occion o c	1200	- UE
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	DA-710-002	June 21 12om	1:1000	02
	DA-710-003	June 21 3pm	1:1000	02
	DA-710-004	Sun Eye View Diagram 01		02
	DA-710-005	Sun Eye View Diagram 02		02
720 Solar and Cross Ventilation Diagr				
	DA-720-001	Cross Ventilation Diagrams Sheet 1	1:500	01
	DA-720-002	Cross Ventilation Diagrams Sheet 2	1:500	01
	DA-720-003	Cross Ventilation Diagrams Sheet 3	1:500	01
	DA-720-006	Solar Diagrams Sheet 1	1:500	01
	DA-720-006	Solar Diagrams Sheet 2	1:500	01
	DA-720-007	Solar Diagrams Sheet 3	1:500	01
	DA-720-008 DA-720-009	Solar Diagrams Sheet 4	1:500	02
730 Amenity Diagrams	DA-720-009	Solar Diagrams Sheet 5	1:500	02
ov Americy Diagrams	DA-730-001	Lot 4 Communal Open Area	1:500	02
	DA-730-002	Lot 5 Comparative Solar Analysis	1:500	02
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	DA-740-002	GFA by Building Diagrams 02	1:500	01
	DA-740-003	GFA by Building Diagrams 03	1:500	01
	DA-740-004	GFA by Building Diagrams 04	1:500	01
	DA-740-005	GFA by Building Diagrams 05	1:500	01
	DA-745-001	GFA by FSR Diagrams 01	1:500	01
	DA-745-002	GFA by FSR Diagrams 02	1:500	01
	DA-745-003	GFA by FSR Diagrams 03	1:500	01
	DA-745-004	GFA by FSR Diagrams 04	1:500	01
	DA-745-005	GFA by FSR Diagrams 05	1:500	01
750 Additional Diagrams				02
-	DA-750-001	Masterplan Height Diagram		UZ.
750 Additional Diagrams 915-900 3D Views				
-	DA-900-001	Perspective Images 1		01
-	DA-900-001 DA-900-002	Perspective Images 1 Perspective Images 2		01 01
-	DA-900-001	Perspective Images 1		01

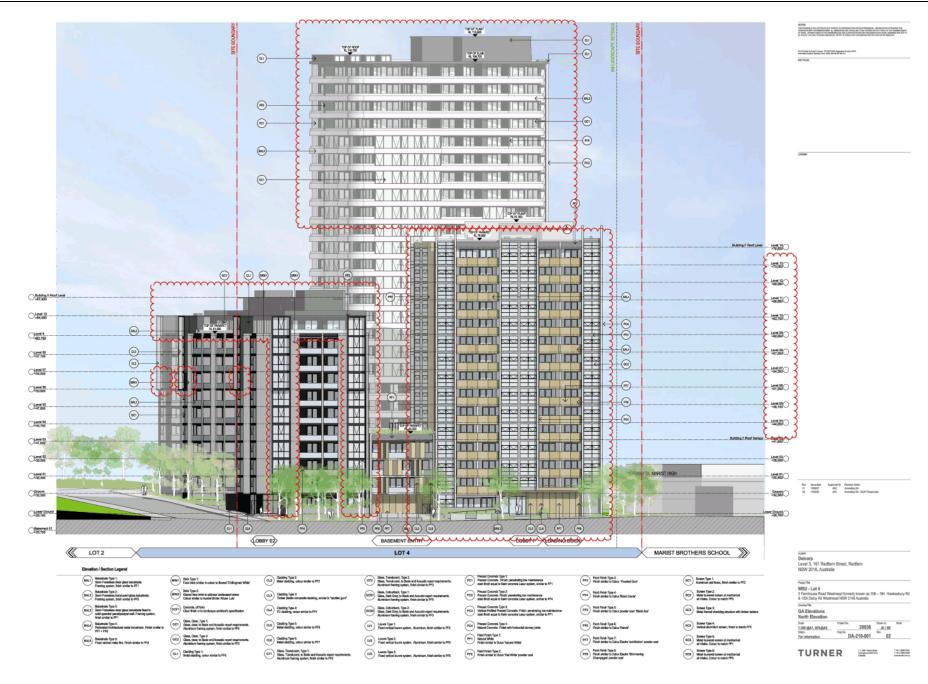


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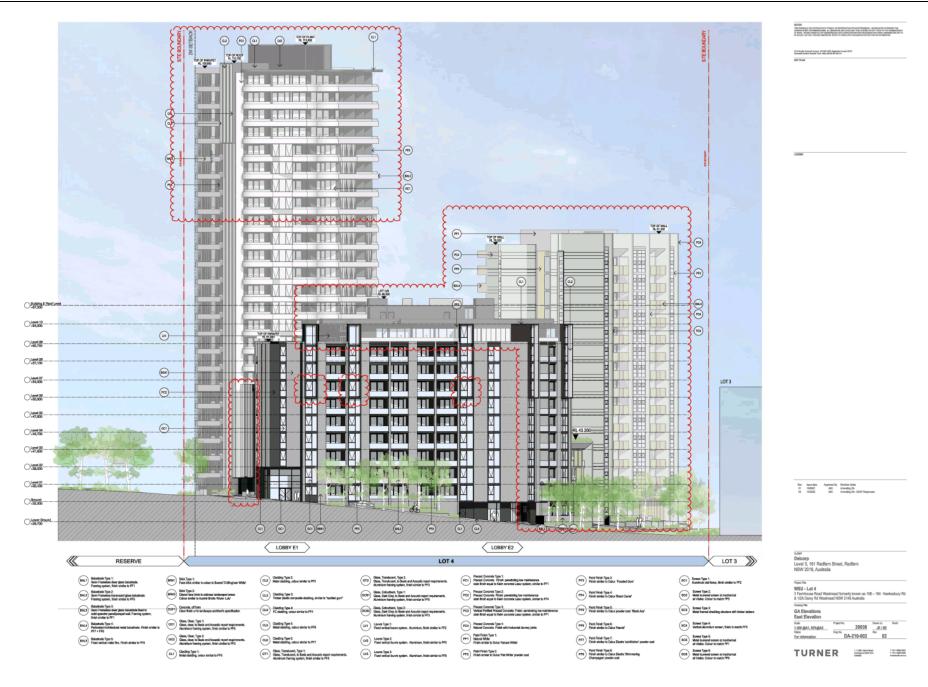




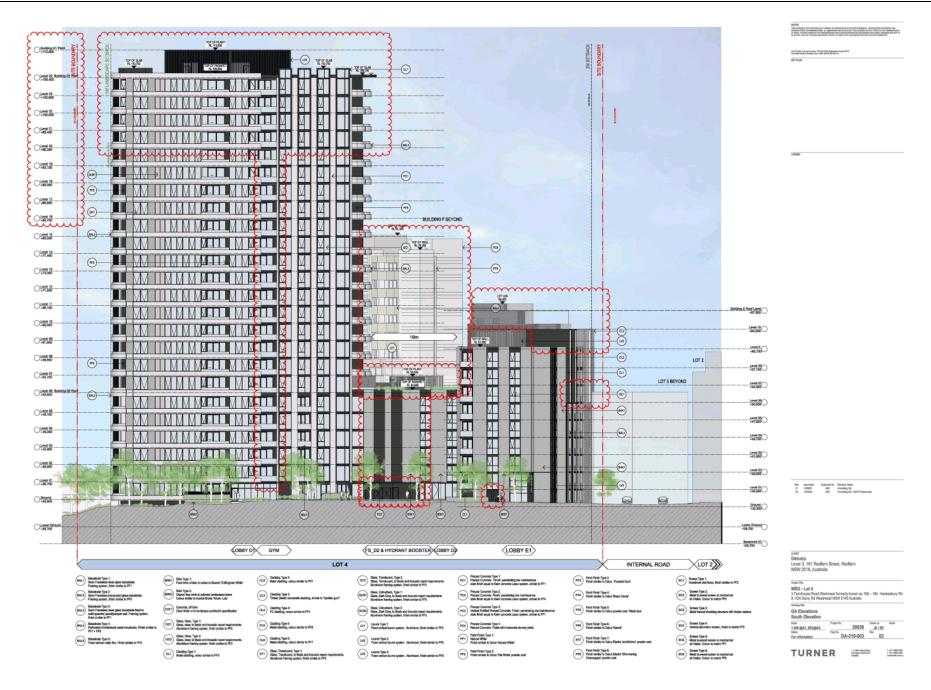




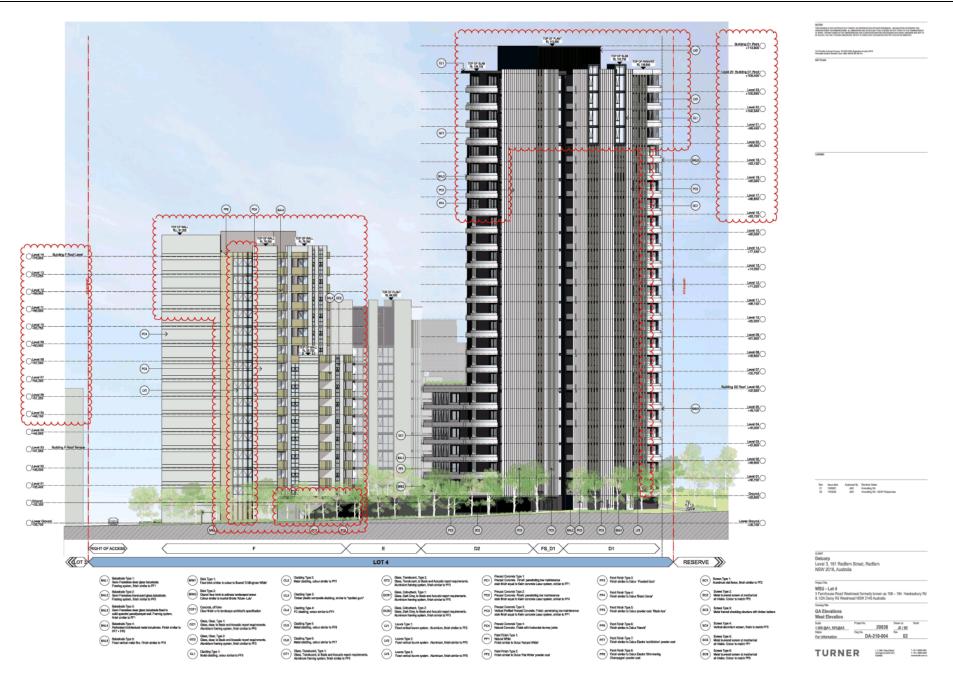
Item 5.3 - Attachment 2 Plans used for assessment



Item 5.3 - Attachment 2 Plans used for assessment



Item 5.3 - Attachment 2 Plans used for assessment



Item 5.3 - Attachment 3 Locality Map



DA/273/2022

Junction Street, Silverwater (adjacent to the Northern side of M4 Motorway).

Digital conversion of the existing static advertising sign at Junction Street, Silverwater overhanging the M4 Motorway.

DEVELOPMENT APPLICATION

ITEM NUMBER 5.4

SUBJECT OUTSIDE PUBLIC MEETING: 2-8 Thackeray Street,

CAMELLIA NSW 2142 (Lot 23 in DP 874055)

DESCRIPTION Construction of a food storage tank with connecting walkway

and access stairway to roof within an existing licenced food

biomass waste-to-energy (Composting and Electricity

Generation) facility.

REFERENCE DA/302/2022 - D08603590

APPLICANT/S Mecone

OWNERS Tanert Pty Ltd

REPORT OF Group Manager Development and Traffic Services

RECOMMENDED Approval

DATE OF REPORT 17 AUGUST 2022

REASON FOR REFERRAL TO LPP

This application is referred to the Parramatta Local Planning Panel as a variation of greater than 10% is sought to Clause 4.3 – Building Height under the Parramatta Local Environmental Plan 2011.

EXECUTIVE SUMMARY

This is a summary of the full assessment of the application, the Section 4.15 Assessment Report, **Attachment 1**.

Site

The subject site currently accommodates a composting and electricity generation facility. The subject site is located to the east of Grand Avenue and Thackeray Street crossing. The access to the site is provided from both street frontages and number of parking spaces are provided on the site.

The site and the surrounding properties are zoned IN3 Heavy Industry. A number of heavy industrial land uses are located within the immediate surrounding of the subject site. The Parramatta River is located to the north of the site. The site is located within the Camelia and Rydalmere strategic precinct.

Proposal

The application proposes construction of a food storage tank with connecting walkway and access stairway to roof within an existing licenced food biomass waste-to-energy (Composting and Electricity Generation) facility.

Assessment

In accordance with the requirements contained within Appendix 1 of Council's Community Engagement Strategy, owners and occupiers of adjoining and surrounding properties were given notice of the application between 28 April 2022 to 12 May 2022. In response, no submissions objecting to the proposal were received.

Council's Development Engineer, Landscape and Tree Management Officer, Traffic and Transport Officer, Infrastructure Officer, and Environmental Health Officer – (General Waste, Acoustic and Contamination) supported the development proposal, subject to appropriate conditions.

The proposed development is generally consistent with the requirements of both Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011, with the exception of a variation to the maximum height. A written request to vary the maximum building height was received.

After consideration of the development against the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest.

RECOMMENDATION

- (a) **That**, the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the *Environmental Planning and Assessment Act* 1979, grant **development consent** to DA/302/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent,
- (b) **That**, the Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons:
 - 1. A written request to vary the building height has been received and is well drafted; and
 - 2. The applicant has provided sufficient environmental planning ground to warrant departure of the building height control in the circumstances of this case.
- (c) Further, that objectors be advised of the Panel's decision.

REASON FOR APPROVAL

- 1. The development is permissible within the IN3 zone and satisfies the requirements of all of the applicable planning controls;
- 2. A written request to vary the building height has been received. The variation sought is not substantial and it will not have any adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be the public interest because it is consistent with the objectives of the building height control and the objectives for development within the IN3 zone in which the development is proposed to be carried out;

- 3. The development will be compatible with the emerging and planned future character of the area; and
- 4. For the reasons given above, approval of the application is in the public interest.

Sumitava Basu

Development Assessment Officer

ATTACHMENTS:

1 🗓 🖫	Assessment Report and Draft Conditions	31 Pages
2 🗓 🏗	Locality map	1 Page
34	Plans used for assessment	10 Pages
4🗓 🍱	Statement of Environmental Effects	36 Pages
5 🗓 🖫	Clause 4.6 Variation Request	13 Pages
64	Waste Management Plan	11 Pages
7 🗓	Environment Protection Licence (EPL)	23 Pages
8🗓 🖫	Annual Fire Safety Statement	12 Pages

REFERENCE MATERIAL



City of Parramatta

File No: DA/302/2022

S4.15 ASSESSMENT REPORT – PARRAMATTA LEP Environmental Planning & Assessment Act 1979

SUMMARY

DA No: DA/302/2022

Property: 2-8 Thackeray Street, Camellia NSW 2142,

Lot 23 in DP 874055.

Proposal: Construction of a food storage tank with connecting

walkway and access stairway to roof within an existing licenced food biomass waste-to-energy (Composting

and Electricity Generation) facility.

Date of receipt: 13 April 2022
Applicant: Mecone
Owner: Tanert Pty Ltd

Property owned by a Council The site is not known to be owned by a Council

employee or Councillor:

employee or Councillor

Political donations/gifts disclosed: None disclosed on the application form

Submissions received: None received

Recommendation: Approval with conditions

Assessment Officer: Sumitava Basu

Legislative requirements

Environmental Instruments Planning •

State Environmental Planning Policy (Resilience and

Hazards) 2021;

• SEPP (Building Sustainability Index: BASIX) 2004;

SEPP (Transport and Infrastructure) 2021;
SREP (Biodiversity & Conservation) 2021;
SEPP (Industry & Employment) 2021; and

• Parramatta Local Environmental Plan 2011.

Zoning IN3 – Heavy Industry

Bushfire Prone Land No
Heritage No
Heritage Conservation Area
Integrated development No

Clause 4.6 variation Yes – Clause 4.3 Height of Building

Delegation Parramatta Local Planning Panel (PLPP)

More than 10% variation to a development standard

1. Executive Summary

The development application (DA/302/2022) was lodged on 13 April 2022 for erection of a food storage tank with connecting walkway and access stairway to roof within an existing licenced food biomass waste-to-energy (Composting and Electricity Generation) facility.

The application is made pursuant to Parramatta Local Environmental Plan 2011, which permits the proposed development on land within the IN3 Heavy Industry zone.

In accordance with the Parramatta Notification Plan the Development Application was notified between 28 April and 12 May 2022 in response no submissions were received.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development proposal exceeds the maximum permissible building height by 2.1m which is a **17.5% variation** to the development standard.

Section 4.15 Assessment Summary

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

The proposed development is appropriately located within the locality and some variations (as detailed in this report) in relation to the Parramatta LEP 2011 are sought. The request to vary the height standard is considered to be well founded for reasons including, but not limited to, the constraints imposed by the site and providing the requirements of the subject industry.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application No. DA/302/2022 be approved. The recommended conditions of consent are within **Attachment 1**.

2. Site Description and Conditions

The legal property description is Lot 23 in DP 874055. The site is an irregular shaped corner allotment with a slope of 1.74m from the north eastern corner to the south western corner.

The subject site has the following area and dimensions:

Area - 7963m²

North - 90 metres;

Frontage on Grand Avenue (south) - 92 metres;

East - 86 metres; and

Frontage on Thackeray Street (west) - 87 metres.

The site and the surrounding properties are zoned IN3 Heavy Industry.

The subject site currently accommodates a composting and electricity generation facility. The subject site is located to the east of Grand Avenue and Thackeray Street crossing. A number of heavy industrial land uses are located within the immediate surrounding of the subject site. The Parramatta River is located to the north of the site. The Rosehill Racecourse is located to the south west of the site.

The access to the site is provided from both street frontages and number of parking spaces are provided on the site. The site is located within the Camelia and Rydalmere strategic precinct.



Figure 1: Aerial view of the subject site and surrounds. Subject site outlined in red. (Source: Nearmap 2022).

3. Relevant Site His	tory
26 March 1996	DA849/1995 – Development application for earthworks to vacant land was approved.
18 October 2021	PL/80/2021 – A prelodgement meeting was conducted to discuss the following matters with the applicant: • Flood management; • Stormwater drainage; • Environmental health; • Acid sulphate soils; and • Traffic and parking requirements.
10 March 2022	DA/186/2022 – Development application for extension of the existing Pulper building and installation of a De-packager machine was lodged. The application is currently being assessed.

4. The Proposal

The proposed development includes the following components:

- · Construction of steel storage tank with concrete foundation;
- Installation of staircase for access of roof; and
- Installation of a handrail around the roof perimeter.

Note:

The proposed development does not seek changes such as floor area or other modifications to the existing buildings and structures on the site. No changes to the business identification signage and operations of the existing business form part of the current development application.

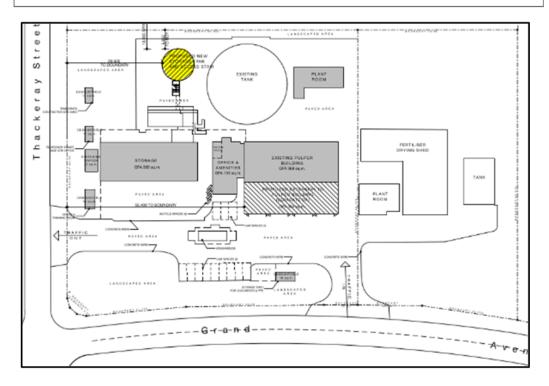


Figure 2: Proposed layout of the site with the new biomass storage tank highlighted in yellow (Source. extracted from the submitted plans).

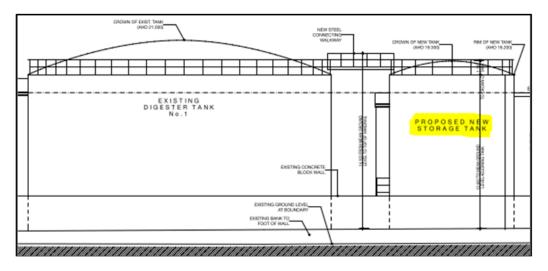


Figure 3: Northern side elevation of the proposed new biomass storage tank highlighted in yellow (Source: extracted from the submitted plans).

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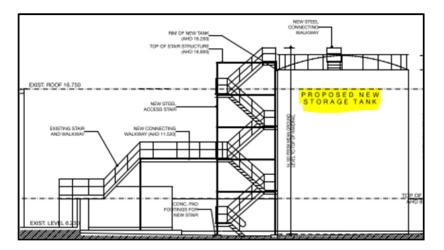


Figure 4: Eastern side elevation of the proposed new biomass storage tank highlighted in yellow (Source: extracted from the submitted plans).

5. Relevant DA History		
13 April 2022	The proposal was lodged.	
28 April to 12 May 2022	The proposal was notified in response no objections were received.	
18 May 2022	Additional information was requested in relation to variation of building	
	height standard and waste management.	
23 May 2022	The requested information was submitted.	

PLANNING ASSSESSMENT

6. Environmental Planning Instruments

6.1 Overview

The following instruments are applicable to this development proposal:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- SEPP (Transport and Infrastructure) 2021;
- SEPP (Biodiversity & Conservation) 2021;
- Parramatta Local Environmental Plan 2011; and
- Draft Parramatta Local Environmental Plan 2020.

Compliance with these instruments is addressed below.

6.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 3 and 4

The provisions of SEPP have been considered in the assessment of the development application.

Contamination

Considering the site has a history being used for storage of biomass waste, Council's records have identified the subject site potentially contaminated. The proposed food waste storage

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tank does not comprise extensive excavation works that would potentially risk the disturbance of any contamination on the site.

Air quality

Whilst the new biomass storage tank will be completely enclosed, there were concerns of potential offensive odour impacts. Appropriate conditions have been recommended by the accompanying environmental protection licence to prevent potential impacts to the air quality.

Noise

The conditions of the accompanying environmental protection licence limit the scale of noise emission and hours of operation on the site.

Council's Environmental Health Officer considers the proposal satisfactory subject to conditions. Therefore, the land is suitable for the proposed development in accordance with the objectives and requirements of the SEPP.

6.3 SYDNEY ENVIRONMENTAL PLANING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

N/A

6.4 SYDNEY ENVIRONMENTAL PLANING POLICY (BIODIVERSITY AND COSERVATION) 2021 – CHAPTER 2 and 10

Vegetation in non-rural areas (Chapter 2)

The application has been assessed against the requirements of SEPP, for protection of the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal does not seek removal of trees. Council's Tree and Landscape Officer has reviewed the application and raised no objections.

Sydney Harbour Catchment (Chapter 10)

The site is located within the 'Foreshores and Waterways Area' under the Sydney Environmental Planning Plan (Biodiversity and Conservation) 2021 and is subject to the provisions of the SEPP. Refer to image below.

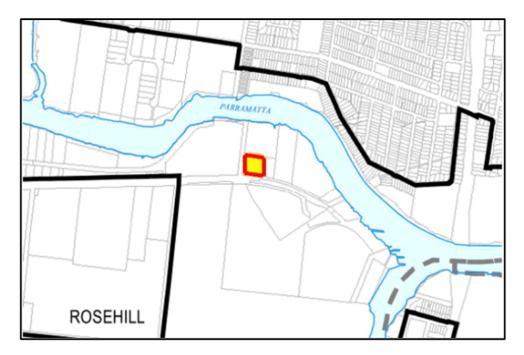


Figure 5: Extract of Sydney Environmental Planning Plan (Biodiversity and Conservation) 2021-Foreshores and Waterways Area map with the subject site outlined in red.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The proposed development is considered to be consistent with the planning principles having regard to the following:

- The proposed external works will have minimal impact on the hydrological, ecological and geomorphologic processes of catchment flows;
- The proposal will not impact on the predominant characteristics of the neighbourhood;
 and
- The proposed development would not adversely impact on the appearance of the foreshore area.

Matters of Consideration

The matters for consideration have been taken into account in the assessment of this application and are discussed below:

Biodiversity,	ecology	&	The proposed food waste storage tank would not have
environment			any impact in relation to diversity, ecology and protection
			of the environment locality.

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Public access to & use of	The site does not have direct access to the foreshore of
foreshores & waterways	the river. The natural water way located to the north is
	separated from the site by neighbouring properties.
Maintenance of a working	N/A
harbour	
Interrelationship of waterway	The proposed development is not directly located on the
and foreshore uses	foreshore. The proposed development will not inhibit the
	existing use of the adjacent waterways.
Foreshore and waterways	The proposal will not impact on the scenic quality of the
scenic quality	foreshore area.
Maintenance, protection and	N/A
enhancement of views	

The proposed development meets the objectives and requirements of SEPP.

7.0 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Permissibility

The site is zoned IN3 Heavy Industry under Parramatta Local Environmental Plan 2011. The proposed works are associated with 'resource recovery facility' and 'electricity generating works' 'which is are permissible with consent in the zone.



Figure 6: Land Zoning Map (LEP 2011) with the site outlined in yellow.

Zone Objectives

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The proposed development is consistent with the relevant objectives of the zone:

 To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.

The development proposal is not inconsistent with the remaining objectives of the zone.

The relevant matters to be considered under PLEP 2011 for the proposed development are outlined below.

Development standard	Compliance
Cl. 4.1 Minimum subdivision lot	N/A. Proposed – 7963m² (only required for Torrens title subdivision)
size	
Minimum – 500m²	
Cl. 4.3 Height of buildings	No but accepted
Allowable – 12m	Proposed:
	Biomass storage tank – 13.5m; and
	Connecting walkway and staircase – 14.1m.
	Variation – 1.5m or 12.5% and 2.1m or 17.5% respectively
	The application was accompanied by a Clause 4.6 Statement to
	justify the variation which is discussed below.
Cl. 4.4 Floor space ratio	Yes. No changes proposed to the floor area of the existing building.
Allowable – 1:1 or 7963m²	
CI. 4.6 Exception to development standards	Yes. The applicant relies upon this clause to allow the exceedance of the height as discussed below.

Clause 4.6 of LEP 2011 allows the consent authority to provide an appropriate degree of flexibility on applying certain development standards, where flexibility would achieve better outcomes.

Clause 4.6(1) - Objectives of clause 4.6

The objectives of this clause are:

- (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 terms of cluse 4.6(8) of the LEP, or otherwise by any other instrument.

Clause 4.3 of the LEP provides that the height of a building on any land in the neighbourhood should not exceed the maximum height shown on the Height of Buildings map. The development proposes the following:

Maximum permissible building height	Proposed	Variation
	Biomass storage	1.5m or 12.5%
	tank – 13.5m	
12m	Connecting	2.1m or 17.5%
	walkway and	
	staircase - 14.1m	

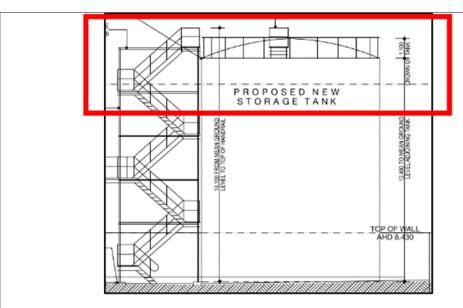


Figure 7: Side elevation of the proposed storage tank with the hight exceedance outlined in red (Source: extracted from the submitted plans).

Clause 4.6(3) - Unreasonable and Unnecessary

Clause 4.6(3) outlines that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) That compliance with the development standard is unreasonable or unnecessary on the circumstances of the case, and
- (b) That there are sufficient environmental planning grounds to justify contravening the development standards

The departure from the maximum permissible building height standard is supported by a written request justifying contravention of the development standard summarised below:

- The additional height affords the ability a sufficient volume of storage space to contribute to overall site usability and environmental efficiency;
- The existing tank on the site is significantly larger and has a greater height than the proposed tank;
- The proposed storage tank will assist in the food storage process to turn into energy and contribute to the economic use and development of the land;
- The sitting of the tank above height limit will ensure that no unreasonable overshadowing of surrounding properties will be experienced. It is noted that existing structures and buildings on site exceed the height limit;
- The height of the proposed development provides a built form within the locality which is consistent
 with the objectives and requirements outlined for the subject industrial land. The proposed
 development provides an example of appropriate building height within an industrial block that is
 largely obscured from public view; and
- Strict compliance with height controls would result in the objectives of the PLEP 2011 being neglected and would not result in the orderly and economic se and development of land.

Planner's comment

In consideration of the variation to Clause 4.3 of the PLEP 2011, the following is noted:

- The non-compliance results in a biomass storage tank, which is consistent with other existing storage tanks on the site and other developments in the locality; and
- The non-compliance does not create additional amenity impacts to neighbouring properties in the form of visual privacy, overshadowing or visual coherence.

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

Wehbe v Pittwater Council

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

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
- The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable
- 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
- 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.
- 1. Height of Buildings Objectives

Clause 4.3 Objectives	Assessment		
(a) To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape	 The following observations are noted: The height variation does not add unreasonable bulk and scale to the appearance of the storage tank; Significantly larger storage tanks are present of the site; The development does not exceed other regulatory standards such maximum floor area; and The breach to the height standards does not result in the development representing an overdevelopment but rather a contextual response to the requirement of the subject industry without being averse to the amenity of the neighbouring properties. 		
(b) To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development	 The following observations are noted: The development achieves the minimum building separation distances as required by the DCP discussed later in the report; The solar access impacts of a compliant development would not be significantly better than the proposed development; The proposal will have minimal privacy impacts of the neighbouring properties; and The subject site and the surrounding properties do not benefit from significant views or historic views which require protection. Therefore, the height variation will not be obvious within the built form particularly when viewed from the public domain. 		

2. The applicant does not contend that the underlying objectives are not relevant.

- The applicant does not contend that the underlying objectives would be defeated or thwarted if the compliance was required.
- The applicant does not contend that the development standard has been virtually abandoned or destroyed.
- The applicant does not contend that the zoning is inappropriate or that the standard is unreasonable or unnecessary.

Four2Five Pty Ltd v Ashfield Council

The decision in the Land & Environment Court case of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90, suggests that 'sufficient environmental planning grounds' for a Clause 4.6 variation is more onerous than compliance with zone and standard objectives. The Commissioner in the case also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

In this instance, it is deemed unreasonable and unnecessary to restrict the proposed increase in the building height by 1.5 metres and 2.1m respectively. The applicant's justification is generally supported in this instance. As such, a variation to the height of building development standard is worthy of support in the context of clause 4.6 for the following reasons:

- The proposal is considered appropriate without setting an undesirable precedent within the neighbourhood;
- The configuration, layout and design of development are practical and will allow appropriate amenity for future users in a variety of ways;
- Concerns of visual incoherence is minimal given larger storage tanks are present on the subject site:
- d. In accessing the reasonableness of the proposal, it is appropriate to consider the breach of the building height to the overall scale of the building will not result in a radical transformation to the development proposal;
- e. The additional building height will not result in unreasonable overshadowing impacts to surrounding properties; and
- f. The proposal complies with the objective of the height of building control and the IN3 zone objectives discussed later in the report.

Compliance with the development standard in this instance is unreasonable and unnecessary given the above.

Initial Action Pty Ltd v Woollahra Municipal Council

Chief Judge Preston, in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 clarified, at paragraph 87, that, "Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development".

In this instance, Council has not considered whether the breach in height results in a more favourable outcome than a compliant development.

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

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

- 'a) the consent authority is satisfied that:
 - the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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- 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."

The matters of clause 4.6(4)(a)(i) have been dealt within the preceding section. Clause 4.6(4)(a)(ii) and Clause 4.6(4)b) have been assessed below:

Public Interest

IN3 Zone Objectives	Proposal
To allow a wide range of industrial and	It is noted the proposed development is permitted with
heavy industrial uses serving the	consent on the site and similar to other industries in the
Greater Metropolitan Area of Sydney	vicinity. The proposal will reinforce the character of the
and beyond.	neighbourhood. Refer to the body of the report for details.

The Secretary's concurrence has been assumed given the variation to the numerical standard is less than 10%, as per NSW Department of Planning Circular 'Variations to development standards' Ref: PS 20-002 dated 5 May 2020.

Clause 4.6(5) - Concurrence

Clause 4.6(5) outlines that in deciding whether to grant concurrence, the Secretary must consider:

- (a) Whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and
- (b) The public benefit of maintaining the development standard, and
- (c) Any other matters required to be taken into consideration by the Secretary before granting concurrence.

Concurrence from the DPIE Secretary is not required.

Conclusion

In Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245, Basten JA formed a somewhat contradictory position to Initial Action (above), clarifying in paragraphs [21-24] that "the commission [or consent authority in this instance] had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified".

Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61 reconfirmed this approach in paragraph [78-79]: "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 acoustic that are the matters in cl 4.6(3)(a) and (b)", 'The consent authority may not be in a position to be satisfied that the applicant's written request does demonstrate both of these things unless the consent authority forms its own view about these things"

Finally, RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 190 confirmed the approach in Al Maha and RebelMH (above) in paragraph [51] (emphasis added)"...in order for the consent authority to be satisfied that the applicant's written request has "adequately addressed" the matters required to be demonstrated by cl 4.6(3), the consent authority needs to be satisfied that those matters have in fact been demonstrated. It is not sufficient for the request to merely seek to demonstrate the matters in subcl (3) (which is the process required by Cl 4.6(3)), the request must in fact demonstrate the matters in subcl (3) (which is the outcome required by cl 4.6(3) and (4)(a)(i))."

The applicant's written request has adequately addressed the matters in clause 4.6(3) of the *Parramatta LEP 2011* and can be supported as the proposal satisfactorily achieves the intents of the building height development standard and zone, and the proposal is in the public interest.

In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.			
CI. 5.6 Architectural roof An architectural roof feature is not proposed.			
features			
Cl. 5.7 Development below	The proposal is not for the development of land that is covered by		
mean high water mark	tidal waters.		
CI. 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.		
Cl. 5.10(8) Aboriginal places of	Yes. the subject site is located within a low sensitivity recorded area.		
heritage significance			
Cl. 5.21 Flood planning	Yes. Refer to discussion below.		

Council's database identifies the south eastern part of the site is inundated by 1% AEP flood event and the entire site is located within probable maximum flood (PMF) affected area.

- PMF flood level Pale blue; and
- 1% AEP flood event Light blue.

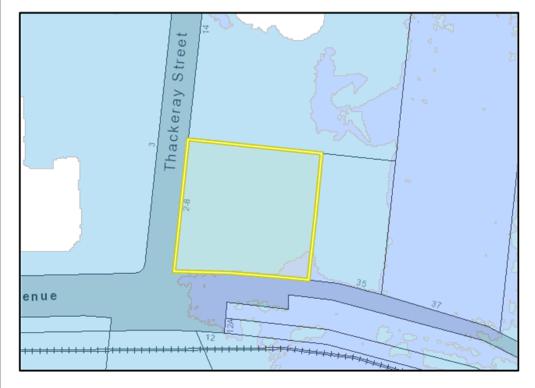


Figure 8: The extent of the flood events for the neighbourhood with the site outlined in yellow (Source: Geo Cortex 2022).

Considering the storage tank do not form a significant solid structure, the base of the proposed structure will not impede flood water movement/dispersion in any measurable or significant shape or form. There will be adequate room allowing water to freely flow around it. No concerns have been raised by Council's development engineer subject to conditions.

Therefore, Council is satisfied that the development is appropriate on this site in regard to Clause 5.21 of PLEP.

Cl. 6.1 Acid sulphate soils	Yes. Council's database identifies the site being class 3 Acid
	Sulphate Soils. Considering the proposal does not involve any

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	works that will disturb more than 1 tonne of soil or lowering of the water table, then according to clause 6.1(6) of LEP, further	
	assessment is not required for the development.	
Cl. 6.2 Earthworks	Yes. The proposed development is in keeping with the objectives of	
	the clause.	
Cl. 6.4 Biodiversity protection	The site is not identified on this map	

8.0 DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

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

Whilst the draft LEP must be considered when assessing this application, under cl4.15(1)(a)(ii) of the Environmental Planning & Assessment Act, the LEP is neither imminent or certain and therefore limited weight has been placed on it. Nonetheless, it is noted that the following principal development standards of the draft LEP vary from the current LEP 2012 as discussed below:

Development Standard	PLEP 2011	Draft Parramatta LEP 2020	Proposal
Land zoning	IN3 Heavy Industry	IN3 Heavy Industry	Permissible within the zone
Height of building	12m	12m	Biomass storage tank – 13.5m; and Connecting walkway and staircase – 14.1m
Floor space area	1:1	1:1	No change proposed
Riparian and Waterways	Not within the map	Not within the map	No change proposed

The height of biomass storage tank will be 13.5m and the connecting walkway and staircase will be of 14.1m. According to clause 4.3 of the Draft Parramatta LEP 2020, the height of the proposed development will fail to meet the requirements of the development standard. Whilst the draft LEP is still to be made, it signals a clear strategic intent to retain the scale and volume of the neighbourhood.

However, this has not been raised as a reason for refusal as noted above, as the draft LEP is neither imminent nor certain and does not warrant being considered as the foundation for a refusal.

9.0 PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

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

DEVELOPMENT STANDARD	COMPLIANCE		
Part 2 Site Planning			
Views and vistas	There are no significant views and vistas from the subject site identified in Appendix 2 of Council's DCP.		

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Water Management	The proposal does not impact waterways and groundwater.			
Flooding	The site is identified in Council's database being flood prone.			
	The proposal is not considered to generate potential flood affectation on other properties nearby. The proposed biomass storage tank will not impact in maintaining adequate floodway capacity without obstruction across and around the site. Council's Development Engineer raised no concerns with the proposal subject to conditions of consent.			
Soil Management	The proposed works are considered satisfactory and comply with Clause 6.1 of LEP 2011. Refer to LEP table for details.			
Land Contamination	Refer to body of report.			
Air quality	Appropriate conditions have been recommended by EPL licence ensuring the proposal does not impact on air quality.			
Development on sloping land	The proposed development is considered to be adequately designed to respond to the natural topography of the subject site.			
Biodiversity	The site does not include EEC.			
Public domain	The proposal meets the controls.			
Part 3 Development Principles				
Front setback correspond to existing predominant building line in street where there is a defined built edge – a continuous setback to the street is desirable	No changes proposed the dual front setbacks of the existing development.			
Rear setback dependent on impact on amenity of adjoining development.	No changes proposed to the rear setback of the existing development.			
Side setback nil where there will be no impact on streetscape or amenity of adjoining development	No changes proposed to the side setback of the existing development.			
Building Form and Massing	The proposed form and massing are consistent with the existing industrial developments on the site. Considering multiple existing structures on site with greater heights, the exceedance to the maximum height limitation will unlikely to generate impacts on adjacent properties.			
Building Facades and Articulation	The proposed design and articulation of the storage unit shall reflect sympathy with similar existing storage units on the site.			
Streetscape	The proposed storage unit shall appear sympathetic with existing storage units on the site. Concerns of potential impact on the visual coherence of the streetscape is minimal in this instance.			
Fence	No changes proposed to the existing boundary fencing.			
Landscaped area Minimum 10% or 7.96m² landscaped area with a minimum width of 2.5m to be provided surrounding car parking and outdoor storage areas.	No changes proposed to the existing landscaped area on the site.			

Acoustic amenity	Appropriate conditions have been recommended by EPL licence to ensure minimal impact on the acoustic amenity of the site and neighbouring properties.		
Waste Management	The Waste Management Plan is considered satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.		
Water Sensitive Urban Design	The proposal is for connecting to the existing stormwater drainage management system available in accordance with DCP requirements.		
Safety and Security	The proposal shall not contribute to impacts on the safety and security of the site and the neighbourhood.		
Parking and Vehicular Access	The proposal shall not require additional parking or impact on the existing parking requirements of the site.		
Part 4 Strategic Precincts			
Camelia and Rydalmere strategic precincts	Refer to discussion below for details.		

Council's database indicates the subject site is located within the Camelia and Rydalmere strategic precincts.

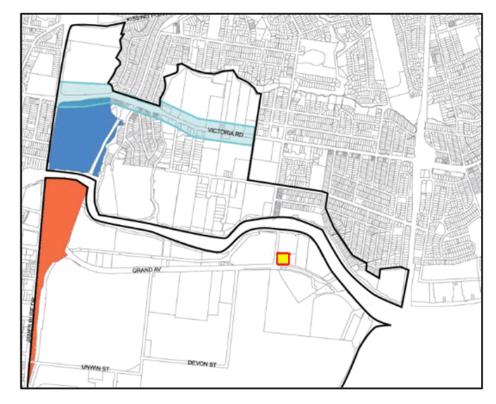


Figure 9: Map showing the extent of Camelia and Rydalmere strategic precinct with the site outlined in red (Source: PDCP 2011).

Height of the Buildings

The height of the storage tank shall be sympathetic with other existing storage tanks on the site.

Landscaping

The proposal will not impact on the landscaped area of the site.

Travel Plans and Travel Information Guides

The proposal will not impact on the public transport and bicycle uses of the site.

Building Design

The design of the storage tank will appear sympathetic with other existing storage tanks on the site.

Eco-Industrial Development

The proposal is for storing biomass for generation of energy and fertilizer as by-product. The proposal complies with the objectives of the eco-industrial development.

10.0 REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions.
Landscape	Supported subject to conditions.
Traffic	Supported subject to conditions.
Environmental Health (general waste)	Supported subject to conditions.
Environmental Health (acoustic)	Supported subject to conditions.
Environmental Health (contamination)	Supported subject to conditions.
External Referrals	
No external referrals required.	

11.0 PUBLIC CONSULTATION

The application was notified between 28 April to 12 May 2022, in accordance with Council's notification procedures contained within Council's Community Engagement Strategy, Appendix 1 – Consolidated Notification Requirements. In response no submissions were received.

Amended Plans - Yes

Summary of amendments

 Additional information was received on the exceedance of the maximum height limit and waste management of the site.

In accordance with page 6 of the Consolidated Notification Requirements the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

12.0 CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

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

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The application did not receive any submission and as a result, a Conciliation Conference was not required to be held.

13.0 DEVELOPMENT CONTRIBUTIONS

According to City of Parramatta (Outside CBD) Development Contributions Plan 2021, a Section 7.12 Development Contribution is not required to be paid.

14.0 BONDS

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

15.0 EP&A REGULATION 2000

Applicable Regulation considerations including compliance with the Building Code of Australia, 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.

16.0 CONCLUSION

Conditional consent

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest.

17.0 RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

APPROVAL SUBJECT TO CONDITIONS

- (a) That, the Parramatta Local Planning Panel, exercising the functions of Council, pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, grant development consent to DA/302/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent,
- (b) That, the Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons:
 - A written request to vary the building height has been received and is well drafted;
 and
 - 2. The applicant has provided sufficient environmental planning ground to warrant departure of the building height control in the circumstances of this case.
- (c) Further, that objectors be advised of the Panel's decision.

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REASON FOR APPROVAL

- The development is permissible within the IN3 zone and satisfies the requirements of all of the applicable planning controls;
- 2. A written request to vary the building height has been received. The variation sought is not substantial and it will not have any adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be the public interest because it is consistent with the objectives of the building height control and the objectives for development within the IN3 zone in which the development is proposed to be carried out;
- 3. The development will be compatible with the emerging and planned future character of the area; and
- 4. For the reasons given above, approval of the application is in the public interest.

"Appendix 4" to Section 4.15 Assessment Report - DA/302/2022

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/302/2022 Property Address: Lot 23 DP 874055

2-8 Thackeray Street, Camellia NSW 2142

PART A – GENERAL CONDITIONS

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

 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 expressively require otherwise:

Architectural Drawings (Project No. ERT) by James Gately Architects

Drawing/Plan No.	Issue	Plan Title	Dated
-	Α	Location Plan	11.03.2022
A12	Α	Site Plan	11.03.2022
A13	С	Ground Plan & Plan at High Level	20.05.2022
A14	С	North & East Elevation Plans	20.05.2022
		Section AA Plan & Finishes	
A15	С	Schedule	20.05.2022

<u>Civil Drawings/Stormwater</u> (Project No. J220009) by Neilly Davies <u>Consulting Engineers</u>

Drawing/Plan No.	Issue	Plan Title	Dated
SW01	В	Construction Notes	23.03.2022
SW02	В	Stormwater Management Plan	23.03.2022
SW03	В	Stormwater Management Plan For The Proposed Addition	23.03.2022
SW04	В	Erosion & Sediment Control Plan	23.03.2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	-	-	Mecone	23.05.2022
Waste Management Plan	-	-	Earth Power Technologies Sydney	Undated

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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

Reason: To ensure all parties are aware of the approved plans and supporting

documentation or between an approved plan and a condition when it

is not possible to comply with both at the relevant time.

documentation that applies to the development

PA0003 Construction Certificate

 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> \$25,000 (DIEP Mandatory Cond)

4. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of either 0.35% of the value of building and construction work where the cost of building is \$25,000 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.

ECA0006 Require to notify about new contamination evidence

 Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

EWA0002 Amenity of waste storage areas (general)

6. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.

Reason: To ensure waste is adequately separated and managed in mixed use developments.

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.)

DB0003 Sydney Water Quick check

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

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

Please refer to the website http://www.sydneywater.com.au/tapin/index.htm, Sydney Water Tap in™, or telephone 13 20 92.

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

DB0004 Dial Before you Dig Service

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

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

DB0021 Impact on Existing Utility Installations

9. 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.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

10. 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.

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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.

EWB0002 Management of Construction and/or Demolition Waste

11. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

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

adjoining residents.

PART C - BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

13. 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

- 14. 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 refuge 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.

PC0001 #Appointment of PCA

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- 15. 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

16. Parts of the site where the approved works are located 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

- 17. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
 - (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

PC0005 Public liability insurance

- 18. 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.

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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.

PART D – WHILE BUILDING WORK IS BEING CARRED OUT

DD0005 Erosion & sediment control measures

19. 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

20. Any damage to Council assets that impacts on public safety during 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

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

Reason: To ensure compliance with this consent.

PD0003 Dust Control

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

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

- 25. 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 affect;
 - (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 (DPIE Mandatory Cond)

26. 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

- 27. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -
 - (a) All footings/ foundations
 - (b) At other stages of construction any marks that are required by the principal certifier

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

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

28. 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

29. 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

30. 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.

ECD0004 Waste data maintained

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- 31. 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.
 - 3.1 **Reason**: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

ECD0005 Disposal of Material at Licensed Landfill

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

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

EWD0006 Liquid and Solid Wastes

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

Reason: To prevent pollution of the environment.

PD0009 Cut and fill (if applicable)

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

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

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

- 35. 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;

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- The name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with statutory requirements.

PE0001 Occupation Certificate

36. 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.

PART F – OCCUPATION AND ONGOING USE

PF0017 Goods not to be displayed outside premises

37. No goods are to be stored/displayed outside the boundary fence of the site. **Reason:** To ensure visual amenity.

PF0029 Shopfront appearance

38. Roller shutters are not to be placed over any external door or window of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille able to be seen through.

Reason: To provide an appropriate streetscape appearance.

PF0049 Graffiti Management

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

Reason: To ensure the removal of graffiti.

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

40. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with Council's Schedule of Fees and Charges 2021-2022.

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.

EAF0001 Use is not to cause offensive noise or vibration

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

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

Reason: To prevent loss of amenity to the area.

EAF0004 No 'offensive noise'

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

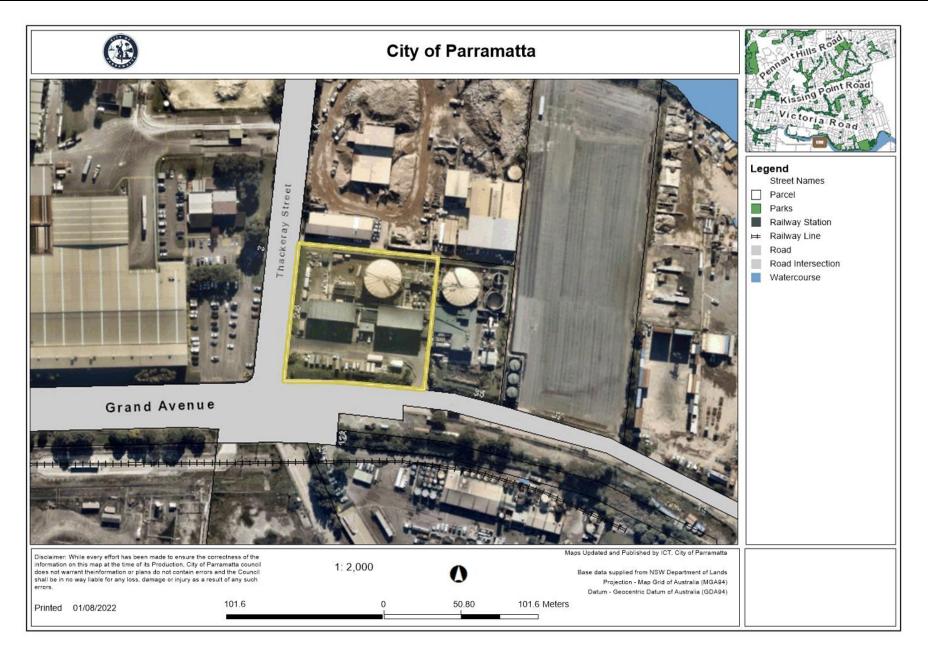
Reason: To reduce noise levels.

EFF0004 Use is not to cause air impurities

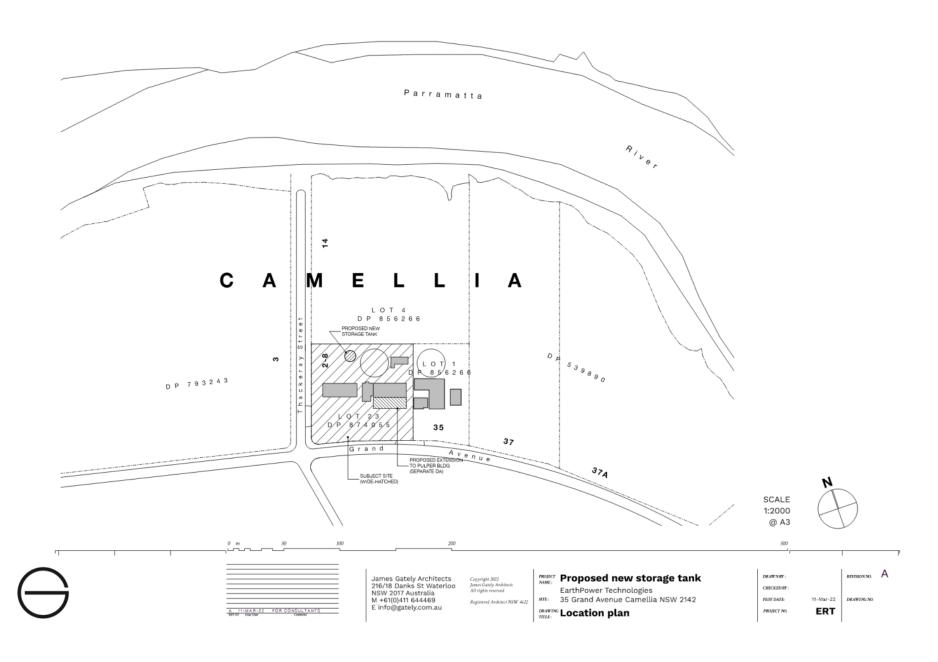
43. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

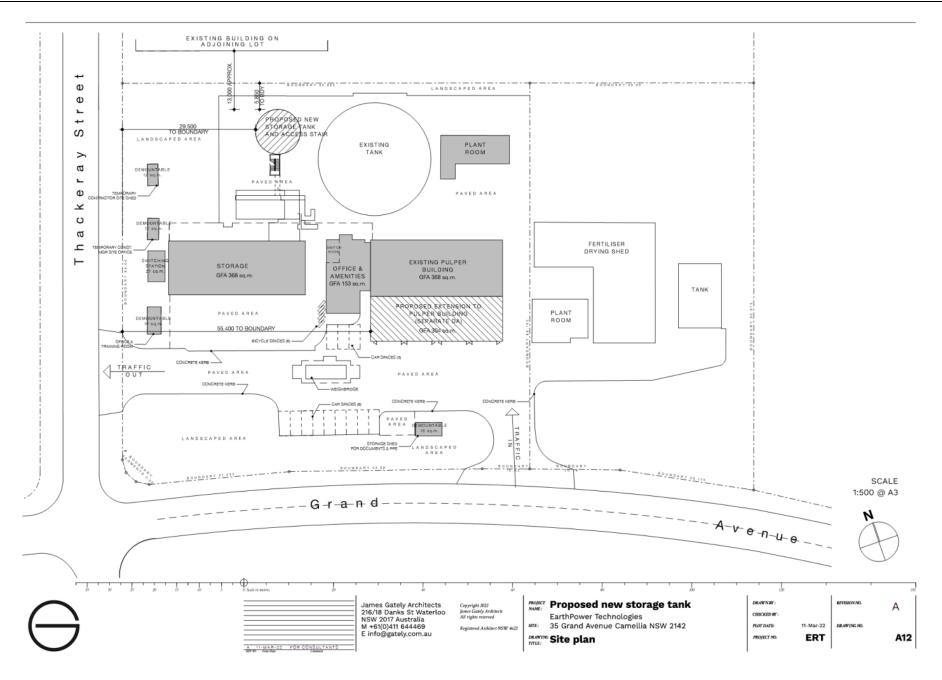
Reason: To prevent loss of amenity to the area.

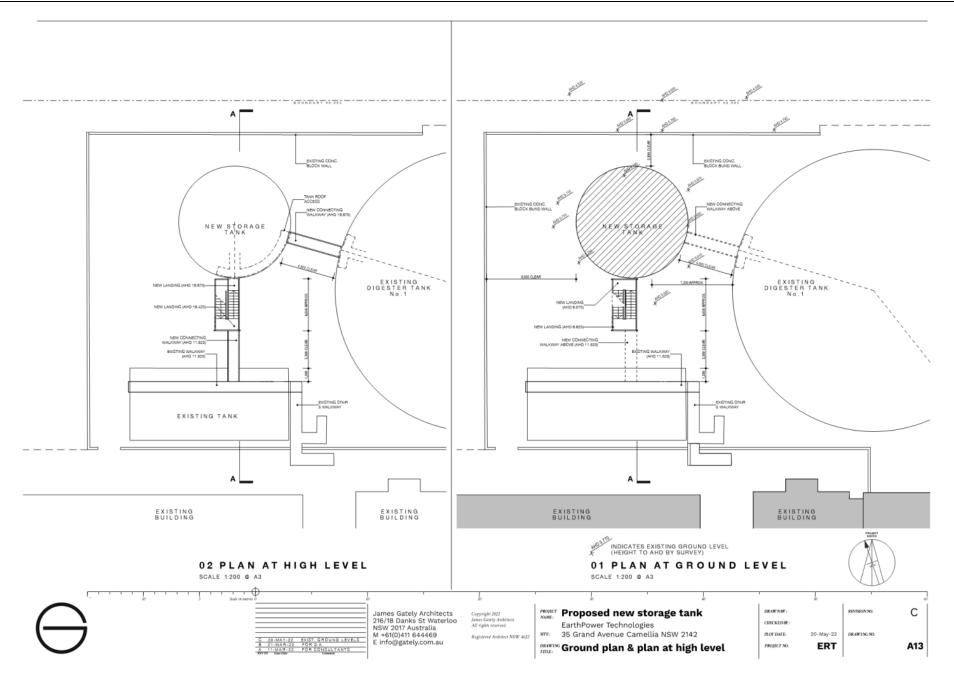
Date: 5 July 2022 Responsible Officer: Sumitava Basu Item 5.4 - Attachment 2 Locality map

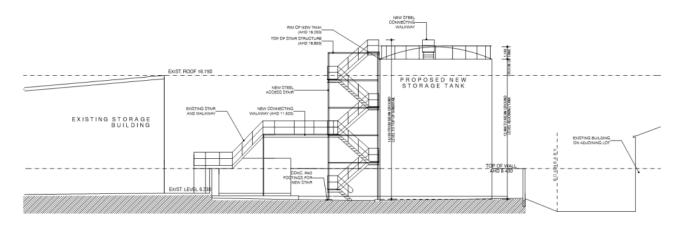


Item 5.4 - Attachment 3



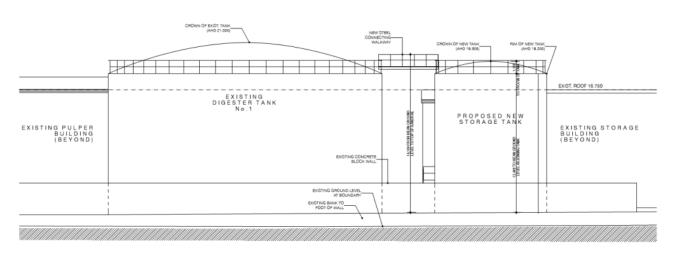






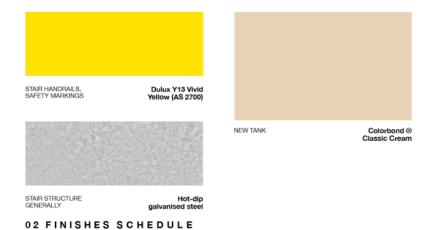
02 EAST ELEVATION

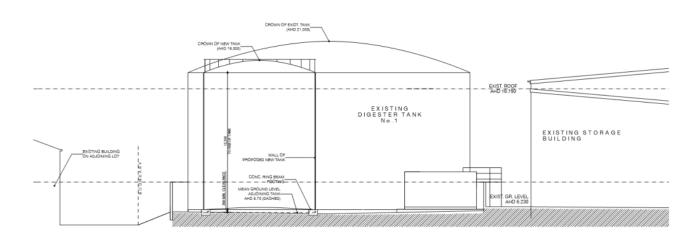
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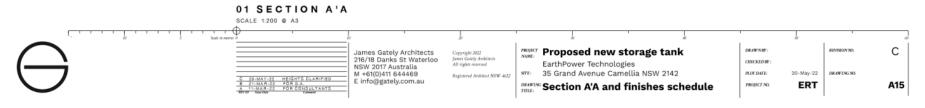


01 NORTH ELEVATION











PROPOSED STORM WATER DESIGN FOR ADDITIONS & ALTERATIONS AT 2-8 THACKERAY STREET, CAMELLIA, NSW 2142 FOR EARTH POWER TECHNOLOGIES SYDNEY PTY LTD.

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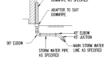
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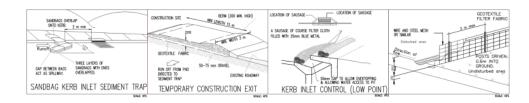
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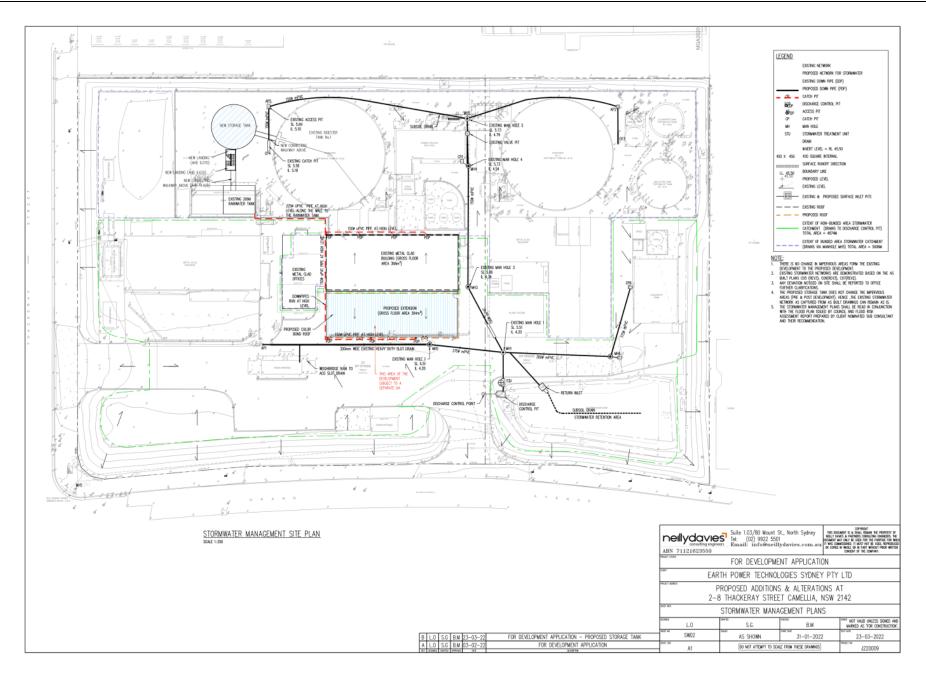
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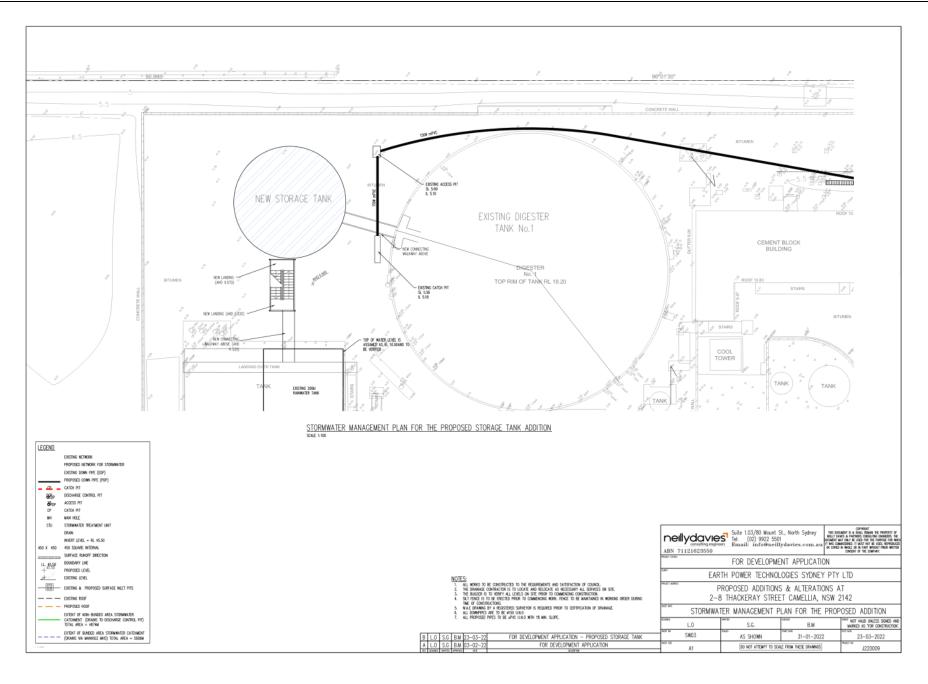


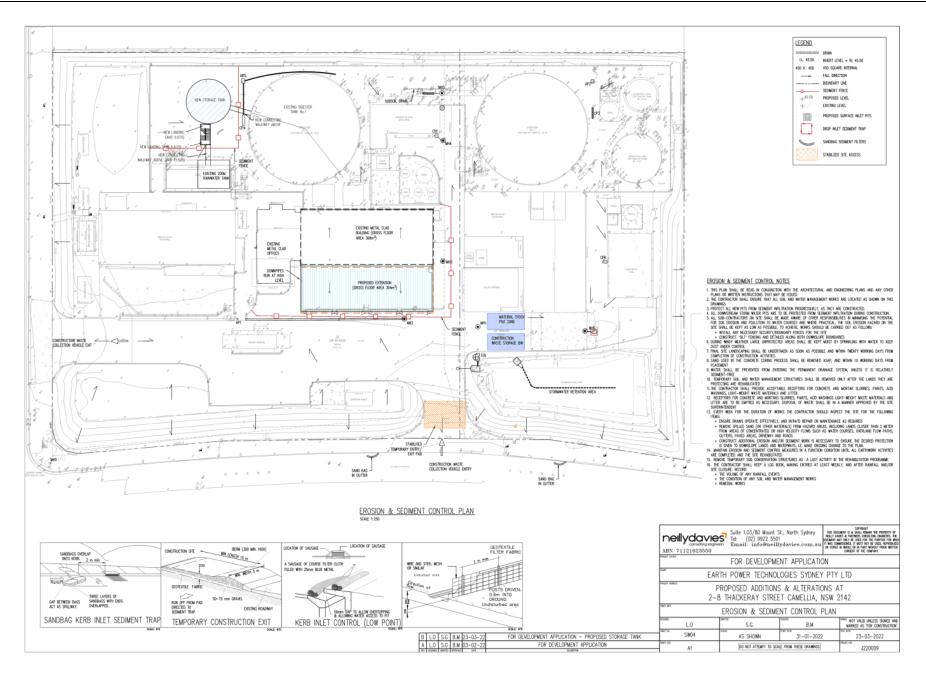
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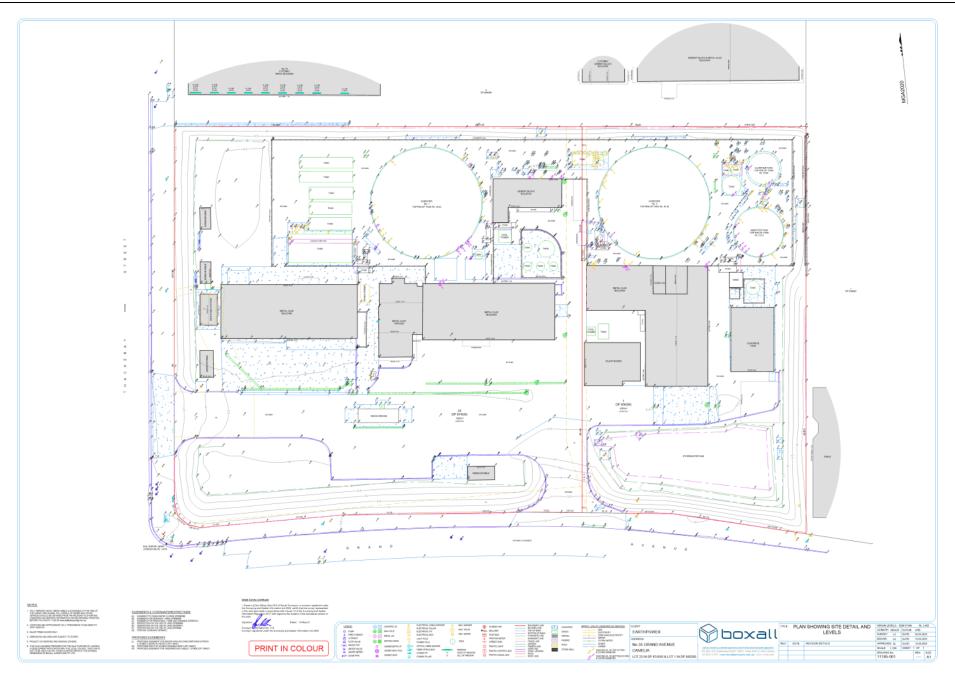


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Storage Tank 2-8 Thackeray Street, Camellia

Statement of Environmental Effects

On behalf of Earth Power Technologies Sydney Pty Limited

March 2022



Project Director



Adam Coburn 23 March 2022

Contributors

Belinda Elogious

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

Contact

Mecone

Level 2, 3 Horwood Place Parramatta, New South Wales 2150 info@mecone.com.au mecone.com.au

@ Mecone

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared on behalf of Earth Power Technologies Sydney Pty Limited (Earth Power) (the applicant) to support a Development Application (DA) to the City of Parramatta Council (Council) for the erection of a storage tank at a food biomass waste-to-energy facility at Lot 23 DP874055 being 2-8 Thackeray Street, Camellia (subject site).

The proposal involves the following.

- Erection of a storage tank at the north-west portion of the site with a height of 12.4 metres.
- Installation of connecting walkway and access stairs to roof.
- No alterations proposed to the current threshold (> 50,000 tonnes) under the existing Environment Protection Licence (EPL) for the site or any other aspect of the existing operations.

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents. Specifically, the SEE includes the following information:

- Description of the site in its local context;
- · Identifies the proposed works;
- Identifies and addresses relevant policies;
- · Assessment against relevant State and Council plans and policies; and
- Assessment of potential environmental impacts and identification of mitigation measures.

This SEE has found that the proposal will increase efficiency of processes on site that enables the orderly and economic use and development of the land. The proposed storage tank will increase the current food waste storage capacity on site for a more consistent feed to the anaerobic digester. This will lead to better operational performance including a more efficient management of peaks in volume of food waste incoming to site.

This DA will not alter the current threshold (> 50,000 tonnes) under the existing Environment Protection Licence (EPL) for the site or any other aspect of the existing operations.

The proposal generally complies with key controls in Parramatta Local Environmental Plan 2011 (PLEP 2011) and Parramatta Development Control Plan (PDCP 2011, with sufficient justification provided for any variation; has minor and manageable environmental impacts; and is compatible with the existing and desired local area character.



1.1 Supporting Documentation

The DA and SEE have been prepared on behalf of the applicant, Earth Power, and should be read with the accompanying specialist documentation that are provided under separate cover. The documentation is outlined below:

Table 1 - Project Documentation		
Item	Description	
Statement of Environmental Effects	Mecone	
Architectural Plans	James Gatley Architects	
Stormwater Engineering Plans	Neilly Davies	
Stormwater DA Checklist	Neilly Davies	
Waste Management Plan	Earth Power	
Construction Waste Bin Location Map	Earth Power	
Cost Estimate Report	Earth Power	

2 The Site

2.1 Site Description

The site is described as Lot 23 DP874055 being 2-8 Thackeray Street, Camellia in the local government area of the City of Parramatta. The proposed extent of works relates to the north-west portion on Lot 23 with a total site area of approximately 7963m². Refer to **Figure 1** below.

The site is currently utilised by Earth Power as a food biomass waste-to-energy facility designed and licensed to accept solid and liquid food waste from municipal, commercial and industrial sectors to produce green electricity. Residual produce is further processed to produce high quality organic based fertiliser and trade wastewater.





Figure 1 - Aerial view of site (Source: NearMaps)

Table 3 provides a summary and site description of the site.

Table 3 – Site Description & Controls		
Item	Detail	
Legal description	Lot 23 DP874055	
Address	2-8 Thackeray Street, Camellia	
Total site area	7963m²	
Shape	Regular corner lot	
Frontage	Approx. 91m to Grand Avenue; and	
Homage	Approx. 91m to Thackeray Street.	
	The site is currently utilised by Earth Power as a food biomass waste-to-energy facility. There is a number of structures and buildings on Lot 23 that support the use of the site.	
Existing buildings/structures	The proposal relates to the construction of a storage tank located on the north-western portion of the site which holds food wastes that are received. The food waste is blended in the building by a hydropulper and stored in a surge tank to be pumped to digesters for further treatments that will produce green electricity and other outputs.	
Surrounding dovolones == t	North – Heavy industrial land uses including Concrete Recyclers for recycling and tipping of road base, concrete, sand etc. Rydalmere Ferry Wharf located on the other side of Parramatta River to north of site.	
Surrounding development	East – Heavy industrial land uses including Station Link bus depot.	
	South – Heavy industrial land uses including SAMI Bitumen Technologies which is a manufacturing facility, Shell	



Table 3 – Site Description & Controls		
	Parramatta Cvro Sydney Metro 2 Plant Yard.	
	West – Heavy industrial land uses including USG Boral - Bulk Distribution Centre.	
Access and parking	Access to the site is provided by driveways located at both Thackeray Street at the western boundary of the site and Grand Avenue at the south-western corner of the site. Access arrangements will not be altered as part of the development.	
	Approximately 12 parking spaces are provided on site with parking also provided on-street.	

Photographs of the site and its surrounds are provided below:



Figure 2 – View looking east at site at Thackeray Street at proposed location of storage tank. (Source: Google Maps)





Figure 3 – View looking east at site, depicting location of storage tank to left of frame. (Source: Google Maps)



Figure 4 – View looking north at site, depicting access from Grand Avenue (Source: Google Maps)



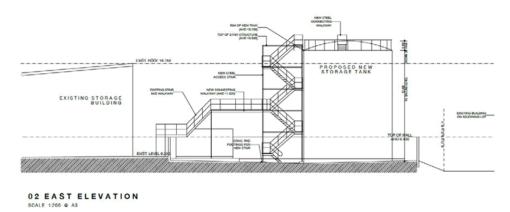
3 The Proposal

3.1 Overview

This Statement of Environmental Effects (SEE) has been prepared on behalf of Earth Power Technologies Sydney Pty Limited (Earth Power) (the applicant) to support a Development Application (DA) to the City of Parramatta Council (Council) for the erection of a storage tank at a food biomass waste-to-energy facility at Lot 23 DP874055 being 2-8 Thackeray Street, Camellia (subject site).

The proposal involves the following.

- Erection of a storage tank at the north-west portion of the site with a proposed height of 12.4m to the rim of the tank.
- Installation of connecting walkway and access stairs to roof.
- No alterations proposed to the current threshold (> 50,000 tonnes) under the existing Environment Protection Licence (EPL) for the site or any other aspect of the existing operations.



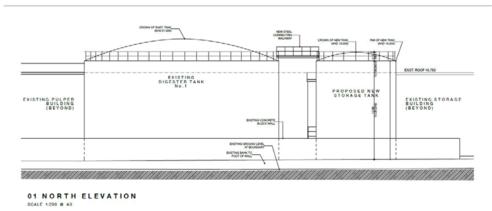


Figure 5 - North and East Elevation of proposed storage tank (Source: James Gatley Architects)



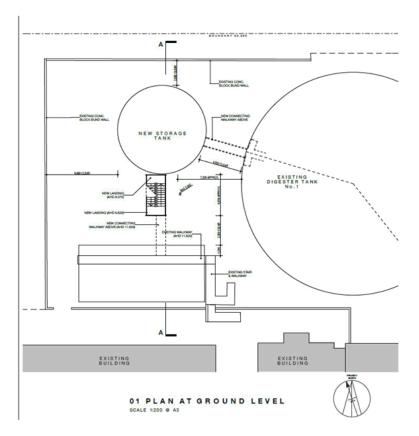


Figure 6 - Floor plan of proposed storage tank (Source: James Gatley Architects)

3.2 Proposal description

The proposal is related to the erection of a storage tank at the north-western portion of the site.

The proposal works will include:

- Construction of a steel storage tank at height of 12.4m
- Construction of the concrete foundation
- Externally painted similar colour as other site tanks (Classic Cream)
- · Installation of stairs for access to roof
- Installation of a handrail around roof perimeter

The operation remains largely the same as the proposed storage tank will replace previous smaller tanks at the same location. The current processes on the site and threshold under the EPL remains unchanged.



4 Planning Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The potential environmental impacts and their mitigation measures are discussed below.

4.1 Environmental Planning Instruments

4.1.1 SEPP (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP 2021 provides a Statewide planning approval to the remediation of contaminated land. This chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The remediation of contaminated soil for the site has been addressed as part of pervious DA consent DA/849/1995 on 26 March 1996. Under this DA, a remediation strategy was proposed to enable sufficient clearing of the site contamination to permit ongoing industrial usage of the site and to prevent any contamination spreading off the site.

All works proposed under this DA will be carried out within (not breaching) the remediation cap approved under DA/849/1995. It is considered likely that the consent authority will not require a preliminary site investigation as the proposal is in consistency with current use of the site for a food biomass facility and no changes to land use is proposed.

It is anticipated that Council will impose conditions of consent in response to these recommendations under DA/849/1995 and no further assessment of contamination is required under this DA.

Having regard to the above, the development complies with Chapter 4 of the Resilience and Hazards SEPP and the site is suitable for the proposal.

4.1.2 SEPP (Biodiversity and Conservation) 2021

The site is subject to the provisions of Chapter 10 under the Biodiversity and Conservation SEPP 2021. Chapter 10 relates to the previous provisions of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The site is identified as within the Foreshores and Waterways Area.

The key relevant planning principles for land within the Foreshores and Waterways Area include:

 development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,



- public access to and along the foreshore should be increased, maintained and improved, while minimising its impact on watercourses, wetlands, riparian lands and remnant vegetation,
- development along the foreshore and waterways should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,
- adequate provision should be made for the retention of foreshore land to meet existing and future demand for working harbour uses,
- the use of foreshore land adjacent to land used for industrial or commercial maritime purposes should be compatible with those purposes,
- water-based public transport (such as ferries) should be encouraged to link with land-based public transport (such as buses and trains) at appropriate public spaces along the waterfront,

The works proposed in this development application are consistent with the planning principles in the Biodiversity and Conservation SEPP 2021. The proposed works will not cause any adverse impacts on the catchment nor cause any environmental impacts as no changes are proposed to the environment.

The proposal involves the erection of a storage tank on site, in order to increase the efficiency of processes of the industrial facility.

In light of the above, it is anticipated to have no major environmental impacts to the existing industrial use of the site or the surrounding environmental area.

4.1.3 Environmental Planning and Assessment Regulation 2021

The site is subject to Schedule 3 Designated Development of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation 2021).

Table 4 – EPA Regulation 2021 Compliance Assessment		
Clause	Control	Compliance
Clause 16 Composting facilities and works	 (1) Development for the purposes of a composting facility or works is designated development if the facility or works process more than 5,000 tonnes per year of organics. (2) Development for the purposes of a composting facility or works is designated development if the facility or works are located— 	Complies. The land use on site is defined as a composting facilities and works being works involving the anaerobic biological conversion of food waste into green electricity and that process more than 50,000 tonnes per year of organic materials. No change to this



- (a) in or within 100 metres of—
- (i) a natural waterbody, or
- (ii) a wetland, or
- (iii) a coastal dune field, or
- (iv) an environmentally sensitive area of State significance, or
- (b) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or
- (c) in a drinking water catchment, or
- (d) in a catchment of an estuary where the entrance to the sea is intermittently open, or
- (e) on a floodplain, or
- (f) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority's opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.
- (3) In this section—
 composting facility or works
 means a facility or works
 involving the controlled aerobic
 or anaerobic biological
 conversion of organics into
 humus-like products by—
- (a) methods such as bioconversion, biodigestion or vermiculture, or

licence of operation conditions.



- (b) reducing the size of organics by shredding, chipping, mulching or grinding.
- (1) Development for the purposes of an electricity generating station is designated development if the station supplies or is capable of supplying—
- (a) electrical power where—
- (i) the associated water storage facilities inundate land identified as wilderness under the Wilderness Act 1987, or
- (ii) the temperature of the water released from the generating station into a natural waterbody is more than 2 degrees centigrade from the ambient temperature of the receiving water, or
- (b) more than 1 megawatt of hydroelectric power requiring a new dam, weir or inter-valley transfer of water, or
- (c) more than 30 megawatts of electrical power from other energy sources, including coal, gas, wind, bio-material, hydroelectric stations on existing dams or co-generation, but excluding solar powered generators.
- (2) Development for the purposes of an electricity generating station is designated development if the station supplies or is capable of supplying more than 30 megawatts of electrical power from a thermal solar powered generator.

Complies.

The land use is also defined as an electricity generating station, including associated waste management facilities where more than 30 megawatts of electrical power from other energy sources including bio-material is capable of being supplied. No change to this license of operation conditions.

Clause 24 Electricity generating stations



- (3) Development for the purposes of an electricity generating station is designated development if the station—
- (a) supplies or is capable of supplying more than 30 megawatts of electrical power from a photovoltaic solar powered generator, and
- (b) is located on a floodplain.
- (4) This section does not apply to a power generation facility used exclusively for stand-by power purposes for less than 4 hours per week averaged over a continuous 3-month period.
- (5) In this section electricity generating station

electricity generating station includes associated water storage, ash or waste management facilities.

Clause 48
Alterations or
additions to
existing or
approved
development

(1) Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.

Note-

Development referred to in this clause is not designated development for the purposes of section 4.10 of the Act. This means that section 8.8 of the Act (Appeal by an objector) will not extend

Complies.

Clause 48 of Schedule 3 in the EP&A Regulation 2021 stipulates those alterations or additions that do not significantly increase the environmental impacts of the total development compared with the existing development is not designated development.

The proposal involves the erection of a storage tank and will not change the existing truck movements and threshold under the existing EPL.

The application thus relies upon clause 48 to avoid the requirement for an Environmental Impact



to any such development even if it is State significant development. Assessment (EIS) with designated development. This aligns with the intent of Clause 48, which is to allow otherwise minor works to proceed without the burden of an EIS, yet ensuring sufficient environmental assessment to cover relevant issues. Noting that the site and its operations will continue to be covered by the existing EPL and regulated by the EPA.

- (2) In forming its opinion as to whether or not development is designated development, a consent authority is to consider—
- (a) the impact of the existing development having regard to factors including—
 - (i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and
 - (ii) rehabilitation or restoration of any disturbed land, and
 - (iii) the number and nature of all past changes and their cumulative effects, and
- (b) the likely impact of the proposed alterations or additions having regard to factors including—
 - (i) the scale, character or nature of the proposal in relation to the development, and

Complies.

The proposed storage tank is anticipated to have no major environmental impacts to the existing industrial use of the site or the surrounding environment.

The proposal will not result in any major excavation or civil works.

The tank will be of a smaller scale than the existing tank to the immediate east, and will blend into the existing industrial a character of the locality.

The existing vegetation, air, noise and water quality will remain unchanged with no changes anticipated to truck movements and the current threshold under the EPL license.

No adverse noise impacts are anticipated with the storage tank and stormwater infrastructure is adequate for the site confirmed in the Stormwater Plans prepared with this application.



- (ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and
- (iii) the degree to which the potential environmental impacts can be predicted with adequate certainty, and
- (iv) the capacity of the receiving environment to accommodate changes in environmental impacts, and
- (c) any proposals—
 - (i) to mitigate the environmental impacts and manage any residual risk, and
 - (ii) to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.

4.1.4 Parramatta Local Environmental Plan 2011

The site is subject to the provisions contained within the Parramatta Local Environmental Plan (LEP) 2011. Details are provided in **Table 3.**

Table 5 – Parramatta LEP 2013 Compliance Assessment		
Clause	Control	Compliance
Land Use Zoning	The site is zoned as IN3 Heavy Industrial. 3 Permitted with consent Agricultural produce industries; Building identification signs; Business identification signs; Depots; Freight transport facilities; General industries;	Complies. The development on the site can be defined as a resource recovery facility and electricity generating works. The operation of the site remains unchanged with this proposal.



Table 5 – Parramatta LEP 2013 Compliance Assessment

Hardware and building supplies; Hazardous storage establishments; Heavy industries; Horticulture; Kiosks; Medical centres; Offensive storage establishments; Oyster aquaculture; Pubs; Roads; Rural supplies; Sawmill or log processing works; Take away food and drink premises; Tankbased aquaculture; Timber yards; Warehouse or distribution centres; Water storage facilities; Any other development not specified in item 2 or 4. The proposal will not alter the current land uses and therefore the development will remain permissible with consent in the IN3 Zone.

resource recovery

facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

electricity generating works means a building or place used for the purpose of—

- (a) making or generating electricity, or
- (b) electricity storage.

4.1 Minimum lot size	N/A	Not applicable. No minimum lot size control.
4.3 Height of Buildings	12m.	Non-compliance. The proposed height of the tank is 12.4m to the rim at existing ground level. This will



Table 5 – Parramatta LEP 2013 Compliance Assessment		
		result in a minor non- compliance with the maximum height provision on site to a variation of 0.4m.
		A clause 4.6 variation has been prepared and accompanies this development application.
		As assessed under cl 4.6, the variation to the height control is considered acceptable noting the proposed height is below the existing tank on the site. There are no adverse impacts anticipated on existing streetscape, nor impacts to view lines.
4.4 Floor Space	1:1	Complies.
Ratio		The proposed development will not exceed a FSR of 1:1. The structure is not habitable and therefore does not constitute gross floor area.
		The proposed development will not change the existing gross floor area of the site and the FSR remains at approximately 0.16:1.
5.10 Heritage	The site has not been identified	Complies.
Conservation	as a local heritage item nor part of a heritage conservation area. The site is in proximity to the	There are no heritage items on site. The proposed development will have no potential physical or visual heritage impacts on nearby local heritage items. The proposal is not considered to impact an aboriginal place of heritage significance.
	following local heritage items: • Item I1 – Wetlands,	
	Parramatta River	
	 Item I6 – Tram alignment, Grand Avenue 	
	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.	



Table 5 – Parramatta LEP 2013 Compliance Assessment

5.21 Flood Planning

- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Complies.

The site is affected by mainstream flooding. A flood enquiry from Council accompanies this application.

The application will not increase the flood risk of the site nor have any detrimental impact to flood behavior. The area is paved and already sits on a platform above the flood planning level and no additional filling or other works are proposed which would alter or impact upon flood behavior within the locality.

Water 6.1 Acid Sulphate Soils

The site has been identified as Class 3 land.

- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if—
- (a) the works involve the disturbance of less than 1 tonne of soil, and

Complies.

The proposal does not involve any works that will disturb more than 1 tonne of soil or lower the water table.

No further assessment is required under this clause for the development.



Table 5 – Parramatta LEP 2013 Compliance Assessment		
	(b) the works are not likely to lower the watertable.	

4.2 Development Control Plan

4.2.1 Parramatta Development Control Plan 2011

The site is subject to the provisions contained within the Parramatta Development Control Plan (DCP) 2011. Details are provided in **Table 4**.

The site is identified as part of the Camellia-Rydalmere Industrial Precinct.

The site is lacifilled as part of the camella-kyaalmere inabstitat recinct.			
Table 6 – Parramatta DCP 2011 Compliance Assessment			
Clause	Control	Compliance	
2.4.2 Water Mana	gement		
2.4.2.1 Flooding	The site is identified as industrial land use. P.4 Development should not adversely increase the potential flood affectation on other development or properties, either individually or in combination with similar developments that are likely to occur within the same catchment. P.9 Development is to be compatible with any relevant Floodplain Risk Management Plan, Flood Studies, or Sub-Catchment Management Plan. P.10 Development must not divert flood waters, nor interfere with floodwater storage or the natural function of waterways.	Complies. The proposal is not considered to generate potential flood affectation on other properties nearby. The new storage tank is considered to result in minor increase to the built area. The proposal is accompanied by Stormwater Management Plans prepared by Neilly Davies.	
2.4.4 Land Contamination			
Contamination	P.1 Prior to the submission of a development application an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated.	Complies. As mentioned in Section 4.1.1 of this document, the remediation of contaminated soil for the site has been addressed as part of pervious	



Table 6 – Parramatta DCP 2011 Compliance Assessment

P.2 Council under Clause 7 (1) of SEPP No. 55 must not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated.

Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.

DA consent DA/849/1995 on 26 March 1996.

All works proposed under this DA will be carried out within the remediation cap approved (not being breached) under DA/849/1995. It is considered likely that the consent authority will not require a preliminary site investigation as the proposal is in consistency with current use of the site for a food biomass facility and no changes to land use is proposed.

It is anticipated that Council will impose conditions of consent in response to these recommendations under DA/849/1995 and no further assessment of contamination is required under this DA.

3.2.1 Building Form and Massing

P.1 Buildings are to be of a height that responds to the topography and the shape of the site.

P.2 The proportion and massing of buildings is to relate favourably to the form, proportions and massing of existing and proposed buildings patterns in the street.

P.3 Building height and mass should not result in unreasonable loss of amenity to adjacent properties, open space or the public domain.

Complies

The proposal form and massing are consistent with the existing industrial developments on site. The minor exceedance to the maximum height of building provision in Parramatta LEP is unlikely to generate impacts on adjacent properties, noting many of the existing structures on site have greater heights.

3.2.2 Building Facades and Articulation

P.1 Building design and architectural style is to interpret and respond to the positive

Complies.

The proposal's design is to reflect the existing buildings on



character of the locality, including the dominant patterns, textures and compositions of buildings

P.2 Design consideration is to be given to the underlying building elements that contribute to the character of the area.

P.3 Building facades should be modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture.

P.4 The facades of buildings should be designed with a balance of horizontal and vertical elements.

P.5 Alterations and additions are to be compatible with design elements of the existing building.

P.6 Building frontages and entries are to provide a sense of address and visual interest from the street.

P.8 New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or motorists.

P.9 New business and industrial buildings shall be designed so that entry points and client service areas are easily identified from the street and are clearly linked to car parking areas and pedestrian paths.

site and the character of the industrial area.

The proposed tank is to complement and be compatible with the existing tank on site. The façade will include colours and materials that are consistent with existing buildings on site.

Refer to the Finishes Schedules prepared by James Gately Architects for more detail.

3.3.4 Acoustic Amenity

P.1 Where dwellings are proposed within proximity to noise-generating land uses such as major roads and rail corridors, entries, halls, storage rooms, bathrooms and laundries should

Complies

The proposal is consistent with this control. No adverse noise impacts are anticipated with this proposal as truck



be located on the noise affected side of each dwelling and should be able to be sealed off by doors from living areas and bedrooms where practicable.

P.2 Where dwellings are proposed within proximity to noise-generating land uses, appropriate materials with acoustic properties should be incorporated such as solid core doors with seal vents and insulation and suitably treated glazing.

P.3 Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, odour, hours of operation and/or service deliveries.

P.4 Council may require a report by an acoustic consultant to be submitted with development applications for noise generating developments or for residential developments on sites adjacent to noise generating sources such as busy roads and rail corridors.

P.5 The provisions of the State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration, to minimise impacts of busy roads and railway corridors on residential and other sensitive development such as schools, child care centres, places of public worship and health services facilities.

movements to and from the site will remain unchanged.

3.3.6 Water Sensitive Urban Design



Stormwater Drainage

P.1 WSUD principles are to be integrated into the development through the design of stormwater drainage, on-site detention and landscaping and in the orientation of the development rather than relying on 'end of pipe' treatment devices prior to discharge.

Complies.

The stormwater management of the site has been addressed through Stormwater Management Plans submitted by Neilly Davies (2022).

The proposed stormwater network for the site will connect to the existing infrastructure available in accordance with DCP requirements.

3.3.7 Waste Management

- O.1 To reduce the quantity of waste and encourage the recycling of waste generated by demolition and the construction of new developments.
- O.2 To encourage building design that will minimise waste generation over the lifetime of the building.
- O.3 To ensure that the disposal of waste generated by a building's occupants over its lifetime is managed appropriately, efficiently and provides for maximum recovery, recycle or reuse.
- O.4 To ensure that waste storage facilities are located appropriately and do not impact negatively on the streetscape.
- O.5 To ensure that waste can be effectively collected and managed.
- O.6 To assist in achieving Federal and State Government waste minimisation and resource recovery (landfill diversion) targets.

Complies

The proposal is accompanied by a Waste Management Plan.

The storage tank will generate minimal additional waste to that previous development on site.

There will be no changes to the location of the waste storage.

In light of the above, the proposal is considered to be consistent with the waste management objectives.

A plan has been prepared with the DA to demonstrate the proposed location of the construction waste storage bin.



Table 6 – Parramatta DCP 2011 Compliance Assessment				
	O.7 To minimise the overall environmental impacts of waste, in line with the principles of Ecologically Sustainable Development (ESD).			
3.6.2 Parking and	Vehicular Access			
Industrial 1 space per 70 m2 of gross floor area plus 1 loading bay per 800 m2 of gross floor area		Complies The proposal will not alter the existing arrangement of the 12 car parking spaces on site. The tank does not contribute to the gross floor area and thus the existing car parking spaces on site complies with the control as existing.		
Table 3.1.3.15 Ind	ustrial zones			
Height	Refer to the Parramatta LEP 2011 Height of Buildings Map.	Complies. The proposed height of the tank varies to a maximum height of 12.4m to the rim. The proposed height exceed the maximum height limit of 12m that applies to the site under the LEP. Clause 4.6 variation has been prepared and accompanies this development application.		
Floor space ratio	Refer to the Parramatta LEP 2011 Floor Space Ratio Map.	Complies. The proposed development will not exceed a FSR of 1:1 as applicable under the LEP. The proposed development will not increase the gross floor area and the FSR remains at approximately 0.16:1.		
Front setback Correspond to existing predominant building line in street where there is a defined		Complies. The proposed storage tank will not increase the front setback		



Table 6 – Parramatta DCP 2011 Compliance Assessment				
built edge – a continuous further than the existing setback to the street is desirable.				
		Complies.		
Rear setback	Dependent on impact on amenity of adjoining development.	The proposed storage tank will result in a 5.85m rear setback to the lot boundary and a total of 13m to the existing building on the adjoining lot. The adjoining development is compatible with the proposal noting similar industrial land uses.		
		Complies.		
Side setback	Nil where there will be no impact on streetscape or amenity of adjoining development.	The proposed storage tank will result in a side setback of 29.5m to the lot boundary at Thackeray Street. No impacts are anticipated on adjoining development.		
	10% I and a aping with a minimum	Complies.		
Landscaped area	Landscaping with a minimum width of 2.5m is to be provided surrounding car parking and outdoor storage areas	The site currently has a 6m- 20m variable landscaped frontage at Grand Avenue and Thackeray Street.		
uleu	Where sites have dual street exposure, landscaping is to be provided on both frontages	No changes to the current landscaped area are proposed.		
Part 4.3.1 Camelli	a and Rydalmere			
	P.1 Development must not have an adverse impact on significant or historic views from or of	Complies. There are no heritage items on		
Height of buildings	heritage sites along the Parramatta River when seen from river and nearby historic sites.	site. The proposed development will have no potential physical or visual		
	P.2 Any development within the Rydalmere Precinct and on land	heritage impacts on nearby local heritage items or sites.		
	shown on the Camellia Design Control Map as "Area of Height Sensitivity" must demonstrate through survey and photo	The site is not identified on the Camellia Design Control Mas "Area of Height Sensitivity" but		



Table 6 – Parramatta DCP 2011 Compliance Assessment					
	montages, that the height of the proposed development does not have a significant adverse impact on identified views to the Female Orphan School (University of Western Sydney Rydalmere Campus) and its emergent trees, the Parramatta River Corridor and Pennant Hills open space ridge line.	is identified within the Rydalmere Precinct. The proposed height of 12.4m to the rim will have negligible impacts on the Parramatta River Corridor. The proposal exceeds the maximum 12m height control in Parramatta LEP, and therefore, a clause 4.6 variation has been prepared with this development application.			
Landscaping	10m landscape setback at Grand Avenue. Indicative pedestrian cycleway along Thackeray Street.	Complies. The site has a 10m landscape setback at Grand Avenue. Thackeray Street is considered a bicycle-friendly road.			
Building Design	P.1 Development is to contribute to improved amenity, safety and appearance of the public domain through landscaping, building setbacks, attractive and clearly defined entrances to sites and buildings, and clear and attractive signage. P.2 Major facade and entries of buildings are to address major public places, including roads, parks and waterways. P.3 Development is to have regard to adjoining building works and transition of height, massing and scale. P.4 Building setbacks, design, materials, glazing and colours are to minimise the visual impact of the development, particularly if the development is visible from roads and the Parramatta River.	Complies. The proposal is for a storage tank on site, in order to improve the operations of the site. The proposal will remain consistent with the existing buildings on site where material and colours are to be similar. The proposed setbacks will slightly change with no adverse impacts anticipated to adjoining industrial development.			



P.5 Buildings on sites adjacent to the Parramatta River and its tributaries are to be set back in accordance with any foreshore building line.

P.6 Building bulk created by large unbroken expanses of wall is to be reduced by articulation and modulation, particularly where facing a public place such as a street, a park or the Parramatta River.

P.7 Buildings are not to overshadow environmental protection areas or riparian vegetation areas.

P.8 Lighting is not to have adverse impact on the natural habitats.

P.9 Open storage areas, material handling areas and car parking are to be located away from any boundaries that border on public areas, particularly the foreshore of the Parramatta River and its tributaries, and major transport routes.

P.10 Building roofs and lift overrun structures are to be dark and have matt colours so as to be recessive.

5 Environmental Assessment

5.1 Built Form

The proposal has been architecturally designed to create a suitable built form which compliments the existing industrial site and buildings. Supporting street elevations and a finishes schedule have been prepared (James Gatley Architects, March 2022) to demonstrate that the proposal in aligned to the industrial characteristics of the site.

The tank will remain consistent with the colours and materials of the existing tank on site. For colours, the handrails will be yellow with grey steel work. The tank will



be the same colour as the other structures (digesters) on the site for consistency, Colorbond Classic Cream.

The proposed bulk and scale of the tank is smaller in height, depth and volume to the existing tank located east of the proposed tank. The height of the new tank is 12.4m to the rim at the existing ground level and 19.3m AHD to the crown which is below the existing tank's height of 21.0m AHD to the crown.

The chosen articulation elements, façade and colour schedule provide for an industrially suitable outcome.



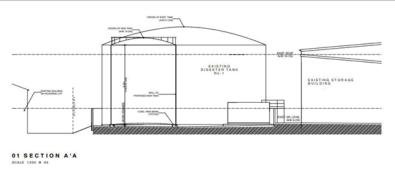


Figure 7 - Finishes Schedule and Section of proposed tank (Source: James Gatley Architects)



5.2 Aboriculture

No tree removal is proposed nor any adverse impacts to existing trees under this application.

5.3 Contamination and Salinity

The proposed development is for a storage tank to an existing industrial building and remains consistent with the existing land use on the site. As considered under Section 4.1.1, the application is consistent with the Resilience and Hazards SEPP.

All works proposed under this DA will be carried out within the remediation cap approved under DA/849/1995. It is considered likely that the consent authority will not require a preliminary site investigation as the proposal is in consistency with current use of the site for a food waste to energy facility and no changes to land use is proposed.

It is anticipated that Council will impose conditions of consent in response to these recommendations under DA/849/1995 and no further assessment of contamination is required under this DA.

5.4 Stormwater

The proposed stormwater management system for the site will connect to existing stormwater network on the site.

Stormwater Management Plans including an Erosion & Sediment Control Plan (Neilly Davies, March 2022) have been provided under separate cover to support the DA.

The stormwater management system has been designed in accordance with the provisions of the Parramatta DCP 2011 and Council standards.

5.5 Traffic and access

No increases to traffic are associated with this proposed development noting no additional staff, customers and truck movements are anticipated because of this DA.

Vehicular access to the site will remain unchanged with ingress to site via a driveway at Thackeray Street and egress to site via a driveway at Grand Avenue.

A connecting walkway and access stair is proposed for access to the roof of the storage tank.

The storage tanks will allow efficient management of incoming waste for a consistent feed to the anaerobic digester with no anticipated negative impacts to traffic and access.



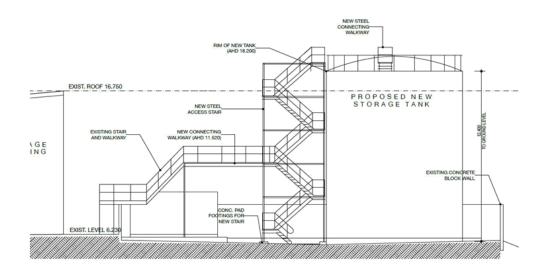


Figure 8– East elevation of proposed storage tank showing new connecting walkway and access stair (Source: James Gatley Architects)

5.6 Waste

A Waste Management Plan (WMP) has been prepared and provided under separate cover (March 2022) to provide information regarding construction and on-going waste. A construction waste storage area has been designated on the site, west of the proposed tank as provided on the Construction Waste Bin Location Map (March 2022). Construction waste collection trucks are proposed to enter the site via Grand Avenue with access to the construction waste storage bin and exit the site via Thackeray Street.

5.7 Suitability of the site

As largely addressed throughout this SEE, the site is considered suitable for the development. The proposed residential development is found to be suitable for the site and is not expected to result in any adverse environmental impacts.



6 Section 4.15 Assessment

The table below provides a summary assessment of the proposal against all provisions under Section 4.15 of the EP&A Act 1979.

Table 7 – Section 4.15 Assessment Summary				
Clause No.	Clause	Assessment		
(1)	Matters for consideration—gene	eral		
(-,	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:			
(a) (i)	The provision of:	This SEE has assessed the proposed		
,	Any environmental planning instrument, and	application against the relevant planning instruments, and it has been found that the proposal is consistent with relevant controls.		
		Noting a slight variation to the height control, a Clause 4.6 variation has been submitted with this DA.		
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable.		
(iii)	Any development control plan, and	An assessment against the provisions of the Parramatta DCP 2011 has been provided as part of this application. It has been shown that the application meets the key controls and the relevant objectives.		
(iiia)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	Not applicable.		



Table 7 – Sec	tion 4.15 Assessment Summary		
Clause No.	Clause	Assessment	
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The proposed DA is consistent with the regulations applying to DAs.	
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not applicable.	
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	A number of potential impacts have been considered within this SEE, including traffic, stormwater and waste. The proposal has been shown to be acceptable in these areas as the storage tank will have minimal impacts to the existing use of the site.	
(c)	The suitability of the site for the development,	The application is consistent with the relevant SEPP and DCP controls and has no unacceptable adverse environmental impacts. The site is therefore considered suitable for the development.	
(d)	Any submissions made in accordance with this Act or the regulations,	This is a matter for to be addressed following the notification of the application.	
(e)	The public interest.	 The proposal is in the public interest as: It is consistent with the relevant environmental planning instruments; It will allow for the industrial use of the site to be better managed; The environmental impacts have been considered and have been found to be minimal and acceptable. 	



7 Conclusion

This SEE has been prepared on behalf of Earth Power Technologies (for a development application to City of Parramatta Council for the erection of a storage tank at a food biomass waste-to-energy facility at Lot 23 DP874055 being 2-8 Thackeray Street, Camellia.

The proposal involves the following.

- Erection of a storage tank at the north-west portion of the site with a height of 12.4 metres to the rim.
- Installation of connecting walkway and access stairs to roof.
- No alterations proposed to the current threshold (> 50,000 tonnes) under the existing Environment Protection Licence (EPL) for the site or any other aspect of the existing operations.

This statement describes the proposed works in the context of relevant planning controls and policies applicable to the form of the development proposed. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (EPAA).

In summary, those matters for consideration in the assessment of the Development Application under Section 4.15 of 'The Act' have been satisfied by the proposed residential subdivision. In particular, the impacts of the development are considered to be minimal and acceptable.

It is therefore concluded that the proposed development is in the public interest, and it is recommended that the Development Application be approved.



2-8 Thackeray Street, Camellia

Clause 4.6 variation to Height of Buildings

On behalf of Earth Power Technologies Sydney Pty Limited

May 2022



1 Introduction

The Development Application (DA) for 2-8 Thackeray Street, Camellia seeks approval for a storage tank at the subject site. The development application proposes an exceedance of the maximum height of building development standard applicable to the site under the Paramatta Local Environmental Plan 2011 (PLEP 2011). As such, this document forms a written request seeking to justify the contravention of this development standard in the circumstances. It is considered that a variation to the development standard will allow for an enhanced planning outcome at the site.

2 Clause 4.6 Exceptions to Development Standards

Clause 4.6 of the PLEP 2011 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development. Clause 4.6 enables a variation to the height standard to be approved upon consideration of a written request from the applicant that justifies the contravention in accordance with Clause 4.6.

The consent authority's satisfaction as to those matters must be informed by the objectives of clause 4.6, which are:

- 1. To provide an appropriate degree of flexibility in applying certain development standards; and
- to achieve sufficient planning outcomes for and from development by allowing flexibility in particular circumstances.

When considering a variation to a development standard under clause 4.6 of the LEP, a consent authority is required to be satisfied that the contravention of the respective development standard is justifiable based on the following:

- the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:
- 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.

The Land and Environment Court has established questions to be addressed in variations to developments standards lodged under *State Environmental Planning Policy 1 – Development Standards* (**SEPP 1**) through the judgment of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council* [2001] 130 LGERA 79 at 89. The test was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827 (**Wehbe**).

An additional principle was established in the decision by Commissioner Pearson in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (Four2Five) which was upheld by Pain J on appeal. A further recent judgement by Preston in Initial Action Pty Ltd v



Woollahra Municipal Council [2018] NSWLEC 118 clarified the correct approach to Clause 4.6 variation requests, including that:

"The requirement in cl 4.6(3) (b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

How these tests and considerations are applied to the assessment of variations under clause 4.6 of the LEP and other standard LEP instruments has most recently been confirmed in the judgement of Justice Preston, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSW LEC 118.

Accordingly, this Clause 4.6 variation request is set out using the relevant principles established by the Court.

Clause 4.6 of the PLEP reads as follows:

- (1) The objectives of this clause are 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.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—
 - (a) that compliance with the development standard is **unreasonable or unnecessary in the circumstances of the case**, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) 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.



- (5) In deciding whether to grant concurrence, the Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4,

(ca) a development standard that relates to the height of a building, or a floor space ratio, in Parramatta City Centre (as referred to in clause 7.1(1)) by more than 5%,

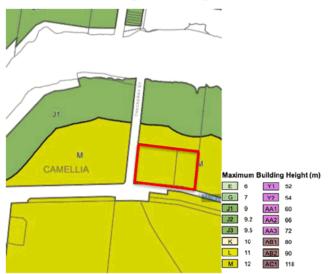
(cb) clause 8.1, 8.1A or 8.2.

3 The Development Standard to be varied

The development standard seeking to be varied is Clause 4.3 Height of Buildings (HOB) in the PLEP 2011. As identified on the PLEP 2011 Height of Buildings Map, the subject site has a maximum building height limit of 12 metres. The objectives of Clause 4.3 are provided below:

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





(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Figure 1 Height of Buildings LEP Map

Source: PLEP 2011 (site identified in red)

4 Extent of Variation to the Development Standard

The proposed development proposes a maximum building height of 14m, resulting in a 2m exceedance or 16.7% variation when expressed as a percentage in relation to the HOB control.

The proposed variation from the HOB control is considered to not have any adverse impacts to the site and surrounding buildings noting the existing tank/buildings on site exceed the HOB control.

The existing tank on the site is measured to the crown at AHD 21m and the proposed tank will be 19.3m AHD. Noting the proposed tank will be much smaller in scale and bulk to the existing tank on site, the proposed height exceedance is seen as to have minor and negligible impacts on the existing character and area.

The proposed dimensions of the tank are necessary to provide for additional storage space for incoming waste to site and to allow for a consistent feed to the Digester machine.

5 Objectives of the Standard

- (1) The objectives of this clause are as follows—
 - (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
 - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,



- (c) to require the height of future buildings to have regard to heritage sites and their settings,
- (d) to ensure the preservation of historic views,
- (e) to reinforce and respect the existing character and scale of low density residential areas,
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

6 Objectives of the Zone

The objectives of the IN3 Heavy Industry zone are as follows:

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To support and protect industrial land for industrial uses.
- To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond.
- To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated and currently not suitable for public access.

7 Assessment

Clause 4.6(3)(a) - Is Compliance with the development standard unreasonable or unnecessary in the circumstances of the case

It is considered that strict compliance with the Height of Building control is unreasonable and unnecessary given the following circumstances of this case.

As detailed in Williams v Ku-ring-gai Municipal Council [2017] NSWLEC 1098, Wehbe v Pittwater Council [2007] NSWLEC 827 at [44]–[48], a number of approaches could be used to establish that compliance with a development standard is unreasonable or unnecessary. Wehbe tests 1, as described in Williams, are relevant for the subject site:

 Wehbe Test 1 - the objectives of the standard are achieved notwithstanding non-compliance with the standard;

This is considered further below in relation to the height of buildings clause and relevant objectives provided in PLEP 2011.

4.3 Height of Buildings

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

Applicant Response

The exceedance in height proposed at the subject site will not restrict the ability of the



area to deliver development which transitions in height and land use intensity appropriately. This is based on the following:

- The location of the site, which is a significant distance from Grand Avenue and
 any roads, which means any variation from the height control will not impact
 upon the locality's ability to provide a transition in built form and land use
 intensity.
- Almost the entirety of the Camellia Industrial Precinct has a height limit of 12m.
 In this case, it is considered that the objective to provide an appropriate transition of land use and intensity is of less significance with reference to the context of the site. The height control is also relevant to protection of heritage views, which this site is outside off and does not impact.

In addition, it is also noted that the site forms part of the *Draft Camellia–Rosehill Place Strategy* where height planning controls for the precinct are expected to result in significant uplift. Heavy industrial land uses (changing from IN3 to E5 zoning) are subject to changes for a maximum height of building of 16m.

Such uplift being considered indicates that the additional height proposed would be in keeping with any transition in building height in the future.

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

Applicant Response

The exceedance in height will not result in any adverse visual impacts, disrupt views, result in a loss of privacy or solar access. This assessment is based on the following:

- The distance from the site to adjacent roads and developments, and
- The location of the proposed storage tank in the environment.

The proposed development is located 29.5m setback from Thackeray Street and 5.85m from the rear boundary. The distance from the proposed works to the closet surrounding building on the adjoining lot to the north is approximately 13m. The significant distance of the proposal from other roads or developments in the environment is considered to not generate visual impacts, disrupt views, loss of privacy or solar access.

In addition, it is also noted that the works are located in proximity of a Tram alignment, where no impacts on view are proposed from this infrastructure.

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

Applicant Response

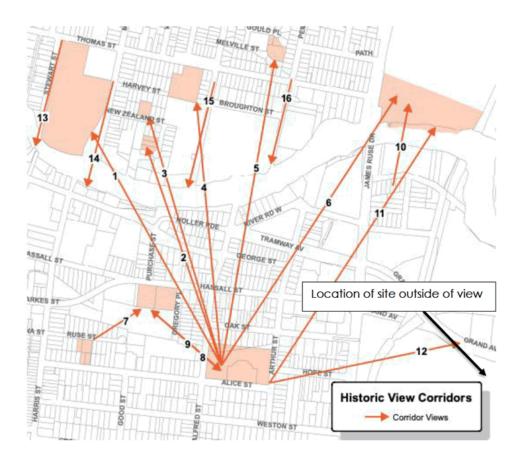
The proposed development will not impact any heritage items nor their surrounds. The closest heritage items to the site are the Pumping Station and Tram alignment, which are located directly south of Grand Avenue. The tank is located at the rear of the site and distanced over 70m from Grand Avenue. The site will generally maintain the same built and form from that previously approved.

(d) to ensure the preservation of historic views,

Applicant Response



The proposed development will largely be obscured from public view and will not have any impact on historic view corridors identified within the Parramatta Development Control Plan (PDCP) 2011. The site is located outside of the closest Historic View Corridor, View 12, located to the south east beyond the extent of the view:



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

Applicant Response

The proposal is zoned IN3 Heavy Industrial and is located within the Camellia Industrial Precinct, far from any low density zoned land. As such, the proposal is not expected to have any impacts on the amenity of R2 zoned land.

(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Applicant Response

As discussed above, the site is located within the Camellia Industrial Precinct so will



therefore have no impact on commercial development. It is noted that whilst the Camellia Precinct rezoning will introduce commercial development, the proposal is significantly setback from Grand Avenue (over 70m).

The request to vary the development standard is consistent with Part 1 of the 'five part test' established in Wehbe v Pittwater Council [2007] NSWLEC 827 which provides that a development standard is unreasonable or unnecessary where the objectives of the standard are achieved notwithstanding non-compliance with the standard. Given the proposed development achieves the objectives of Clause 4.3 height of buildings it is considered that the non-compliance is justified and therefore acceptable in the circumstances of the case.

Clause 4.6(3)(b) - Are there sufficient environmental planning grounds to justify contravening the development standard?

As discussed above, Pain J held in Four2Five vs Ashfield Council [2015] NSWLEC 90 that to satisfy clause 4.6(3) (b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Pain J also held that in order for a clause 4.6 variation to be accepted, seeking to justify the contravention is insufficient - the consent authority must be satisfied that clause 4.6(3)(a) and (b) have been properly addressed. On appeal, Leeming JA in Four2Five vs Ashfield Council [2015] NSWCA 248 acknowledged Pain J's approach, but did not necessarily endorse it, instead re-stating Pain J and saying:

"matters of consistency with objectives of development standards remain relevant, but not exclusively so."

Further recent findings by Preston in Initial Action Pty Ltd \vee Woollahra Municipal Council [2018] NSWLEC 118 also found that:

"The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

There are sufficient environmental planning grounds to justify contravening the development standard as the proposed development allows for the promotion and co-ordination of the orderly and economic use and development of the land in the following ways:

- The additional height affords the ability to provide a sufficient volume of storage space to contribute to overall site usability and environmental efficiency, in order to assist food waste storage process.
- The existing tank on the site is significantly larger and has a greater height than the proposed tank.



- The proposed storage tank will provide will assist the food waste storage process to turn into energy. The proposed works will contribute to the economic use and development of the land.
- The proposed height breach, resulting from the need to address the bespoke user needs of the facility, is not expected to cause any adverse environmental impacts.
- The development will not impact upon any heritage or significant view corridors given its location and the low-lying industrial peninsula.
- The design provides for a contemporary industrial design that provides for appropriate levels of articulation whilst facilitating high technology uses, mitigating potential visual impacts.
- Furthermore, the siting of the tank above the height limit will ensure that no
 unreasonable overshadowing of surrounding properties will be experienced. It
 is noted that existing structures and buildings on site also exceed the height
 limit.
- The height of the proposed development provides a built form within the locality which is consistent with the objectives and requirements outlined within PLEP 2011 and PDCP 2011 for industrial land. The proposed development provides an example of appropriate building height within an industrial block that is largely obscured from public view. Furthermore, given the expected transition of the Camellia–Rosehill Place Strategy, the relatively minor height breach is considered acceptable and in keeping with the height, bulk and scale of the desired future character of the locality.
- Strict compliance with height controls would result in the objectives of the PLEP 2011 being neglected and would not result in the orderly and economic use and development of land. The proposal represents an under-utilised building envelope, especially when compared to typical warehouse development, resulting in 0.16:1 FSR, where the maximum permissible FSR on site is 1:1. The proposed development, whilst breaching the height limit, is isolated to specific parts of the site, rather than being spread across the site as a whole.

The preconditions that must be satisfied in the opinion of the Consent Authority before consent can be given are detailed in Clause 4.6(4).

Clause 4.6 (4)(a)(i) – The consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)

As demonstrated above, the proposed development has satisfied the matters required to be demonstrated in Clause 4.6(3) by providing a written request that demonstrates;

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, by establishing that the objectives of the development standard are achieved notwithstanding the non-compliance (Wehbe Test 1).
- 2. The environmental planning grounds relied on are sufficient to justify the development standard.



In accordance with the findings of Commissioner Preston in *Initial Action Pty Ltd v* Woollahra Municipal Council [2018] NSWLEC 118, the Consent Authority under Clause 4.6(4)(a)(i) must only be satisfied that the request addresses Clause 4.6(3). Under Clause 4.6(4)(a)(i) the Consent Authority is not to determine in their opinion whether the request satisfies the requirements of Clause 4.6(3)(a) and (b), just that the request has been made and that these items have demonstrated.

The relevant items in Clause 4.6(3) have been demonstrated above.

Clause 4.6(4)(a)(ii) - Is the proposed development 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?

The proposed development is in the public interest as it is consistent with the objectives of the development standard. The objectives of the development standard are addressed below under the relevant headings:

The objectives of the particular standard

In previous sections of this request, the development has been proven to be consistent with the objectives of the Clause 4.3 Height of Building clause within the PLEP. It has been demonstrated elsewhere in this report that the development achieves the objectives of Clause 4.3 Height of buildings within the PLEP notwithstanding the non-compliance with the standard.

The objectives for development within the zone in which the development is proposed to be carried out.

The site falls within the IN3 Heavy Industrial zone. As outlined below the proposed development is in the public interest because it is consistent with the objectives of the IN3 Heavy Industrial zone as demonstrated in the table below.

Zone Objective(s)	Statement of Consistency	
To provide suitable areas for those industries that need to be separated from other land uses	The proposed development is suitably located within in an industrial zone.	
To encourage employment opportunities.	The proposed development will support both direct and indirect development opportunities.	
To minimise any adverse effect of heavy industry on other land uses.	The development will not result in any adverse impacts or exacerbate the impact of surrounding land uses.	
To support and protect industrial land for industrial uses.	The development is a type of industrial land use.	
To allow a wide range of industrial and heavy industrial uses serving the Greater Metropolitan Area of Sydney and beyond	The proposed development will service the greater metropolitan area through providing critical infrastructure.	
To ensure that opportunities are not lost for realising potential foreshore access on land that is contaminated	Not applicable.	



Zone Objective(s)	Statement of Consistency
and currently not suitable for public	
access.	

Taking into consideration the above the proposed development serves the public interest as it is consistent with the objectives of the development standard and the IN3 Heavy Industrial zone. Furthermore, there is no significant benefit in enforcing strict compliance given the circumstances of the case. The proposed height exceedance facilitates a significantly better planning outcome with several environmental constraints mitigated and an ultimately better scheme adopted. The contravention results in no significant adverse environmental impacts but rather a better planning outcome to what is currently approved.

8 Any matters of significance for State or regional environmental planning

The development as proposed provides an opportunity to provide an appropriate planning response which aligns with the strategic direction for Camellia within the Central District Plan. The proposed development will contribute to employment generation within Camellia and reinforce the role of the wider Camellia Precinct.

9 Conclusion to variation to height standard

This is a written request for an exception to the building height under Clause 4.6 of the PLEP 2011. It justifies the contravention to the height under Clause 4.3 of the PLEP 2011, and in particular demonstrates that the proposal provides a significantly better planning outcome, with no significant adverse environmental impacts resulting, and therefore in the circumstances of the case:

- Full compliance with the 12m building height control is unreasonable and unnecessary;
- The proposed development has been demonstrated not to have adverse environmental impacts on surrounding development and is supportable on environmental planning grounds;
- It is in the public interest in being consistent with the objectives of the standard and the objectives of the zone;
- The proposed exceedance of the height standard will result in an enhanced planning outcome at the site; and
- The proposed development can demonstrate consistency with actions outlined in the Central City District Plan for the Camellia Precinct.



Yours Sincerely,



Adam Coburn

NSW Director





WASTE MANAGEMENT PLAN

DEMOLITION, CONSTRUCTION, AND USE OF PREMISES

The applicable sections of this table must be completed and submitted with your Development Application.

Completing this table will assist you in identifying the type of waste that will be generated and will advise Council of how you intend to reuse, recycle or dispose of the waste.

Please refer to the City of Parramatta Waste Management Guidelines for new applications for the specific requirements for your type of application.

If you choose to provide an alternative waste management plan to the attached template please ensure all of the required information is addressed. Failure to provide all the required information may lead to further information being requested and a hold up in the final decision of your application.

The information provided will be assessed against the objectives of City of Parramatta Council Development Control Plan (DCP) 2011.

If space is insufficient in the table please provide attachments.

Outline of Proposal				
Site address: 35 Grand Avenue, Camellia, 2142, NSW				
	Power Technologies Sydney, 35 Grand Avenue, Camellia, 2142, NSW			
Phone: 02 9684 5832	Mobile: 0428351691			
Email: suraj.sharma@veolia.com				
	tly on site: Industrial Buildings, Plant rooms and process tanks			
Brief description of proposal: Install	a food waste storage tank			
	plans and attached documents are the intentions of managing waste			
Signature of applicant:	Date:			

DEMOLITION & CONSTRUCTION

Council is seeking to reduce the quantity of waste and encourage the recycling of waste generated by demolition and construction works. Applicants should seek to demonstrate project management which seeks to:

- 1. Re-use excavated material on-site and disposal of any excess to an approved site
- 2. Green waste mulched and re-used on-site as appropriate, or recycled off-site
- 3. Bricks, tiles and concrete re-used on-site as appropriate, or recycled off-site
- 4. Plasterboard waste returned to supplier for recycling
- 5. Framing timber re-used on site or recycled off-site
- 6. Windows, doors and joinery recycled off-site
- 7. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with WorkCover Authority and EPA requirements
- 8. Plumbing, fittings and metal elements recycled off site
- 9. Ordering the right quantities of materials and prefabrication of materials where possible
- 10. Re-using formwork
- 11. Careful source separation of off-cuts to facilitate re-use, resale or recycling

How to Estimate Quantities of Waste

• There are many simple techniques to estimate volumes of construction and demolition waste. The information below can be used as a guide by builders, developers & homeowners when completing a waste management plan:

To estimate Your Waste:

- 1. Quantify materials for the project
- 2. Use margin normally allowed in ordering
- 3. Copy these amount of waste into your waste management plan

When estimating waste the following percentages are building "rule of thumb" and relate to renovations and small home building:

Material	Waste as a Percent of the Total Material Ordered
Timber	5-7%
Plasterboard	5-20%
Concrete	3-5%
Bricks	5-10%
Tiles	2-5%

Converting Volume into Tonnes : A Guide for Conversion

Timber = 0.5 tonnes per m3
Concrete = 2.4 tonne per m3
Bricks = 1.0 tonne per m3
Tiles = 0.75 tonne per m3
Steel = 2.4 tonne per m3

To improve/provide more reliable figures:

- Compare your projected waste quantities with actual waste produced;
- Conduct waste audits of current projects;
- · Note waste generated and disposal methods;
- Look at past waste disposal receipts;
- Record this information to help estimate future waste management plans.
- On a waste management plan amounts of waste may be stated in m2 or m3 or tonnes (t).

IMPORTANT

- The following tables should be completed by applicants proposing any demolition or construction work including the change of use, fit-out as well as alterations and additions of existing premises.
- The location of temporary waste storage areas and soil stockpiles during demolition and construction are to be shown on the submitted plans.
- Vehicle access to and from the site must be shown on the submitted plans.
- Stage three Design of facilities should be completed by all applicants including change of use, fit-out as well as alterations and additions.

Demolition Stage One – To be completed for proposals involving demolition

Materials On- Site		Destination		
		Reuse & Recycling		Disposal
Type of material	Estimated Volume (m³) or Area (m²)	On-Site Specify how materials will	Off-Site Specify the contractor and	Specify the contractor and landfill site
	or weight (tonnes)	be reused or recycled on-site	recycling outlet	
*Example only * Bricks	*2m³	* Clean and reuse for footings	*Broken bricks sent by XYZ demolishers to ABC Recycling company (including address and contact number)	* Nil to landfill *or sent by XYZ demolishers to ABC Recycling company (including address and contact number)
Excavation material	0			

Green waste	0		
Bricks	0		
Tiles	0		
Concrete	0		
Timber	0		

Materials On- Site		Destination		
		Reuse & Recycling		Disposal
Type of material	Estimated	On-Site	Off-Site	Specify the
	Volume (m³)	Specify how	Specify the	contractor and
	or Area (m²)	materials will	contractor and	landfill site
	or weight	be reused or	recycling outlet	
	(tonnes)	recycled on-site		
*Example only		* Clean and	*Broken bricks	* Nil to landfill
		reuse for	sent by XYZ	*or sent by XYZ
* Bricks	*2m³	footings	demolishers to	demolishers to
			ABC Recycling	ABC Recycling
			company	company
			(including	(including
			address and	address and
			contact	contact
			number)	number)
Plasterboard	0			
Metals	0			

Asbestos	0		
Other waste	0		

How will waste be separated and/or stored onsite for reuse and recycling? How will site operations be managed to ensure minimal waste creation and maximum reuse and recycling?

e.g. Staff training, selected deconstruction v. straight demolition, waste management requirements stipulated in contracts with sub-contractors, on-going checks by site supervisors, separate area set aside for sorted wastes, clear signage for waste areas etc.

Note. Details of the site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on plan drawings accompanying your application.

Construction Stage two – To be completed for proposals involving construction

Materials On- Site		Destination		
		Reuse & Recycling		Disposal
Type of material	Estimated Volume (m³) or Area (m²) or weight (tonnes)	On-Site Specify how materials will be reused or recycled on-site	Off-Site Specify the contractor and recycling outlet	Specify the contractor and landfill site
*Example only		* Clean and reuse for	*Broken bricks sent by XYZ	* Nil to landfill *or sent by XYZ
* Bricks	*2m³	footings	demolishers to ABC Recycling company (including address and contact number)	demolishers to ABC Recycling company (including address and contact number)
Excavation material	95 Tonnes			Express Waste (Ph: 02 9688 422, 1 Durham

		St Camellia NSW 2142) to Cleanaway (Ph:02 8645 4304) Kemps Creek Resource Recovery Park 1725 Elizabeth Dr, Kemps Creek, NSW 2178.
Green waste	0	
Bricks	0	
Tiles	0	
Concrete	<1 Tonne	Express Waste (Ph 02 9688 4244, 1 Durham St Camellia NSW 2142) to collect and transport concrete waste to the Concrete Recyclers(Ph:02 8832 7400 14 Thackeray St Camellia NSW 2142)
Timber	0	·

Materials On- Site	Destination	
	Reuse & Recycling	Disposal

Type of material	Estimated Volume (m³) or Area (m²) or weight (tonnes)	On-Site Specify how materials will be reused or recycled on-site	Off-Site Specify the contractor and recycling outlet	Specify the contractor and landfill site
*Example only		* Clean and	*Broken bricks	* Nil to landfill
* Database	¥23	reuse for	sent by XYZ	*or sent by XYZ
* Bricks	*2m³	footings	demolishers to	demolishers to
			ABC Recycling	ABC Recycling
			company (including	company (including
			address and	address and
			contact	contact
			number)	number)
Plasterboard	0			
Metals	< 1 Tonnes		Sell and Parker	
			to collect,	
			transport and	
			recycle(45	
			Tattersall Road, Blacktown NSW	
			2148).	
Other waste	0		21-101.	

How will waste be separated and/or stored onsite for reuse and recycling? How will site operations be managed to ensure minimal waste creation and maximum reuse and recycling?

e.g. Staff training, recycled materials used in construction, waste management requirements stipulated in contracts with sub-contractors, on-going checks by site supervisors, separate area set aside for sorted wastes, clear signage of waste areas etc.

EarthPower operates under an EPL license and follows NSW EPA guidelines to minimize waste and impact on the surrounding environment. On-going checks by site supervisors, bins will be located east of the construction area to store waste prior to transport and disposal

offsite._____

Note. Details of site area to be used for on-site separation, treatment and storage (including weather protection) must be provided on plan drawings accompanying your application.

Design of facilities (Use of site) Stage three – To be completed for all proposals including change of use, fit out as well as alterations and additions

- Applicants should refer to Councils document 'Waste Management Guidelines for new Development Applications' for specific requirements related to the type of development proposed. This is available on Councils website.
- In the case of change of use, fit out as well as alterations and additions, if the
 proposal involves existing waste management practices then full details of current
 methods are to be provided
- <u>All</u> proposals are to show the waste storage areas on plan drawings which should accompany your application

Type of waste to be generated	Expected volume per week, number and size of bins	Proposed on-site storage and treatment facilities	Destination and contractor
Please specify. E.g. glass, paper, food waste, green waste, compost etc.	Volume (Litres – L)	For example: waste storage room, garbage chute, compaction equipment	For example: Recycling, landfill by council or private contractor (include name of contractor)
*Example only *Non-recyclable	*480L/week 2 x 240 L bins	*Waste storage room	*Landfill and recycling collected by XXX Collection company

Describe how you intend to ensure on-going management of waste on-site (e.g. lease conditions, caretaker, strata manger) as well as provide details of how the bin store area complies with councils bin storage area requirements relevant to the type of proposed development.

area of the site, refer to drawing -Waste bin location

FINAL CHECK

Please read and tick the box to ensure all required information has been provided

- Have you checked the waste requirements for the proposed type of development in Councils document 'Waste Management Guidelines for new Development Application and provided all of the required information?
- 2. Have you completed the relevant sections to your application of the above waste management plan template or provided an alternative waste management plan addressing the required information? •
- 3. Have you shown use of site waste storage areas, garbage chutes, bin pulls and compaction equipment on plans accompanying this application? •
- 4. Have you shown the location of temporary waste storage areas, soil stock piles and vehicle entry/exit points during construction and demolition on the plans accompanying this application? •
- 5. Have you shown the waste collection vehicle access to the collection point on-site (if applicable) on the plans accompanying this application **3**

6. Have you shown the pathway taken to move the bins to and from the on street collection point and the location of the on street collection point on the plans accompanying this application? •

Environment Protection Licence

Licence - 11797



Licence Details	
Number:	11797
Anniversary Date:	17-December

Licensee EARTHPOWER TECHNOLOGIES SYDNEY PTY. LTD. 35 GRAND AVENUE CAMELLIA NSW 2142

<u>Premises</u>
EARTHPOWER BIOMASS FACILITY
35 GRAND AVENUE
CAMELLIA NSW 2142

Scheduled Activity
Composting
Electricity Generation

Fee Based Activity	Scale
Composting	> 50000 T of organics received
Generation of electrical power otherwise than from coal, diesel or	0-250 Gwh generated
gas	

Region
Waste & Resources - Waste Management
59-61 Goulburn Street SYDNEY NSW 2000
Phone: (02) 9995 5000
Fax: (02) 9995 5999
PO Box A290 SYDNEY SOUTH
NSW 1232

Environment Protection Licence

Licence - 11797



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Environment Protection Licence

Licence - 11797



Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 132 of the Act);
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

Environment Protection Authority - NSW Licence version date: 8-Mar-2016

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Environment Protection Licence

Licence - 11797



The EPA publication "A Guide to Licensing" contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

EARTHPOWER TECHNOLOGIES SYDNEY PTY. LTD.

35 GRAND AVENUE

CAMELLIA NSW 2142

subject to the conditions which follow.

Environment Protection Authority - NSW Licence version date: 8-Mar-2016

Environment Protection Licence

Licence - 11797



1 Administrative Conditions

A1 What the licence authorises and regulates

A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Composting	Composting	> 50000 T of organics received
Electricity Generation	Generation of electrical power otherwise than from coal, diesel or gas	0 - 250 Gwh generated

A2 Premises or plant to which this licence applies

A2.1 The licence applies to the following premises:

Premises Details
EARTHPOWER BIOMASS FACILITY
35 GRAND AVENUE
CAMELLIA
NSW 2142
LOT 1 DP 856266, LOT 23 DP 874055

A3 Information supplied to the EPA

A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998;
 and
- b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

2 Discharges to Air and Water and Applications to Land

Environment Protection Authority - NSW Licence version date: 8-Mar-2016

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Environment Protection Licence

Licence - 11797



P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

EPA identi- fication no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to air	Discharge to air	Biogas Flare - Marked as Point 1 on Map "Site Layout Plan & Map of Discharge Points" drawn by Waste Solutions Ltd for Earthpower Technologies Sydney P/L and dated April 2002
2	Discharge to air	Discharge to air	Biofilter Exhaust Stack - Marked as Point 2 on Map "Site Layout Plan & Map of Discharge Points" drawn by Waste Solutions Ltd for Earthpower Technologies Sydney P/L and dated April 2002
3	Discharge to air	Discharge to air	Co-Generation Exhaust Gas Stack - Marked as Point 3 on Map "Site Layout Plan & Map of Discharge Points" drawn by Waste Solutions Ltd for Earthpower Technologies Sydney P/L and dated April 2002
4	Air emissions monitoring		Biogas Supply Line to Gas Engines - Marked as Point 4 on Map titled "Site Layout Plan & Map of Discharge Points" drawn by Waste Solutions Ltd for Earthpower Technologies Sydney P/L and dated April 2002
6	Ambient air monitoring		Meteorological monitoring station

- P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.
- P1.3 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Water and land

EPA Identi- fication no.	Type of Monitoring Point	Type of Discharge Point	Location Description
7	Surface water monitoring	Surface water monitoring	Discharge control pit to stormwater retention basin; at grid reference X-92:Y-28 on the Stormwater Drainage Layout Plan dated 28/4/03 (ref 130052/C05 Rev 3).

3 Limit Conditions

L1 Pollution of waters

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L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table\s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\s.
- L2.4 Air Concentration Limits

POINT 3

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Volatile organic compounds	milligrams per cubic metre	40			
Nitrogen Oxides	milligrams per cubic metre	450			
Sulfuric acid mist and sulfur trioxide (as SO3)	grams per cubic metre	0.1			

L2.5 Water and/or Land Concentration Limits

POINT 7

Pollutant	Units of Measure	Reference Conditions - Dry, 273K, 101.3kPa	N/A	N/A	100 percentile concentration limit
Biochemical oxygen demand	milligrams per litre				20
Conductivity	microsiemens per centimetre				1500
Nitrogen (ammonia)	milligrams per litre				1.0

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рН	рН	6.5-8.5
Total suspended solids	milligrams per litre	50

Combustion Parameters

Note: For each monitoring/discharge point or utilisation area specified in the tables below (by a point number), the parameter must be equal to or greater than the lower limits specified for that parameter in the table.

L2.6

Parameter	Units of Measure	Lower Limit	Averaging Period
Residence Time	Seconds	0.6	Instantaneous
Temperature	Degrees Celsius	760	Instantaneous

L3 Volume and mass limits

Note: For each discharge point or utilisation area specified below (by a point number), the volume/mass of gases discharged to air must not exceed the volume/mass limit specified for that discharge point or area.

L3.1

Pollutant	Units of Measure	100 percentile concentration limit	Averaging Period
Odour emission rate	OUm3/s	10000	Block one hour

L4 Waste

L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Food waste	As defined in Schedule	Composting	NA

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		1 of the POEO Act, as in force from time to time.	Electricity Generation	
K110	Grease trap waste	As defined in Schedule 1 of the POEO Act, as in force from time to time.	Composting Electricity Generation	No more than 10,000 T to be received at the premises per annum.
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2014.	As specified in each particular resource recovery exemption	NA
NA	Waste	Any waste received on site that is below licensing thresholds in Schedule 1 of the POEO Act, as in force from time to time	-	NA

L5 Noise limits

- L5.1 Noise from the premises must not exceed:
 - a) an LAeq (15 minute) noise emission criterion of 49 dB(A) (7am to 6pm) Monday to Saturday and and (8am to 6pm) Sundays and Public Holidays.
 - b) an LAeq (15 minute) noise emission criterion of 45 dB(A) during the evening (6pm to 10pm); and c) at all other times, an LAeq (15 minutes) noise emission criterion of 41 dB(A), except as expressly provided by this licence.
- L5.2 Within 90 days of the commencement of normal operations at the premises, a series of compliance tests must be undertaken by the licensee (and carried out by an accredited acoustical consultant) indicating the level of noise emanating from the plant, equipment or processes. The following sound pressure levels must be measured over 15 minute intervals and be representative of the noisiest activities on the premises:
 - a) LAmax
 - b) LA1 (1 minute)
 - c) LA10 (15 minute)
 - d) LAeq (15 minute)

The compliance tests must cover a minimum period of one 24 hour period and include day, evening and night measurements with sampling periods each day, evening and night period.

The details of methodology, timing, time of day, atmospheric conditions together with the operating conditions of the plant, equipment and processes under which the tests are made must be noted and reported. The results of the compliance tests must be reported to the EPA within 28 days of the tests being completed.

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- L5.3 a) Noise from the premises is to be measured at the most affected residential location to determine compliance with conditions L5.1 and L5.2.
 - b) The noise emission limits identified in condition L5.1 apply under meteorological conditions of:
 - i) Wind speeds up to 3 metres per second at 10 metres above ground level, or
 - ii) Temperature inversion conditions of up to 3 degrees Celsius per 100 metres
 - c) Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industrial Noise Policy (NSW EPA, 2001). The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

L6 Hours of operation

L6.1 The delivery of wastes may be carried out at any time.

L7 Potentially offensive odour

- L7.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.
- Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

- O1.1 Licensed activities must be carried out in a competent manner.
 - This includes:
 - a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
 - b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

O2 Maintenance of plant and equipment

- O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
 - a) must be maintained in a proper and efficient condition; and
 - b) must be operated in a proper and efficient manner.

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O3 Dust

O3.1 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.

O4 Emergency response

O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

O5 Processes and management

- O5.1 The licensee must ensure that any liquid and/or non liquid waste for processing, storage or resource recovery at the premises is assessed and classified in accordance with the DECC Waste Classification Guidelines as in force from time to time.
- O5.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

O6 Waste management

Environmental Systems

- O6.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O6.2 The licensee must ensure that suitable measures (e.g. high/low alarms, control valves with interlock control, one way valves) are installed on all tanks, ponds or clarifiers and associated pipes and hoses to prevent the spillage of waste.

O7 Other operating conditions

Control of pests, vermin and weeds

O7.1 The licensee must take all practical measures to control pests, vermin and weeds at the premises.

Operations to be contained within the building

O7.2 All operations on the premises, excluding unloading and loading of vehicles and including (but not limited to) processing, sorting and separating waste, are to be carried out inside the buildings on the premises in

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a sealed, negatively ventilated environment. Any discharge to air from the buildings must be through bio-filtration

- O7.3 All waste received onto the premises for processing is to be stored within the buildings on the premises.
- O7.4 Any waste not intended for processing is to be stored:
 - a) within the buildings; or
 - b) in sealed containers,

pending disposal at a facility which can lawfully accept the waste.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
 - a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
 - a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Air Monitoring Requirements

POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Temperature	degrees Celsius	Yearly	TM-2
Volumetric flowrate	cubic metres per second	Yearly	CEM-6

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POINT 2

Pollutant	Units of measure	Frequency	Sampling Method
Carbon dioxide	percent by volume	Yearly	TM-24
Carbon monoxide	milligrams per cubic metre	Yearly	OM-1
Dry gas density	kilograms per cubic metre	Yearly	TM-23
Moisture content	percent	Yearly	TM-22
Molecular weight of stack gases	grams per gram mole	Yearly	TM-23
Odour	odour units per cubic metre	Special Frequency 1	TM-3
Oxygen (O2)	percent by volume	Yearly	TM-25
Sulfuric acid mist and sulfur trioxide (as SO3)	grams per cubic metre	Yearly	TM-3
Temperature	degrees Celsius	Yearly	TM-2
Velocity	metres per second	Yearly	TM-2
Volumetric flowrate	cubic metres per second	Yearly	TM-2

POINT 3

Pollutant	Units of measure	Frequency	Sampling Method
Carbon dioxide	percent by volume	Yearly	TM-24
Carbon monoxide	milligrams per cubic metre	Yearly	OM-1
Dry gas density	kilograms per cubic metre	Yearly	TM-23
Moisture content	percent	Yearly	TM-22
Molecular weight of stack gases	grams per gram mole	Yearly	TM-23
Nitrogen Oxides	milligrams per cubic metre	Yearly	TM-11
Oxygen (O2)	percent by volume	Yearly	TM-25
Sulfuric acid mist and sulfur trioxide (as SO3)	grams per cubic metre	Yearly	TM-3
Sulphur dioxide	grams per cubic metre	Yearly	TM-4
Temperature	degrees Celsius	Yearly	TM-2
Velocity	metres per second	Yearly	TM-2
Volatile organic compounds	milligrams per cubic metre	Yearly	OM-2
Volumetric flowrate	cubic metres per second	Yearly	TM-2

M2.3 Water and/ or Land Monitoring Requirements

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POINT 7

Pollutant	Units of measure	Frequency	Sampling Method
Biochemical oxygen demand	milligrams per litre	Daily during any discharge	Grab sample
Conductivity	microsiemens per centimetre	Daily during any discharge	Grab sample
Nitrogen (ammonia)	milligrams per litre	Daily during any discharge	Grab sample
pН	pH	Daily during any discharge	Grab sample
TSS	milligrams per litre	Daily during any discharge	Grab sample

Note: For the purposes of the above condition "Special Frequency 1" means sampling must be undertaken within 21 days of receiving written direction from the EPA to do so.

M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
 - a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
 - b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
 - c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.
- Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".
- M3.2 Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.

M4 Recording of pollution complaints

- M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.
- M4.2 The record must include details of the following:
 - a) the date and time of the complaint;
 - b) the method by which the complaint was made;

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- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.
- M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5 Telephone complaints line

- M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.
- M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.
- M5.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.

6 Reporting Conditions

R1 Annual return documents

- R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:
 - 1. a Statement of Compliance,
 - 2. a Monitoring and Complaints Summary,
 - 3. a Statement of Compliance Licence Conditions,
 - 4. a Statement of Compliance Load based Fee,
 - 5. a Statement of Compliance Requirement to Prepare Pollution Incident Response Management Plan,
 - 6. a Statement of Compliance Requirement to Publish Pollution Monitoring Data,
 - 7. a Statement of Compliance Environmental Management Systems and Practices; and
 - 8. a Statement of Compliance Environmental Improvement Works.

At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

- R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.
- Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.
- R1.3 Where this licence is transferred from the licensee to a new licensee:
 - a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of

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the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

- R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on:
 - a) in relation to the surrender of a licence the date when notice in writing of approval of the surrender is given; or
 - b) in relation to the revocation of the licence the date from which notice revoking the licence operates.
- R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').
- R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.
- R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:
 - a) the licence holder; or
 - b) by a person approved in writing by the EPA to sign on behalf of the licence holder.

R2 Notification of environmental harm

- R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.
- R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.
- Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R3 Written report

- R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:
 - a) where this licence applies to premises, an event has occurred at the premises; or
 - b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,
 - and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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- R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- R3.3 The request may require a report which includes any or all of the following information:
 - a) the cause, time and duration of the event;
 - b) the type, volume and concentration of every pollutant discharged as a result of the event;
 - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
 - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
 - e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
 - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
 - g) any other relevant matters.
- R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

R4 Other reporting conditions

Annual Waste Summary Reporting

- R4.1 The licensee must complete and submit to the EPA an Annual Waste Summary Report each financial year.
- R4.2 The Annual Waste Summary Report must be submitted to the EPA via the Waste and Resource Reporting Portal (WARRP) within 60 days of the end of the financial year.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.
- G1.4 By 30 June 2003, the licensee must establish and maintain a community environment liaison committee, comprising representatives of the community and the licensee that will meet at least once every 6 months. The purpose of the meetings will be to discuss the operations at the premises and for the community to raise and concerns it has about the environmental impact of the premises and achieve

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mutually satisfactory solutions.

G2 Other general conditions Community Liaison Meetings

G2.1 By 30 June 2003, the licensee must establish and maintain a community environment liaison committee, comprising representatives of the community and the licensee that will meet at least once every 6 months. The purpose of the meetings will be to discuss the operations at the premises and for the community to raise and concerns it has about the environmental impact of the premises and achieve mutually satisfactory solutions.

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Dictionary

General Dictionary

3DGM [in relation
to a concentration
limit]

Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples

Act Means the Protection of the Environment Operations Act 1997

activity Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment

Operations Act 1997

actual load Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009

AM Together with a number, means an ambient air moritoring method of that number prescribed by the

Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales.

AMG Australian Map Grid

anniversary date The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a

licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the

commencement of the Act.

annual return Is defined in R1.1

Approved Methods Publication Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009

assessable pollutants

Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009

BOD Means biochemical oxygen demand

CEM Together with a number, means a continuous emission monitoring method of that number prescribed by

the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales.

COD Means chemical oxygen demand

composite sample Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples

collected at hourly intervals and each having an equivalent volume.

cond. Means conductivity

environment Has the same meaning as in the Protection of the Environment Operations Act 1997

environment protection legislation Has the same meaning as in the Protection of the Environment Administration $\mathop{\rm Act}\nolimits$ 1991

EPA Means Environment Protection Authority of New South Wales.

fee-based activity classification Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations

(General) Regulation 2009.

general solid waste (non-putrescible)

Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act

1997

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flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environmen t Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollulant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
ТМ	Together with a number, means a test method of that number prescribed by the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales.

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TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements $\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{2} \left(\frac{1}{2} \right) \left($
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non -putrescible), special waste or hazardous waste

Mr Stephen Beaman

Environment Protection Authority

(By Delegation)

Date of this edition: 17-December-2002

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End Notes

- 1 Licence varied by notice 1025493, issued on 10-Mar-2003, which came into effect on 10-Mar-2003.
- 2 Licence varied by notice 1027778, issued on 17-Jun-2003, which came into effect on 12-Jul-2003.
- 3 Licence varied by notice 1029169, issued on 16-Jul-2003, which came into effect on 10-Aug-2003.
- 4 Licence varied by notice 1040004, issued on 14-Sep-2004, which came into effect on 09-Oct-2004.
- 5 Licence varied by notice 1061807, issued on 26-Sep-2006, which came into effect on 26-Sep-2006.
- 6 Licence varied by notice 1080859, issued on 18-Jan-2008, which came into effect on 18-Jan-2008.
- 7 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 8 Licence varied by notice 1092744, issued on 05-Dec-2008, which came into effect on 05-Dec-2008.
- 9 Licence varied by notice 1113074, issued on 22-Apr-2010, which came into effect on 22-Apr-2010.
- 10 Licence varied by Correction to EPA Region data record., issued on 23-Jun-2010, which came into effect on 23-Jun-2010.
- 11 Licence varied by notice 1532937 issued on 31-Aug-2015
- 12 Licence varied by notice 1535925 issued on 08-Mar-2016

Environment Protection Authority - NSW Licence version date: 8-Mar-2016



Annual Assessment Report

Essential Fire Safety Measures

35 Grand Avenue Camellia

Business Name:

Business Contact:

Accredited Practitioner (Fire Safety):

Advised AFSS due date to council:

Issue Date:

Report No:

Earth Power Technologies Mr. David Clark 0438 139 232 David.clark@earthpower.com.au

 $Malcolm\ Saunders\ (\underline{\textbf{msaunders@wormald.com.au}}$

0412 026 690) 25th October 17th August 2021

4166536

EVECUTIVE OUR ARABOV

Portable Fire Equipment | Fire Protection Systems | Fire Systems Installations | Fire system Servicing | Fire Safety Training | Major Projects

COMPLIANCE AND CERTIFICATION

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PORTABLE FIRE EQUIPMENT | FIRE PROTECTION SYSTEMS | FIRE SYSTEM INSTALLATIONS | FIRE SYSTEM SERVICING | FIRE SAFETYTRANING | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

Executive Summary

Wormald have undertaken an inspection and assessment of the quoted essential fire safety measures within the building. The reports purpose is to advise of the systems design standard and its ability to perform in the event of a fire. The main issues that were revealed are;

	Cl	USTOMER INFORMA	TION
Building Assessed		Earth Power Techno	ologies
Report Number		4166536	
Date		10th August 2021	
Part/Whole of buildin	g assessed (If part specify)	Whole/Part V	Vhole
1 m	A	ssessed Essential Ser	vices
Status	Essential Fire Sa	afety Measure	Main issues
Satisfactory	Automatic fire detection	& alarm systems	는 보는
Satisfactory	Emergency lighting		, <u>u</u>
Satisfactory	Exit signs		<u>-</u>
Satisfactory Fire doors			. =,
Satisfactory	Fire hydrant systems		
Satisfactory	Hose reel systems		F2
Satisfactory	Lightweight construction	ì	, m
Satisfactory	Paths of Travel		
Satisfactory	Portable fire extinguisher	s & fire blankets	

Statement

I, Malcolm Saunders of Wormald Certify on the 10th August 2021 that:-

The essential fire safety measures specified above have been assessed by an Accredited Practitioner (Fire Safety) as per the Environmental Planning & Assessment Regulations (2000). This audit report details deficiencies relating to each measure that need to be rectified prior to submission of an annual fire safety statement. The information contained in this certificate needs to be read in conjunction with this report and is to the best of my knowledge and belief, true and accurate.

Once the Annual Fire Safety Statement can lawfully be signed and submitted to the relevant authorities, a copy together with the relevant fire safety schedule must be forwarded to Council and emailed to Fire and Rescue NSW (afss@fire.nsw.gov.au).

Malcolm Saunders.

Fire Systems Consultant Wormald Assessment & Engineering



PORTABLE FIRE EQUIPMENT | FIRE PROTECTION SYSTEMS | FIRE SYSTEM INSTALLATIONS | FIRE SYSTEM SERVICING | FIRE SAFETY TRAINING | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

Section 1 Purpose, Process, Scope & Disclaimer

1.1 Report Purpose

New South Wales legislation recognises the performance of fire safety measures in a building is paramount to life safety and property protection. For a system to function, a degree of maintenance is required, however, to determine if a system is capable of performing to its design standard (as required by the Regulations), an assessment of its design, installation and maintenance/testing regime is needed. Further, the building needs to be assessed to determine if it impacts on the systems performance and any changes to the building has not reduced its effectiveness. Changes to the building/system can range from replacement of a part to building additions/alterations.

Occupants within a building have an expectation that all installed fire safety measures will perform (E.g. occupants expect smoke alarm will advise them of a fire) and the egress system in a building is adequate. Failure or reduced effectiveness of a measure and/or inadequate egress can result in significant building damage and/or occupant harm. Due to the reliance placed on a measure and egress by the building's occupants, NSW legislation the Regulations holds the owner responsible for their performance. Accordingly, owners/owners representative MUST certify that all essential fire safety measures have been assessed by an Accredited Practitioner (Fire Safety) and will perform to the installed design standard. Further, the Accredited Partitioner (Fire Safety) has inspected the buildings egress system and did not find grounds for prosecution under Division 7 of the Regulations.

The Regulations require the assessment and certification occur every 12 months. Such certification occurs using an Annual Fire Safety Statement.

This report provides comfort to the building's owner and occupants that the essential fire safety measures have been assessed and once any matters raised have been addressed, the system will perform to its design standard.

1.2 Assessment Scope

The assessment is based on a level two (2) audit outlined in AS 4655–2005 (Fire safety audits) and is supplied in good faith. The assessment is limited to the visual condition of the quoted essential fire safety measures and to the best of the inspector's knowledge on the day of inspection, thus a definitive the list of issues cannot be guaranteed. Unless specifically noted, this assessment does not include systems or part there of that was not in plain view at the time of inspection, (e.g. unexposed, concealed and or inaccessible areas are not included). All reasonable efforts have been made to access common occupied and concealed spaces throughout the building/site to assess the services contained. Further, the fire resistance level (FRL) of building elements is beyond the scope unless specifically stipulated.

System testing / maintenance reports need to be read in conjunction with this report. Any works carried out from this assessment need to comply with today's standard of performance (Australian Standard and/or BCA) unless specifically stipulated.

1.3 Disclaimer and Reservation of Rights

This document has been prepared by Wormald for the purpose originally agreed between Wormald and its client and may only be relied upon by the client for whom it was prepared and for the original purpose. Wormald accepts no liability for any loss or damage howsoever incurred by any third party as a result or arising out of reliance upon this document by any party other than Wormald's client for any purpose. Prior to the use of any information contained in this document it is the user's responsibility to verify the exact locations, quantities and dimensions of all items depicted or contained in this document.

The client acknowledges that all information and intellectual property relating to this document (including but not limited to

The client acknowledges that all information and intellectual property relating to this document (including but not limited to patents, designs, drawings, instruction booklets, specifications, circuit drawings, componentry, trade secrets, trademarks and copyright in such information and intellectual property (Proprietary Information) and all right, title and interest therein) are the sole property of or licensed by Wormald and the client shall gain no right, title or interest in the Proprietary Information whatsoever. The client specifically acknowledges Wormald's exclusive rights to ownership of any modification, translation or adaptation of the Proprietary Information and any other improvement or development based thereon, whether developed, supplied, installed or paid for by or on behalf of the client or otherwise. The client must not and must not permit any person reasonably within its control nor procure any person to modify, copy, clone or reverse engineer the design, or copy, modify or decompile any of Wormald's other documentation relating to this document. This note is an integral part of this document.

The following report should not be mistaken as a design specification where repairs are complex. Clarification with the report's author may be needed and is recommended to ensure the intent of the defects is clarified and the right corrective action is taken. Further calculations and or design alterations may be required to ensure compliance is maintained to the appropriate standard.



PORTABLE FIRE EQUIPMENT | FIRE PROTECTION SYSTEMS | FIRE SYSTEM INSTALLATIONS | FIRE SYSTEM SERVICING | FIRE SAFETY TRAINING | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

1.4 Adequacy of Obsolete Performance Standards

Some performance standards could be inadequate even though the item may be compliant to the obsolete legislation or Australian Standard. These documents have been amended to addresses shortfalls or further improve the systems. The building owner may be able to satisfy their legal obligations under the Environmental Planning and Assessment Act 1993 and its 2000 Regulation but should also consider their position in relation other legislation.

1.5 Terminology

The BCA: The Building Code of Australia is a code for the design and construction of buildings throughout Australia.

NCC – National Construction Code – incorporates the Building Code of Australia (BCA) and the Plumbing Code of Australia (PCA) into a single code.

Ordinance 70 The code for design and construction of buildings throughout New South Wales, which preceded The Building Code of Australia

The Regulations: The Environmental Planning & Assessment Regulations (2000) is state legislation which governs various aspects of buildings throughout NSW.

The Statement The Annual Fire Safety Statement is a statement required by the Environmental Planning & Assessment Regulations (2000). It is issued annually by the owner & confirms that the essential fire safety measures have been assessed by a competent fire safety practitioner and was found to be capable of performing to a standard no less than that to which the measure was originally designed and implemented. Further, the building was found to be in a condition that did not disclose any grounds for a prosecution under Division 7.

FRL: Fire-Resistance Level means the ability of an element to resist the effects measured in minutes for the following criteria—structural adequacy/ integrity/ insulation, A dash means that there is no requirement for that criterion. E.g., 90/-/- means there is no requirement for an FRL for integrity and insulation.

Alternative Solution means a Building Solution, which complies with the Performance Requirements other than by reason of satisfying the deemed-to-satisfy provisions.

AP(FS): - 'Accredited Practitioner (Fire Safety)' as defined by Building and Development Certifiers Regulation 2020 [NSW] & required by the EP& A Regulation 2000 (NSW).

FIP:-.Fire Indicator Panel.

DTS: - Deem to Satisfy

EPC-Emergency Planning Committee

YAH: - You are here on evacuation diagrams



PORTABLE FIRE EQUIPMENT | FIRE PROTECTION SYSTEMS | FIRE SYSTEM INSTALLATIONS | FIRE SYSTEM SERVICING | FIRE SAFETY TRAINING | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

Section 2 Building Description

The era the building was constructed is estimated to be in the 2000's (BCA).

The building can be described as follows as per the Building Code of Australia (the BCA);

The ballet ig can be decented as remette as per the ballet ig	to saliding darried december de foliotte de per title Balleting decide of ridestalla (title Berly)			
Rise in storeys	1			
Number of levels contained	1			
Building classification/s	Class 5 (office) Class 8 (factory)			
Effective height.	Less than 12 metres			
Floor area	Between 500m2 and 2000m2			
Type of fire resisting construction (required by the BCA)	Type C			

2.1 Display of the Annual Fire Safety Statement

Clause 177 of the Environmental Planning & Assessment Regulations (2000) requires the owner of the building to have a "copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building. "Council and the Fire and Rescue NSW typically check for the statement when visiting a building. At the time of inspection the statement & schedule was prominently displayed.

Section 3 Essential Fire Safety Measure Assessment

3.1 Prioritizing Issues

The issues raised in Section 3 can be prioritised into 3 categories;

ACTIONS REQUIRED:

Identifies a defect which has caused a system to be non-compliant with the relevant installation standard/code. Action required items should be rectified prior to this system being endorsed.

RECOMMENDATION:

Identifies an issue(s), which the owner/agent should <u>consider</u> prior to submitting a completed certificate to the relevant authorities. (i.e. passes at this time, however, requires remedial work for continued/future compliance or is an item that due to its age of installation should be considered to provide an improved protection and/or reduced risk to occupants).

OBSERVATION:

In keeping with our Duty of Care, we have identified an issue(s), which is/are outside the agreed/contracted scope of this report and is maintained and assessed by other service providers or client.

(Any comments made should not be construed as a full evaluation of this item but only a comment relating to a specific facet or location – we would recommend further investigation of this item(s) to ensure the continued safety of persons within this premise.)





PORTABLE PIRE SOLIPMENT | FIRE PROTECTION SYSTEMS | FIRE SYSTEM INSTALLATIONS | FIRE SYSTEM SERVICING | FIRE SAFETY TRAINING | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

3.2 Essential Fire Safety Measure Assessment

REQUIRED ACTIONS

The following issues have compromised a measure's ability to perform to its relevant design/install standard of performance. This may compromise life or building safety and requires (possibly urgent) rectification.

Action required items require rectification (prior to signing the statement) to avoid causing an offence under the Regulations.

Item	Performance Issues / Required Actions	Rectification
	Automatic Fire Detection & Alarm System	*
1.	The building is serviced by a smoke/fire detection system and its required performance standard appears to be designed to detect fire/smoke and send the signal to the fire control panel(MX 1) located at the office area foye emergency warning system and sends a signal to Fire and Rescue NSW via the ASE.	
	The system has been tested on a regular basis; an annual test is recorded as having been completed on the 4/0	2/2021 with a satisfactory result.
1.1.	No defects were found that would prevent system function to its performance standard.	
	Emergency Lighting	
2.	Emergency lighting has been provided throughout the building and its required performance standard appears Clause E4.2, E4.4 BCA, AS2293.1 - 2005 The measure is designed to assist in occupant evacuation by providing the system appears to be onshared circuits with a testing device.	
2.1.	Testing – Refer to your Service Provider for test results, for defects identified during the most recent routine inspection and test.	Defects identified are to be rectified prior to the submission of the annual fire safety statement to the relevant authorities
	Exit Signs	**
3.	Illuminated exit signs have been provided throughout the building and the required performance standard apper Clauses E4.5, 4.6, 4.8 BCA, AS2293.1 - 2005. The measure is designed to identify the required exits within the shared circuits with a testing device.	
3.1.	Testing – Refer to your Service Provider for test results, for defects identified during the most recent routine inspection and test.	Defects identified are to be rectified prior to the submission of the annual fire safety statement to the relevant authorities



PORTABLE PIRE EQUIPMENT: | FIRE PROTECTION SYSTEMS: | FIRE SYSTEM INSTALLATIONS: | FIRE SYSTEM SERVICING: | FIRE SAFETY TRAINING: | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

Item	Performance Issues / Required Actions	Rectification
	Fire Blankets	
4.	Fire blankets have been installed throughout the building and provide coverage in accordance with Clause E1.6 f	3CA AS2444-2001.
	The Fire blankets have been routinely inspected on a six-monthly basis.	
4.1.	No defects were found that would prevent system function to its performance standard.	
	<u>Fire Doors</u>	
5.	Self-closing fire door sets have been installed throughout the building and the required performance standard ap the main electrical switch room. Their installation is designed to keep these areas fire separated from the remain high risk (electrical switch rooms). The inspected door sets were found to be suitably tagged as having an FRL of-	der of the building. The fire separation is needed to isolate a
5.1.	No defects were found that would prevent system function to its performance standard.	
6.	Fire Hydrant Systems A fire hydrant system has been installed outside the building, the required performance standard appears to be is system is supplied from the street supply mains only and due to buildings size being under 2,000m2, has no requisit he feed point for Brigades appliances.	
6.1.	No defects were found that would prevent system function to its performance standard.	
6.1.	No defects were found that would prevent system function to its performance standard. Hose Reel Systems	
6.1. 7.	The first of the second	
1 374.0000	Hose Reel Systems A hose reel system has been installed throughout the building in positions which indicate the required performant	



PORTABLE PIRE EQUIPMENT | FIRE PROTECTION SYSTEMS | FIRE SYSTEM INSTALLATIONS | FIRE SYSTEM SERVICING | FIRE SAFETY TRAINING | MAJOR PROJECTS COMPLIANCE AND CERTIFICATION

Item	Performance Issues / Required Actions	Rectification
	Lightweight Construction	
	Vermiculite has been sprayed on the load bearing columns which provide structural support to the fire walls from production area. The vermiculite provides thermal insulation for the effects of fire for a specified period of time.	the office section of the main building from the adjacent
8.	This assessment can only determine if the construction itself has been compromised (e.g. cracking). A destructive visual inspection of the external portions of the wall. Consequently reliance is placed on the Final Fire Safety State to have been issued by the installers certifying the correct installation of the light weight construction to the manusaggested.	ement issued at the time of construction which was required
8.1.	The lightweight construction installed throughout the building in positions which indicate the required performance standard to be in accordance withclause C1.8 Spec C1.8 BCA.	
	Portable Fire Extinguishers	
9.		
	Extinguishers have generally been installed throughout the building and provide coverage to most areas in according	dance withClause E1.6 BCA, AS2444-2001.
	Extinguishers have generally been installed throughout the building and provide coverage to most areas in according the extinguishers have been routinely inspected and tested on a six-monthly basis.	dance withClause E1.6 BCA, AS2444-2001.
9.1.		dance withClause E1.6 BCA, AS2444-2001.
9.1.	The extinguishers have been routinely inspected and tested on a six-monthly basis.	dance withClause E1.6 BCA, AS2444-2001.
9.1.	The extinguishers have been routinely inspected and tested on a six-monthly basis. No defects were found that would prevent system function to its performance standard.	ald "disclose any grounds for a prosecution under Division 7 anything that may impede the free passage of persons, and



Item 5.4 - Attachment 8 Annual Fire Safety Statement

PORTABLE FIRE COLIPMENT: | FIRE PROTECTION SYSTEMS: | FIRE SYSTEM INSTALLATIONS: | FIRE SYSTEM SERVICING: | FIRE SAFETY TRAINING: | MAJOR PROJECTS

COMPLIANCE AND CERTIFICATION

Section 4 Conclusion

This report has assessed the essential fire safety measures capability of performing (in the event of a fire) to their design & install standards and no deficiencies have been noted.

The Statement is endorsed for signing by building owner or the owner's agent and can be submitted to the relevant authority and emailed to Fire and Rescue NSW (afss@fire.nsw.gov.au).



Malcolm Saunders.

Fire Systems Consultant Wormald Assessment & Engineering

Fire Safety Statement

Page 10 of 12



Fire Safety Statement



Part 9 of the Environmental Planning and Assessment Regulation 2000

О			no	+-
	еа	SE	по	ıe

Information to assist building owners to complete each section of the statement is provided on pages 3, 4 and 5.

Section 1: Type of statement

This is (mark applicable box):

an annual fire safety statement (complete the declaration at Section 8 of this form)

 $\hfill \square$ a supplementary fire safety statement (complete the declaration at Section 9 of this form)

Section 2: Description of the building or part of the building

Address

Address

35 Grand Avenue Camellia NSW 2142

Lot No. (if known)	DP/SP (if known)	Building name (if applicable)
		EARTHPOWER TECHNOLOGIES

Provide a brief description of the building or part (building use, number of storeys, construction type etc)

CLASS 5 (OFFICE), CLASS 8 (FACTORY). RISE OF 1. TYPE C.

Section 3: Name and address of the owner(s) of the building or part of the building

lame			

Section 4: Fire safety measures

Fire safety measure	Minimum standard of performance	Date(s) assessed	APFS *
Automatic fire detection & alarm systems	AS1670.1-2004	10/08/2021	F020941A
Emergency lighting	Clause E4.2, E4.4 BCA, AS2293.1 - 2005	10/08/2021	F020941A
Exit signs	Clauses E4.5, 4.6, 4.8 BCA, AS2293.1 - 2005	10/08/2021	F020941A
Fire doors	specification C3.4 of BCA and AS1905.1-2005	10/08/2021	F020941A
Fire hydrant systems	Clause E1.3 BCA AS2419.1-2005	10/08/2021	F020941A
Hose reel systems	clause E1.4 BCA, AS2441-2005	10/08/2021	F020941A
Lightweight construction	Clause C1.8 Spec C1.8 BCA	10/08/2021	F020941A
Portable fire extinguishers & fire blankets	Clause E1.6 BCA, AS2444-2001	10/08/2021	F020941A

^{*} See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS).

Section 5: Inspection of fire exits and paths of travel to fire exits (Part 9 Division 7)

Part of the building inspected	Date(s) inspected	APFS *
Whole	10/08/2021	F020941A

^{*} See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS).

35 Grand Avenue Camellia NSW 2142

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Fire Safety Statement



Part 9 of the Environmental Planning and Assessment Regulation 2000

Section 6: Name and contact details of each accredited practitioner (fire safety) (APFS) Full name Phone Accreditation No.* Signature **Malcolm Saunders** 133166 msaunders@wormald.com.au F020941A * Where applicable - see notes on page 4 for further information. Section 7: Name and contact details of the person issuing this statement # Full name Organisation (if applicable) Title/Position (if applicable) Phone Email *The person issuing the statement must not be an APFS listed in section 6 or their employer/employee or direct associate. Section 8: Annual fire safety statement declaration (insert full name) being the: □ owner □ owner's agent declare that: each essential fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) and was found, when it was assessed, to be capable of performing: in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of Part 9 of the Regulation. Owner/Agent Signature Date issued Section 9: Supplementary fire safety statement declaration (insert full name) being the:

owner owner's agent declare that each critical fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) and was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which this statement is issued. Owner/Agent Signature Date issued

Note:

A current fire safety schedule for the building must be attached to the statement in accordance with the Regulation.

35 Grand Avenue Camellia NSW 2142

Version 3.1 | Effective from 1 March 2021 | NSW Department of Planning, Industry and Environment | 2

DEVELOPMENT APPLICATION

ITEM NUMBER 5.5

SUBJECT OUTSIDE PUBLIC MEETING (DEFERRED):

125-129 Arthur Street, PARRAMATTA (Lots 5, 6 & 7 DP

27997)

DESCRIPTION ADDENDUM REPORT: Section 4.55(2) Modification to

DA/776/2014 for the demolition of existing buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking. The modification seeks to increase the building height by 300mm, amend the layout of the basement, ground floor and

first floors, changes to the unit mix, provision of a padmount

substation, and amendments to services.

REFERENCE DA/776/2014/C - D08631473

APPLICANT/S Ghazi Al Ali Architect

OWNERS S & A Property Holdings Pty Ltd

REPORT OF Group Manager Development and Traffic Services

RECOMMENDED Approval

DATE OF REPORT

REASON FOR REFERRAL TO LPP

The Parramatta Local Planning Panel previously considered this modification application on 19 April 2022. The Panel deferred the determination of the modification application for the following reasons:

That the consideration of this matter be deferred for a further report.

The panel is concerned that the proposed modification will impose complicated duties upon new home owners to deal with serious and likely flood impacts. The panel finds it unusual for a building that is fully residential and believes that the use of the flood inundated areas should not be residential. The manner of shelter provided is also of concern, the panel needs to know what type of shelter needs to be provided e.g. will there be toilets, lifts, access, running water and sufficient room. In light of recent flooding in Sydney Metropolitan area and particularly in Parramatta, the Panel believes that tighter controls and much earlier identification of the duties required of home owners should be given e.g. by a covenant on title that warns prior to purchase.

The Panel believes that there should be a new suite of additional conditions addressing four matters;

- a) The manner in which future purchasers are alerted to flooding risks of the building or site
- b) The requirements and duties of the residents and flood wardens associated with the detailed Site Emergency Response Flood Plan
- c) The need for expenditure for ongoing monitoring and maintenance of the flood management infrastructure;
- d) The appropriate size and furnishing of any shelter; and

These conditions should require notification on title.

The Panel requires a supplementary report addressing these matters and may be prepared to deal with finalisation of the matter electronically.

The purpose of this addendum report is to supplement the original assessment report by addressing the relevant matters arising from the panel meeting held on 19 April 2022.

EXECUTIVE SUMMARY

An addendum assessment report has been prepared addressing the Parramatta Local Planning Panel's concerns regarding the proposed modification application (refer to Attachment 1 of this item). In response, Council has amended and/or provided additional conditions relating to flood infrastructure and flood management emergency procedures.

The Site

The subject site is known as 125-129 Arthur Street, Parramatta (Lot 5, 6 & 7 DP 27997). The site consists of three (3) vacant allotments with a site area of 1,668m². The site has dual frontages of 55m to Arthur Street & 28m to Hassall Street.

The site is located within vicinity to commercial, industrial and residential properties.

The site is subject to 1 in 20 years, 1 in 100 years, and Probable Maximum Flood (PMF) flooding. The flood affection to the site is classified as medium and high-risk flooding. Properties within vicinity to the site are also flood affected.

The Proposal

Consent is sought to modify the approved demolition of existing buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking.

The proposed modifications include:

- Increase the overall building height by 300mm from RL 28.38 to RL 28.68 (104.85% variation) in order to provide a flood refuge area within Level 1 of the development.
- Amend the ground floor and first floor layout, and unit mix as a result of the provision for a flood refuge area.
- Amendments to the approved plans to satisfy Construction Certificate requirements including the provision for hydraulic boosters, additional services and a padmount substation.

The maximum permissible building height on site is RL 14 and the proposed modifications result in a building height of RL 28.68 with a variation of 104.85%. This variation is considered acceptable as it is not considered to create further adverse impacts than the original scheme approved under DA/776/2014 which had an approved building height of RL 29 and a 107.14% variation. The requirement to

increase Level 1's finished floor level is acceptable in order to provide a flood refuge area at or above the Probable Maximum Flood (PMF) event of RL 9.3.

The modification application was advertised in accordance with Council's Consolidated Notification Requirements 2020. No submissions were received during the advertisement period.

After consideration of the development against Section 4.55 of the *Environmental Planning and Assessment Act 1979*, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest.

RECOMMENDATION

Council's amended recommendation as a result of this addendum report is as follows:

- (a) That the Parramatta Local Planning Panel exercising the functions of Council, pursuant of Section 4.17 of the *Environmental Planning and Assessment Act* 1979, modify development consent DA/776/2014 on land at 125-129 Arthur Street, Parramatta, for a period of five (5) years from the date on the original Notice of Determination, subject to the following modifications:
 - 1. Amend Condition Nos. 1, 23, 27, 33, 35, 80, 83 & 86 to reflect the updated plans and documents.
 - 2. Insert Condition No. 24A, 86A, 86B, 86C, 102 & 103 for emergency flood procedures.
 - 3. Delete Condition No. 90 as it is a duplication of Condition No. 88.
 - 4. All other conditions of DA/776/2014 remain unchanged.
- (b) Further, that the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the building height control in Clause 4.3 Height of buildings of the Parramatta Local Environmental Plan 2011 as there are sufficient environmental grounds to justify the variation.

REASONS FOR APPROVAL:

- 1. The proposed modification is substantially the same development which has been approved.
- 2. The proposed modification is permissible within the B4 Mixed Use zone and results in a development which is suitable for the context of the site and locality.
- 3. The proposed modification to increase the height is supported in order to provide an adequate flood refuge area due to the significant flood constraints on site.
- 4. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

John Martinez

Senior Development Assessment Officer

Sarah Irani

Team Leader Development Support

ATTACHMENTS:

1 1	Addendum Assessment Report	8 Pages
2 🗓	Draft Conditions	39 Pages
34	Plans used during assessment	23 Pages
4	Internal plans used during assessment (confidential)	31 Pages
5	Flood Impact Assessment Update Report (confidential)	83 Pages
6 🗓 🖫	Flood Emergency Detailed Response Plan	31 Pages
7 🗓	Statement of Environmental Effects	39 Pages
8 🗓 🖫	Original Assessment Report - 19 April 2022	52 Pages

REFERENCE MATERIAL



ĺ	City of Parramatta		
	File No:	DA/776/2014/C	

ADDENDUM TO ASSESSMENT REPORT Parramatta Local Planning Panel (PLPP)

Application No: DA/776/2014/C – ADDENDUM TO ASSESSMENT REPORT

Property: Lot 5-7 DP 27997, 125-129 Arthur Street, PARRAMATTA NSW 2150

Proposal: Section 4.55(2) Modification to DA/776/2014 for the demolition of existing buildings, tree

removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64

dwellings and basement car parking.

The modification seeks to increase the building height by 300mm, amend the layout of the basement, ground floor and first floors, changes to the unit mix, provision of a padmount

substation, and amendments to services.

Applicant: Ghazi Al Ali Architect

Owner: S & A Property Holdings Pty Ltd

Report Date: 8 July 2022

Recommendation: Approval, subject to amended conditions of consent.

Assessment Officer: John Martinez

. Background

The Parramatta Local Planning Panel previously considered this modification application on **19 April 2022**. The Panel deferred the determination of the modification for the following reasons:

That the consideration of this matter be deferred for a further report.

The panel is concerned that the proposed modification will impose complicated duties upon new home owners to deal with serious and likely flood impacts. The panel finds it unusual for a building that is fully residential and believes that the use of the flood inundated areas should not be residential. The manner of shelter provided is also of concern, the panel needs to know what type of shelter needs to be provided e.g. will there be toilets, lifts, access, running water and sufficient room. In light of recent flooding in Sydney Metropolitan area and particularly in Parramatta, the Panel believes that tighter controls and much earlier identification of the duties required of home owners should be given e.g. by a covenant on title that warns prior to purchase.

The Panel believes that there should be a new suite of additional conditions addressing four matters;

- a) The manner in which future purchasers are alerted to flooding risks of the building or site
- b) The requirements and duties of the residents and flood wardens associated with the detailed Site Emergency Response Flood Plan
- The need for expenditure for ongoing monitoring and maintenance of the flood management infrastructure;
- d) The appropriate size and furnishing of any shelter; and

These conditions should require notification on title.

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The Panel requires a supplementary report addressing these matters and may be prepared to deal with finalisation of the matter electronically.

The purpose of this addendum report is to supplement the original assessment report by addressing the relevant matters arising from the panel meeting held on 19 April 2022.

2. Application Details

The Section 4.55(2) Modification Application to DA/776/2014, a part 4, 6 and 7 storey residential flat building comprising 64 units over 2 basement levels consisting of:

- Increasing the Finished Floor Level of Level 1 from RL9.30 to RL9.33 in order to provide a Shelter in Place area above the Probably Maximum Flood level.
- · Layout amendments to the basement, ground and first floor levels.
- Elevation amendments.
- · Numerous condition amendments.
- Provision of additional services such as hydraulic risers, service cupboards, mechanical ducts and hydraulic booster for Construction Certificate requirements.
- Provision of flood proof doors and roller shutters along the ground floor level.
- Provision of a padmount substation for Construction Certificate requirements.

Note: For clarity, the submitted architectural plans indicate both the Finished **Slab** Level, and Finished **Floor** Level on the plans. The Finished <u>Floor</u> Level is 30mm higher than the Finished <u>Slab</u> Level. This report will reference the Finished Floor Level only. All levels are referenced to the Australia Height Datum unless otherwise specified.

3. Response to the Panel's Concerns

3.1 Concerns Regarding Original Approval

The Panel raised overall concerns to the original development application approval (DA/776/2014) with regards to the ground floor being approved for dwelling uses, and that it should be converted to non-residential uses.

The Development Application DA/776/2014 was approved by The Council at its meeting on 22 June 2015.

Council requires that habitable floor areas are located at the Flood Planning Level (1% AEP flood event + 500mm) or RL 5.67. At the time, the Council approved the ground floor with an FFL of RL 6.03 or 1%AEP + 833mm. Council does not require that habitable floor areas are located above the PMF (or RL 9.27).

The first floor was approved with an FFL of RL 9.0. A condition of consent was imposed under the original application to provide Shelter in Place at or above the PMF level of RL 9.27. The subject modification application seeks to comply with this condition by providing Shelter in Place on the first floor by raising the FFL to RL9.33 (or 60mm above PMF).

Flood Event	Flood Level (AHD)	Ground Floor FFL (AHD)	First Floor FFL (AHD)	Difference
1% AEP	RL 5.17	RL 6.03	-	+ 833mm
PMF	RL 9.27	-	RL 9.33	+ 60mm

The proposed modification is seeking to comply with a condition of consent imposed by Council at the time of the original approval. The Panel's suggestion to convert the ground floor units to non-residential uses is beyond the scope of the amendments sought.

The Parramatta Development Control Plan 2011, Council's Floodplain Risk Management Policy, Department of Infrastructure, Planning and Natural Resources Floodplain Development Manual, and the Planning Circular PS 21-006 Considering flooding in land use planning: guidance and statutory requirements do not have any requirements to have residential dwellings to be sited higher than the Flood Planning Level (1% AEP + 500mm). As a result, the original Development Application was approved with ground floor level dwellings which are positioned a further 330mm above the Flood Planning Level.

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The Shelter in Place required by Condition 26(c) is located within a common property area and would be subject to duties required to ensure ongoing monitoring and maintenance of flood management infrastructure.

3.2 Shelter in Place/Flood Refuge Area

The Panel raised concern with respect to the size of the Shelter in Place on the first floor and whether appropriate facilities were provided for occupants in the event of a flood which would inundate the ground floor units.

As detailed above, the proposed Shelter in Place would have a Finished Floor Level of RL 9.33, above the PMF.

The Applicant's Flood Emergency Detailed Response Plan (FEDRP) assessed the size of the shelter based on 2m² per person, estimating approximately 20-22 residents who would be directly impacted as a result of the inundation of the ground floor units.

Council accepts the applicant's calculation of 2m² per person. Based on the *Australian Bureau of Statistics 2019-2020 Housing Occupancy and Costs* data, the average occupancy rate for a dwelling is 2.6 persons. Therefore, Council would reasonably assume that approximately 29 persons (11 units x 2.6) would use the Shelter in Place facilities in a flood event.

Level 1 could provide 62m² of refuge for the ground floor and basement level residents/visitors comprising corridors and 'refuge area' located in the middle. Level 1 provides adequate facilities with access to water, bathroom and first aid.

Council's Senior Catchment Engineer considered the facilities provided and found it to be generally acceptable to use the corridors as an extension of the Shelter in Place area.

3.3 Additional Conditions Request

The Panel requested Council to provide additional conditions relating to covenant warning future purchasers of flood inundation, the specific requirements and duties of residents and flood wardens, the ongoing monitoring and maintenance of flood management infrastructure, and the appropriate sizing and furnishing of any shelter. Council's responses to the Panel's concerns are addressed below:

3.3.1 The manner in which future purchasers are alerted to flooding risks of the building or site

Council sought advice whether a condition could be imposed which requires a covenant registered on title to give notice of flood inundation:

A covenant which simply gives notice of a flood risk cannot be registered on title. The Real Property Act 1900 and the Conveyancing Act 1919 govern what can be registered on the title of real property in NSW. Relevantly, as far as covenants are concerned, those acts state the specific types and requirements of covenants that can be registered. Neither the Real Property Act, nor the Conveyancing Act allow the registration of a covenant which only notifies a person of a flood risk. Any attempt to register a covenant that only notifies of a risk will probably be rejected at lodgement. Even if a covenant is registered, that covenant will be able to be removed as it is registered improperly.

Whilst a covenant cannot be legitimately registered to give notice of flood risk, Council's Senior Catchment and Development Engineer had advised that registering the Applicant's *Emergency Flood Detailed Response Plan* as a positive covenant on title may achieve the Panel's request by indirectly altering future purchasers of the flooding risks associated with the site.

Condition No. 86 is recommended to be amended to ensure that the Emergency Flood Detailed Response Plan is registered as a positive covenant prior to the issue of any Occupation Certificate.

Council also recommends the following condition to be imposed:

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Prior to the issue of any Occupation Certificate, a clear warning notice is to be erected and maintained at all points of entry to the building (including basement levels) advising that the site and building is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall events. Such notice is to also provide advice regarding the availability of further detail in English and graphic, in respect of possible flooding, refuge areas and include appropriate telephone numbers for the Flood Warden and emergency services. The signs are to be of material that can withstand severe flooding.

The intention of this condition would enable future purchasers inspecting the properties to be visually advised of the flooding risks of the building and site.

In addition to the above, any prospective purchaser should undertake due diligence and apply for a Section 10.7 Planning Certificate (previously Section 149) which would identify the site as flood prone.

Subject to the above additional and amended conditions, Council is satisfied that prospective purchasers would be made aware of the flood affectation of the site.

3.3.2 The requirements and duties of the residents and flood wardens associated with the detailed Site Emergency Response Flood Plan

The Applicant's *Emergency Flood Detailed Response Plan* is recommended to be imposed as a positive covenant on title. The detailed response plan details the evacuation procedures in place for residents and visitors within the basement and ground level floor plans to evacuate at the Level 1 flood refuge area.

Council is satisfied that the Panel's concern with respect to this matter are addressed.

3.3.3 The need for expenditure for ongoing monitoring and maintenance of the flood management infrastructure

Council cannot prescribe the expenditure requirements for the flood management infrastructure and that it will be to the discretion of the Owners Corporation.

The Shelter in Place and any flood management facilities should be maintained through regular maintenance schedules enforced either through Strata Management or building owner where the building is not strata subdivided.

3.3.4 The appropriate size and furnishing of any shelter

As detailed in Section 3.2 above, Council is satisfied that the size of the Shelter in Place on Level 1 is appropriately sized for the potential occupancy rate of the ground floor units i.e. the provision of 2m² per occupant, inclusive of the communal hallways, is appropriate.

The identified Shelter in Place includes benches, an accessible bathroom, and first aid facilities.

A condition of consent is recommended that the following additional facilities are provided:

- In addition to the accessible bathroom, a sink and tap connected to a potable water supply;
- A fridge for the storage of medicines requiring refrigeration; and
- At least one collapsible cot or bassinet for children.

4. On-Site Detention System

As per of the proposed modification, the application seeks the relocation and redesign of the approved on-site detention system.

Council's assessment of the amended system indicates that it would operate under a 'drown orifice' scenario in the 5% and 1% AEP Flood event, thereby not adequately discharging stormwater to Council's stormwater system.

Conditions of consent are recommended that, prior to the issue of a Construction Certificate, amended stormwater plans are prepared and submitted to Council for assessment and must include, but not limited to, the following:

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- Amended OSD Calculations must be submitted demonstrating the system is appropriately sized for the site conditions:
- The OSD must not be located under any habitable rooms within the building;
- All grates must be clear of obstructions; and
- The OSD must be a free-standing structure and must not form any structural part of the building.

5. Recommendations

With consideration of the matters discussed above, Council recommends that the Panel approve the subject Section 4.55 Modification Application (DA/776/2014/C) subject to the revised conditions of consent within Appendix 1 of this addendum assessment report.

Specifically, the following conditions are modified or inserted in **bold italic** as a result of this addendum report:

24A. The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority. All fire doors & flood-proof roller shutters and doors are to be connected to the flood warning system.

Reason: To ensure the flood warning system is installed. Amendment Note: Condition No. 24A inserted in DA/776/2014/C.

- 27. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by *Council and* the Certifying Authority. Prior to the approval of stormwater drainage plans, *Council and* the person issuing the Construction Certificate shall ensure that:
 - i. The final stormwater plans are, in general, consistent stormwater management plans Drawings (OSD Plans, Dwg No. 80215019-DA-010, Rev 3, and OSD & WSUD Details, Dwg No. 80215019-DA-020, Rev 3, Dated 26/11/2014, Dated 26/11/2014, prepared by Cardno) to be consistent with the approved stormwater plans in Condition No. 1 of this development consent.
 - **Note 1:** The Council approved Stormwater Plans are **for DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).
 - ii. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook".
 - iii. The design achieves, when using the Flood detention method (3rd edition of Upper Parramatta River Catchment Trust's (UPRCT's), handbook), as shown on the approved stormwater plan.
 - iv. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
 - A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.
 - vi. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.
 - vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
 - viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious odours.
 - ix. When applicable, OSD tank shall have clear headroom of 2.2m available for the basement car park underneath those tanks.
 - x. Amended OSD calculations must be submitted demonstrating the system is appropriately sized for the site conditions.
 - xi. The OSD tank must be a free-standing structure and must not form any structural part of the building.
 - xii. The OSD tank must not be located under any habitable rooms (can be located under balconies).

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xiii. All grates must be clear of obstructions and/or any overhang.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practicing Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

Amendment Note: Condition No. 27 amended in DA/776/2014/C.

- 83. Works-As-Executed *plans for* stormwater *management system and all flood protection measures are to be prepared and plans* shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:
 - The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
 - The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
 - As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
 - OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
 - Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
 - Approved verses installed Drainage Design (OSD) Calculation Sheet.
 - The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.
 - Certificate of Compliance regarding flood protection measures required by the consent from a qualified flooding engineer.
 - Confirmation of provision of required volume of flood storage, protective 'pool type' fencing and screening and compliance with all required floor and driveway levels for flood protection.

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

Amendment Note: Condition No. 83 amended in DA/776/2014/C.

86. Prior to issue of the Occupation Certificate, the Certifying Authority shall ensure that Flood Warning Systems and Flood Evacuation Measures are all implemented on site, as per the Council's approved "Site Emergency Response Flood Plan" under this DA consent. This shall also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within the building and all other prominent locations around the building, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Site Emergency Response Flood Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

In addition, the Site Emergency Response Flood Plan is to be registered as a positive covenant on the title of the property prior to the issue of an Occupation Certificate.

Reason: To ensure the property owners / occupants are aware of the procedure in the event of flooding.

Amendment Note: Condition No. 86 amended in DA/776/2014/C.

86A. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the flood refuge area has access to a common and accessible bathroom, first aid, emergency flood supply kits (radio and/or other communicative devices, flashlights etc), a sink and tap connected to a potable water supply (not from bathroom), a fridge for the storage of medicines requiring refrigeration, and at least one collapsible cot or bassinet for children.

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Reason: To ensure adequate facilities are provided during flood events. Amendment Note: Condition No. 86A inserted in DA/776/2014/C.

- 86B. Prior to the issue of any Occupation Certificate, a clear warning notice is to be erected and maintained at all points of entry to the building (including basement levels) advising that the site and building is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall events. Such notice is to also provide advice regarding the availability of further detail in English and graphic, in respect of possible flooding, refuge areas and and include appropriate telephone numbers for the Flood Warden and emergency services. The signs are to be of material that can withstand severe flooding. Reason: To ensure the property owners/occupants are aware of the procedure in the event of flooding. Amendment Note: Condition No. 86B inserted in DA/776/2014/C.
- 86C. To ensure that residents are appropriately aware of the flood risks on site, the following are to be installed on the site prior to the release of any Occupation Certificate from the development:
 - Flood gauges are to be provided measuring the depth of the floodwaters. Two are to be provided
 per building street frontage within the front setbacks in close proximity to all lobby/corridor
 entrances/exit.
 - Provide 1 x 225mm approx. diameter stainless steel tube, capped, bolted to a suitable flood proof concrete base clearly marked with the 1% AEP / 1 in 100 year flood level located centrally in open space area at the rear of the site. This is to be designed to withstand floodwaters and vandalism.

These measures are to be installed to the satisfaction of the Principal Certifying Authority with appropriate documentary and photographic evidence of installation to be provided to Council for record keeping purposes.

Reason: To ensure that residents are aware of the flood conditions of the site and have sufficient infrastructure to understand the depth of floodwater around the site during flood events.

Amendment Note: Condition No. 86C inserted in DA/776/2014/C.

102. The property owner/body corporate is to ensure the warning system is in good working order, through regular testing and maintenance.

Reason: To ensure the integrity of the flood warning system.

Amendment Note: Condition No. 102 inserted in DA/776/2014/C.

103. The area below the building must remain unobstructed at all times and not be used for storage or enclosed to allow the free flow of floodwaters.

Reason: To ensure the flow of water.

Amendment Note: Condition No. 103 inserted in DA/776/2014/C.

Council's amended recommendations are as follows:

- (a) **That** the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/776/2014 on land at 125-129 Arthur Street, Parramatta, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following modifications:
 - 1. Amend Condition Nos. 1, 23, 27, 33, 35, 80, 83 & 86 to reflect the updated plans and documents.
 - 2. Insert Condition No. 24A, 86A, 86B, 86C, 102 & 103 for emergency flood procedures.
 - 3. Delete Condition No. 90 as it is a duplication of Condition No. 88.
 - 4. All other conditions of DA/776/2014 remain unchanged.
- (b) **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the building height control in Clause 4.3 Height of buildings of the Parramatta Local Environmental Plan 2011 as there are sufficient environmental grounds to justify the variation.

Reasons for Approval:

- The proposed modification is substantially the same development which has been approved.
- 2. The proposed modification is permissible within the B4 Mixed Use zone and results in a development which is suitable for the context of the site and locality.

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- 3. The proposed modification to increase the height is supported in order to provide an adequate flood refuge area due to the significant flood constraints on site.
- 4. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

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"Attachment 1" to Addendum Assessment Report - DA/776/2014/C

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/776/2014/C

Property Address: Lot 5, 6 & 7 DP 27997

125-129 Arthur Street, Parramatta

You are advised that pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, the application to modify the development consent issued by Council is **APPROVED.**

Council has updated the original consent notice to incorporate the amendments approved under this modification. Amended conditions are in **bold italic**. Accordingly, the current conditions of consent that apply to this development are:

General Matters

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ⁰	Date
Survey Plan 6350, Issue B by SDG Land development	11 August 2014
Solutions	TT August 2014
Site Plan DA100, Issue B by Chanine Design	4 February 2015
Site analysis plan DA101, Issue B by Chanine Design	4 February 2015
Demolition Plan DA102, Issue B by Chanine Design	4 February 2015
Lower Basement DA A-1201, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Upper Basement DA A-1202, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Flood Overflow Plan DA A-1203, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Ground Floor Plan DA A-1204, Issue C, by Ghazi Al Ali	27 October 2021
Architects	Z7 October 2021
Level 01 Floor Plan DA A-1205, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Level 02 Floor Plan DA A-1206, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Level 03 Floor Plan DA A-1207, Issue C, by Ghazi Al Ali	27 October 2021
Architects	Z7 October 2021
Level 04 Floor Plan DA A-1208, Issue C, by Ghazi Al Ali	27 October 2021
Architects	Z7 October 2021
Level 05 Floor Plan DA A-1209, Issue C, by Ghazi Al Ali	27 October 2021
Architects	Zi Octobel 2021

Level 06 Floor Plan DA A-1210, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Roof Plan DA A-1211, Issue C, by Ghazi Al Ali Architects	27 October 2021
West Elevation DA A-1301, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
South Elevation DA A-1302, Issue C, by Ghazi Al Ali Architects	27 October 2021
East Elevation DA A-1303, Issue C, by Ghazi Al Ali	
Architects	27 October 2021
North Elevation DA A-1304, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Ramp Sections AA & BB DA A-1401, Issue C, by Ghazi AI	27 October 2021
Ali Architects	
Section CC DA A-1402, Issue C, by Ghazi Al Ali Architects	27 October 2021
Section DD DA A-1403, Issue C, by Ghazi Al Ali Architects	27 October 2021
Flooding Design-Ground Floor DA A-2021, Issue C, by	27 October 2021
Ghazi Al Ali Architects	
Flooding Design-L01 DA A-2022, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Pre & Post Adaptable Units 01 DA A2025, Issue C, by Ghazi	27 October 2021
Al Ali Architects	
Pre & Post Adaptable Units 02 DA A2026, Issue C, by Ghazi	27 October 2021
Al Ali Architects	
Shadow Diagrams DA304, Issue C by Chanine Design	16 April 2015
Fence detail DA A-1501, Issue C, by Ghazi Al Ali Architects	27 October 2021
Landscape Plans Sheets 1-6, Rev B, by Conzept	2 November 2021
Landscape Architects	
Stormwater Concept Designs Drawing Nos. SW100,	8 November 2021
SW101, SW200, SW201, SW202, SW203, SW204, SW205,	
SW101, SW200, SW201, SW202, SW203, SW204, SW205, SW206, SW207, SW208, SW209, SW210, SW300, SW400,	

Document(s)	Date	
Statement of Environment Effects by SJB Planning	November 2014	
BASIX Certificate 777340M_08	9 November 2021	
Acoustic Assessment by Rodney Stevens Acoustics	12 November 2014	
Traffic Assessment report by Motion Traffic Engineers	October 2014	
Acid Sulphate Management Plan by Environmental Investigation Services	13 November 2014	
Flood report by Cardno	14 November 2014	
Waste Management Plan	Undated	
Flood Impact Assessment Update Report (AWE200226) by Cardno	11 November 2021	
Floor Emergency Detailed Response Plan (AWE200226) by	11 November 2021	
Cardno		

Note:

In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the

approved plans.

The plans modified in Bold above are to be read along with the plans already approved (especially the floor plans).

Note: Amended as per Modification B.

Amendment Note: Condition No. 1 amended in DA/776/2014/B and DA/776/2014/C.

2. Trees to be removed are:

Tree No.	Species	Common Name	Location
3	Chamaecyparis obtusa	Hinoki Cypress	Refer to arborist report
4	Chamaecyparis obtusa	Hinoki Cypress	Refer to arborist report
5	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
6	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
7	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
8	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
9	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
10	Cinnamomum camphora	Camphor laurel	Refer to arborist report
11	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
12	Lophostemon confertus	Brush Box	Refer to arborist report
13	Lophostemon confertus	Brush Box	Refer to arborist report
15	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
22	Citrus sp.	Orange	Refer to arborist report
23	Citrus sp.	Orange	Refer to arborist report

Reason: To facilitate development.

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

a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos and demolition works must at all times comply with its requirements.
- e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2) (c) of the Occupational Health and Safety Regulation 2001.
- f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

- g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
 - i) Demolition is to be completed within 5 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- I) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- MI asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

q) Payment of a fee for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To ensure appropriate demolition practices occur.

 No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

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

 All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

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

6. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

7. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

7A. A minimum Australian Qualification Framework Level 3 arboricultural service provider is to remove the existing street trees within the Arthur Street road reserve and replace with the following:

Qty.	Name	Common Name	Minimum Pot Size	Plant Spacin g	e from	Distance from Driveway
5 x	Lophostemo n confertus	Brush Box	45L	8m	12m	3m

The existing street tree within the Hassall Street road reserve is to be retained.

Reason: To ensure restoration of environmental amenity

Prior to the Issue of a Construction Certificate

8. Prior to the issue of a Construction Certificate, the applicant shall enter into a Voluntary Planning Agreement with Council in the terms of the offer made by the applicant in connection with the subject development application. The developer must register the Voluntary Planning Agreement on the relevant folios Torrens Title Register held by the NSW Office of Land and Property Information pertaining to the land and evidence shall be submitted to the satisfaction of Council, prior to the issue of the Construction Certificate.

Reason: To ensure the Voluntary Planning Agreement is appropriately registered before the issue of a construction certificate.

8A. The basement levels shall be relocated to the Arthur Street boundary, with a minimum setback to the eastern boundary of 3m. The landscaping in the front setback of Arthur Street is to be amended to incorporate planter boxes (to a maximum height of 1.2m) to accommodate the approved tree and shrub planting. Amended architectural plans and landscape plans are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To minimise the impact on the adjoining property and provide for an appropriate street setting.

9. The development must incorporate 6 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

10. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more that 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note:

A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plan in isolation or in combination with other plant will comply with the above requirements.

Reason:

To comply with best practice standards for residential acoustic amenity.

11. A monetary contribution comprising \$ 172,807.15 is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan. Payment must be by , EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Reason: To comply with council's Policy.

12. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

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

SEPP 65.

Reason: To comply with the requirements of SEPP 65.

13. An Environmental Enforcement Service Charge is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's 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.

14. An Infrastructure and Restoration Administration Fee is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to 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.

- 15. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:
 - (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

(b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note:

A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

16. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

17. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/776/2014:
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to

such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows

Nature strip and roadway \$ 40,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

Reason:

To safeguard 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.

18. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details shall be illustrated on plans submitted with the construction certificate.

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

19. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

- 20. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The Structural & Foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:
 - i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description

- of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.
- v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

 No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iii. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iv. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- v. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C of AS 2870 - 1996.

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

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

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

Reason: To ensure satisfactory storm water disposal.

22. The underground basement pump holding structure shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the any structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The Certifying Authority shall ensure that the designer has taken account of all loads

influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The principal certifying authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

Reason: To ensure that the structural stability of the underground holding tank structure.

23. The provision of a flow through fence (1.8m high pool type fence with 75% opening) and the Flood Storage Level of RL4.20mAHD within Under Slab Flood Storage Area and the Flow Through Fence around the building footprint envelop shall be Implemented as per Council APPROVED Plans in Condition No. 1 of this development consent (Flood level floor plan DA105, Issue C and Fence details DA308, Issue B Prepared by Chanine Design), in terms of the area 'Open' to allow for flood water flows to pass through it without obstruction.

Reason:

To ensure that building footprint Floodwater Flow through fencing is well established within the proposed development without having increased flood levels affectation along adjoining properties.

Amendment Note: Condition No. 23 amended in DA/776/2014/C.

- 24. A detailed <u>Site Emergency Response Flood Plan</u> prepared & submitted for Council approval, in particular reference to this development incorporating the following:
 - a) Site based Flood Warning Systems (not limited to adequate sensible warning systems, signage, exits, evacuation routes, flood preparedness plan for 'flash flood' regime etc) to be established for the residents and occupiers of the dwellings in order for being fully informed and aware of the flood information and being prepared for any impending flood event.
 - b) Effective evacuation frameworks, procedures and final plan shall be prepared as per Council Floodplain Matrix 'Evacuation' Controls which essentially do not support any reliance on SES & other government agencies aid during the site flood emergency situation and the responsible person for each of the buildings for implementation of the evacuation plan.
 - c) If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30mAHD will be required in the building due to not having entire reliance on lift operation during higher flooding event scenario.

Reason: To ensure an effective site flood emergency response management plan in place.

24A. The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority. All fire doors & flood-proof roller shutters and doors are to be connected to the flood warning system.

Reason: To ensure the flood warning system is installed.

Amendment Note: Condition No. 24A inserted in DA/776/2014/C.

25. It is essential for the development that an additional measure in terms of a flood proof gate shall be installed at the basement ramp entrance crest levels defined as per Condition 9 (ii) of this Consent. The purpose of this flood proof gate shall be to address impact measures from flooding events reaching beyond 100 year event towards PMF event flood inundation which will potentially fill basement car park with flood water. In addition, detail design of flood proof gate and maintenance plan shall be submitted to the satisfaction and subsequent approval by i) Certifying Authority and ii) Council, prior to issue of the Construction Certificate and the Final approved copy of Flood Proof Gate Detailed Design & Maintenance Plan shall be submitted to Council for compliance and record purposes.

Reason:

To ensure satisfactory measures in place for the basement car park from being filled with floodwater during storm events leading to Probable Maximum Event (PMF) event inundation.

26. Due to the close proximity of the existing Duck Creek and the flood affected surrounding areas, the perimeter walls of the basement shall be constructed using "Tank Construction" method, to prevent any flood waters seeping through the basement walls. In terms of the potential ground water inflows within the basement areas, and to manage any ongoing seepage, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cutoff walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Certifying Authority, with the Construction Certificate application.

Reason:

To ensure the basement is protected from any flood water seepages and adequate dewatering system is in place to manage any ongoing ground water

27. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by *Council and* the Certifying

Authority. Prior to the approval of stormwater drainage plans, *Council and* the person issuing the Construction Certificate shall ensure that:

- i. The final stormwater plans are, in general, consistent stormwater management plans Drawings (OSD Plans, Dwg No. 80215019-DA-010, Rev 3, and OSD & WSUD Details, Dwg No. 80215019-DA-020, Rev 3, Dated 26/11/2014, Dated 26/11/2014, prepared by Cardno) to be consistent with the approved stormwater plans in Condition No. 1 of this development consent.
 - **Note 1:** The Council approved Stormwater Plans are **for DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).
- ii. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook".
- iii. The design achieves, when using the Flood detention method (3rd edition of Upper Parramatta River Catchment Trust's (UPRCT's), handbook), as shown on the approved stormwater plan.
- iv. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- v. A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.
- vi. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.
- vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
- viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious odours.
- ix. When applicable, OSD tank shall have clear headroom of 2.2m available for the basement car park underneath those tanks.
- x. Amended OSD calculations must be submitted demonstrating the system is appropriately sized for the site conditions.
- xi. The OSD tank must be a free-standing structure and must not form any structural part of the building.

- xii. The OSD tank must not be located under any habitable rooms (can be located under balconies).
- xiii. All grates must be clear of obstructions and/or any overhang.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practicing Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

Amendment Note: Condition No. 27 amended in DA/776/2014/C.

28. The OSD tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above, Vehicular loading and any other surrounding areas/structures, which exert load on the tank structures. The Certifying Authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The Certifying Authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

Reason: To ensure that the structural stability of the underground tank structure.

- 29. Prior to the issue of a Construction Certificate, longitudinal driveways sections and Ramp Access from to and from the Basement levels are to be prepared as per AS 2890.1 (2004) by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scales along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level and also similar sections for Ramp Access from Basement to Basement levels. The Civil/Traffic Engineer shall provide specific written certification to the Certifying Authority on the prepared longitudinal driveways sectional plans that the following five requirements are entirely complied with:
 - a. Vehicular access can be obtained using grades of 20% (1 in 5) maximum and

- b. All RAMP CIRCULATION & GRADES and changes in grade (transitions) are to be complied with Clause 2.5 and 3.3 of Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent bottoming or scraping of the underside of vehicles.
- c. The grade of the driveway is NOT more than 5% at the nature strip from the kerb & gutter up to the property line and that driveway surface matches the level of the outer edge of the existing footpath level crossing (intersection).
- d. The grade of the driveway is NOT more than max 5% for at least the first 6m from the property line into the car park. Grade Transitions with transition length of at least 2m are provided where the grade change is 12.5% or more for the Summit grade change and 15% or more for the Sag grade change.
- e. The access driveway for at least first **6m** from the property boundary to the car park shall have a minimum width of **5.5m** in accordance with AS 2890.1-2004.

Note: The driveway should slope upward from kerb & gutter to the front property line with surface level at the property line at the highest level, at least 150mm above the top water level of the stormwater flowing down the along the adjacent kerb & gutter, before it slopes down towards the car park, to avoid the street runoff spilling into the property through the driveway.

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

30. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council

31. Prior to the issue of a Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -Western Sydney Salinity Code of Practice 2003.

Reason: To ensure appropriate safeguards against salinity.

32. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will

be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

Reason:

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

33. 78 parking spaces (including 7 disabled parking spaces; 13 visitor parking spaces and 1 carshare space) as shown on the revised basement plans (Dwg Nos. A1201 and A1202 - Issue E - dated 8/11/16) (Drawing Nos. DA A-1201 & A-1202, Issue C, dated 27/10/2021) are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that there are convex mirrors proposed to be installed in the lower basement level adjacent to spaces 47 - 48 and 63 - 64 as shown on the plan. The installation of these convex mirrors is anticipated to be suspended on to the ceiling, however installation of these mirrors should not impact on vehicle access into and out of parking spaces 47 – 48 and 63 – 64. Also note that bollards are to be installed on the shared space adjacent to the dedicated space at a distance of 800 ± 50mm from the parking aisle in accordance with AS2890.6-2009.

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

Note: Amended as per Modification B.

Amendment Note: Condition No. 33 modified in DA/776/2014/B & DA/776/2014/C.

- 34. 1 car share space is to be provided in accordance with PDCP 2011 for any residential development containing more than 50 residential units. The applicant must submit written evidence demonstrating that offers of a car space to carshare providers have been made together with the outcome of the offers or a letter of commitment to the service prior to the issue of construction certificate.
- 35. 35 bicycle spaces/racks are to be provided on-site and used accordingly, as shown on the Lower Basement plan (Dwg No. A1201 Issue E dated 8/11/16) (Drawing No. DA A-1201, Issue C, dated 27/10/2021). The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

Note: Amended as per Modification B.

Amendment Note: Condition No. 35 amended in DA/776/2014/C.

36. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the radius along the ramp access driveway towards the upper basement level is approximately 5m and does not comply with Figure 2.9 of AS2890.1-2004. This should be 7.6m minimum. A swept turning path is to be submitted to Council prior to issue of construction certificate to confirm that vehicle turning into the upper basement level can do so without encroaching on the ramp access wall.

Reason: To ensure appropriate vehicular manoeuvring is provided

37. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from Arthur Street. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

Prior to the Commencement of Work

38. Prior to commencement of work, the recommendations of the Acid Sulphate Management Plan by Environmental Investigation Services are required to be implemented and certified by an appropriately qualified engineer.

Reason: To ensure compliance with the report.

- 39. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate 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 is appointed within 7 days; and
 - (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

Reason: To comply with legislative requirements.

40. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

Reason: To ensure adequate toilet facilities are provided.

41. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

- 42. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited;
 - (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
 - (d) Showing the approved construction hours in accordance with this development consent.
 - (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
 - (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

43. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

44. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm

x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website www.workcover.nsw.gov.au.

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

- 45. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:
 - (a) The location of hazardous materials throughout the site;
 - (b) A description of the hazardous material;
 - (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
 - (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
 - (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
 - (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

46. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

47. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must

be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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 on public land.

48. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

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

- 49. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
 - (a) Construction Management Plan for the Site
 A plan view of the entire site and frontage roadways indicating:
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii. The locations of proposed Work Zones in the egress frontage roadways,
 - iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

(b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

- (c) Traffic Control Plan(s) for the site:
 - i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each
 - Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
 - vii. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - viii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - ix. Minimising construction related traffic movements during school peak periods,

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

Reason:

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

50. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

51. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

Reason: To ensure that the applicant bares the cost of all restoration works to Council's property damaged during the course of this development.

52. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by а consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note:

This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over

damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

53. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

- 54. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:
 - I. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - II. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
 - III. all general refuge and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
 - IV. the site is to be maintained clear of weeds
 - V. all grassed areas are to be mown on a monthly basis

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

- 55. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
 - Protect and support the adjoining premises from possible damage from the excavation
 - Where necessary, underpin the adjoining premises to prevent any such damage.

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

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

56. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be

appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

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

Reason: To prevent any damage to underground utility services.

- 58. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:
 - (a) That the tree protection zone is a No Go Zone
 - (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
 - (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

59. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a 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.

59A. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence shall be located a minimum of 3m from the eastern boundary along the full length of the site. The fence is to be fully supported at grade. The enclosed area is to be mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the construction works. "Tree Protection Zone' signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

Reason: To protect the environmental amenity of the area.

59B. 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.

59C. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 – "Protection of Trees on Development Sites".

Reason: To ensure trees are protected during construction.

During Construction

60. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans onsite during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

Reason: To ensure compliance with this consent.

61. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

62. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

63. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

Reason: To ensure pedestrian access.

64. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Reason: To ensure public safety and amenity on public land.

65. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses:
- Internal fit out work.

Reason: To protect the amenity of the area.

- 66. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall 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 affect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the compliant, 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 shall be made available to Council and/ or the principal certifying authority upon request.

Reason: To protect the amenity of the area.

67. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

68. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

69. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

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

70. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

71. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public safety.

- 72. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:
 - (a) On-street mobile plant:
 E.g. Cranes, concrete pumps, cherry-pickers, etc. restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
 - (b) Storage of building materials and building waste containers (skips) on Council's property.
 - (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for

each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(d) Kerbside restrictions, construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

Reason: Proper management of public land.

A Certificate of Compliance from the Consultant Designers and Applicant's Works Supervising Engineer shall be required to be submitted to the Certifying Authority towards satisfactory construction completion of southern and western site boundaries flow through fencing, Basement Ramp Crest Level, Ramp Grades, Driveways and Driveways Grades, OSD tank, subsequently complying entirely with this DA consent conditions Nos. 9 (ii), 12 (In addition, a registered surveyor certificate will be required stating that the Flood Storage Level of RL4.20mAHD has been constructed throughout the area within Under Slab Flood Storage Area as per Council APPROVED Plans (Flood level floor plan DA105, Issue C and Fence details DA308, Issue B Prepared by Chanine Design). A copy of the above Compliance Certificate shall be forwarded to Council for record.

Reason: To ensure

To ensure the satisfactory construction of southern and western site boundaries fencing, Basement Ramp Crest Level, Driveways & Driveway Grades, OSD tanks and WSUD Measures are all complied with this Development Consent.

74. 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.

75. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

75A. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

Reason: To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

Prior to release of Occupation Certificate

75B. Prior to the issue of any occupation certificate and/or subdivision certificate the Principal Certifying Authority must obtain written advice from Council that the deliverables required under the Voluntary Planning Agreement referred to in Condition 8 has been delivered to the satisfaction of Council.

Reason: To ensure that the terms of the Voluntary Planning Agreement are met.

- 76. Prior to the issue of an Occupation Certificate the recommendations in the Acoustic Assessment by Rodney Stevens Acoustics shall be implemented in full and certified by an appropriately qualified engineer.

 Reason: To ensure acoustic amenity.
- 77. Prior to the issue of the occupation certificate, a convex mirrors are to be installed within the ramp access driveway on each basement level (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers

78. Prior to issue of an Occupation Certificate if required, under the recommendations of the Acid Sulphate Management Plan by Environmental Investigation Services, any further action required is to be implemented and certified by an appropriately qualified engineer.

Reason: to ensure compliance with the Acid Sulphate management Plan.

79. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

Reason: To ensure a visible house number is provided.

80. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 777340M_0208, will be complied with prior to occupation.

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

Note: Amended as per Modification B. Amendment Note: Condition No. 80 amended in DA/776/2014/B and DA/776/2014/C.

81. Occupation or use, either in part of full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

Reason: To comply with legislative requirements

82. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (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 legislative requirements.

- 83. Works-As-Executed *plans for* stormwater *management system and all flood protection measures are to be prepared and plans* shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:
 - The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
 - The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.
- Certificate of Compliance regarding flood protection measures required by the consent from a qualified flooding engineer.
- Confirmation of provision of required volume of flood storage, protective 'pool type' fencing and screening and compliance with all required floor and driveway levels for flood protection.

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

Amendment Note: Condition No. 83 amended in DA/776/2014/C.

- 84. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - compare the post-construction dilapidation report with the preconstruction dilapidation report, and
 - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

Reason: To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

85. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement for the maintenance of the basement pump system and the on-site storm water detention facilities only upon satisfactory completion of OSD systems and following certification by the Hydraulic Engineer. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer to the satisfaction of the Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft

terms of Section 88E instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA (Not in 88B instrument). The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

Reason: To ensure effective maintenance of on-site detention and basement pump out systems and facilities.

86. Prior to issue of the Occupation Certificate, the Certifying Authority shall ensure that Flood Warning Systems and Flood Evacuation Measures are all implemented on site, as per the Council's approved "Site Emergency Response Flood Plan" under this DA consent. This shall also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within the building and all other prominent locations around the building, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Site Emergency Response Flood Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

In addition, the Site Emergency Response Flood Plan is to be registered as a positive covenant on the title of the property prior to the issue of an Occupation Certificate.

Reason: To ensure the property owners / occupants are aware of the procedure in the event of flooding.

Amendment Note: Condition No. 86 amended in DA/776/2014/C.

86A. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the flood refuge area has access to a common and accessible bathroom, first aid, emergency flood supply kits (radio and/or other communicative devices, flashlights etc), a sink and tap connected to a potable water supply (not from bathroom), a fridge for the storage of medicines requiring refrigeration, and at least one collapsible cot or bassinet for children. Reason: To ensure adequate facilities are provided during flood events.

Amendment Note: Condition No. 86A inserted in DA/776/2014/C.

86B. Prior to the issue of any Occupation Certificate, a clear warning notice is to be erected and maintained at all points of entry to the building (including basement levels) advising that the site and building is subject to flooding and that caution should be observed at times of heavy or prolonged rainfall events. Such notice is to also provide advice regarding the availability of further detail in English and graphic, in respect of possible flooding, refuge areas and include appropriate telephone numbers for the Flood Warden and emergency services. The signs are to be of material that can withstand severe flooding.

Reason: To ensure the property owners/occupants are aware of the procedure in the event of flooding.

Amendment Note: Condition No. 86B inserted in DA/776/2014/C.

- 86C. To ensure that residents are appropriately aware of the flood risks on site, the following are to be installed on the site prior to the release of any Occupation Certificate from the development:
 - Flood gauges are to be provided measuring the depth of the floodwaters. Two are to be provided per building street frontage within the front setbacks in close proximity to all lobby/corridor entrances/exit.
 - Provide 1 x 225mm approx. diameter stainless steel tube, capped, bolted to a suitable flood proof concrete base clearly marked with the 1% AEP / 1 in 100 year flood level located centrally in open space area at the rear of the site. This is to be designed to withstand floodwaters and vandalism.

These measures are to be installed to the satisfaction of the Principal Certifying Authority with appropriate documentary and photographic evidence of installation to be provided to Council for record keeping purposes.

Reason: To ensure that residents are aware of the flood conditions of the site and have sufficient infrastructure to understand the depth of floodwater around the site during flood events.

Amendment Note: Condition No. 86C inserted in DA/776/2014/C.

87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

Reason: To ensure compliance with Sydney Water requirements.

88. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/776/2014** has been submitted to Certifying Authority.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

89. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

90. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. DA/776/2014 has been submitted to Certifying Authority.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

Amendment Note: Condition No. 90 deleted in DA/776/2014/C.

- 91. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37of the Strata Schemes (Freehold Development) Act 1973.
 Reason: To comply with the Strata Schemes (Freehold Development) Act 1973
- 92. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of any Occupation Certificate.

 Reason: To ensure consolidation occurs.
- 93. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

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

- 94. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

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

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

Reason: To comply with the requirements of SEPP 65.

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

 Reason: To ensure the requirements of DCP 2011 have been met.
- 96A. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

 Reason: To ensure restoration of environmental amenity.
- 96 B. Five (5) new street trees at approx. spacing of 10m shall be planted in accordance with City of Parramatta's standard detail (see attached). The required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty
Arthur Street	Eucalyptus sideroxylon 'Rosea'	Red Flowering Ironbark	100L	3
Hassall Street	Lagerstroemia indica 'Natchez'	Crepe Myrtle	100L	2

The tree supply stock shall comply with the guidance given in publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container Size	Height container)	(above	Caliper (at 300mm)	Clear Trunk Height
				1.5
100 litre	2.4 metres		50mm	metres

Reason: To ensure adequate amenities are provided.

Note: Amended as per Modification B.

The Use of the site

97. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

Reason: To ensure the removal of graffiti.

98. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

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

Reason: To ensure provision of adequate waste disposal arrangements.

100. No air-conditioning condensers / units are to be located on any of the balconies or walls fronting Arthur Street and Hassall Street.

Reason: To ensure the amenity of the units and visual amenity of the building.

101. If a roller shutter door is to be provided at the driveway entry and exit from Arthur Street it is to be operated via remote control.

Reason: To comply with Australian Standards.

102. The property owner/body corporate is to ensure the warning system is in good working order, through regular testing and maintenance. Reason: To ensure the integrity of the flood warning system.

Amendment Note: Condition No. 102 inserted in DA/776/2014/C.

103. The area below the building must remain unobstructed at all times and not be used for storage or enclosed to allow the free flow of floodwaters.

Reason: To ensure the flow of water.

Amendment Note: Condition No. 103 inserted in DA/776/2014/C.

DRAWING SCHEDULE - ISSUE C

REV.

A 0000 TITLE PAGE A 1000 BASIX CERTIFICATE A 1201 LOWER BASEMENT A 1202 UPPER BASEMENT A 1203 FLOOD OVERFLOW A 1204 GROUND FLOOR PLAN A 1205 LEVEL 01 A 1206 LEVEL 02 A 1207 LEVEL 03 A 1208 LEVEL 04 0000 A 1209 LEVEL 05 A 1210 LEVEL 06 A 1211 ROOF PLAN A 1301 WEST ELEVATION A 1302 SOUTH ELEVATION С A 1303 EAST ELEVATION A 1304 NORTH ELEVATION CCC A1401 RAMP SECTION AA & BB A 1402 SECTION CC A 1403 SECTION DD A 2001 GEA CALCULATION A 2010 SOLAR ACCESS DIAGRAM A 2020 CROSS-VENTILATION DIAGRAM A 2021 FLOODING DESIGN- GROUND LEVEL A 2022 FLOODING DESIGN- L01

FSR

SITE AREA: 1668 SQM NO FSR CONTROL GFA: 5101.78 (previously 5063.96 SQM) TOTAL FSR: 3.06:1 (previously 3.04:1)

UNIT MIX

STUDIO: 7 1 BED: 7 (previously 4) 2 BED: 46 (previously 49) 3 BED: 4 UNITS TOTAL: 64

ANDSCAPE CALCULATION		
m²)	APPROVED.	PROPOSED
DEEP SOIL	226.15	215.09
LANDSCAPING	373.72	327.44
cos	345.02	352.44
	1	
		CAPING AND

AMENDMENT SCHEDULE for 125-129 Arthur St, Parramatta - \$4.55

This schedule is to indicate all the amendments between current issue and the approved plans.

Amendments are to satisfy flood safety requirements, and address minor changes for CC, due to structure or services All newly reconfigured units are complied with ADG requirements; room size in meter are noted on the plans. No change to the approved façade material.

Drawing A1201 LOWER BASEMENT PLAN

Re-calculated required parking, based on updated Unit Mix. Remains compliant with ADG.

- Size of service room alocated and adjusted.
- Relocated 2 (two) accessible parking spaces and associated shared space from Upper Basement level.

Drawing A1202 UPPER BASEMENT PLAN

Sprinkler water tank included under approved ramp.

Drawing A1203 FLOOD OVERFLOW LEVEL

- Size of OSD adjusted as per stormwater consultant advisement.
- Indicated substation(base)

Drawing A1204 GROUND FLOOR PLAN

- Connected north & south building corridor as per flood engineer comments for flooding safety purpose.
- Unit G05 & G05, updated unit layout, G05 down size from 28ed to 18ed unit
- Added one internal communal stair to connect to level 02 as per flood engineer comments
- Indicated one substation as per CC requested.
- Pergola removed for fire safety

Drawing A1205 LEVEL 01

- Inclusion of refugee area in between units 105 and 106, with accessible toilet, bench and first aid
- Raised building from LO1 by 300mm to reach RL9.3 for flood safety purpose
- Unit 105 & 105, updated layout, both units downsized from two (2) bedroom to one (1) bedroom unit
- Unit 102, relocated one bedroom window to be away from substation below

Drawing A1210 LEVEL 06

- Unit 501
 - -Updated layout, swap bedroom with living area, with living area to face east for better solar access
 - Common WC removed
- Pergola removed for fire safety

ELEVATIONS & SECTIONS

- Height of ground floor raised in order to have LO1 at RL 9.3 due to flooding issue
- Updated accordingly as per plan amendments
 Sliding door heights reduced 100mm, from 2700mm to 2600mm to allow ceiling heights

GFA CALCULATION

- GFA changed slightly due to internal changes
- New calculated GFA 5101.78sqm. (previously approved as 5063.96sqm.)

SOLAR ACCESS & CROSS-VENTILATION

Calculations changes slightly due to internal changes

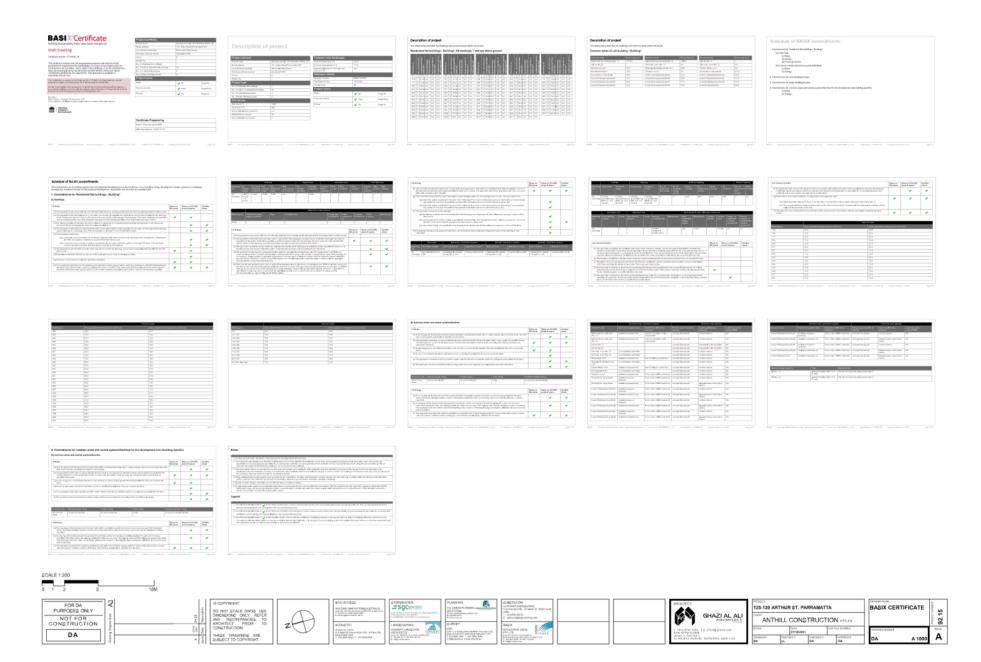
LANDSCAPE CALCULATION

Landscape and common open space calculations updated

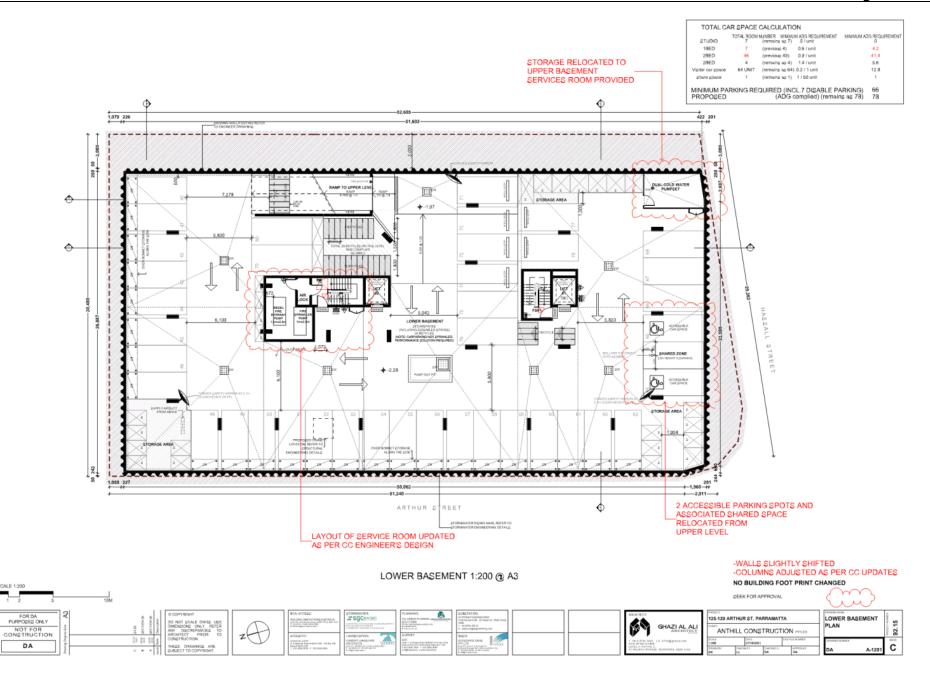
LEVEL 2, OFFICE 2 14 RAILWAY PARADE BURWOOD, NSW 2134

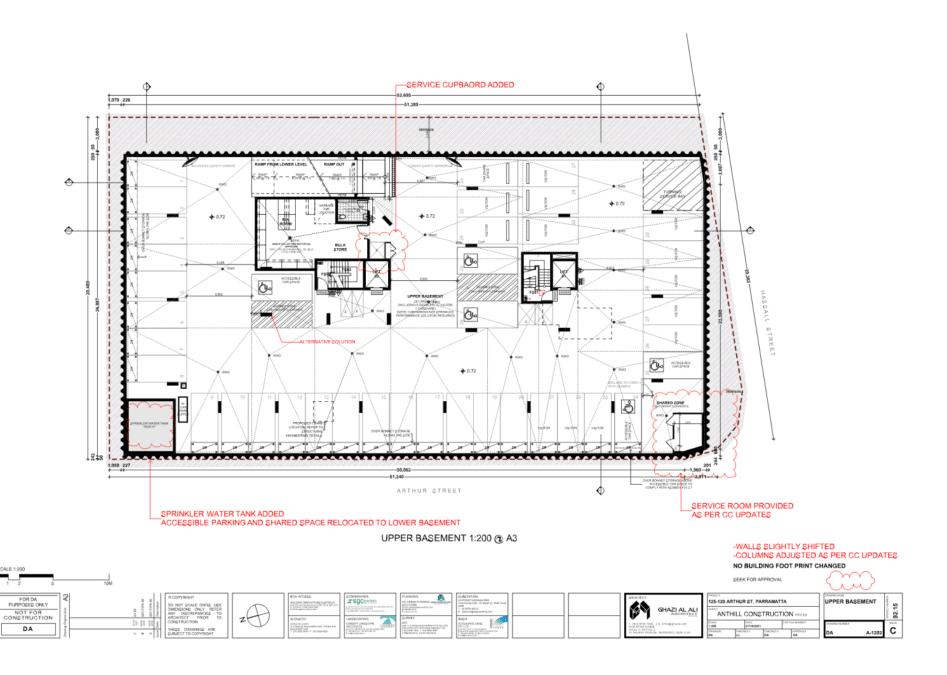


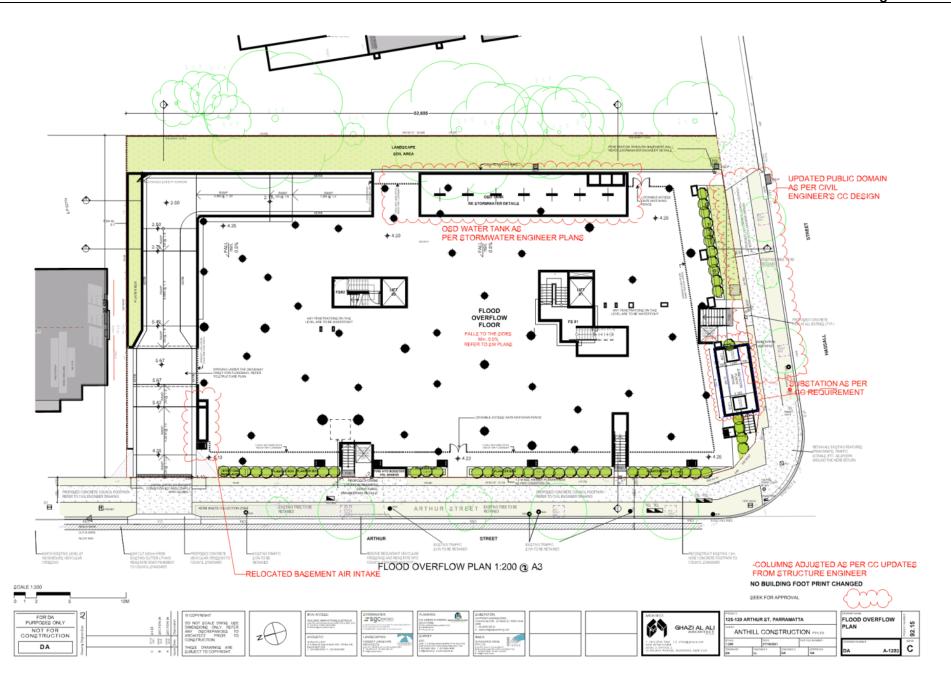
125-129 ARTHUR STREET PARRAMATTA Item 5.5 - Attachment 3

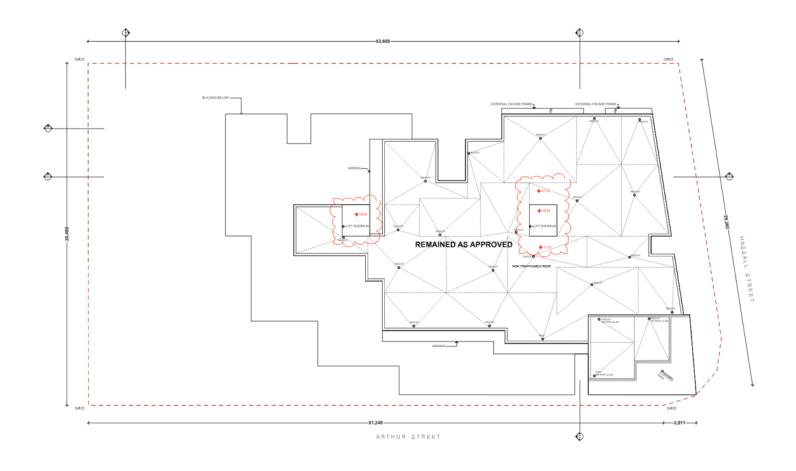


Item 5.5 - Attachment 3

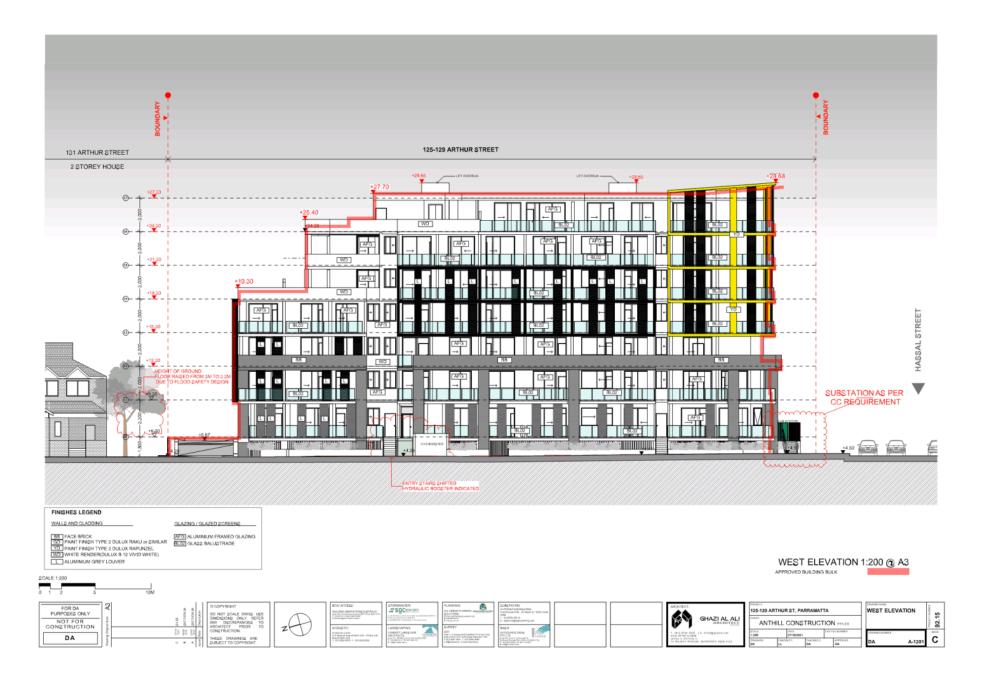




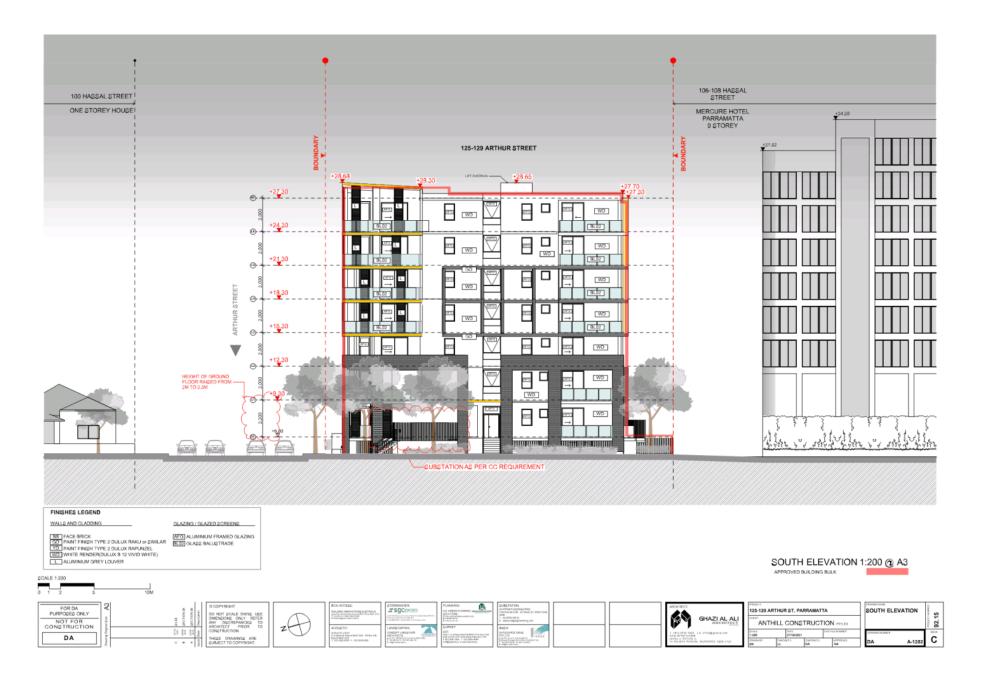


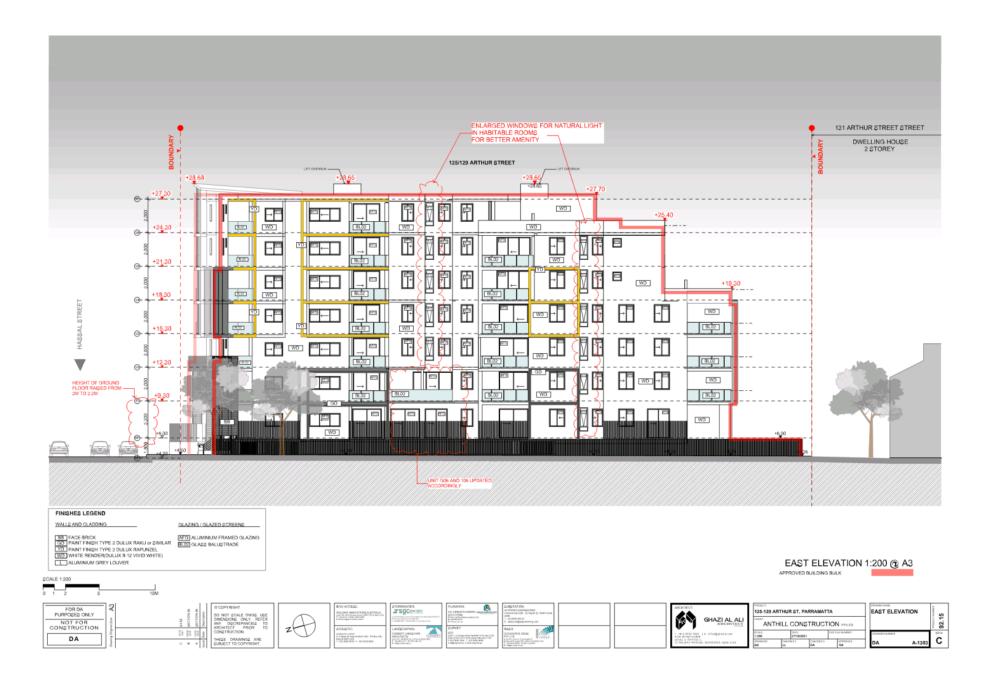


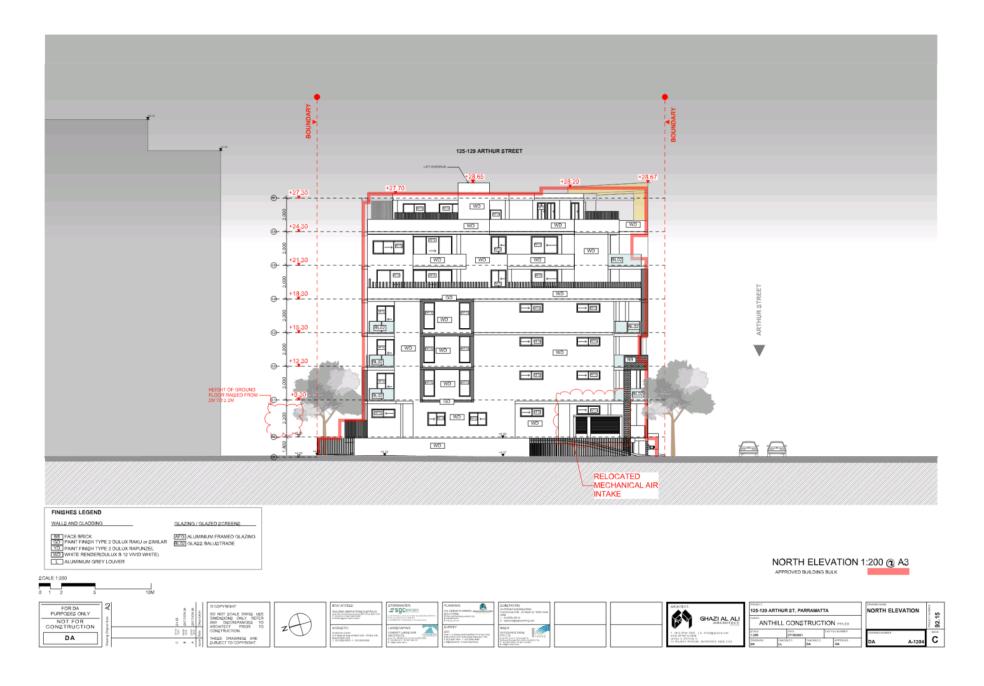


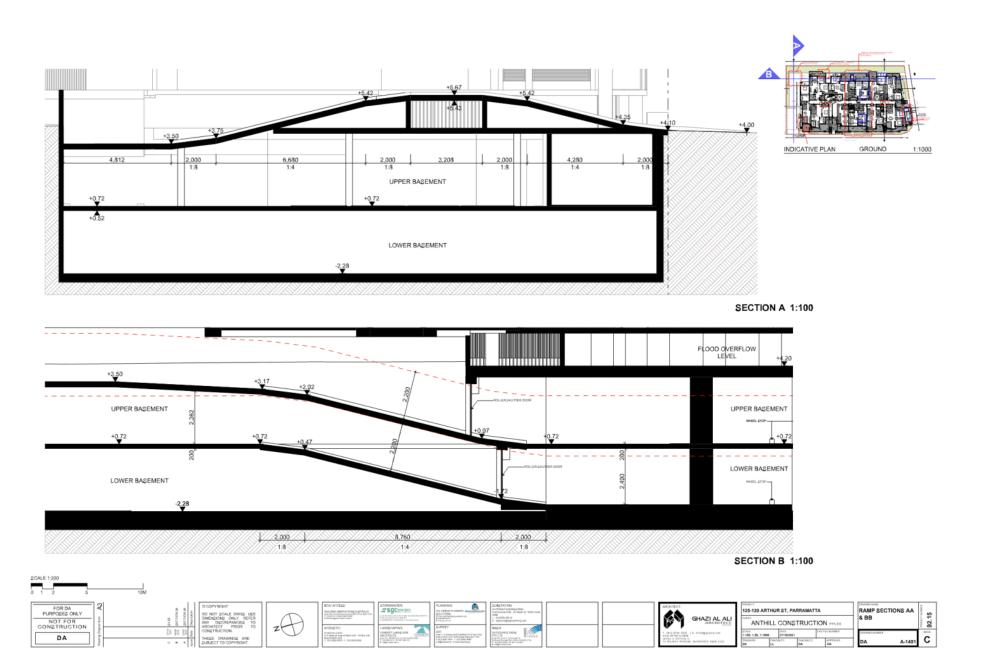


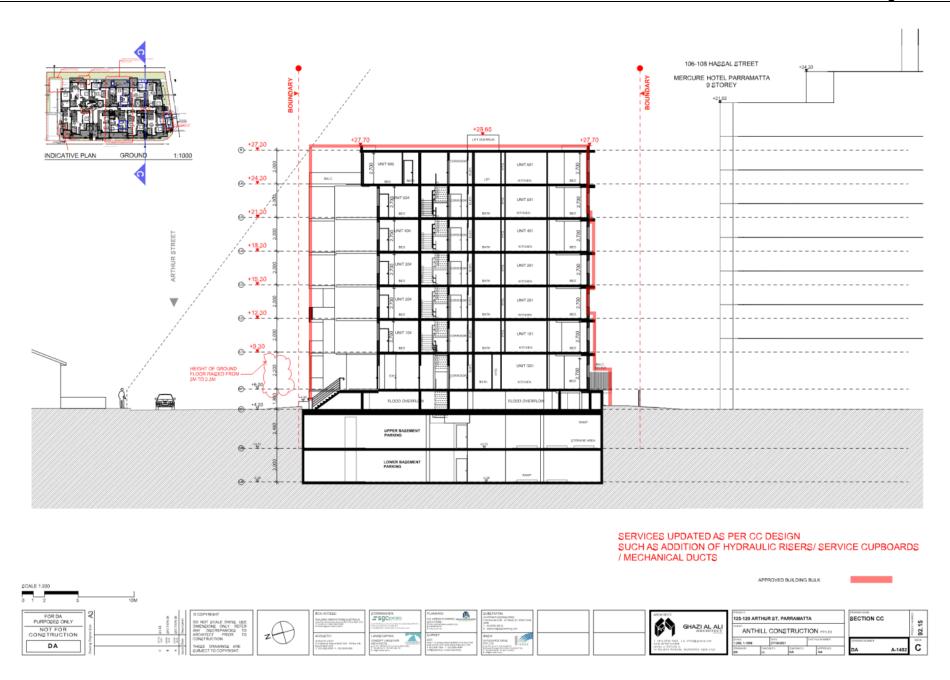
Item 5.5 - Attachment 3

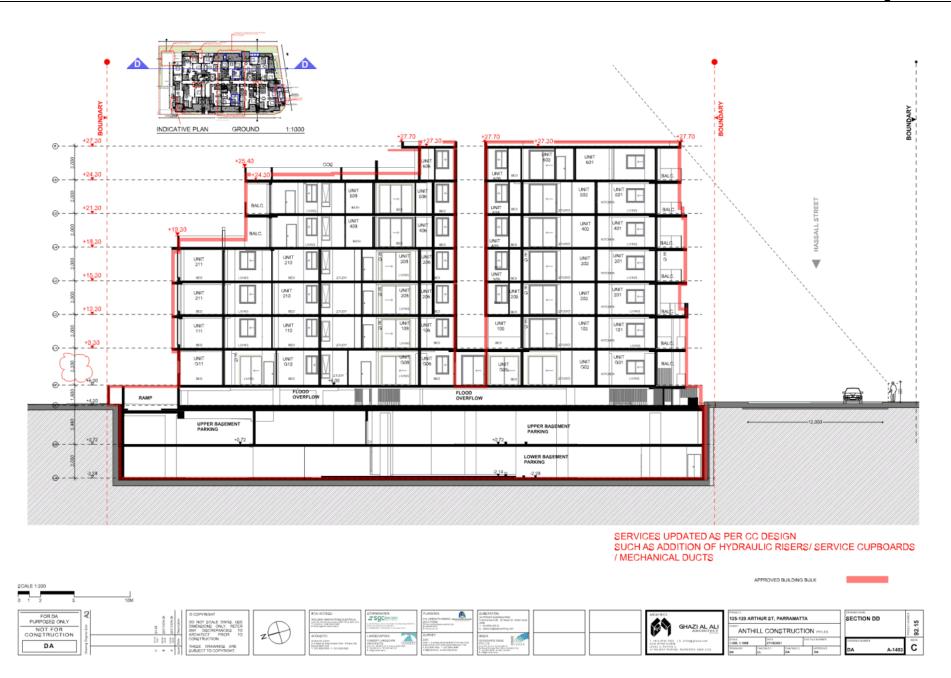






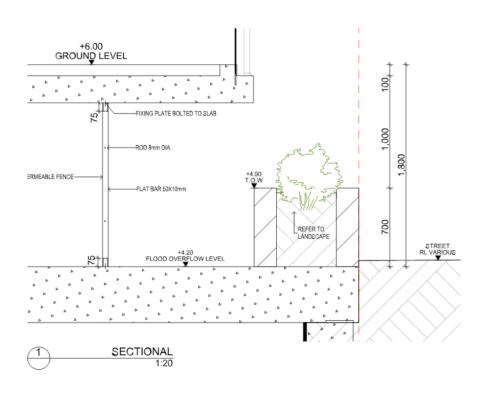


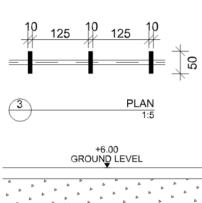


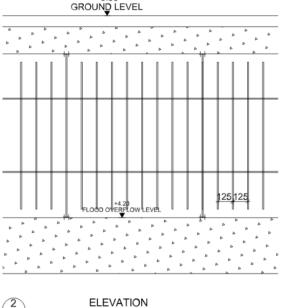


NOTE: FENCE FOR FLOOD OVER FLOW LEVEL, DETAILS REMAINS NO CHANGES FROM PREVIOUS APPROVAL $\,$

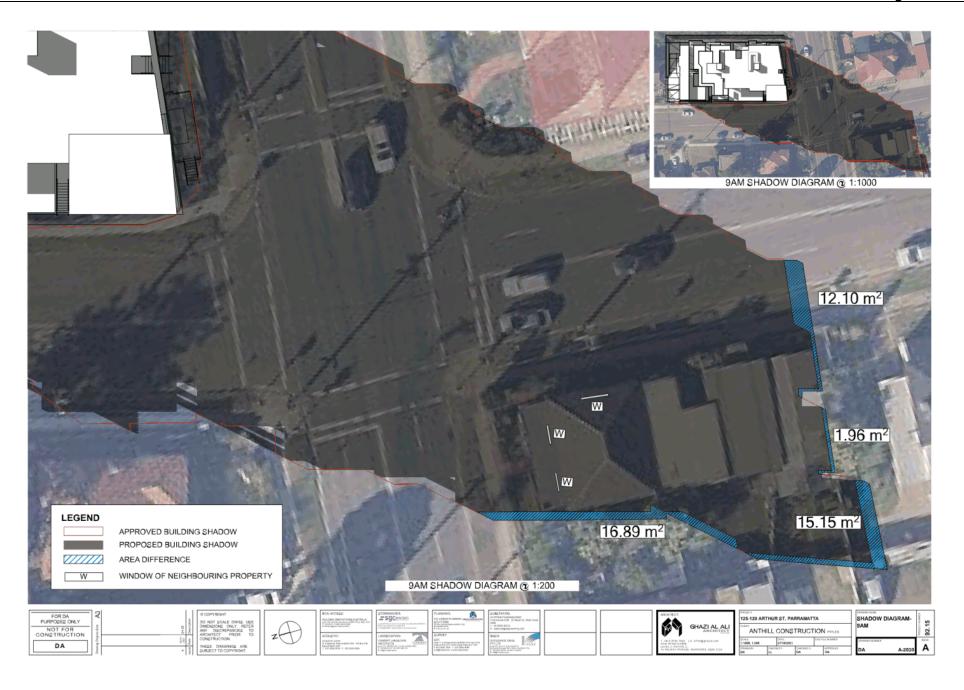
HOT DIP GALVANIZED FLAT BAR, ROD & FIXING PLATE PAINTED IN DARK GREY MECATIOUS OXIDE; ALL PARTS WELDED TOGETHER; FENCE BOLTED TO BUILDING STRUCTURE

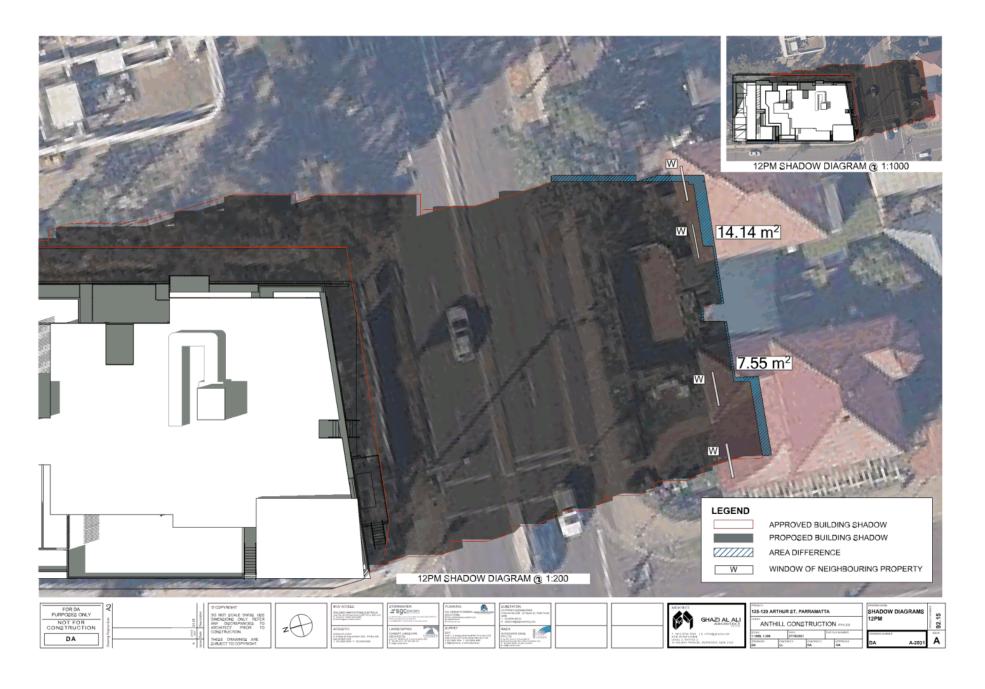


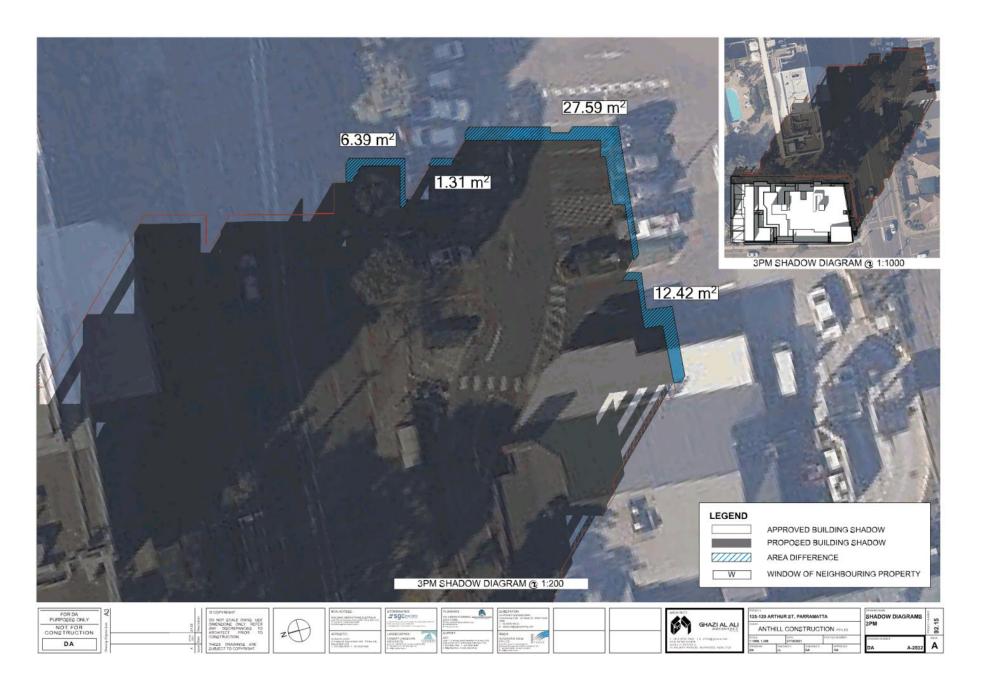












Plans used during assessment Item 5.5 - Attachment 3

LOCATION PLAN



HARDSCAPE ITEMS

Street tree tree guard - refer detail Garden bed- refer landscape design plan



Pavers- refer architect's detail



Decorative gravel over slab - to be nom. by



Retaining / raised planter wall - refer detail



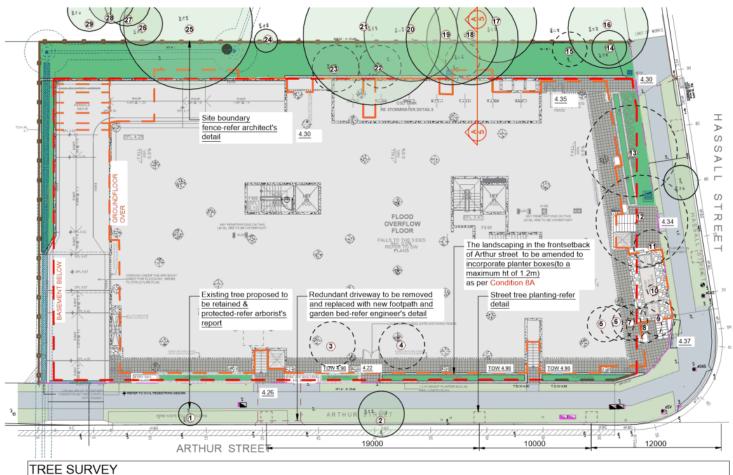
1.8m Gate and fence - colour and style to be nom. by client



Trees proposed to be removed and replaced with new landscaping



Existing trees proposed to be retained and



DRAW

SHEET /1 /2 /3 /4

/5

General Notes:

/6

VIN	G SCHEDULE	
#	DRAWING TITLE	
	HARDSCAPE PLAN	
	LANDSCAPE PLAN	
	LANDSCAPE PLAN	
	DETAILS	
	DETAILS	
	SPECIFICATION	

=	
LE	
PLAN	
PLAN	
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NC	



	Existing Trees based on Arborists Report by Tree & Landscape consultants dated on 10.12.2014				
No.#	Species	Size (Ht x Sp)	Condition	Action	
1	Callistemon viminalis	4x6	Fair	Retain	
2	Callistemon viminalis	3x6	Fair	Retain	
3	Chamaecyparis obtusa	9x6	Poor	Remove	
4	Chamaecyparis obtusa	9x6	Poor	Remove	
5	Archontophoenix alexandrae	8x4	Fair	Remove	
6	Archontophoenix alexandrae	8x4	Fair	Remove	
7	Archontophoenix alexandrae	6x4	Fair	Remove	
8	Archontophoenix alexandrae	8x4	Fair	Remove	
9	Archontophoenix alexandrae	7x4	Fair	Remove	

REV DATE NOTATION/AMENDMENT

A 21.10.2021 Drafted S4.55 plan prepared for revier B 02.11.2021 issued for S4.5

	140.#	Species	Size (nt x Sp)	Condition	ACTION
	10	Cinnamomum camphora	4x6	Poor	Remove
	11	Archontophoenix alexandrae	5x4	Fair	Remove
	12	Lophostemon confertus	17x12	Poor	Remove
	13	Lophostemon confertus	17x12	Poor	Remove
е	14	Archontophoenix alexandrae	6x4	Fair	Retain
е	15	Archontophoenix alexandrae	6x4	Fair	Remove
е	16	Corymbia maculata	18x14	Fair	Retain
е	17	Corymbia maculata	17x12	Fair	Retain
е	18	Casuarina glauca	17x8	Fair	Retain
В		-			
9					

PARRAMATTA COUNCIL

ANTHILL CONSTRUCTION GHAZI AL ALI S4.55 - ISSUE B

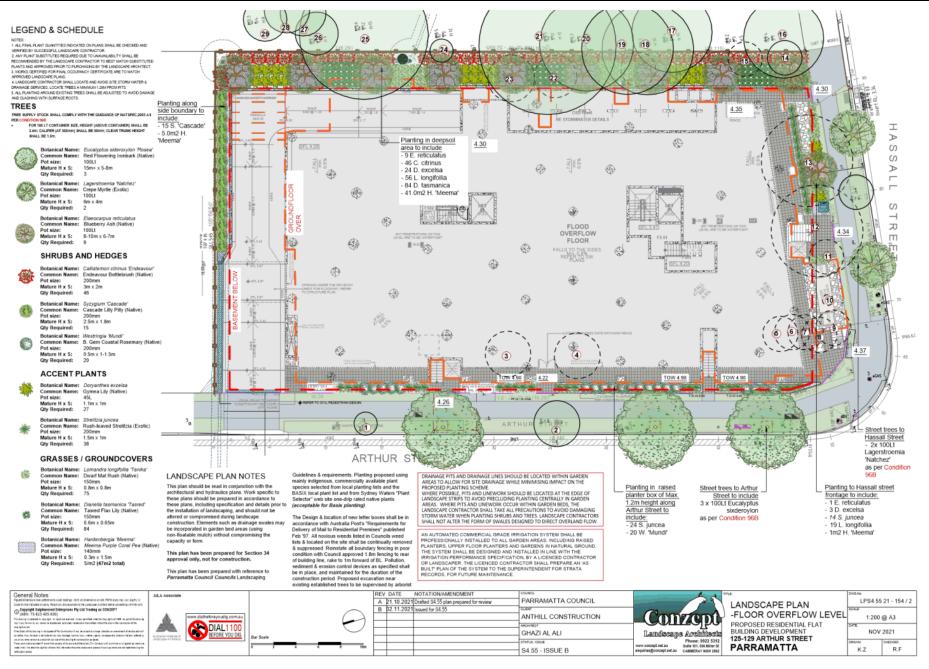
Size (Ht v Sn) Condition

	No.#	Species	Size (Ht x Sp)	Condition	Action
9	19	Casuarina glauca	17x8	Fair	Retain
е	20	Corymbia maculata	13x8	Poor	Retain
9	21	Lophostemon confertus	13x12	Fair	Retain
е	22	Citris sp.	4x6	Fair	Remov
	23	Citris sp.	4x6	Fair	Remov
е	24	Corymbia maculata	4x6	Fair	Retain
	25	Corymbia citriodora	20x24	Poor	Retain
	26	Banksia integrifolia	12x6	Fair	Retain
	27	Allocasuarina cunninghamiana	12x6	Fair	Retain
	28	Allocasuarina cunninghamiana	18x12	Fair	Retain
	29	Corymbia maculata	12x8	Poor	Retain

	HARI
CONZCPI Landscape Architects	PROPO BUILDI 125-12
Phone: 9922 5312 suite 191, 565 Miler 8t conzept.net.au CAMMERAY HSW 2062	PAR

PARRAMATTA	K.Z	R.F	
PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT	NOV	2021	
	1:200 @ A3		
HARDSCAPE PLAN	LPS4.55	21 - 154 /	
	DVV9.No:		

Item 5.5 - Attachment 3 Plans used during assessment



LEGEND & SCHEDULE

TREES



Botanical Name: Banksia serrata Common Name: Old man Banksia (Native) Pot size: 75Lt Mature H x S: 3-5m x 4-5m Qty Required: 5



Pot size: 75Lt Mature H x S: 5m x 3m

Botanical Name: Corymbia ficifolia 'Summer Red' Common Name: Dwarf Flowering Gum (Native)

SHRUBS AND HEDGES

Botanical Name: Banksia spinulosa 'Birthday Pot size:

Candles'
Common Name: Banksia Birthday Candles (Native) 200mm Mature H x S: 0.6m x 0.9m Qty Required: 7



Mature H x S: 1.5m x 1.5m Qty Required: 8

Botanical Name: Metrosideros Tahiti Common Name: NZ Christmas Bush (Exotic) Pot size: 200mm

Mature H x S: 1m x 1m Qty Required: 32 Botanical Name: Westringia fruticosa

| Common Name: Native Rosemary (Native)
| Pot size: 200mm |
| Mature H x S: 1.3m x 1.1m | Qtv Required: 25

Pot size:

Botanical Name: Syzygium 'Cascade' Common Name: Cascade Lilly Pilly (Native) 200mm Mature H x S: 2.5m x 1.8m

ACCENT PLANTS



Botanical Name: Phormium tenex 'Purpureum' Common Name: New Zealand Flax (Exotic) Pot size: 300mm Mature H x S: 0.9m x 0.9m Qty Required: 6



Botanical Name: Yucca filamentosa





SAMPLE IMAGES





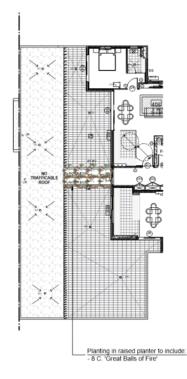








Tree Anchoring
For advanced tree planting in high wind and rooftop locations, it is recommended that an approved robal anchoring system equal to 'Platipus Anchors' shall be used. Install as per the manufacturers





GRASSES / GROUNDCOVERS

Pot size:

Botanical Name: Myoporum parvifolium 'Yareena' Common Name: Creeping Boobialla (Native)
Pot size: 140mm Mature H x S: 0.15m x spreading
Qty Required: 7/m2 (12m2 total)



Botanical Name: Lomandra longifolila 'Tanika' Common Name: Dwarf Mat Rush (Native) 150mm Mature H x S: 0.8m x 0.8m Qty Required: 31



Mature H x S: 0.1m x 1.5m Qty Required: 5/m2 (8.6m2 total) Botanical Name: Trachelospermum Jasminoide: Common Name: Star Jasmine (Exotic)
Pot size: 140mm
Mature H x S: 0.3m x 0.6m



HARDSCAPE ITEMS

Retaining / raised planter wall - refer detail



Outdoor dining setting & Outdoor kitchen- to be nom by client to manuf. spec.



Safety balustrade to be applied where is needed

Communal Open Space Rooftop Terraces GENERAL NOTE

BCA & Australian Standards (AS): Building codes and standards are established on a federal level by the nationally recognized Building Code of Australia (BCA), & these apply to all phases of construction, including buildness design and specification, Seedickly, GCA 2012 Paral 5 (stairs) and 9.2 (buildstrades) and Australian Standard 1170 I cover regulations for ballstrades on stairways, balconies, or ordrop terraces and other surfaces between levels.

BCA Balustrade Regulations and Standards

A balustrade is defined as a rail and its balusters (posts or other supporting members). BCA regulations state that a balustrade

- . Be at least 1 metre high as measured from the finished floor;
- · Have openings between risers or posts no greater than 125mm; and Be able to withstand loads and impacts as determined by AS 1170.1

The height regulation of 3 matrix ensures the balustrade is righ enough to provide prevention against failing over the balustrade. The opening between rises or posts cannot be paraset than 125 mm be prevent children from failing between them. Load and impact regulations are designed to ensure balustrades can resist impact or will not collapse when pressure is applied to them from any direction.

Balustrade Safety & Planters

BCA regulations state that the balastrade must be 1 metro or more, higher than the finished floor. On roof top terraces, partners 8 furniture are often recoperated in the landscape design. It is important for compliance and safety that the elements do not undermine the safety of Communal Open Space (COS) terraces and rooftops, and the compliance with the BCA and ASS are militarized.

Items to consider are:

- Where planters form the safety balustrade, their internal face must be 1m non-climbable
- Outdoor furniture such as tables, BBQs, and seating shall be fixed and located a minimum 1m away from balustrades Where furniture is proposed to be fixed or adjacent to COS terrace planters which form the balustrade, then a compliant handrail will be required to be fixed to the external edge of the planter

A concern for COS areas on rooftops or terrace areas is that the strata will add loose furniture which ultimately could undermine the safety of the installed balustrades. In this case, it shall be the strata bodies responsibility to manage the

safety of these areas. Ultimately, the compliance and safety of the COS areas shall be the responsibility of the builder, and carefully inspected and certified at the Occupation Certificate (OC) stage of the development

Maintenance of COS area

Communal Open Space terrace and rooftop areas are exposed to extremes (wind, sun, and extreme weather) so maintenance is important. The following item should be included or considered: All planters shall be structurally water-proofed, with this work certified and periodically inspected. Trades should be

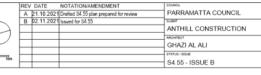
- closely monitored so they do not subsequently damage completed waterproofing
- All planters shall be irrigated with an automated system set on an approved watering pattern. Moisture gauges should be installed in some planters to minimize overwatering
- Tree Anchors shall be installed in high wind areas to larger plants, such as palms & small trees
- Compliance for balustrades and handrails should be monitored regularly
- For the maintenance of large rooftop areas and planters without external balustrades, anchoring points for tying off harnesses for landscape maintenance workers are essential

General Notes:

rti sade madinas Veriti al dimensions on site. POPA diam mar vari significi Figure 1 were to be presented to the state of the state





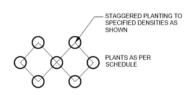




LANDSCAPE PLAN PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT 125-129 ARTHUR STREET **PARRAMATTA**

LPS4.55 21 - 154 / 3 1:200 @ A3 NOV 2021 K.Z R.F

Item 5.5 - Attachment 3 Plans used during assessment

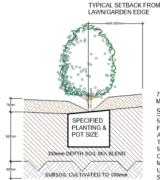


1. CHAIN WIRE MESH PANELS WITH SHADE CLOTH (IF REQUIRED) ATTACHED, HELD IN PLACE WITH CONCRETE FEET 2. ALTERNATIVE PLYWOOD OR

WOODEN PALING FENCE PANELS. THE FENCING MATERIAL ALSO PREVENTS BUILDING MATERIALS OR SOIL ENTERING THE TPZ

3. MULCH INSTALLATION ACROSS SURFACE OF TPZ (AT THE DISCRETION OF THE PROJECT ARBORIST). NO EXCAVATION. CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT OR STORAGE OF MATERIALS OF ANY KIND IS PERMITTED WITHIN THE TPZ

4. BRACING IS PERMISSIBLE WITHIN THE TPZ. INSTALLATION OF SUPPORTS TO AVOID DAMAGING



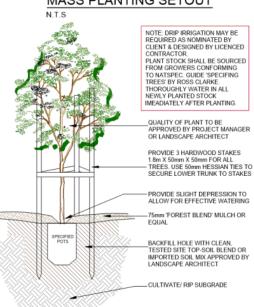
75mm DEPTH "FOREST BLEND" MULCH OR EQUIVALENT

SOIL MIX:

50% OF STOCKPILED SITE TOPSOIL FREE FROM ALL BUILDER'S RUBBISH AND DELETERIOUS MATERIALS. TOPSOIL TO BE MIXED WITH MINIMUM 50% IMPORTED GARDEN MIX OR SOIL CONDITIONER/ COMPOSTED ORGANIC MATTER - SEE SPEC. USE 100% IMPORTED SOIL MIX WHEN SITE TOPSOIL RUNS OUT

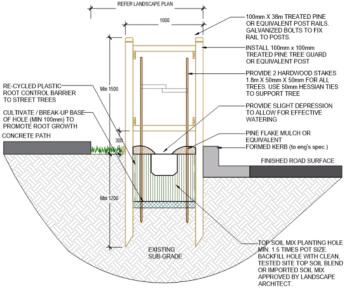
GARDEN AREA PREPARATION DETAIL

MASS PLANTING SETOUT

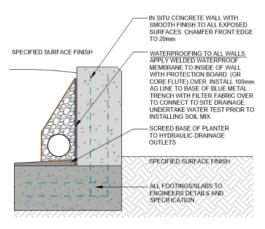


REFER LANDSCAPE PLAN

TREE PROTECTION ZONE



NOTE: TYPICAL DETAIL ONLY. ALL WALLS WHICH FORM PART OF DRAINAGE WORKS MUST BE BUILT AS DETAILED BY THE HYDRAULIC ENGINEER. ALL WALLS EXCEEDING 1m HEIGHT SHALL BE DETAILED BY A QUALIFIED ENGINEER. INSTALL WALL TO SUIT SITE LEVELS AND TO MANUFACTURE'S SPECIFICATION.



INDIVIDUAL TREE PLANTING DETAIL

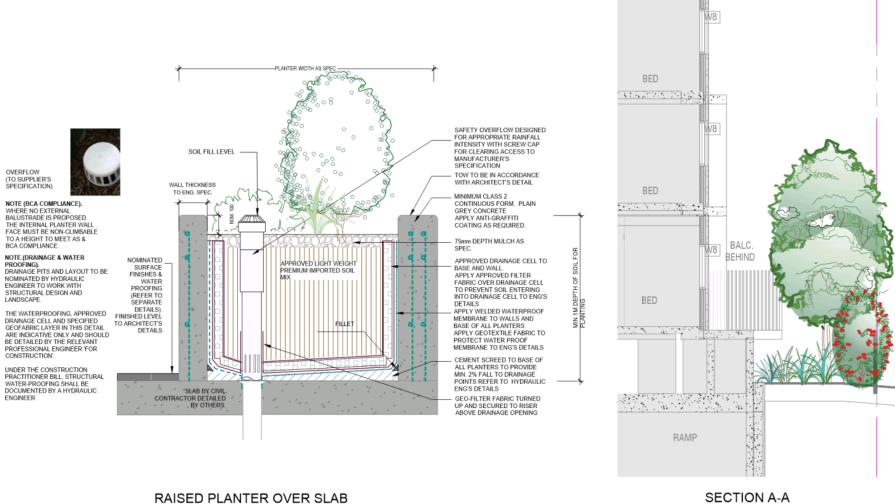
SCALE 1:20

STREET TREE PLANTING

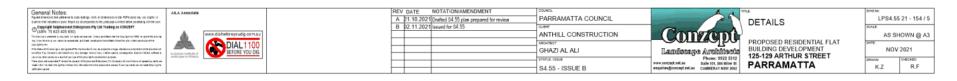
TYPICAL IN SITU CONCRETE RETAINING WALL DETAIL

REV DATE NOTATION/AMENDMENT A 21.10.2021 Drafted S4.55 plan prepared for review PARRAMATTA COUNCIL LPS4.55 21 - 154 / 4 **DETAILS** B 02.11.2021 Issued for \$4.5 © Copyright Sulphurcrest Enterprises Phy Ltd Trading as CONZEPT (ABN: 75 623 405 630) ANTHILL CONSTRUCTION AS SHOWN @ A3 PROPOSED RESIDENTIAL FLAT DIAL1100 BUILDING DEVELOPMENT NOV 2021 GHAZI AL ALI Landocapo Architecta 125-129 ARTHUR STREET **PARRAMATTA** K.Z R.F S4.55 - ISSUE B

Item 5.5 - Attachment 3 Plans used during assessment



SCALE N.T.S



SCALE N.T.S

LANDSCAPE WORK SPECIFICATION

PREI IMINARIES

1.01 GENERAL

The following general conditions should be considered prior to the commencement of landscape works:

- The landscape plans should be read in conjunction with the architectural plans, hydraulic plans, service plans and survey prepared for the proposed development.
- All services including existing drainage should be accurately located prior to the commencement of landscape installation. Any proposed tree planting which falls close to services will be relocated on site under the instruction of the landscape architect
- Installation of conduit for required irrigation, electrical and other services shall be completed prior to the commencement of
- ardscape works and hardstand pours. All outdoor lighting specified by architect or client to be installed by qualified electrician
- Anomalies that occur in these plans should be brought to our immediate attention.

 Where an Australian Standard applies for any landscape material testing or installation technique, that standard shall be followed

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas surfaces prior to the commencement of the Works

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with NATSPEC Guide 2 "A Guide to Assessing Tree Quality". Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health.

Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained. Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall

Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

Erosion & pollution control measures shall incorporate the following

- Construction of a sediment trap at the vehicle access point to the subject site
- Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the landscape
- Earth banks to prevent scour of stockoiler
- Sandbag kerb sediment traps
- Straw bale & geotextile sediment filter
- sed banks shall be pegged with an approved Jute matting in preparation for mass planting

Refer to "Sitewise Reference Kit" as prepared by DLWC & WSROC (1997) for construction techniques

SOIL WORKS

Specified Soil Conditioner (Generally to improve site soil)

The specified soil conditioner for site top-soil improvement shall be an organic mix, equal to "Botany Humus", as supplied by ANL. Note that for sites where soil testing indicates toxins or extremes in pH, or soils that are extremely poor, allow to excavate and supply 300mm of imported soil

New garden and planting areas shall consist of a 50/50 mix of clean site soil (refer d) below) and imported "Organic Garden Mix" as supplied by ANL or approved equal. All mixes are to comply with AS 4419 Soils for landscaping & garden use, & AS 4454 Composts, Soil conditioners &

The specified soil mix for all furf areas shall be a min 75mm layer of imported soil mix consisting of 80% washed river sand (reasonably coarse). and 20% composted organic matter equivalent to mushroom compost or soil conditioner, or other approved lawn top dress

Site topsoil is to be clean and free of unwanted matter such as gravel, clay lumps, grass, weeds, tree roots, sticks, rubbish and plastics, and any deleterious materials and materials toxic to plants. The topsoil must have a pit of between 5.5 and 7. Use 100% imported soil mix when site when site topsoil runs out.

2.02 INSTALLATION

All testing is to be conducted in accordance with AS 1289 Methods for testing soils for engineering purposes. Site soil shall be given a pH test prior to modifying to ensure conditions are appropriate for planting as stated above. Tests shall be taken in several areas where planting is proposed, and the pH shall be adjusted accordingly with sulphur or lime to suit.

Note that a soil test conducted by the "Sydney Soil Lab" or approved equal shall be prepared for all commercial, industrial and multi-unit residential sites. The successful landscape contractor shall implement the recommendations of this test

b) Set Out of Individual Trees & Mass Planting Areas

All individual tree planting positions and areas designated for mass planting shall be set out with stakes or another form of marking, ready for inspection and approval. Locate all services.

c) Establishing Subgrade Level

Subgrade levels are defined as the finished base levels prior to the placement of the specified material (i.e. soil conditioner). The following

Mass Planting Beds - 300mm below existing levels with specified imported soil mix.

 Turf areas - 100mm below finished surface level.
 Note that all subgrades shall consist of a relatively free draining natural material, consisting of site topsoil placed previously by the Civil Contractor. No builders waste material shall be acceptable.

Cultivate all subgrades to a minimum depth of 100mm in all planting beds and all turf areas, ensuring a thorough breakup of the subgrade into a reasonably coarse tith. Grade subgrades to provide fails to surface and subsurface drains, prior to the placement of the final specified soil mix.

Install surface and subsurface drainage where required and as detailed on the drawing. Drain subsurface drains to outlets provided, with a minimum fall of 1:100 to outlets and or service pts.

f) Placement and Preparation of Specified Soil Conditioner & Mixes.

- Trees in turf & beds Holes shall be twice as wide as root ball and minimum 100mm deeper backfill hole with 50/50 mix of clean site soil and imported "Organic Garden Mix" as supplied by ANL or approved equal.
- Mass Planting Beds Install specified soil conditioner to a compacted depth of 100mm

Place the specified soil conditioner to the required compacted depth and use a rotary hoe to thoroughly mix the conditioner into the top 300mm of garden bed soil. Ensure thorough mixing and the preparation of a reasonably fine tith and good growing medium in preparation for planting. Turf Areas - Install specified spil mix to a minimum compacted depth of 75mm.

Place the specified soil mix to the required compacted depth and grade to required finished soil levels, in preparation for planting and turfing.

3 04 MATERIALS

a) Quality and Size of Plant Material

All trees suplied above a 25L container size must be grown and planted in accordance with Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No. 2. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer.

Above - Ground Aspecament:
The following plant quality assessment orders should be followed:
Plant than to type, Good vigour and health, five from peat & disease, five from injury, self-supporting, good atem taper, has been pruned
correctly, is a spicially clorinard, has even crown symmetry, five from included bank & stem junctions, even trush position in pot, good atem

Below - Ground Assessment:
Good root division & direction, rootball occupancy, rootball depth, height of crown, non-suckering For further explanation and description of these assessment criteria, refer to Ross Clark's book.
All Plant material shall be to the type and size specified. No substitutions of plant material shall be permitted without written prior approval by

the Landscape Architect. No plant shall be accepted which does not conform to the standards listed above

ovide min. 3 No. Stakes and ties to all plants identified as trees in the plant schedule. Stakes shall be sound, unpainted, straight hardwood, free of knots and pointed at one end. They shall be 2200mm x 50mm x 50mm Hardwood, or approved alternative. Ties shall be 50mm wide hessian webbing material.

Fertilisers shall be approved slow release fertilisers suitable for the proposed planting types. Note that for native plants, specifically Proteacead family plants including Grevillea species, low phosphorus fertilizers shall be used.

Mulch shall be an approved equal to "Forest Blend" as supplied by ANL. Mulch shall be completely free from any soil, weeds, rubbish or other

Turf shall be "Sir Walter" Buffalo or equivalent (unless stated otherwise), free from any weeds and other grasses, and be in a healthy growing 3 02 IN STALL ATION

All planting set out shall be in strict accordance with the drawings, or as directed. Note that proposed tree planting located near services should be adjusted at this stage. Notify Landscape Architect for inspection for approval prior to planting.

All plant material shall be planted as soon after delivery as possible. Planting holes for trees shall be excavated as detailed and specified. Plant containers shall be removed and discarded, and the outer roots gently teased from the soil mass. Immediately set plant in hole and backfill with specified soil mix, incorporating the approved quantity of fertiliser for each plant type. Ensure that plants are set plants vertically and root balls set to the consolidated finished grades detailed on the drawings. Compact the backfilled soil and saturate by hand watering to expel any remaining air pockets immediately after planting.

c) Staking and Tying Staking and tying shall be in strict accordance with the drawings and shall occur immediately following plant placement and soil backfilling. All plants identified as "Trees" on the planting schedule shall be staked with a min. 3 stakes.

Mulch should be scread so that a compacted thickness of 75mm is achieved after settlement in all planting beds and around each individual plant. Apply immediately following planting and watering in, ensuring that a 50mm radius is maintained around the trunk of each plant. There shall be no mixing of soil and mulch material

Moisten soil prior to the turf being laid. Turf shall be neatly butt jointed and true to grade to finish flush with adjacent surfaces. Incorporate a lawn fertilizer and thoroughly water in. Keep turf moist until roots have taken and sods/rolls cannot be lifted. Keep all traffic off turf until this has occurred. Allow for top dressing of all turf areas. All turf shall be rolled immediately following installation.

f) Steel edging The Contractor shall install steel edging as detailed on the drawings, to all mass planting beds adjoining turf or gravel mulched areas, and where required. The resultant edge shall be true to line and flush with adjacent surfaces

4.01 GENERAL

400mm SQ stepping stones (or similar approved dimensions) shall be placed as indicated on plan at 300mm intervals. Finish and colour of stepping stones shall be nominated by the client. Install stepping stones as detail, flush with adjoining elements.

HARDSCAPE WORKS

The Contractor shall undertake the installation of all hardscape works as detailed on the drawing, or where not detailed, by manufacturers

Paying - refer to typical details provided, and applicable Australian Standards. Permeable paying may be used as a suitable means of catisfying Council permeable ourface requirements, while providing a useable, hardwearing, practical surface. In most instances, the client shall nominate the appropriate paving material to be used.

Australian Standards shall be adhered to in relation to all concrete, masonry & metal work. Some details are typical and may vary on site. All hardscape works shall be setout as per the drawings, and inspected and approved by the Landscape Architect prior to installation. All vorkmanship shall be of the highest standard. Any queries or problems that arise from hardscape variations should be bought to the attention

Your attention is directed to any obligations or responsibilities under the Dividing Fences Act, 1991 in respect of adjoining property owner/s which may arise from this application. Any enquiries in this regard may be made to the Crown Lands Division on (02) 8898 5332.

IRRIGATION WORKS

5.01 GENERAL (PERFORMANCE SPECIFICATION)

New irrigation systems to planting areas shall be a Commercial Grade Irrigation System conforming to AS 3500 & the latest Sydney Water

The irrigation system shall be installed prior to all planting works. It shall incorporate a commercially available irrigation system, with dripper lines for all trees, and suitable jet sprinkler heads for the shrub species specified. It shall also incorporate a suitable back flow prevention device for the scale of works, an in-line filter, check valves, and suitable high and low density poly hose fittings and PVC piping to achieve flow rates suitable for specified planting.

The landscape contractor shall check the existing pressure available from the ring mains and size irrigation piping to suit. Supply shall be from local hose cook where available. All piping and fittings are to be buried 50mm below the firished soil levels in garden bed areas, and secured in position at 5m centre with galv wire pins. Sizing of pipes shall be done so as to ensure that the working pressure at the end of the line does not

Upon correlation of installation, the system shall be tested and all corresponds are to be satisfactorily functional and operational prior to approval. Should any defect develop, or the capacity or efficiency of the system decline during the agreed maintenance system, then these faults shall be immediately rectifed.

Detailed drawings of the entire proposed irrigation system shall be made available to the client for records and future maintenance of the

CONSOLIDATION AND MAINTENANCE

6.01 GENERAL

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction wor (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices. ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent

This shall include, but not be limited to, the following items where and as required:

- Watering all planting and lawn areas / irrigation maintenance
 Clearing litter and other debris from landscaped areas.
- · Removing weeds, pruning and general plant maintenance
- Replacement of damaged, stolen or unhealthy plants.
- · Make good areas of soil subsidence or erosion . Topping up of mulched areas.
- Spray / treatment for Insect and disease control · Fertilizing with approved fertilizers at correct rates

. Maintenance of all paying, retaining and hardscape elements

- . Mowing lawns & trimming edges each 14 days in summer or 18 days in winter Adjusting ties to Stakes

On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the superintendent or landscape architect, the responsibility will be signed over to the client.

REV DATE NOTATION/AMENDMENT scale madings. Yesh all dimensions on site. PSPH dates may vary slightly in PARRAMATTA COUNCIL LPS4.55 21 - 154 / 6 A 21.10.2021 Drafted \$4.55 plan prepared for review SPECIFICATION users transcriberation year. Replace of Economics between Enterlands Architect Service proceeding. © Copyright Sulpharcered Embergrisco Ply Little Trading as CONZEPT Thirdways proceed to see fact of figures recent. Error proceedings of the section for a gine service of the section of the B 02.11.2021 Issued for \$4.55 ANTHILL CONSTRUCTION DIAL1100 BEFORE YOU DIG PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT NOV 2021 GHAZI AL ALI Landscape Architects 125-129 ARTHUR STREET **PARRAMATTA** K.Z R.F S4.55 - ISSUE B

Flood Emergency Detailed Response Plan

125 – 129 Arthur St, Harris Park

AWE200226



11 November 2021





Anthill Construction

Contact Information

Cardno (NSW/ACT) Pty Ltd

ABN 95 001 145 035

Level 9, The Forum

203 Pacific Highway St Leonards NSW 2065

Telephone: 61 2 9496 7700 Facsimile: 61 2 9439 5170 International: 61 2 9496 7700

sydney@cardno.com.au www.cardno.com

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Executive Summary

This Report details a Flood Emergency Detailed Response Plan (FEDRP) for the 125-129 Arthur Street, Parramatta.

The Report describes:

- Flood behaviour at the site in floods up to a Probable Maximum Flood (PMF),
- A Flood Emergency Detailed Response Plan for the development, including:
 - A Flood Warning System;
 - Evacuation strategy, measures, procedures and plan; and
 - A FloodSafe Plan

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1 Introduction

1.1 Background

This Report details a Flood Emergency Detailed Response Plan (FEDRP) for the development located at 125-129 Arthur Street, Parramatta.

The subject site is located on the Clay Cliff Creek floodplain about 400m upstream of its confluence with the Parramatta River (refer **Figure 1**).



Figure 1 Location of 125-129 Arthur Street, Parramatta in relation to Parramatta CBD (Source: nearmap, accessed 25 May 2021)

1.2 Flooding Considerations

It is noted that flooding investigations have been previously completed for the for the lower Parramatta River and Clay Cliff Creek floodplains in the past.

The flooding context for the site is provided in the flood maps prepared by Parramatta City Council and given in **Figures 2** and **3**.

Flood behaviour at the site in 2014 (Cardno, 2014). In 2021 the 2014 model of Future Conditions was modified to represent the modifications to the development approved in 2015. The estimated 20 year ARI, 100 year ARI and PMF level differences under updated Future Conditions in comparison with Existing Conditions showed that the planned updated development has a negligible impact on 20 year ARI, 100 year ARI and PMF levels. (Cardno, 2021)

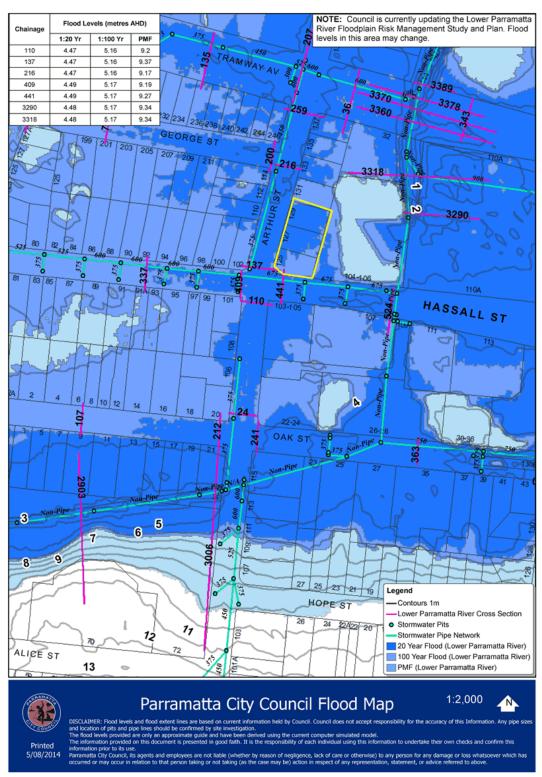


Figure 2 20 yr ARI, 100 yr ARI and PMF Flood Extents

(Source: Parramatta City Council)

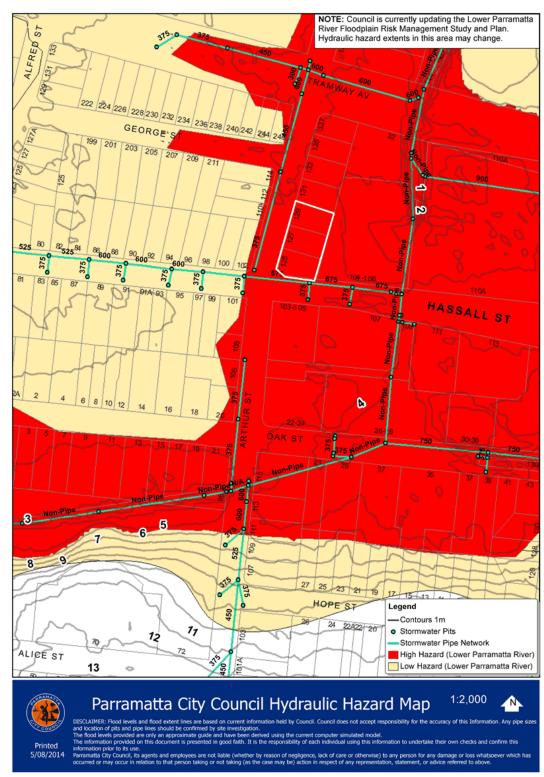


Figure 3 Low and High Flood Hazards

(Source: Parramatta City Council)

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1.3 Emergency Contacts

Emergency contact numbers are as follows:

Agency	
Ambulance	Emergency Telephone: 000
Bureau of Meteorology (BoM)	http://www.bom.gov.au/nsw/warnings/ Telephone: 1300 659 219 (for flood warnings)
Police	Parramatta Station, 95 Marsden St, Parramatta Telephone: (02) 9633 0799 Emergency Telephone: 000
Fire & Rescue NSW	Emergency Telephone: 000
Parramatta City Council (PCC)	Telephone: (02) 9294 8586 (Wet Weather Line)
State Emergency Services (SES)	Emergency Telephone: 132 500 General enquiries: (02) 4251 6111

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2 Flood Risks

The flood risks at and in the vicinity of 125-129 Arthur St, Harris Park are discussed as follows.

2.1 Flood Levels and Hazards

Council's Flood Map (see Figure 2) indicated the following peak flood levels:

20 year ARI: 4.49 m AHD;100 year ARI: 5.17 m AHD; and

PMF: 9.27 m AHD (noting that the flood level listed at Chainage 137 is anomalous).

Figure 4 is a plot of the indicative water level variations at the confluence of Clay Cliff Creek and the Parramatta River generated by Probable Maximum Precipitation of 3, 4, 6, 12 and 24 hour durations.

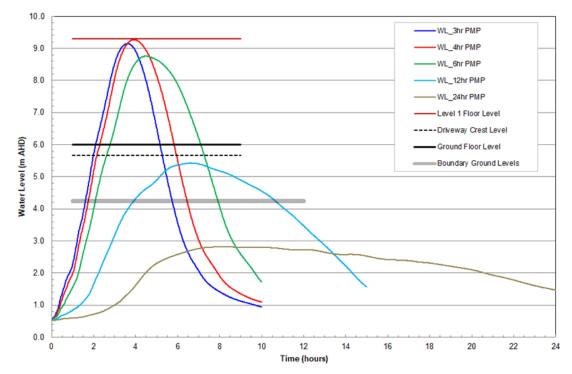
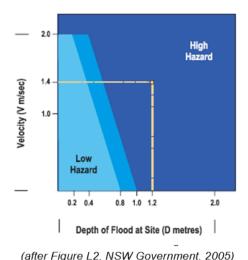


Figure 4 Indicative PMF Levels at the confluence of Clay Cliff Creek and the Parramatta River

As described in the 2005 NSW Floodplain Development Manual, experience from studies of floods throughout NSW and elsewhere has allowed authorities to develop methods of assessing the hazard to life and property on floodplains. This experience has been used in developing the 2005 NSW Floodplain Development Manual to provide guidelines for managing this hazard. These guidelines are shown schematically below.

To use the diagram, it is necessary to know the average depth and velocity of floodwaters at a given location. If the product of depth and velocity exceeds a critical value (as shown below), the flood flow will create a **high hazard** to life and property. There will probably be danger to persons caught in the floodwaters, and possible structural damage. Evacuation of persons would be difficult.



By contrast, in **low hazard** areas people and their possessions can be evacuated safely by trucks. Between the two categories a transition zone is defined in which the degree of hazard is dependent on site conditions and the nature of the proposed development. This calculation leads to a provisional hazard rating. The provisional hazard rating may be modified by consideration of effective flood warning times, the rate of rise of floodwaters, duration of flooding and ease or otherwise of evacuation in times of flood.

The flood hazards under current conditions are plotted in Figure 3.

2.2 Rate of Rise of Floodwaters

To understand the likely warning times and associated response times during extreme flood events it is necessary to estimate the expected rate of rise of floodwaters. At 125-129 Arthur St, Parramatta the estimated rate of rise of flooding in a PMF event is around 2.5 m/hr.

Features of the development include:

- Ground floor level of 6.0 m AHD which provides greater than 500 mm freeboard above the 100 year ARI flood level;
- Level 1 floor level of 9.3 m AHD which is higher than the PMF level;
- Floor levels on Levels 3, 4, 5 and 6 apartments are all higher than the PMF level;
- Proposed floor levels of 2.35 m AHD and 0.47 m AHD 1.01 m AHD 1.2 m AHD for car
 parking on the lower basement and upper basement car parking levels respectively;
- A crest level of 5.67 m AHD on the driveway access from Arthur Street to the multi-storey car
 parking levels which provides 500 mm freeboard above the 100 year ARI level.
- Further protection is provided by a flood-proof roller shutter located on the driveway ramp down to the basement which when closed protects the basement levels from flooding; and
- Installation of shutters and/or flood-proof dors on the Ground Floor to protect the basement levels from floodwaters attempting to circumvent the roller shutter on the driveway.

It is estimated that inundation of the ground floor would commence in around a 600 year ARI event.

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It is concluded that while the ground floor apartments have a freeboard of 500 mm or more over the 100 year ARI flood level, that this freeboard would be rapidly overwhelmed in a PMF event (within around 10 - 15 minutes). The PMF is estimated to reach a level of around 9.2 m AHD.

Modifications to the development approved in 2015 include:

- Installation of a flood-proof roller shutter to protect the basement levels from flooding; and
- Installation of shutters and/or flood-proof dors on the Ground Floor to protect the basement levels from flooding circumventing the roller shutter on the driveway.

Consequently, basement car parking levels are protected against flooding in all floods up to the PMF.

2.3 Duration of Inundation

As indicated in **Figure 4**, the estimated duration of inundation of the Ground Floor is between around 3 hours and 4 hours and 30 minutes depending on PMP duration.

In any PMF event that exceeds the Ground Floor level and other extreme floods it is expected that there would be insufficient time to evacuate any residents and/or visitors from the site and that instead residents and/or visitors will need to shelter in place.

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3 Flood Warning

Discussions with the NSW SES have previously identified the following status of flood warnings for the Parramatta CBD:

- The Bureau of Meteorology does not prepare flood predictions for the Parramatta River;
- Only a Draft Flood Warning Plan has been prepared to date by the NSW SES. This draft was prepared
 a number of years ago and while it is planned that it will be updated this does not have a high priority
 in view of the level of flood protection in the Parramatta CBD that has been achieved by various works
 undertaken in the upper catchment including the Loyalty Road basin.
- Trigger levels for flood warning have not been identified for the Parramatta CBD

3.1 FloodSmart Parramatta

As described on Council's website:

FloodSmart Parramatta now provides flood risk information for the Upper Parramatta River which includes the upstream areas from Parramatta CBD. This will allow you to understand if your property is at risk of flooding and how frequent or significant floods could be.

Other areas will be made searchable as new data becomes available

FloodSmart Parramatta offers a free flood warning service that provides early warning messages, to residents and businesses, when we think flooding is likely.

You can choose to receive warning messages in any combination of text, email, or automated voice message.

There are seven warning areas that cover different communities in the City of Parramatta. Each warning area will receive its own individual warning message in the event of a possible flood. This allows communities to know that the predicted flooding is relevant to them.

You can sign up to warnings for your home, workplace, children's school or any area that interests you in the City of Parramatta local government area. You can also sign up to more than one warning area.

The flood warning areas are identified in Figure 5.

The system design is outlined in Figure 6.

- While it is noted that the 125-129 Arthur Street is not included currently in any Warning Area it is possible to utilise warnings issued for the Parramatta CBD Warning Area given that:
- the Clay Cliff Creek confluence is located only around 2 km downstream of the Marsden Street Weir;
 Parramatta River flood levels are the dominant flood levels on the lower Clay Cliff Creek floodplain including at the property.

More details on the flood warning service can be found at:

https://www.cityofparramatta.nsw.gov.au/recreation-environment/floodsmart-parramatta/flood-warning-service

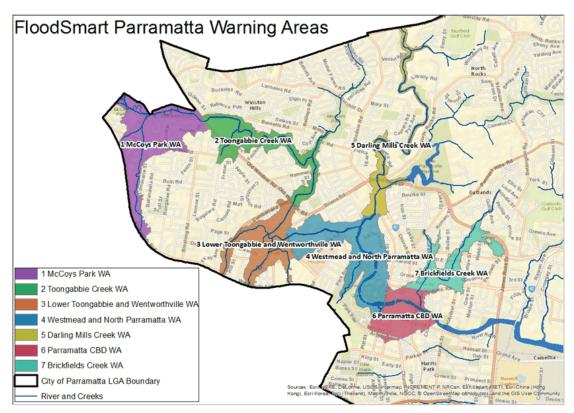


Figure 5 Parramatta FloodSmart Warning Areas

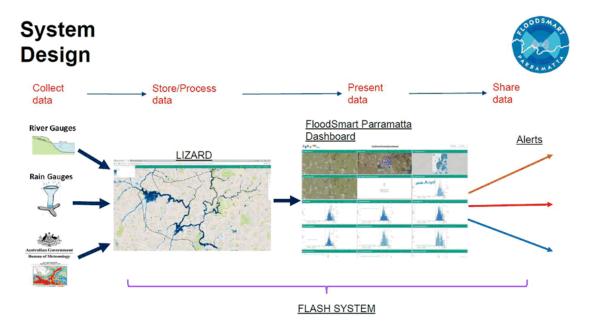


Figure 6 System Design (Source: Presentation by Royal Haskoning DHV given on 23 August 2019)

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3.2 Flood Warning System for 125-19 Arthur Street, Parramatta

3.2.1 Primary Warning System

It is proposed that the Body Corporate enrol with FloodSmart Parramatta to receive warning messages in any combination of text, email, or automated voice message.

Flood warnings will be issued by the Early Warning Network.

While FloodSmart Parramatta will outline the expected level of flood severity which could be minor, moderate or major this system is focussed on major floods not extreme floods. It is expected that warnings are more directed at residents and businesses at risk in major floods eg. 20 yr ARI – 100 yr ARI. 125-129 Arthur Street is only vulnerable to severe and extreme floods greater than a 100 yr ARI flood and approaching a Probable Maximum Flood (PMF). Initiating evacuation of residents from the ground floor based on a "major" flood warning alone would likely trigger evacuations on a more frequent basis than warranted by the severity of the flood.

Once a warning of a major flood is received then the Flood Warden or his/her designated representative(s) will monitor the Marsden Weir gauge through the "Check Your River and Rain Gauge levels" facility on the FloodSmart website in order to decide when an evacuation needs to be triggered.

This service gives the Flood Warden or his/her designated representative(s) access to live river and rain monitoring data near the property.

This can be accessed at: https://www.cityofparramatta.nsw.gov.au/recreation-environment/floodsmart-parramatta/check-your-river-and-rain-gauge-levels

The river gauge it is proposed be monitored is the Marsden Weir gauge.: The locations of this gauges is disclosed in **Figure 7.**

Based on a correlation between the PMF levels at the confluence of Clay Cliff Creek and at the Marsden Weir and to provide at least 20 minutes warning prior to PMF floodwaters reaching the ground floor level, it is proposed that two water levels be monitored at Marsden Weir as follows:

- (i) When the water level at the Marsden Weir gauge reaches 9.0 m then residents and any visitors on the ground floor are to be warned that they may need to evacuate to Level 1;
- (ii) If the water level at the Marsden Weir gauge reaches 10.0 m then evacuation of residents and any visitors on the ground floor to Level 1 is to commence;
- (iii) The indicative time available to evacuate residents and any visitors on the ground floor to Level 1 is expected to be around 1.5 times the time it takes for water levels at the Marsden Weir gauge to rise from 9.0 m to 10.0 m.

At any time in the future when Council adopts new flood levels including PMF levels from any catchment flood study update, it will be necessary to review the trigger levels at the Marsden Weir gauge based on any updated flood behaviour in the vicinity of the Clay Cliff Creek confluence and, if appropriate, to amend the trigger levels.

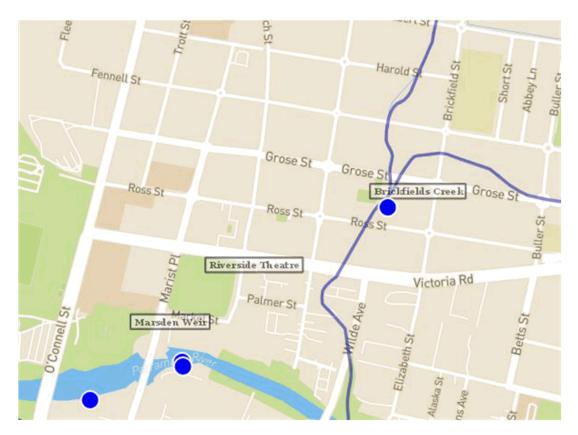


Figure 7 Parramatta FloodSmart Gauge Locations

(Source: https://www.cityofparramatta.nsw.gov.au/recreation-environment/floodsmart-parramatta/check-your-river-and-rain-gauge-levels)

In relation to this service the following qualifications have been advised by Council:

- The data provided here is real time gauge data and has not been reviewed for accuracy.
- . Many of the gauges used for this service are not owned or maintained by City of Parramatta.
- There is no guarantee that all gauges will be working at any one time.
- This data should be used as a guide of catchment conditions and may not provide an accurate indication of flooding in your area.

3.2.1 Secondary Warning System

A secondary warning system will be to visually monitor the progressive inundation of the external Hassall Street entry steps.

This secondary system is proposed to respond to three possible scenarios, namely:

 (i) a major storm generates significant rainfall in the Clay Cliff Creek catchment without generating major rainfall across the upper Parramatta River catchment ie. flooding is generated primarily by runoff from the Clay Cliff Creek catchment not the Parramatta River catchment; or

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- (ii) the Marsden Weir continues operate but communication with the gauge is lost and it is not possible to access water level readings at the gauge; or
- (iii) the Marsden Weir fails during a major storm and it is not it is not possible to monitor water levels at the gauge.

It is proposed that water levels be monitored visually from the Hassall Street entry be as follows:

- (i) If floodwaters are observed in the vicinity of the Hassall Street/Arthur Street intersection and these floodwaters reach the level of the bottom step (ie. 0.15 m – 0.18 m above the ground level which is around 4.6 m AHD), then residents and any visitors on the ground floor are to be warned that they may need to evacuate to Level 1;
- (ii) If floodwaters in the vicinity of the Hassall Street/Arthur Street intersection continue to rise and reach the level of the fourth step (ie. around 5.0 - 5.1 m AHD), then evacuation of residents and any visitors on the ground floor to Level 1 is to commence;
- (iii) The indicative time available to evacuate residents and any visitors on the ground floor to Level 1 is expected to be around 1.3 times the time it takes for floodwaters at the entry to rise from the bottom step to the fourth step.

3.2.1 Summary

In summary, the actions are:

- When a warning of a major flood is received from the Early Warning Network (FloodSmart
 Parramatta) then commence monitoring the water level and the rate of rise of the water level at the
 Marsden Weir gauge;
- Also monitor any flooding of the Hassall Street/Arthur Street intersection;
- If the water level at the gauge reaches 9.0 m (or if floodwaters reach the level of the bottom step at the Hassall Street entry), then warn ground floor residents and any visitors of possible need to evacuate to Level 1 and prepare to implement actions listed in the FloodSafe Plan,
- Continue to monitor the gauge and at the Hassall Street entry and check if the water levels at the gauge and/or in Hassall Street are rising consistently; and
- When the water level at the gauge reaches 10.0 m (or if floodwaters reach the level of the fourth step at the Hassall Street entry), then commence the evacuation of residents and any visitors from the ground floor to Level 1.

3.3 Other Sources

An important indication of likely imminent flood activity would be intense local rainfall. During any severe storms which occur designated staff should monitor the designated river gauge on the FloodSmart Parramatta website.

3.3.1 The Bureau of Meteorology

The Bureau of Meteorology does not prepare flood predictions for the Parramatta River, but does issue Severe Thunderstorm Warnings and Severe Weather Warnings for Sydney.

Severe Thunderstorm Warnings are issued together with maps indicating the current location and predicted path of thunderstorms. Severe Weather Warnings are for severe weather not related to thunderstorms, cyclones or fire, such as "east coast lows" or other causes of intense rainfall or storm surge.

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These warnings are available at:

http://www.bom.gov.au/nsw/warnings/.

BoM also provides real time rain radar coverage for Sydney at:

http://www.bom.gov.au/products/IDR713.loop.shtml.

3.3.2 The NSW SES

The local SES unit is Parramatta (http://parramatta-ses.com).

The applicable region is the Northern Region, which operates a Facebook page for informing members of the public (https://www.facebook.com/NSWSESSNR).

The SES issues Local Flood Advices. These are issued on the basis of localised valley watch information for locations for which the BoM does not issue Flood Warnings. They normally predict which class of flooding (minor, moderate or major) will occur, and must not contradict any Flood Warnings provided by the BoM for other gauges on the same river. Local Flood Advices are to be clearly identified as being issued by the SES.

For the subject area, only a Draft Flood Warning Plan has been prepared to date by the NSW SES. This draft was prepared a number of years ago and while it is planned that it will be updated this does not have a high priority in view of the level of flood protection in the Parramatta CBD that has been achieved by various works undertaken in the upper catchment including the Loyalty Road basin.

3.3.3 Local Emergency Management

Parramatta City Council's Local Emergency Management Officer maintains the Parramatta Local Disaster Plan (DisPlan), provides executive support to the Local Emergency Management Committee and Emergency Operations Centre and co-ordinates public education.

In the event of a local emergency, a Police Officer may be appointed by the District Emergency Operations Controller as the Local Emergency Operations Controller for the Parramatta City Council area. Local Emergency Operations Controller is responsible for emergency response operations.

3.3.4 Local television and radio stations

Local television and radio stations would disseminate warnings from the Bureau of Meteorology, SES and other relevant sources.

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4 Flood Evacuation

Consideration of the limited warning times in extreme floods led to a decision to adopt a "shelter-in-place" strategy based on relocating the evacuation of residents and any visitors from the ground floor to Level 1.

4.1 Persons at Risk

The maximum number of persons at risk on the ground floor in a PMF is around 20. The time weighted Persons at Risk (PAR) in the basement car parking levels and the ground floor during the PMF is 14.6.

It is estimated that up to 20 persons who would need to retreat from the ground floor to Level 1 when an evacuation is triggered.

The maximum number of persons indirectly at risk on Levels 1-6 in a PMF is 127. The time weighted Persons at Risk (PAR) in the basement car parking levels and the ground floor during the PMF is 100.

4.2 System to Protect the Car Parking Levels

The crest level of 5.67 m AHD on the driveway access from Arthur Street to the multi-storey car parking levels which provides 500 mm freeboard above the 100 year ARI level. Further protection is provided by a flood-proof roller shutter located on the driveway ramp down to the basement which when closed protects the basement levels from flooding.

The Basement car parking is also protected by shutters and/or flood-proof doors installed on the Ground Floor to protect the basement levels from floodwaters attempting to circumvent the roller shutter on the driveway.

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5 Flood Response

5.1 Flood Awareness

The manager and any designated residents will be made aware of the flood hazard and evacuation procedures through a combination of measures.

Evacuation plans detailing the evacuation procedures will be provided in key locations on the ground floor and Level 1.

Flood warning signs may be provided to raise awareness of flooding during dry times, but also to alert visitors and staff to the depth of floodwaters during extreme flood events.

Annual evacuation drills will be carried out.

5.2 FloodSafe Plan

A preliminary FloodSafe Plan has been prepared and supplied as **Appendix A**. This preliminary Plan will need to be finalised to include evacuation procedures developed by staff and management prior to occupation.

The FloodSafe Plan will need updating at regular intervals in the future in response to evolving operations and the needs of different resident profiles over time.

5.3 Hazardous Materials

Possible hazardous materials that may be stored in basement car parks include:

- Cleaning chemicals eg pool chlorine, chlorine bleach; and
- Petrochemical fuels eg petrol, oil, diesel.

5.4 Critical Infrastructure

The following items have been identified as infrastructure relevant in flood emergencies: electricity, telephone, gas and water.

During significant storms, interruptions may be experienced to electricity and telephone services due to lighting strikes, fallen trees and high winds, which affect the networks.

Water and gas may also become unavailable during severe flood events due to offsite network issues.

Any back-up measures in the event that there is a disruption to the provision of utilities should also be documented in the FloodSafe Plan.

5.5 Operations and Responsibilities

Flood Wardens will be present on site and able to co-ordinate emergency response at all times. There will be up to 4 designated flood wardens for the building, plus the building manager, who is the Chief Flood Warden. An organisational chart is shown in **Figure 8**.

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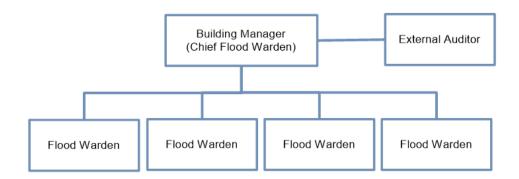


Figure 8 Emergency Response Organisational Chart

Flood Wardens will be trained by the building manager or another suitable person. A training register will be maintained by the building manager with annual audits to ensure that sufficient flood wardens are trained in the procedures. An external auditor will review the documentation to ensure compliance with requirements.

Notwithstanding warnings and orders given by the SES, police or other authorities, Flood Wardens are responsible for issuing directions and warnings to residents and visitors.

A copy of this FEDRP or (a) future version(s) will be stored on site in hardcopy in a weather proof, easily accessible location that is clearly marked and available to emergency services. Additional copies will be available for staff training and reference in an emergency.

5.5.1 Auditing

A schedule will be implemented to ensure appropriate auditing of the flood protection system.

Evacuation drills will also be required.

5.5.2 Operations & Maintenance

Details on any installed equipment will be included as well as recommended schedules for testing and maintenance of the equipment. The report must clearly delineate responsibilities, timing and tasks to ensure compliance will be readily achieved.

Details on all flood barriers will be appended to this report as well as recommended schedules for testing and maintenance each of the measures as appropriate. The responsibilities for and timing of maintenance to be undertaken in accordance with requirements detailed by suppliers will be clearly identified.

5.6 Emergency Procedure

5.6.1 Informal Monitoring

Weather conditions and on river water levels can be monitored informally through FloodSmart Parramatta and at the websites listed in **Section 3.3**.

5.6.2 Automated Actions

Flood warnings will be issued automatically by the Early Warning Network (FloodSmart Parramatta).

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5.6.3 Flood Warden Actions

In accordance with the trigger level set out in **Section 3.2** the following actions must be co-ordinated by the Flood Wardens.

- When a warning of a major flood is received from the Early Warning Network (FloodSmart Parramatta) then commence monitoring the water level and the rate of rise of the water level at the Marsden Weir gauge;
- · Also monitor any flooding of the Hassall Street/Arthur Street intersection;
- If the water level at the gauge reaches 9.0 m (or if floodwaters reach the level of the bottom step at the Hassall Street entry), then warn ground floor residents and any visitors of possible need to evacuate to Level 1 and prepare to implement actions listed in the FloodSafe Plan,
- Continue to monitor the gauge and at the Hassall Street entry and check if the water levels at the gauge and/or in Hassall Street are rising consistently; and
- When the water level at the gauge reaches 10s.0 m (or if floodwaters reach the level of the fourth step at the Hassall Street entry), then commence the evacuation of residents and any visitors from the ground floor to Level 1.

5.7 Recovery

The On-site Manager, Flood Wardens and State Emergency Service will advise when it is safe to:

- · Return to apartments on the ground floor;
- · Enter the basement carpark; and/or
- Leave the site.

Re-entry and clean-up of the areas that are inundated is to take account of the storage of any hazardous materials as noted above and/or any surface ponding of water which may be hazardous.

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6 References

Parramatta Local Emergency Management Committee (2010) "Parramatta Local Disaster Plan".

125 – 129 Arthur St, Harris Park

APPENDIX A DRAFT FLOODSAFE PLAN



FloodSafe Plan for 125-129 Arthur Street, Parramatta

Potential impacts of flooding on Residents, Staff and any Visitors	Severity level
People's health and safety are compromised	Very High
Frail and elderly resident evacuation	Very High
Property is damaged or destroyed	High
Cars and other property in basement be damaged	High
Electric substation may be flooded and stop working	High
Profits are lost or service provision stopped	Medium
Domestic pets health and safety	Medium
Lift wells may be flooded and lifts may stop working	Medium
Paperwork and records are ruined	Low

Triggers for Actions now and always

• Actions that can be done immediately and maintained to reduce the potential impact of flooding are:

Actions					
Action	How to do it	Who will do	What you will need		Completed
Inform residents that flooding is a real but small risk	Train flood wardens	Building Manager, Flood Wardens	Training procedures and policies, this plan	1 hour for training	[]
Make the FloodSafe Plan and the Flood Emergency Detailed Response Plan readily available	Store copies of the FloodSafe Plan Flood Emergency Detailed response Plan in locations readily available to the Flood Wardens and manager	Building Manager	Copies of the FloodSafe Plan and the Flood Emergency Detailed Response Plan	30 minutes	[]
Encourage flood wardens to participate in development & implementation of this plan	Meeting	Building Manager, Flood Wardens	FloodSafe Plan and computer	2 hours	[]
Ensure OH&S procedures cover specific risks associated with floods	Management to formulate/update evacuation procedures where necessary	Building Manager	Copies of the FloodSafe Plan and the Flood Emergency Detailed Response Plan	2 hours	[]
Maintain an up to date list of emergency contact numbers for staff and services	Review contact details	Building Manager	Various updated contact details and maintain data base	30 minutes	[]
Train flood wardens in flood procedures	Training session(s)	Building Manager	Copies of the FloodSafe Plan and the FEDRP	1 hour	[]
Incorporate flood awareness in building management and	Staff induction manual	Building Manager	Staff induction manual	1 hour	[]

staff induction training					
Prepare Emergency Kits	Gather items and store in suitable location on-site and accessible.	Building Manager	Emergency kits ¹	2 hours	[]
Ensure flood wardens know flood evacuation routes	Staff training and emergency drills	Building Manager	Copy of the FloodSafe plan	2 hours	[]
Awareness of which residents will require assistance	Keeping a log of residents that would require assistance	Building Manager	Log contained with the emergency kits	1 hour	[]
Action plan for evacuation of these residents if needed	Identify special needs as required	Building Manager	Knowledge of particular needs of residents	2 hours	[]
Store backups of important computer files and critical paper records off-site and out of floodplain.	Create computer backups and paper copies of critical documents and store off-site.	Building Manager	Off-site storage location	1 hour	[]
Ensure staff know flood evacuation routes	Display plan of evacuation routes	Building Manager	Evacuation plan	30 minutes	[]

¹ Emergency kit to contain torch with spare batteries, portable radio with spare batteries, first aid kit, candles, waterproof matches, waterproof bag for valuables and mobile phone, and a copy of the emergency contacts list

Triggers for actions when flooding is likely

- Heavy rainfall
- Parramatta FloodSmart Warning
- If the water level at the Marsden Weir gauge reaches 9.0 m; or
- · Floodwaters reach the level of the bottom step at the Hassall Street entry.
- · The Bureau of Meteorology issuing a Flood Watch
- The Bureau of Meteorology issuing a Severe Weather Warning or Severe Thunderstorm Warning indicating a likelihood of flash flooding
- The State Emergency Service issuing a Flood Bulletin

Actions						
Action	How to do it	Who will do it	What you will need	Estimated time needed	Completed	
Notify flood wardens, residents and any visitors of any warnings	In person and using wardens	Building Manager, Flood Wardens	Flood warden list and Visitor list	30 minutes	[]	
Prepare for evacuation if the water level at the Marsden Weir gauge reaches 8.0 m; or floodwaters reach the level of the bottom step at the Hassall Street entry	Undertake actions identified by flood wardens to prepare residents to evacuate to Level 1	On-Site Manager and flood wardens	Checklist of actions identified by staff to prepare residents for evacuation	Time available varies – see below	[]	
Keep radio tuned to local radio station, keep in contact with SES and monitor relevant websites	Tune radio to Alive 90.5 mHz FM; http://www.bom.gov.au/nsw/warnings/ http://www.bom.gov.au/products/IDR71 3.loop.shtml http://new.mhl.nsw.gov.au/Site-213435	Building Manager	Radio, 3G enabled device and spare batteries	While flooding is likely	[]	

Triggers for Actions during a Flood

- A warning of a major flood is received from the Early Warning Network (FloodSmart Parramatta)
- The water level at the Marsden Weir gauge reaches 10.0 m; or
- Floodwaters reach the level of the fourth step at the Hassall Street entry

Actions						
Action	How to do it	Who will do it	What you will need	Estimated time needed	Con	npleted
Keep in contact with flood wardens and keep them updated on the situation	Implement contacting strategies using meetings, telephone calls and emails	Building Manager	Radio to obtain up-to-date information and liaison with the SES; computer or 3G device to check websites	Ongoing during event	[]
Do not enter flood water or attempt to leave the protected parts of the building	Ensure manager and flood wardens are trained and providing relevant information to any visitors	Building Manager and flood wardens	Latest information and Flood Safe Plan	Ongoing during event	[]
Keep radio tuned to local radio station, keep in contact with SES and monitor relevant websites	Tune radio to ABC Local Radio 702 AM; http://www.bom.gov.au/nsw/warning s/ http://www.bom.gov.au/products/IDR 713.loop.shtml	Building manager and flood wardens	Radio, spare batteries, phone, computer and 3G mobile device	During event]
The water level at the Marsden Weir gauge reaches 10.0 m; or floodwaters reach the level of the fourth step at the Hassall Street entry	Evacuate residents and manager to the Level 1 communal area	Building Manager and flood wardens	Checklist of actions identified by staff for the orderly evacuation of affected residents	Time available varies – see below	[]
Back up important computer files and critical paper records and store these on Level 1 or on a higher level					[]

Triggers for Actions after a Flood

- On-Site Manager or flood wardens issue all clear
- The NSW State Emergency Service issuing an all clear

Actions	Actions						
Action	How to do it	Who will do it	What you will need	Estimated time needed	Completed		
Before reoccupying the Ground Floor undertake an OH&S risk assessment	Conduct a visual risk assessment of external areas and Ground Floor for structural damage, damage to services, dangerous debris, etc.	Building Manager and Flood Wardens	Advice from SES that we can return and safety equipment that is deemed necessary		[]		
Communicate with residents and assist them in returning					[]		
Remove debris and clean, repair and disinfect the Ground Floor as needed	With appropriately skilled personnel	Building Manager to organise			[]		
Replace lost furniture, floor coverings and fittings as needed					[]		
If needed replace essential plant, equipment as soon as possible					[]		
Restore critical records, computer equipment and files					[]		

Staff Contact List

Name	Number	Mobile	Flood role / issues
Building Manager (Chief Flood Warden)			
Flood Warden 1 (Ground Floor)			
Flood Warden 2 (Level 1)			
Flood Warden 3			

Emergency Contact List

Name	Number	Mobile
Ambulance	000	
Gas		
SES	132500	
Sydney Water - Faults	13 20 90	
Fire - Emergency	000	
Police - Emergency	000	
Electricity		
Bureau of Meteorology (for flood warnings)	1300 659 219	
Parramatta City Council Wet Weather Line	(02) 9294 8586	
Parramatta Police Station	(02) 9633 0799	
Electrician		

For emergency help in floods and storms phone the SES on 132 500

125 – 129 Arthur St, Harris Park

APPENDIX B FLOOD BARRIER MANUALS



PLANNING REPORT



125-129 ARTHUR STREET, PARRAMATTA

SECTION 4.55(2) APPLICATION - ALTERATIONS AND ADDITIONS TO AN APPROVED RESIDENTIAL FLAT BUILDING

PREPARED FOR CITIBUILD DESIGN AND CONSTRUCTION PTY LTD

PREPARED BY



CONTACT INFORMATION
MICHAEL@415UPS.COM.AU

PO BOX 258 EAST MAITLAND NSW 2323

M: 049 049 5656 WWW.415UPS.COM.AU

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AUTHOR (INITIAL & SIGN)	MB			
RELEASE DATE	12 NOVEMBER 2021			

DOCUMENT CHANGE CONTROL

REVISION	RELEASE	AUTHOR/S	DESCRIPTION OF
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0	3/5/2021		DRAFT
1	1/11/2021	1	REV 1
2	3/11/2021		FINAL
3	12/11/2021		DWG UPDATES

THIS DOCUMENT HAS BEEN PREPARED FOR CITIBUILD DESIGN AND CONSTRUCTION PTY LTD BY 415 URBAN PLANNING SOLUTIONS PTY LTD TO ACCOMPANY A S.4.55(2) MODIFICATION APPLICATION TO PARRAMATTA CITY COUNCIL. REPRODUCTION OF ALL OR PART OF THIS DOCUMENT IS PROHIBITED WITHOUT THE PRIOR PERMISSION OF 415 URBAN PLANNING SOLUTIONS PTY LTD.

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APPENDIX A Clause 115 - Application for Modification of Development Consent

1 INTRODUCTION

1.1 THE CLIENT

This report has been prepared for Citibuild Design and Construction Pty Ltd to accompany a Section 4.55(2) Modification Application submission to Parramatta City Council.

1.2 THE REGULATIONS

This report addresses Clause 115 of the Environmental Planning & Assessment Regulation 2000 (the Regulations) and therefore, includes the information that an application for modification of a development consent, under Section 4.55 of the Environmental Planning & Assessment Act, 1979 (the Act), must contain.

1.3 THIS REPORT

This SEE is divided into the following sections that address matters (a) to (d) above.

Section 1	This introduction.
Section 2	A description of the proposal in detail.
Section 3	A description of the site and its surrounds.
Section 4	An assessment of the proposal in accordance with the relevant
	matters for consideration prescribed by Clause 4.15 of the
	Environmental Planning and Assessment Act, 1979 (as
	amended).
Section 5	The conclusion to the assessment.

1.4 BACKGROUND

Council originally approved DA/776/2014 on 22 June 2015 with a variation of the maximum building height of RL29 or 107% of the development standard (i.e. RL14). Two modifications to the consent have also been approved as follows:

- DA/776/2014/A for Demolition of existing buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking; and
- DA/776/2014/B for an amended unit mix, reduction of 3 basement car spaces, reconfiguration of unit and basement layout, and various external changes to balconies and roof feature.

In approving the height variation, the Assessing Officer's report noted as follows:

"The maximum height variation, although is 107% is well founded and acceptable as:



- 1. The increase in height was partially necessitated by the flood impacts on the site and the ability of the building to allow for flood flow through path. This in turn increased the height of the building substantially to a maximum of 1.7 m from the natural ground level.
- The 7 storey portion of building is a transition from the 9 storey Mercure
 Hotel building to the east and is considered appropriate for the area,
 given that it is located in a predominant gateway site connecting the east
 with Parramatta CBD.
- 3. The Arthur Street frontage has been transitioned to step down from 7 storeys through 6 and 5 storeys and finally a 4 storey, thereby providing a transition to the two storey dual occupancy to the north of the site.
- 4. No significant views listed in the PDCP2011 that would be obstructed.
- 5. The proposal will not have any additional solar access impacts on all the immediate neighbours.
- 6. There are no known privacy issues as the buildings are setback 4.5m from the eastern boundary and adequately landscaped.
- 7. The matter was considered by Council in a pre-lodgement application and assessed to be appropriate.

The maximum building height variation is considered acceptable in order to achieve the design out come and compliance with zoning requirements."

A further development application (DA/870/2018) was submitted to Council on 12 December 2018 proposing an additional two levels on the top of the approved residential flat building, including 10 additional dwellings, resulting in a total of 74 dwellings. The proposal also included common open space on the roof accessible from the lift and stairs. Council formally refused consent on 12 November 2019. A subsequent appeal to the NSW Land and Environment Court was withdrawn on 20 October 2020 and the refusal of that application still stands.

1.5 LIST OF DRAWINGS

Table 1 below, indicates the plans that this SEE has relied upon in order to detail, as a minimum, any likely environmental and social impacts of the development. The plans have been provided by Ghazi Al Ali Architects.

TABLE 1: LIST OF DRAWINGS

SHEET NO.	DESCRIPTION	REVISION	DATE
A 0000	Title Page	С	27/10/2021
A-1000	BASIX Certificate	А	27/10/2021
A-1201	Lower Basement Plan	С	27/10/2021
A-1202	Upper Basement Plan	С	27/10/2021



SHEET NO.	DESCRIPTION	REVISION	DATE
A-1203	Flood Overflow Plan	С	27/10/2021
A-1204	Ground Floor Plan	С	27/10/2021
A-1205	Level 01 Floor Plan	С	27/10/2021
A-1206	Level 02 Floor Plan	С	27/10/2021
A-1207	Level 03 Floor Plan	С	27/10/2021
A-1208	Level 04 Floor Plan	С	27/10/2021
A-1209	Level 05 Floor Plan	С	27/10/2021
A-1210	Level 06 Floor Plan	С	27/10/2021
A-1211	Roof Plan	С	27/10/2021
A-1301	West Elevations	С	27/10/2021
A-1302	South Elevations	С	27/10/2021
A-1303	East Elevations	С	27/10/2021
A-1304	North Elevations	С	27/10/2021
A-1401	Ramp Section AA and BB	С	27/10/2021
A-1402	Section CC	С	27/10/2021
A-1403	Section DD	С	27/10/2021
A-2001	GFA Calculation	С	27/10/2021
A-2010	Solar Access Diagram	С	27/10/2021
A-2020	Cross-ventilation Diagram	С	27/10/2021
A-2021	Flooding Design – Ground Level	А	27/10/2021
A-2022	Flooding Design – L01	А	27/10/2021

The amendments are also supported by a revised Flood Impact Assessment prepared by Cardno and a Flood Emergency Detailed Response Plan, also prepared by Cardno.



2 THE SITE AND LOCALITY

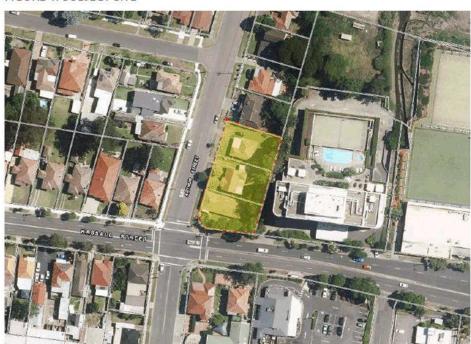
2.1 SITE DESCRIPTION

The Site is located at 125-129 Arthur Street Parramatta, within the Parramatta Local Government Area. It is located 23km west of the Sydney CBD and approximately 1.2km east of the Parramatta Commercial Centre.

The Site is legally described as Lot 5 DP 27997, Lot 6 DP 27997, and Lot 7 DP 27997, known as 125 - 129 Arthur Street, Parramatta. It is generally rectangular in shape, with a frontage to Arthur Street of 55m and a Hassall Street frontage of 28m. The Site has an area of approximately 1,668 m^2 .

The original three single storey residential dwellings and a number of trees occupying the subject site have been demolished and bulk earthworks have commenced on the Site. Vehicular access is currently obtained from Arthur Street.

FIGURE 1: SUBJECT SITE



SOURCE SIX MAPS 2021



125-129 Arthur Street, Parramatta

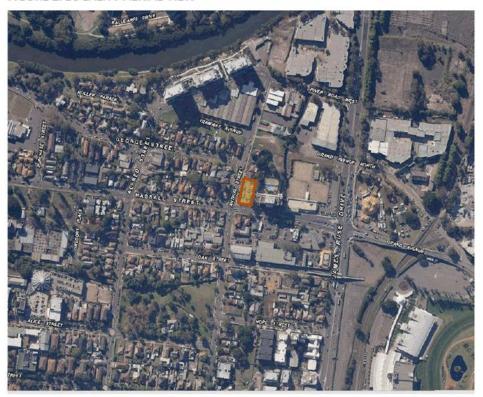




2.2 THE LOCALITY

The Site is located at a corner of the intersection between Arthur Street and Hassall Street. Immediately to the east is the Mercure Hotel, the highest development in the locality. Across Hassall Street to the south is a local shopping centre. Directly to the north of the subject site is a Strata-titled dual occupancy development. The Site is within the proximity to Camellia train station, Rosehill Gardens Racecourse and Camellia industrial precinct.

FIGURE 2: LOCALITY AERIAL VIEW



SOURCE: SIX MAPS 2021



125-129 ARTHUR ST PARRAMATTA



2.3 SITE CONSTRAINTS

The Site is zoned B4 Mixed Use according to the Parramatta Local Environmental Plan 2011 (PLEP 2011). It is subject to a blanket maximum building height limit of RL 14 but has no floor space ratio controls.



Other key attributes or constraints associated with the Site include:

- The Site is located diagonally opposite the north eastern corner of the Elizabeth Farm Conservation Area.
- There are no heritage items on the Site. The nearest heritage items are a series of single storey weatherboard cottages located at 6-12 Oak Street, within the Elizabeth Farm Conservation Area.
- The Site is classified as potentially containing Class 4 Acid Sulphate Soils.

FIGURE 3: ZONING MAP EXTRACT



SOURCE: NSW PLANNING PORTAL 2021



3 THE PROPOSED MODIFICATIONS

3.1 DESCRIPTION OF THE AMENDMENTS

The application proposes alterations and additions to an approved residential flat building. The modifications have evolved as a consequence of conditions in the consent relating to flood safety and design requirements and refinements in the design. Details of the proposal are as follows:

DRAWING A1201 LOWER BASEMENT PLAN

- Re-calculated required parking, based on updated Unit Mix.
- Size of service room allocated and adjusted.
- Relocated 2 (two) accessible parking spaces and associated shared space from Upper Basement level.

DRAWING A1202 UPPER BASEMENT PLAN

Sprinkler water tank included under approved ramp.

DRAWING A1203 FLOOD OVERFLOW LEVEL

- Size of OSD adjusted as per hydraulic consultant advisement.
- Indicated substation (base).

DRAWING A1204 GROUND FLOOR PLAN

Connected north & south building corridor for flooding safety purpose.

DRAWING A1210 LEVEL 06

- Unit 601 updated layout, swap bedroom with living area, with living area to face east for better solar access.
- Communal toilet removed.
- Pergola removed for fire safety.

ELEVATIONS & SECTIONS

- Height of ground floor raised in order to have Lo1 at RL 9.3 due to flooding issue.
- Updated accordingly as per plan amendments
- Sliding door heights reduced 100mm to 2600mm



GFA CALCULATION

- Floor areas changed slightly due to internal changes
- New calculated GFA 5101.78 m² (previously approved as 5063.96 m²).

SOLAR ACCESS & CROSS-VENTILATION

Calculations changed slightly due to internal changes.

3.2 MODIFICATIONS TO SPECIFIC CONDITIONS

As a consequence of the proposed modifications, the following conditions will need to be amended accordingly:

- Condition 1 to reflect the proposed suite of drawings, as detailed in Table 1 in Section 1.5 above and deleting all reference to the drawings prepared by Chanine Design.
- Condition 1 update the suite of supporting documents to reflect this Report and the updated Flood Impact Assessment and Flood Emergency Detailed Response Plan prepared by Cardno.
- Condition 23 modification to reflect the relevant drawings.
- Condition 24 to reflect the accompanying Flood Emergency Detailed Response Plan.
- Condition 25 modification to reflect the relevant drawings.
- Condition 33 modification to reflect the applicable drawings and required car parking spaces.
- Condition 35 modification to reflect the relevant drawings.
- Condition 80 modification to reflect the relevant Basix Certificate No.
- Condition 90 deletion as it is a duplication of Condition 88.



4 ENVIRONMENTAL ASSESSMENT

4.1 ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

This report considers the environmental consequences of the development as required under Schedule 1 (2) (4) of the Environmental Planning & Assessment Regulation 2000 (the Regulations).

Any environmental impacts of the development have been identified through a review of applicable planning instruments as outlined below; review of the site and its surrounds and review of other related documents. Our assessment of the proposal, against the planning instruments guiding development, concludes that environmental impacts, as a result of the modification of the approved development, are minimal.

4.2 SECTION 4.55 PROVISIONS

Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 (EP & A Act, 1979) provides that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),

Comment:

The "substantially the same" test is a fundamental aspect in the consideration of a Section 4.55 Application (and its predecessor, Section 96(2) of the EP&A Act 1979). Consideration must also therefore be given to the relevant caselaw, notably:

- Ahmad Corp Pty Ltd v Fairfield City Council (2018) NSWLEC 1526;
- North Sydney Council v Michael Standley & Associates Pty Ltd (1998) 43
 NSWLR 468; and
- Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298.

In North Sydney Council v Michael Standley & Associates Pty Ltd, the Court held that the power to modify a consent is 'a power to alter without radical transformation". In the Moto Projects matter, it was found that in determining whether the Court is able exercise this power, it undertakes a qualitative and quantitative comparison of the original application and the modified application, noting that 'the result of that



comparison must be a finding that the modified development is "essentially" or "materially" the same.

The proposal (as modified) will be substantially the same development as approved by Council under DA/776/2014 and the proposal does not represent a radical transformation of the approved development. This consent was granted for "Demolition of existing buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking".

The proposal will remain both essentially and materially the same as was approved - that is a part 4, 6 and seven storey residential flat building containing 64 dwellings with basement car parking. Other aspects to note are:

- There will be no fundamental change to the use and definition of the approved development. It will remain as a residential flat building.
- There will be no change in density with sixty four dwellings being approved and still proposed, albeit in a slightly different configuration.
- There will be no change to the size or description of the land to which the consent relates.
- The qualitative impacts will be comparative to that of the approved development (operative consent). The amendments will not be discernible from adjoining properties or the public domain as they are to a large extent internal modifications that have been derived in the course of satisfying conditions of consent.
- The outlook, views and overall amenity to adjoining properties will remain unchanged.
- The quantitative changes will be very minor as indicated by the assessment below.
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or



advertising of applications for modification of a development consent, and ...

- (d) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and
- (e) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment:

It is anticipated that Council as the consent authority, will notify the relevant approval bodies/ Ministers of the application as well as notify the proposal in accordance with the relevant regulations and the relevant Development Control Plan. This will include Council notifying each and any person who made a submission in relation to the original application.

It is anticipated that Council will review any submissions from the community, should any be received. In the event that submissions are received by Council, the applicant requests the opportunity to review and respond accordingly.

Section 4.55 (3) of the Act states:

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following section provides an assessment of the matters of relevance to the proposed amendment.

4.3 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides criteria, which a consent authority is to take into consideration, where relevant, when considering the modification of a Development Application (DA). A full assessment of the proposed modifications, in accordance with the relevant matters for consideration prescribed under Section 4.15(1) of the EP&A Act, is provided below.



4.4 OVERVIEW OF STATUTORY AND POLICY CONTROLS

The relevant statutory and policy controls applicable to the subject site and proposed development are listed below.

RELEVANT STATE AND REGIONAL ENVIRONMENTAL PLANNING POLICIES

- State Environmental Planning Policy (Building Sustainability Index: BASIX)
 2004 (BASIX SEPP)
- State Environmental Planning State Environmental Planning Policy No.55 –
 Site Remediation (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development (SEPP 65)

RELEVANT LOCAL ENVIRONMENTAL PLANS

Parramatta Local Environmental Plan 2011 (PLEP 2011)

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Nil

RELEVANT DEVELOPMENT CONTROL PLANS

Parramatta Development Control Plan 2011 (PDCP 2011)

4.5 SEPP PROVISIONS

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The amended development is within the category of dwellings affected by the SEPP (Building Sustainability Index: BASIX) 2004. Accordingly, the application is accompanied by a BASIX Certificate under separate cover.

STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND (SEPP 55)

Given the nature of the proposal, it is not necessary to revisit whether the Site is contaminated. Council has previously considered that the Site is suitable in its present state for rural residential development and that further investigation of land contamination is not warranted. The Site remains suitable in its present state for the development as amended.



STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The proposed modifications do not alter the conclusions made by Council with respect to the Infrastructure SEPP. The amendments do not trigger any new considerations and the proposal remains consistent with the aims to facilitate the efficient delivery of Infrastructure across the State.

STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY HARBOUR CATCHMENT) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 contains visual, environmental, and heritage provisions which are required to be addressed and satisfied. Although the Site is located within the Sydney Harbour Catchment, it is not located within a Foreshores and Waterways Area, Wetlands Protection Area or identified as a Strategic Foreshore Sites. Accordingly, there are no matters for consideration under this SEPP for the proposed modifications.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

SEPP 65 states as follows:

"4 Application of Policy

- (1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—
 - (a) the development consists of any of the following—
 - (i) the erection of a new building,
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
 - (iii) the conversion of an existing building, and
 - (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
 - (c) the building concerned contains at least 4 or more dwellings."

The original DA consent (No. DA/776/2014) was granted under the provisions in SEPP 65 Design Quality of Residential Flat Development. At the time, SEPP 65 called up the Residential Flat Design Code (RFDC) provisions, as opposed to the



Apartment Design Guide (ADG), which would apply to new development that the SEPP applies to.

Clause 29 of the SEPP also applies in relation to modification applications, as follows:

"29 Determination of applications for development consent modifications

- (1) This clause applies if a consent authority is required by clause 115(3B) of the Environmental Planning and Assessment Regulation 2000 to refer an application for the modification of development consent (other than in relation to State significant development) to a relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.
- (2) In determining an application to which this clause applies, the consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration)—
 - (a) the advice (if any) obtained from the design review panel, and
 - (b) the design quality of the development (as modified) when evaluated in accordance with the design quality principles, and
 - (c) the Apartment Design Guide.
- (3) However, if the relevant design review panel fails to inform the consent authority of its advice within 14 days after its first meeting to deal with the application concerned, the consent authority may determine the application without considering any such advice and a modification of consent so granted is not voidable on that ground.
- (4) The 14-day period referred to in subclause (3) does not increase or otherwise affect the period within which an application for the modification of development consent is required to be determined by a consent authority."

Clause 115(3B) requires a consent authority refer a modification application to the relevant design panel if the statement made by the qualified designer does not verify that he or she also designed, or directed the design of, the development for which the consent was granted. The purpose of the referral to the Panel is to seek advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was



granted. The application is accompanied by the requisite design verification statement.

Clause 30 of the SEPP also contains provisions that a consent authority must not refuse consent for a modification if a proposal satisfies the relevant requirements relating to:

- Car parking that is equal to or greater than that recommended by Part 3J of the ADG.
- The minimum internal area is equal to or greater than that recommended by Part 4D of the ADG.
- The ceiling heights are equal to are equal to or greater than that recommended by Part 4C of the ADG

As shown in the table below, the proposal satisfies these requirements.

TABLE 2: ADG COMPLIANCE

ADG DESIGN CRITERIA/ DESIGN GUIDANCE	PROPOSAL	COMPLIANCE
Building depth - 18m	<18m	No change – complies
Communal open space - 25%	COS is to increase slightly from 345.02m ² (20.7%) to 352.44m ² (20.9%)	No – existing approved non-compliance, however the small increase in COS is not seen to be a negative outcome.
Deep Soil: - 6m minimum dimension - 7% of Site (118.6m²)	Approved: 225.95m ² Proposed: 215.09m ²	Yes
Building Separation Distances	No change to existing setbacks	No change – complies



ADG DESIGN CRITERIA/ DESIGN GUIDANCE	PROPOSAL	COMPLIANCE
Building height Habitable rooms and balconies Non-table balconies Non-table rooms		
Car parking- If within 800m of railway station – apply Guide to Traffic Generating developments or DCP, whichever is lesser. 0.6 spaces/1 bed 0.9 spaces / 2 bed 1.4 spaces / 3 bed 1 vis space / 5units	Requires 66 parking spaces, provides 78 spaces. See drawing A-1201 for calculations	No change – complies
Single aspect apartment maximum depth - 8m from window	<8m	Complies
Solar access - > 2 hours to living areas and private open space of 70% dwellings between 9:00am – 3:00pm on 21 June	45 (70.4%) of units receive greater than or equal to 3 hours solar access. 19 (29.6%) of units receive limited solar access. Nil units have no solar access (previously 7 units)	Yes
Natural ventilation - >60% of apartments	42 (66%) of units are cross ventilated.	Yes
Ceiling Heights:	No change to approved ceiling heights – minor change to overall height by 300mm to satisfy flood requirements.	Complies



ADG DESIGN CRITERIA/ DESIGN GUIDANCE	PROPOSAL	COMPLIANCE
Minimum ceiling height for apartment and mixed use buildings Habitable rooms 2.7m Non-habitable 2.4m For 2 storey apartments 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area Altic spaces 1.8m at edge of room with a 30 degree minimum ceiling slope If located in mixed used areas If located in mixed used areas		
Min unit size: Studio – 35m ² 1 bed - 50m ² 2 bed – 70m ² 3 bed – 90m ²	All units achieve minimum size requirements.	Complies
Min room size: Master bedroom – 10m² Other bedrooms – 9m² Living rooms – 3.6m studio/ 1 BR Living rooms – 4m 2+ BR 4m min unit width	All rooms achieve minimum size requirements.	Complies
Minimum private open space: Dwelling Minimum Minimum depth	All units have adequate private open space areas commensurate with unit size.	Complies
Apartments per core – maximum of 8	Two stair/ lift cores per floor servicing 11 units for ground and 1 st floor; 5-6 units per core per floor above	Complies



ADG DESIGN CRITERIA/ DESIGN GUIDANCE	PROPOSAL	COMPLIANCE
Min. storage size: Studio – 4m³ 1 bed – 6m³ 2 bed – 8m³ 3 bed – 10m³	All units allocated compliant storage areas in basement levels and in apartments.	Yes

4.6 LEP PROVISIONS

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011 (PLEP 2011)

Clause 1.4 – Definitions

The proposal is for modifications to an approved residential flat building. A residential flat building is defined in the PLEP 2011 as:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The modified development remains permissible within the zone with consent.

Clause 2.1 - Land use zone

The Site is within the B4 Mixed Use zone according to the PLEP 2011 according to the RLEP 2012 and its relevant zoning maps.

Clause 2.3 – Zone objectives and land use table

The relevant objectives of the zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.



 To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

The proposed development satisfies the above objectives for the following reasons:

- The proposal includes modifications to an approved residential flat building which is permissible and will be compatible with adjoining permissible uses in the zone.
- The proposal is for alterations to an approved residential flat building.
- The proposed development will provide continue to provide high density housing in an accessible location with access to public transport and walking distance from services.
- The proposal contributes to an active and vibrant neighbourhood by enhancing the possibilities of community interaction, while supporting local retail/ business centres with a higher density of residential development.

Clause 4.3 – Height of Buildings

The proposed modifications result in a minor increase in height of 300mm to satisfy flooding requirements outlined in the development consent. The increase in height is relatively minor in the context of the existing approved height and will not be discernible from the public domain.

Claude 4.4 – Floor Space Ratio

There is no FSR applicable to the Site.

Clause 5.10 – Heritage Conservation

The Site is neither a Heritage Item, nor located within a Heritage Conservation Area. It does however lie adjacent to the Elizabeth Farm Conservation Area, as shown in Figure 4 below.

Clause 5.10(5)(c) provides that a consent authority may consider the potential impact of new development seeking the granting of development consent on Heritage Items and Heritage Conservation Areas. Development consent has already been granted and Council gave due consideration of the proposal on the heritage significance of the adjacent Heritage Conservation Area. External modifications in areas adjacent to the Heritage Conservation Area are relatively minor and include:

 The inclusion of a ground level kiosk-style substation within the setback to Hassall Street.



- A relocated bedroom window to Unit 102 (level 1) from the street frontage to Hassall Street.
- Minor reconfiguration of Unit 601 for improved internal solar access (Level 6).

The proposed amendments do not alter Council's original conclusions to grant consent as they do not have a significant adverse impact on the heritage significance of the Elizabeth Farm Conservation Area, given their minor nature, location and the surrounding commercial context.

FIGURE 4: HERITAGE MAP



Clause 6.1 - Acid sulphate soils

The Site is identified as having Class 4 Acid Sulphate Soils, however the modifications do not cause any change with regards to the conclusions drawn in this respect.

Clause 6.2 – Earthworks

The proposed modifications do not require any additional earthworks and accordingly, there will be no change to this aspect of the approved development.

4.7 DRAFT PLANNING INSTRUMENTS

There are no applicable draft planning instruments currently under preparation that are relevant to the Site or the proposal.

4.8 PLANNING AGREEMENTS

There are no voluntary planning agreements that apply to the proposal.



4.9 NON-STATUTORY PROVISIONS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011 (PDCP 2011)

The Parramatta Development Control Plan 2011 (PDCP 2011) is the applicable development control plan that relates to the Site. The purpose of the PDCP 2011 is to act as a guiding document, in accordance with Section 3.42 of the EP&A Act, in order to achieve the aims and objectives of any environmental planning instruments applying to the Site and to facilitate development that is permissible in the zone. The PDCP 2011 provides additional guidelines and controls for specific types of development.

Given that the proposal is for modifications to an approved residential flat building on the Site, the application of the PDCP 2011 is limited. In addition, a number of the provisions of the PDCP 2011 are not relevant given that there are ADG controls that override those matters.

The relevant parts of the PDCP 2011 are addressed in Table 2 below, with non-relevant sections omitted.



TABLE 2: PDCP 2011 COMPLIANCE TABLE

REQUIREMENT	PROPOSED	COMPLIES
3.1.3 Primary Building Envelope – B4 zone		
Minimum site frontage 15.m	No change	Yes
Front Setback – 3.0m.	No change - 3.0m to Hassall Street/ 1.5m secondary frontage to Arthur Street for a corner lot	Yes
Side Setbacks	No change	Yes
Rear Setbacks – 15% of site length or merit	No change	Yes
Landscaped area – rear setback to be landscaped for residential development in the B4 zone	No change to rear setback. Minor change to landscaping area from $225.95 m^2$ to $215.09 m^2$ as a result of the required substation.	Yes
3.2.1 Building Form and Massing		
P.1 Buildings are to be of a height that responds to the topography and the shape of the site.	The proposed modifications do not alter the overall shape of the building. The minor increase in height of 300mm will not be discernible from the public domain and will not adversely impact adjoining properties. The proposed	Yes



REQUIREMENT	PROPOSED	COMPLIES
	amendments to the building continue to reinforce the corner location of the subject site.	
P.2 The proportion and massing of buildings is to relate favourably to the form, proportions and massing of existing and proposed buildings patterns in the street.	No change. Aside from the minor height increase, external changes are minimal and do not alter the form, proportions, massing or scale of the building.	Yes
P.3 Building height and mass should not result in unreasonable loss of amenity to adjacent properties, open space or the public domain.	No change	Yes
P.4 The form and massing of buildings is to provide a transition between adjoining land use zones and building types.	No change	Yes
P.5 Building form and massing is to support individual and communal entries.	No change	Yes



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COMPLIES

REQUIREMENT	PROPOSED	
3.2.2 Building facades and Articulation		ç ;
O1. To ensure the appearance of buildings complement and enhance neighbourhood and streetscape character.	The street presence continues to emphasize the corner site location and provide a positive architectural precedent to the locality.	Yes
O2. To encourage contemporary designs which integrate with the appearance of the streetscape.	The proposed modifications continue to demonstrate the transitional development in the B4 zone.	Yes
O3. To provide attractive building facades which establish identity and contribute to the streetscape.	The proposed modifications continue to provide an interesting architectural presence to the street. Darker-coloured and more detailed materials have been used for lower levels to provide a strong base for the development.	Yes
3.2.4 Energy Efficient Design		
BASIX compliance required	BASIX Certificates provided under separate cover.	Yes

3.3.2 Private and Communal Open Space



REQUIREMENT	PROPOSED	COMPLIES
O1. To ensure that private open space is designed to provide residents with quality usable private outdoor living areas for recreational and outdoor activities.	The modifications ensure all dwellings are provided usable private open space. The communal open space on level 6 continues to serve all the residents.	Yes
O2. To ensure that private open space is designed for privacy, solar access, and is well integrated with living areas.	O2. To ensure that private open space is the proposed modifications ensure that dwellings receive good solar access. designed for privacy, solar access, and is the proposed modifications areas. Well integrated with living areas.	Yes
O3. To provide low maintenance communal open space areas for residents that facilitates opportunities for recreational and social activities, passive amenity, landscaping and deep soil planting.	The communal open space remains low maintenance and is well landscaped.	Yes
3.3.3 Visual Privacy		
O1. To ensure that development does not cause unreasonable overlooking of	The design has utilised highlight and minimal window openings in the northern elevation to minimise potential and perceived impacts upon the	Yes



REQUIREMENT	PROPOSED	COMPLIES
habitable rooms and principal private open spaces of dwellings.	development to the north of the site. The configuration of dwellings and private and communal open space areas minimises potential conflicts.	
O2. To ensure that visual privacy is provided both within a development and between a development and its neighbours.	Privacy impacts have been mitigated by amended location of windows and installation of privacy screens.	Yes
O3. To ensure that the siting and design of development minimises the impacts of noise transmission between properties.	O3. To ensure that the siting and design Noise transmission between properties is unlikely to be a concern in this of development minimises the impacts instance. of noise transmission between properties.	Yes
3.3.4 Acoustic Privacy		
O1. To ensure that the siting and design	O1. To ensure that the siting and design The proposed amendments will not result in adverse acoustic impacts to	Yes

3.3.5 Solar Access and Cross Ventilation

future residents.

of buildings minimises noise impacts from abutting busy roads, rail corridors

and other noise-generating land uses.



REQUIREMENT	PROPOSED	COMPLIES
O1. To provide thermal comfort for occupants.	70.4% (45) dwellings receive greater than or equal to 3 hours solar access between 9am and 3pm at mid-winter.	Yes
O2. To ensure that development does not unreasonably diminish sunlight to neighbouring properties and within the development site.	66% (42) dwellings are naturally cross-ventilated. Solar access to adjoining properties is not diminished by the proposal.	
O3. To ensure that sunlight access is provided to private open space and habitable rooms to improve amenity and energy efficiency.		
O4. To ensure sufficient volumes to fresh air circulate through buildings to create a comfortable indoor environment and to optimize cross ventilation.		
O5. To ensure that sunlight access is provided to public open space.		

3.3.7 Waste Management



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REQUIREMENT	PROPOSED	COMPLIES
O.1 To reduce the quantity of waste and encourage the recycling of waste generated by demolition and the construction of new developments.	The proposed amendments will not alter the demolition phase of the development as this has already occurred. Construction impacts in terms of waste management will be minimal, as will the operational aspects of the onsite waste management system.	Yes
O.2 To encourage building design that will minimise waste generation over the lifetime of the building.		
O.3 To ensure that the disposal of waste generated by a building's occupants over its lifetime is managed appropriately and efficiently.		
O.4 To ensure that waste storage facilities are located appropriately and do not impact negatively on the streetscape.		
O.5 To ensure that waste can be effectively collected and managed.		



REQUIREMENT	PROPOSED	COMPLIES
O.6 To assist in achieving Federal and State Government waste minimisation targets.		
3.6.2 Parking and Vehicular Access		
Required parking: 1 space per 1 or 2 bedroom dwelling 1.2 spaces per 3 bedroom dwelling 0.25 visitor spaces per dwelling	The ADG overrides the DCP controls. Under the ADG, a total of 66 spaces are required. The proposal continues to provide 78 parking spaces (as approved), including 8 accessible parking spaces.	Yes – ADG prevails
4.3.2 Harris Park		
View Corridors protect identified views from Elizabeth Farm	The site does not sit within the view corridors to be protected or reinstated that are identified in Appendix 2.1 of the DCP.	N/A
Landscaped area – 30% of the site area	Refer to revised calculations on sheet A0000. The proposed modifications result in a very minor decrease in the landscaped area and deep soil, but offset this by a small increase in the communal open space areas.	Acceptable



REQUIREMENT	PROPOSED	COMPLIES
	The proposal still satisfies the ADG requirements with regards to these controls.	
	The approach to the site has been guided by the flood hazard of the site and the desire to accommodate exiting overland flow paths and flood storage capacity.	
	The design provides uninterrupted deep soil planting across the Hassall Street frontage of the site, except adjacent to the required substation. The setback to the eastern boundary provides for extensive landscape treatment in planters as detailed on the accompanying landscape plan.	
	The size and location of planting has been prepared having regard to the need to minimise impacts upon overland flow paths in flood events.	
Area of National significance	The building is located outside the identified view corridors of National Significance.	
	The scale and form of the modified building is considered to remain acceptable in the context of adjoining development and the lack of amenity impacts to surrounding existing development.	



### 4.10 FLOODING

The management of flood risk and flood storage and the existing overland flow paths have been a major base consideration in the approach to the development of the site taken. The updated flood impact assessment prepared by Cardno has responded to Council's requirements relative to flood storage and retention of the current patterns of flood behaviour. The result is a concept that accommodates these requirements, and which will facilitate shelter in place in the event of a flood event.

The updated Flood Impact Assessment notes the following amendments have been incorporated into the design changes to facilitate the required flood solution:

- Installation of a flood-proof roller shutter to protect the basement levels from flooding;
- Installation of shutters and/or flood-proof dors on the Ground Floor to protect the basement levels from flooding circumventing the roller shutter on the driveway.;
- A continuous corridor on the Ground Floor noting the previous layout had a split corridor forming the north and south "halves";
- Raising of the Level 1 floor level to 9.30 m AHD (ie above the PMF level);
- Flood refuge area on Level 1 (relocated from Level 2);
- Stairwell from Ground Floor to Level 1 refuge.

The report concludes that the assessment and recommendations put forward satisfy the flood planning requirements of the Parramatta DCP 2011.

A separate Flood Emergency Detailed Response Plan (FEDRP) has been prepared to respond to the flood risks at the Site. This report describes:

- Flood behaviour at the site in floods up to a Probable Maximum Flood (PMF),
- A Flood Emergency Detailed Response Plan for the development, including:
  - a. A Flood Warning System;
  - b. Evacuation strategy, measures, procedures and plan; and
  - c. A FloodSafe Plan.

### 4.11 OTHER RELEVANT MATTERS

Impacts to the built environment and social environments will be acceptable. The development will provide housing that is consistent with the objectives of the



relevant zone and furthermore, is a development that will benefit the streetscape and desired future character of the area. The proposed modifications do not raise any other matters relevant to the statutory consideration of the Modification Application.

### 4.12 SUBMISSIONS

The proponent will respond to any submissions received as part of any public notification undertaken by Council regarding the proposed development.

### 4.13 THE PUBLIC INTEREST

Approval of the proposal is not contrary to the wider public interest as it facilitates the refurbishment of an existing detached dwelling that does not make a positive contribution to the streetscape. The end result of the proposal is that the dwelling will make a significant positive contribution to the character of the local area and overall integrity of the Heritage Conservation Area.

### 4.14 SUITABILITY OF THE SITE

The report has demonstrated in detail that the Site remains suitable for the modified development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant Zone objectives.
- The development will respect the existing and desired future character of the immediate locality.
- Likely impacts from the proposal are reasonable.



# 5 CONCLUSION

The amended scheme has been assessed as being satisfactory with respect to the relevant provisions of Section 4.55 of the EP & A Act, 1979. A comparison of the quantitative and the qualitative differences between the development as originally approved and the amended scheme demonstrates that the amendments will be minor. The amended development will satisfy all of the provisions of Section 4.55 of the Environmental Planning and Assessment Act, 1979. It will perform adequately with respect to the surrounding natural and built environment and maintain an appropriate level of on-site amenity for future residents.



APPENDIX 1: CLAUSE 115 - APPLICATION FOR MODIFICATION OF DEVELOPMENT CONSENT

REQ	REQUIREMENT	PROPOSED	COMPLIES
(1)	An application for modification of a development consent under section 4.55(1), (1A) or (2) or 4.56(1) of the Act must contain the following information:		
(a)	the name and address of the applicant,	Provided on the application form generated by the NSW Planning Portal.	YES
(q)	a description of the development to be carried out under the consent (as previously modified),	Provided on the application form generated by the NSW Planning Portal and in Section 1 of this report.	YES
(2)	the address, and formal particulars of title, of the land on which the development is to be carried out,	Provided on the application form generated by the NSW Planning Portal.	YES
(g	a description of the proposed modification to the development consent,	Provided on the application form generated by the NSW Planning Portal and in Section 3 of this report.	YES
<b>(e)</b>	a statement that indicates either— (i) that the modification is merely intended to correct a minor error, misdescription or miscalculation, or	Refer to Section 4 of this report.	YES



REQ	REQUIREMENT	PROPOSED	COMPLIES
€	(ii) that the modification is intended to have some other effect, as specified in the statement,		
3	modification,		
(6)	an undertaking to the effect that the development (as to be modified) will remain substantially the same as the development that was originally approved,	The proposal will remain substantially as approved by Council.  The proposed amendments do not alter the nature, operation or scale or capacity of the approved development.	YES
(g1)	by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the <i>Biodiversity Conservation Act 2016</i> ,	Not Applicable	N/A
(h)	if the applicant is not the owner of the land, a statement that the owner consents to the making	Owner's consent is supplied with the modification application.	YES



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REQ	REQUIREMENT	PROPOSED	COMPLIES
	of the application (except where the application for the consent the subject of the modification was made, or could have been made, without the consent of the owner),		
<b>©</b>	a statement as to whether the application is being made to the Court (under section 4.55) or to the consent authority (under section 4.56).	Not Applicable	N/A
(1A) (a)	<ul><li>(1A) An application for modification of development consent must—</li><li>(a) be in the form that is approved by the Planning Secretary and made available on the NSW planning portal, and</li></ul>	Provided on the application form generated by the NSW Planning Portal.	YES
(g)	be accompanied by the information and documents specified in the approved form and information or documents required by the Act or this Regulation	All requisite documents provided to support the application.	YES
(c)	(c) be lodged on the NSW planning portal.	Noted. The application will be lodged via the Portal.	YES





City	of Parramatta
File No:	DA/776/2014/C

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

## 1. Summary

DA No: DA/776/2014/C

Property: Lot 5-7 DP 27997, 125-129 Arthur Street, PARRAMATTA NSW 2150

Proposal: Section 4.55(2) Modification to DA/776/2014 for the demolition of existing

buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat

building comprising 64 dwellings and basement car parking.

The modification seeks to increase the building height by 300mm, amend the layout of the basement, ground floor and first floors, changes to the unit mix,

provision of a padmount substation, and amendments to services.

Date of receipt: 24 November 2021 Applicant: Ghazi Al Ali Architect

Owner: S & A Property Holdings Pty Ltd

Property owned by a Council

The site is not known to be owned by a Council employee or Councillor.

employee or Councillor:

Political donations/gifts None disclosed on the application form.

disclosed:

None Received Submissions received:

Conciliation Conference Held: No Prelodgement Meeting Held: No

Approval, subject to amended conditions of consent. Recommendation:

Assessment Officer: John Martinez

## 2. Legislative Requirements

Relevant provisions • considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development
- Apartment Design Guide
- Parramatta Local Environmental Plan 2011 (LEP 2011)
- Parramatta Development Control Plan 2011 (DCP 2011)
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020)

Zoning B4 Mixed Use

**Bushfire Prone Land** No Heritage No

Heritage Conservation Area No, however within vicinity to Elizabeth Farm Heritage Conservation Area.

Integrated development

No - Height breach is proposed however Cl. 4.6 does not apply to s4.55 applications. Clause 4.6 variation Parramatta Local Planning Panel (PLPP) - Variation to development standard >10% Delegation

## 3. Site Context

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The subject site is known as **125-129 Arthur Street**, **Parramatta** (Lot 5, 6 & 7 DP 27997). The site consists of three (3) vacant allotments with a site area of 1,668m². The site has dual frontages of 55m to Arthur Street & 28m to Hassall Street.

Adjoining the subject site to the east is the Mercure Parramatta Hotel with a building height of RL 34.30.

Properties to the south of the site (across Hassall Street) consist of commercial premises (food and drink, office & retail) and a centre based child care centre.

Properties to the west of the site consists of dwelling houses and secondary dwellings.

Properties to the south-west of the site consists of dwellings within the Elizabeth Farm Heritage Conservation Area.



Figure 1: Aerial photograph of subject site (outlined in blue) and surrounds (Nearmap, 6 October 2021)

The site is located within an area zoned as B4 Mixed Use. Surrounding properties are zoned R2 Low Density Residential, IN1 General Industrial, B4 Mixed Use, B2 Local Centre & RE2 Private Recreation.



Figure 2: Zoning Map, subject site outlined in yellow (ePlanning Spatial Viewer)

The site is subject to 1 in 20 years, 1 in 100 years, and Probable Maximum Flood (PMF) flooding. The flood affection to the site is classified as medium and high risk flooding. Properties within vicinity to the site are also flood affected.

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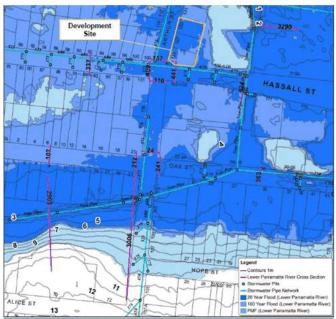


Figure 3: Extract of Flood Map (Parramatta City Council, 05/08/2014)

Basement excavation works have commenced at the site.



Figure 4: Subject site and Mercure Hotel viewed from Arthur Street, Corner Hassall Street (Site inspection, 24 February 2022)



4. Relevant Site & Application History

Date	Comment
22 June 2015	Development Application DA/776/2014 for Demolition of existing buildings, tree removal and
	construction of a part 4, 6 and 7 storey residential flat building comprising 64 dwellings and
	basement car parking approved by The Council of Parramatta City Council.
	A Clause 4.6 variation request to the maximum permissible building height on site by 107% (RL
	29) was considered and accepted.
9 March 2016	Section 96 (1) Modification Application DA/776/2014/A to include a plan which was omitted
	from the original set of stamped plans approved by Parramatta City Council Staff delegation.
10 January 2017	Section 96 (2) Modification Application DA/776/2014/B for amended unit mix, reduction of 3
	basement car spaces, reconfiguration of unit and basement layout, and various external
	changes to balconies and roof feature approved by City of Parramatta Council Staff delegation.
12 December 2018	Development Application DA/870/2018 for Alterations and additions to an approved residential
	flat building comprising 64 units. The alterations include an additional 2 storeys containing a
	further 10 units and the provision of a rooftop common open space refused by the Parramatta
	Local Planning Panel (PLPP).
20 October 2020	A subsequent NSW Land and Environment Court appeal to the refusal of DA/870/2018 was
	withdrawn.
24 November 2021	Subject Section 4.55 (2) Modification Application lodged.

## 5. Modification Proposal

Consent is sought to modify the approved development (DA/776/2014) as follows:-

## 5.1 Increase the Finished Floor Level by 300mm to provide a flood refuge area

The finished floor level (FFL) of Level 1 to Level 6 is to be increased by 300mm to satisfy Condition No. 24 c) of the development consent requiring 'shelter in place' to be provided at or above the Probable Maximum Flood (PMF) level of 9.3m AHD. The finished floor level of the first floor will increase by 300mm and the ground floor level's floor to ceiling height will increase from 3m to 3.3m. The overall building height will increase by 300mm.

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Condition No. 24 c) of DA/776/2014/B (latest consent) reads as follows:

If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30mAHD will be required in the building due to not having entire reliance on lift operation during higher flooding event scenario.

The Applicant's updated Flood Impact Assessment report (Cardno, 11 November 2021) states the following:

It is concluded that while the ground floor apartments have a freeboard of 500 mm or more over the 100 year ARI flood level, that this freeboard would be rapidly overwhelmed in a PMF event (within around 10 - 15 minutes). In the case of a 4 hour PMF event it is expected that there would be insufficient time to evacuate any residents and/or visitors from the site and that instead residents and/or visitors would need to shelter in place.

#### 5.2 Amend the ground floor and first floor layout to provide continuous corridors to both cores

The amendments to the layouts are required in order to provide a suitable location for the flood refuge area at Level 1. In addition, the provision to provide a continuous corridor at the ground floor will enable both cores of the building to have direct access to the flood refuge area located at Level 1.

#### 5.3 Amend the unit mix as a result of the provision for a flood refuge area

Unit Type	DA/776/2014/B (approved)	Modification Proposal
Studio	7	7
1 bedroom	1	4
1 bedroom + study	1	3
2 bedrooms	51	46
3 bedrooms	1	4
3 bedrooms + study	3	0
Total Units:	64	64

The total number of units being sixty-four (64) remains the same.

#### 5.4 Amend the lower and upper basement level layout

To satisfy Construction Certificate requirements, a sprinkler water tank, water pumps and additional services are added. Two (2) accessible car spaces and associated shared space have been relocated to the lower basement level.

#### 5.5 Amendments to the East Elevation

Amendments include larger windows for greater natural light access to habitable rooms and an additional balcony to Level 1 for Unit 106.

## 5.7 Amendments to the South Elevation

Amendments include the relocation of the balcony sliding door for Unit 601.

- 5.8 Provision for additional hydraulic risers, service cupboards & mechanical ducts throughout all levels of the development for Construction Certificate requirements
- 5.9 Provision for a padmount substation along the Hassall Street frontage for Construction Certificate requirements
- 5.10 Provision for a hydraulic booster along the Arthur Street frontage for Construction Certificate requirements
- 5.11 Provision for flood proof doors and roller shutters along the ground floor level
- 5.12 Amend various conditions to be consistent with amended plans and documents
- 5.13 Delete Condition No. 90 as it is a duplication of Condition No. 88

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Has the consent lapsed?

No, demolition and earthworks commenced in 2017 (based on aerial images).

## 6. Assessment under Section 4.55 of EP&A Act 1979

The subject application seeks approval to the Section 4.55(2) modification to DA/776/2014. The following is an assessment of the modification application against the Section 4.55 of the Environmental Planning and Assessment Act 1979.

Section 4.55(2)	Discussion
A consent authority may, on application being made by the appli	icant or any other person entitled to act on a consent granted by
the consent authority and subject to and in accordance with the	regulations, modify the consent if—
(a) it is satisfied that the development to which the consent as	The proposed modification application is considered to be
modified relates is substantially the same development as the	substantially the same as the originally approved residential flat
development for which consent was originally granted and	development. It is noted that the proposed amendments do not
before that consent as originally granted was modified (if at all),	significantly impact the approved building's built form
and	presentation to the streetscape and locality, and no
	amendments are proposed to the approved building envelope.
	The proposed modification results in minor quantitative and
	qualitative impacts to the originally approved development
	application and does not result in the increase of amenity
	impacts onto the surrounding residential properties.
	The proposal is considered to be essentially and materially the
	same as the previously approved development in terms of use,
	intensity and environmental impacts. The assessment is
	consistent with the approach discussed in Moto Projects No 2
	Pty Limited v North Sydney Council [1999] 106 LGERA 298. The
	detailed quantitative and qualitative impacts as a result of the
	modification application are discussed elsewhere in this
(b) the bound of the description	assessment report.
(b) it has consulted with the relevant Minister, public authority	There were no conditions relating to this application that were
or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the	as a result of consultation with a public authority.
consent or in accordance with the general terms of an approval	
proposed to be granted by the approval body and that Minister,	
authority or body has not, within 21 days after being consulted,	
objected to the modification of that consent, and	
(c) it has notified the application in accordance with:	The modification application was notified in accordance with the
(i) the regulations, if the regulations so require, or	requirements set out in Council's Consolidated Notification
(ii) a development control plan, if the consent authority is a	Requirements 2020.
council that has made a development control plan that requires	,
the notification or advertising of applications for modification of	
a development consent, and	
(d) it has considered any submissions made concerning the	The modification application did not receive any submissions
proposed modification within the period prescribed by the	during the notification period.
regulations or provided by the development control plan, as the	
case may be.	
(3) In determining an application for modification of a consent	The modification application has been assessed against Section
under this section, the consent authority must take into	4.15 (1) of the Environmental Planning and Assessment Act
consideration such of the matters referred to in section 4.15 (1)	1979. The modification is consistent with the reasons for
as are of relevance to the development the subject of the	approval of the original Development Application.
application. The consent authority must also take into	
consideration the reasons given by the consent authority for the	
grant of the consent that is sought to be modified.	

## 7. Environmental Planning Instruments

The original Development Application (DA/776/2014) was assessed against the following instruments:

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

#### 7.2 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

An amended BASIX Certificate was submitted for the modification application. As a result, Condition No. 80 of the development consent is recommended to be amended in order to reflect the new BASIX Certificate.

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

## 7.4 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 - CHAPTER 2 INFRASTRUCTURE

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

# 7.5 STATE ENVIRONMENTAL PLANNING POLICY NO. 65 DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

#### 7.5.1 Design Quality Principles

The proposed modifications result in minor changes to the facades and is not considered to be inconsistent with any of the 9 Design Quality Principles as considered under the original applications.

#### 7.5.2 Apartment Design Guide

The original Development Application DA/776/2014 was approved on 22 June 2015 and was <u>assessed against the</u> superseded Residential Flat Design Code (RFDC).

As the Apartment Design Guide (ADG) now applies, the relevant topic area provisions within Part 3 & 4 of the ADG have been considered in the assessment of the subject modification application as follows:

Subjects & Controls	Proposal	Compliance
3D Communal and public open space		
The current rooftop communal open space is	essentially the same as the previously approved.	Yes
3E Deep Soil Zones		
Minimum 7% (116.76m²) of deep soil to be	Previous: 13.55% (226.15m²)	Yes
provided	Proposed: 12.89% (215.09m²)	
	The reduction is the result of the proposed padmount substation.	
3F Visual Privacy/Building Separation		
No changes are proposed to the existing side	and rear setbacks. The current side and rear setbacks were considered in the	N/A
assessment of the original Development Applic	cation DA/776/2014.	
3J Bicycle and Car Parking		
The previous approved 78 car parking spaces	and 35 bicycle spaces remain.	N/A
4A Solar and daylight access		
Living rooms and private open space of at	Previous Approved: 47/64 (73%)	Yes
least 70% of apartments in a building receive	Proposed: 45/64 (70.4%)	
a min. 2 hours of direct sunlight between 9am		
and 3pm on 21 June		
A many of 150% of anastropate in the building	Dravious Assessed: 7/64 (440/)	Yes
A max. of 15% of apartments in the building	Previous Approved: 7/64 (11%)	res
receive no sunlight between 9am and 3pm at mid-winter	Proposed 0/64 (0%)	
illid-willer	The increase in building height is not considered to create significant	
	additional impacts onto the neighbouring properties.	
4B Natural Ventilation		

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Min 60% of apartments are naturally cross ventilated in the first nine storeys of the	Previous Approved: 45/64 (70%) Proposed: 42/64 (66%)	Yes
building.	The reduction is the result of the removal of longitudinal units.	
4C Ceiling Heights  Measured from finished floor level to finished ceiling level, minimum ceiling heights are:  Minimum Ceiling Height  Habitable rooms 2.7m  Non-habitable 2.4m	No changes are proposed to the existing floor to ceiling heights with exception to the ground floor proposed to have 3m floor to ceiling height. All other floor levels maintain the previously approved 2.7m floor to ceiling height.	Yes
4D Apartment size and layout		
Minimum unit sizes: Studio – 35m² 1 bed – 50m² 2 bed – 70m² 3 bed – 90m² Additional bathrooms increase the minimum internal area by 5m² each	The following amended units comply with the minimum sizes:  Unit G03, 103, 203, 403, 303, 403, 503 (studio) – 39m²  Unit G05, 105, 106 (1 bed) – 67.05m²  Unit G06 (2 bed) – 75.26m²  All other units remain the same as previously approved.	Yes
Master bedrooms have a min. size of 10m² & other bedrooms 9m² (excluding wardrobe space) Min dimension 3m	The following amended units comply with the minimum sizes:  • Unit G05, G06, 105, 106 & 601  All other units remain the same as previously approved.	Yes
Living rooms or combined living/dining rooms have a minimum width of:  - 3.6m for studio and 1 bedroom apartments.  - 4m for 2 and 3 bedroom apartments.	The following amended units comply with the minimum widths:  • Unit G05, G06, 105, 106 & 601  All other units remain the same as previously approved.	Yes
4E Private open space and balconies	All other units remain the same as previously approved.	
All apartments are to have primary balconies as follows:    Dwelling type	The following amended units comply with the minimum balconies:  Unit G05 (1 bed) – 17.4m², 2.2m depth Unit G06 (2 bed) – 22.26m², 2.5m depth Unit 105 (1 bed) – 18.6m², 2.4m depth Unit 106 (1 bed) – 20.34m², 3.5m depth All other balconies remain the same as previously approved.	Yes
4F Common circulation and spaces		
Max. number of apartments off a circulation core on a single level is 8.	The ground floor and first floor level both have continuous corridor servicing 11 units each as a result of the removal of the middle longitudinal units. It is noted that both ground floor and first floor levels have two (2) lift cores at separate ends. The amendments are required in order to provide a direct access to an adequate flood refuge area for the ground floor residents during heavy rain flooding events. The non-compliance is acceptable in this regard due to the severity of the flood impacts.	<b>No</b> , but acceptable.

#### 7.6 PREVIOUS STATE ENVIRONMENTAL PLANNING POLICIES

The subject application was lodged prior to the commencement of the Consolidated State Environmental Planning Policies on 1 March 2022. As the provisions within the previous SEPPs are generally the same, savings provisions do not apply to the new SEPPs. A comparison of the previous and consolidated SEPPS are demonstrated in the table below.

Old SEPP/SREP	New SEPP	New Location
(Sydney Harbour Catchment) 2005	(Biodiversity and Conservation) 2021	Chapter 10
No 55—Remediation of Land	(Resilience and Hazards) 2021	<ul><li>Clause 7 = cl4.6</li><li>Clause 17 &amp; 18 = cl4.16 &amp; cl4.17</li></ul>
(Infrastructure) 2007	(Transport and Infrastructure) 2021	Chapter 2
SEPP 65	Design & Place SEPP	NO DATE FOR GAZETTAL
BASIX	Design & Place SEPP	NO DATE FOR GAZETTAL

## 7.7 DRAFT DESIGN AND PLACE SEPP (DP SEPP) 2021

The new Design and Place State Environmental Planning Policy (DP SEPP) 2021 and supporting guides are part of a broader review of all SEPPs. It aims to simplify and consolidate how to address the need for sustainable and resilient places and deliver good design in NSW.

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The DP SEPP puts sustainability, resilience, and quality of places at the forefront of development. Our shared responsibility to sustain healthy and thriving communities, and to care for our environment underpins the policy. The DP SEPP will apply to all of NSW and spans places of all scales, from precincts, large developments and buildings, to infrastructure and public space (other than specified exclusions).

The DP SEPP and supporting guides and documents were on public exhibition until 28 February 2022.

For the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft proposed Design and Place State Environmental Planning Policy (DP SEPP) 2021 is not notified to any consent authorities. The draft DP SEPP is therefore not a mandatory matter for consideration under the Act.

## 8. Parramatta Local Environmental Plan 2011

#### 8.1 Amended Compliance to Development Standards and Provisions

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 (LEP 2011) for the modification proposal are outlined below.

Standards and Provisions	Compliance		
Part 4 Principal development	Part 4 Principal development standards		
Cl. 4.3 Height of buildings	Non-compliant, but acceptable.		
	Maximum Permissible Height = RL 14		
	Previous Approved (DA/776/2014/B) Roof Feature cnr Hassall Street & Arthur Street: RL 28.38 (102.71% variation) Rooftop Parapet: RL 27.40 (95.71% variation) Lift Shaft: RL 28 (100% variation)		
	Proposed Height Modification Roof Feature on Hassall Street & Arthur Street: RL 28.68 (104.85% variation) Rooftop Parapet: RL 27.7 (97.85% variation) Lift Shaft: RL 28.65 (104.64% variation)		
	Refer below for further discussion.		
Cl. 4.4 Floor space ratio	N/A – The site is not subject to maximum floor space ratio under LEP 2011.		
	However, the Applicant has provided the following FSR calculations:		
	Previous Approved (DA/776/2014/B) = 3.04:1 (GFA 5,063.96m²) Proposed = 3.06:1 (GFA 5,101.78m²)		
	Whilst FSR does not apply to the development, the proposed FSR does not increase the building's bulk and scale.		
Part 5 Miscellaneous provisio	ns		
Cl. 5.21 Flood planning	The proposed modifications do not result in detrimental impacts to the flood flows of the area.		

#### 8.2 Variation to Height of Buildings

The original development application DA/776/2014 was approved with a variation to the maximum height of buildings development standard. Applications assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979 do not require a Clause 4.6 variation request under the Parramatta Local Environmental Plan 2011.

The proposed variation to the height of building development standard for this modification is considered acceptable for the following reasons:

The original development application was approved with greater height variations in comparison to the subject
modification application as shown in the comparison table below. In this regard, the proposed building height
proposed under this modification application generates lesser amenity impacts to the locality and lesser height
variation than the building height approved in the original application.

Structure	DA/776/2014	DA/776/2014/B	Subject Application
Roof Feature	RL 29 (107.14% variation)	RL 28.38 (102.71% variation)	RL 28.68 (104.85% variation)

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Rooftop Parapet	RL 28 (100% variation)	RL 27.40 (95.71% variation)	RL 27.7 (97.85% variation)
Lift Shafts	RL 27.80 (98.57% variation)	RL 28 (100% variation)	RL 28.65 (104.64% variation)

The proposed roof feature height is 320mm lower than the originally approved.

The proposed rooftop parapet is 300mm lower than the originally approved.

The proposed lift shafts are 850mm greater than the originally approved and are considered acceptable as they do not significantly impact the locality due to their size and location within the building footprint.

 The proposed modifications further increase the building height by approximately 300mm to satisfy Condition No. 24 c) of DA/776/2014/B requiring a flood refuge area to be located at or above the Probable Maximum Flood (PMF) of RL 9.3.

Condition No. 24 c) of DA/776/2014/B (latest consent) reads as follows:

If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30mAHD will be required in the building due to not having entire reliance on lift operation during higher flooding event scenario.

Level 1 proposes to have a Finished Floor Level (FFL) of RL 9.33 and is located above the PMF level. As the site is significantly flood affected, the increase to the building's FFL and overall building height is supported in this instance. Council's Catchment Development Engineer has reviewed the application and raised no concerns to the proposed flood refuge area at Level 1 of the development. No additional flooding conditions are required for the proposal.

- The Applicant's submitted June 21 shadow diagrams demonstrates that the additional shadows generated from the height increase are minor and not detrimental to the locality.
- The increase to the height does not significantly alter the streetscape appearance of the development to Arthur Street and Hassall Street.
- No adverse impacts arise with respect to privacy, overshadowing, or bulk and scale.
- The additional minor shadow impacts to the Elizabeth Farm Heritage Conservation Area are considered acceptable.
- The proposed height increase is minor, is still lesser than the originally approved height and is considered to be appropriate given the constraints of the site.
- The proposed height increase is in accordance with the objectives of Clause 4.3 Height of buildings, and the zoning
  objectives of B4 Mixed Use.

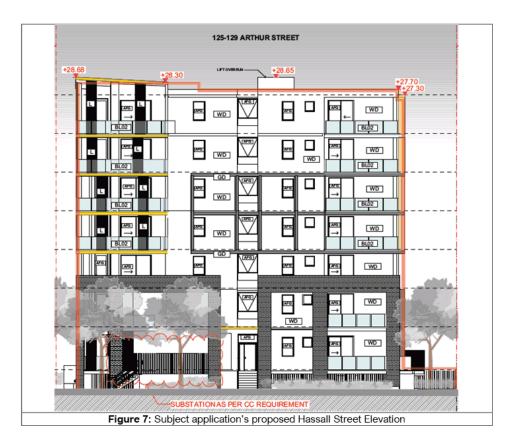
The following Hassall Street Elevations (south) demonstrate the height changes throughout the previous applications.



Figure 5: DA/776/2014 Approved Hassall Street Elevation



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It is noted that the original development application's (DA/776/2014) variation to the height of building was approved with the following comments in the assessment report.

The maximum height variation, although is 107% is well founded and acceptable as:

- The increase in height was partially necessitated by the flood impacts on the site and the ability of the building to allow for flood flow through path. This in turn increased the height of the building substantially to a maximum of 1.7m from the natural ground level.
- 2. The 7 storey portion of building is a transition from the 9 storey Mercure Hotel building to the east and is considered appropriate for the area, given that it is located in a predominant gateway site connecting the east with Parramatta CBD.
- 3. The Arthur Street frontage has been transitioned to a step down from 7 storeys through 6 and 5 storeys and finally a 4 storey, thereby providing a transition to the two storey dual occupancy to the north of the site.
- 4. No significant views listed in the PDCP2011 that would be obstructed.
- 5. The proposal will not have any additional solar access impacts on all the immediate neighbours.
- There are no known privacy issues as the buildings are setback 4.5m from the eastern boundary and adequately landscaped.
- 7. The matter was considered by Council in a pre-lodgement application and assessed to be appropriate.

The maximum building height variation is considered acceptable in order to achieve the design outcome and compliance with zoning requirements.

## 9. Draft Parramatta Local Environmental Plan 2020

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

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

A brief comparison of the existing and proposed instruments is demonstrated below.

	Parramatta LEP 2011	Draft Parramatta LEP 2020
Land Zoning	B4 Mixed Use	B4 Mixed Use
Maximum Height	RL 14	RL 14
Maximum Floor Space Ratio	N/A	N/A

The modification proposal is generally consistent with the development standards and objectives of the draft LEP.

## 10. Parramatta Development Control Plan 2011

The relevant matters to be considered under Parramatta Development Control Plan 2011 (DCP 2011) for the modification proposal are outlined below.

Control	Proposal	Complies
Part 3 – Development Princip		NI/A
3.1 Preliminary Building	No changes are proposed to the previously approved minimum primary, secondary,	N/A
Envelope 3.2 Building Elements	side and rear building setbacks.	
-	No shows a supposed to the building forms and massing conduction this was different	N/A
3.2.1 Building Form and Massing	No changes are proposed to the building form and massing under this modification application.	IN/A
3.2.2 Building Façade and Articulation	The proposed Arthur Street (West) Elevation and Arthur Street (South) Elevation are essentially and materially the same.	Yes
	The minor window size increases along the East Elevation are considered to generate minor impacts onto the eastern adjoining property (Mercure Hotel Parramatta).	
	The ground floor level along the North Elevation only consists of changes along the Flood Overflow Floor and Ground Floor. The changes consist of the provision of the basement air intake.	
3.2.3 Roof Design	No changes are proposed to the previously approved roof design.	N/A
3.2.4 Energy Efficient Design	An amended BASIX Certificate, consistent with the amended plans has been submitted.	Yes
3.2.5 Streetscape	The building's streetscape presentation essentially remains the same.	Yes
3.3 Environmental Amenity	, , , , , , , , , , , , , , , , , , , ,	
3.3.1 Landscaping	The amended landscape plan submitted is consistent with the proposed amendments and is considered acceptable.	Yes
3.3.2 Private Open Space	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A
3.3.2 Common Open Space	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A
3.3.3 Visual Privacy	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A
3.3.4 Acoustic Amenity	No changes are proposed to the existing acoustic amenity provisions.	N/A

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3.3.5 Solar Access	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.			N/A
3.4 Social Amenity	•			
3.4.5 Housing Diversity and				No, but
Choice	Unit Mix Requirement	DA/776/2014/B	Modification Proposal	acceptable.
	Adaptable – 10%	6 adaptable units (9.3%)	6 adaptable units (9.3%)	
	1 bed – 10-20%	9 units (14%)	14 units (21.87%)	
	2 bed - 60-75%	51 units (79%)	46 units (71.87%)	
	3 bed - 10-20%	4 units (7%)	4 units (7%)	
	Whilst the modification proposal does not comply, the proposed unit mix achieves better outcome than previously approved and is considered acceptable.			
3.6 Movement and Circulation	on			
3.6.2 Parking and Vehicular	The previous approved 78 car parking spaces and 35 bicycle spaces remain.			N/A
Access				
	It is noted that the subject site is within close vicinity to the future Parramatta Light			
	Rail and high frequency bus services.			

## 11. Referrals

Internal	Comment			
Catchment Development Engineer  Acceptable, subject to amended conditions.  Council's Catchment Development Engineer raised no concerns with the increase of Floor Level of Level 1 in order to satisfy Condition No. 24 c)'s flood refuge area readditional conditions were recommended however, some flood engineering conditions amended to reflect the updated plans and reports.				
Heritage	No objections.  The proposed amendments do not alter the previous granted approval DA/776/2014. The additional heritage impact on the nearby property is minor in nature and related to a minor increasing in shadows that will impact the HCA of Elizabeth Farm.			
Traffic Engineer	Acceptable, subject to amended conditions.			
Universal Access	No objections.			
External	Comments			
Parramatta Light Rail	No objections.			
Endeavour Energy	No objections.  An Accredited Service Provider (ASP) is to be engaged to ensure adequate construction of the padmount substation is achieved. This has already been covered by Condition No. 94 of the development consent.			

## 12. Public Consultation

The application was advertised in accordance with Council's Consolidated Notification Requirements 2020. No submissions were received during the advertising period.

Amended Plans Yes

Summary of amendments:

- Reinstatement of public water closet on rooftop common open space as per previously proposed in DA/776/2014/B.
- Amended flood fence details.

In accordance with Council's *Consolidated Notification Requirements 2020*, the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

## 13. Conciliation Conference

On 11 December 2017, Council resolved that:

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

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#### Conciliation Conference - Not Required

The application did not receive any unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

#### 14. Development Contributions

As the development contributions have already been paid in 2016, the modification application cannot modify the previously imposed Section 94A contributions requirement (Condition No. 11) as established in Ku-ring-gai Council v Buyozo Pty Ltd [2021] NSWCA 177.

## 15. Planning Agreements

In addition to the Section 94A Contributions, a Volunteer Planning Agreement (VPA) was made under Section 93F of the Environmental Planning and Assessment Act 1979.

A condition was imposed during the assessment of the original development application requiring the Applicant to enter a VPA prior to the issue of a Construction Certificate (Condition No. 8). Council's records indicate this was paid in August 2016.

#### 16. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the modification proposal is suitable for the site, and is in the public interest. Therefore, it is recommended that the application be approved subject to the amendments to DA/776/2014's conditions of consent as demonstrated in Section 17 and Appendix 1 of this assessment report.

## 17. Recommendation

#### Approval, subject to amended conditions of consent.

- (a) **That** the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/776/2014 on land at 125-129 Arthur Street, Parramatta, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following modifications:
  - 1. Amend Condition Nos. 1, 23, 27, 33, 35 & 80 to reflect the updated plans and documents.
  - Delete Condition No. 90 as it is a duplication of Condition No. 88.
  - 3. All other conditions of DA/776/2014 remain unchanged.
- (b) **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the building height control in Clause 4.3 Height of buildings of the Parramatta Local Environmental Plan 2011 as there are sufficient environmental grounds to justify the variation.

#### Reasons for Approval:

- 1. The proposed modification is substantially the same development which has been approved.
- 2. The proposed modification is permissible within the B4 Mixed Use zone and results in a development which is suitable for the context of the site and locality.
- The proposed modification to increase the height is supported in order to provide an adequate flood refuge area due to the significant flood constraints on site.
- The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

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"Appendix 1" to Section 4.15 Assessment Report - DA/776/2014/C

## 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/776/2014/C

Property Address: Lot 5, 6 & 7 DP 27997

125-129 Arthur Street, Parramatta

You are advised that pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, the application to modify the development consent issued by Council is **APPROVED.** 

Council has updated the original consent notice to incorporate the amendments approved under this modification. Amended conditions are in **bold italic**. Accordingly, the current conditions of consent that apply to this development are:

#### **General Matters**

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N ⁰	Date
Survey Plan 6350, Issue B by SDG Land development Solutions	11 August 2014
Site Plan DA100, Issue B by Chanine Design	4 February 2015
Site analysis plan DA101, Issue B by Chanine Design	4 February 2015
Demolition Plan DA102, Issue B by Chanine Design	4 February 2015
Lower Basement DA A-1201, Issue C, by Ghazi Al Ali	27 October 2021
Architects	
Upper Basement DA A-1202, Issue C, by Ghazi Al Ali Architects	27 October 2021
Flood Overflow Plan DA A-1203, Issue C, by Ghazi Al Ali Architects	27 October 2021
Ground Floor Plan DA A-1204, Issue C, by Ghazi Al Ali Architects	27 October 2021
Level 01 Floor Plan DA A-1205, Issue C, by Ghazi Al Ali Architects	27 October 2021
Level 02 Floor Plan DA A-1206, Issue C, by Ghazi Al Ali Architects	27 October 2021
Level 03 Floor Plan DA A-1207, Issue C, by Ghazi Al Ali Architects	27 October 2021
Level 04 Floor Plan DA A-1208, Issue C, by Ghazi Al Ali Architects	27 October 2021
Level 05 Floor Plan DA A-1209, Issue C, by Ghazi Al Ali Architects	27 October 2021
Level 06 Floor Plan DA A-1210, Issue C, by Ghazi Al Ali	27 October 2021

Architects		
Roof Plan DA A-1211, Issue C, by Ghazi Al Ali Architects	27 October 2021	
West Elevation DA A-1301, Issue C, by Ghazi Al Ali	27 October 2021	
Architects	27 0010807 2027	
South Elevation DA A-1302, Issue C. by Ghazi Al Ali		
Architects	27 October 2021	
East Elevation DA A-1303, Issue C, by Ghazi Al Ali		
Architects	27 October 2021	
North Elevation DA A-1304, Issue C, by Ghazi Al Ali	27 October 2021	
Architects		
Ramp Sections AA & BB DA A-1401, Issue C, by Ghazi Al	27 October 2021	
Ali Architects		
Section CC DA A-1402, Issue C, by Ghazi Al Ali Architects	27 October 2021	
Section DD DA A-1403, Issue C, by Ghazi Al Ali Architects	27 October 2021	
Flooding Design-Ground Floor DA A-2021, Issue C, by	27 October 2021	
Ghazi Al Ali Architects		
Flooding Design-L01 DA A-2022, Issue C, by Ghazi Al Ali	27 October 2021	
Architects		
Pre & Post Adaptable Units 01 DA A2025, Issue C, by Ghazi	27 October 2021	
Al Ali Architects		
Pre & Post Adaptable Units 02 DA A2026, Issue C, by Ghazi	27 October 2021	
Al Ali Architects		
Shadow Diagrams DA304, Issue C by Chanine Design	16 April 2015	
Fence detail DA A-1501, Issue C, by Ghazi Al Ali Architects	27 October 2021	
Landscape Plans Sheets 1-6, Rev B, by Conzept Landscape	2 November 2021	
Architects		
Stormwater Concept Designs Drawing Nos. SW100, SW101,	8 November 2021	
SW200, SW201, SW202, SW203, SW204, SW205, SW206,		
SW207, SW208, SW209, SW210, SW300, SW400, SW500 &		
SW601, Rev B, Project No. 20200068, by SGC Consulting		
Engineers		

Document(s)	Date	
Statement of Environment Effects by SJB Planning	November 2014	
BASIX Certificate 777340M_08	9 November 2021	
Acoustic Assessment by Rodney Stevens Acoustics	12 November 2014	
Traffic Assessment report by Motion Traffic Engineers	October 2014	
Acid Sulphate Management Plan by Environmental Investigation	13 November 2014	
Services	13 140 Velliber 2014	
Flood report by Cardno	14 November 2014	
Waste Management Plan	Undated	
Flood Impact Assessment Update Report (AWE200226) by	11 November 2021	
Cardno		
Floor Emergency Detailed Response Plan (AWE200226) by	11 November 2021	
Cardno		

**Note:** In the event of any inconsistency between the architectural

plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s)

shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the

approved plans.

The plans modified in Bold above are to be read along with the plans already approved (especially the floor plans).

Note: Amended as per Modification B.

Amendment Note: Condition No. 1 amended in DA/776/2014/B and DA/776/2014/C.

## 2. Trees to be removed are:

Tree No.	Species	Common Name	Location
3	Chamaecyparis obtusa	Hinoki Cypress	Refer to arborist report
4	Chamaecyparis obtusa	Hinoki Cypress	Refer to arborist report
5	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
6	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
7	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
8	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
9	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
10	Cinnamomum camphora	Camphor laurel	Refer to arborist report
11	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
12	Lophostemon confertus	Brush Box	Refer to arborist report
13	Lophostemon confertus	Brush Box	Refer to arborist report
15	Archontophoenix alexandrae	Alexander Palm	Refer to arborist report
22	Citrus sp.	Orange	Refer to arborist report
23	Citrus sp.	Orange	Refer to arborist report

Reason: To facilitate development.

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

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos and demolition works must at all times comply with its requirements.
- e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2) (c) of the Occupational Health and Safety Regulation 2001.
- f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

- g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
  - i) Demolition is to be completed within 5 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- I) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 *Demolition of Structures*.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

q) Payment of a fee for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To ensure appropriate demolition practices occur.

4. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

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

5. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

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

6. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

7. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

**Reason:** To ensure compliance with legislative requirements.

7A. A minimum Australian Qualification Framework Level 3 arboricultural service provider is to remove the existing street trees within the Arthur Street road reserve and replace with the following:

Qty.	Name	Common Name	Minimum Pot Size	Plant Spacin g	e from	Distance from Driveway
5 x	Lophostemo n confertus	Brush Box	45L	8m	12m	3m

The existing street tree within the Hassall Street road reserve is to be retained.

Reason: To ensure restoration of environmental amenity

## Prior to the Issue of a Construction Certificate

8. Prior to the issue of a Construction Certificate, the applicant shall enter into a Voluntary Planning Agreement with Council in the terms of the offer made by the applicant in connection with the subject development application. The developer must register the Voluntary Planning Agreement on the relevant folios Torrens Title Register held by the NSW Office of Land and Property Information pertaining to the land and evidence shall be submitted to the satisfaction of Council, prior to the issue of the Construction Certificate.

Reason: To ensure the Voluntary Planning Agreement is appropriately registered before the issue of a construction certificate.

8A. The basement levels shall be relocated to the Arthur Street boundary, with a minimum setback to the eastern boundary of 3m. The landscaping in the front setback of Arthur Street is to be amended to incorporate planter boxes (to a maximum height of 1.2m) to accommodate the approved tree and shrub planting. Amended architectural plans and landscape plans are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To minimise the impact on the adjoining property and provide for an appropriate street setting.

The development must incorporate 6 adaptable dwellings. Plans 9. submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

10. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more that 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm - 6.00am) when measured at the boundary of the site.

Note:

A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plan in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential

acoustic amenity.

11. A monetary contribution comprising \$ 172,807.15 is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan.* Payment must be by , EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a **construction certificate**. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Reason: To comply with council's Policy.

12. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

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

in SEPP 65.

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

13. An Environmental Enforcement Service Charge is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's 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.

14. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to 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.

- 15. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:
  - (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

(b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note:

A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**Reason:** To comply with the Home Building Act 1989.

16. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

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

17. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date:
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/776/2014;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows

Nature strip and roadway \$ 40,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

Reason: To safeguard 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.

18. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details shall be illustrated on plans submitted with the construction certificate.

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

19. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

- 20. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The Structural & Foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:
  - i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a

- full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.
- v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iii. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iv. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- v. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C of AS 2870 1996.

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

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

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

**Reason:** To ensure satisfactory storm water disposal.

22. The underground basement pump holding structure shall be designed and certified by a Certified Practicing Structural Engineer, taking into

account of the any structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The Certifying Authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The principal certifying authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

**Reason:** To ensure that the structural stability of the underground holding tank structure.

The provision of a flow through fence (1.8m high pool type fence with 75% opening) and the Flood Storage Level of RL4.20mAHD within Under Slab Flood Storage Area and the Flow Through Fence around the building footprint envelop shall be Implemented as per Council APPROVED Plans in Condition No. 1 of this development consent (Flood level floor plan DA105, Issue C and Fence details DA308, Issue B Prepared by Chanine Design), in terms of the area 'Open' to allow for flood water flows to pass through it without obstruction.

Reason: To ensure that building footprint Floodwater Flow through fencing is well established within the proposed development without having increased flood levels affectation along adjoining properties.

Amendment Note: Condition No. 23 amended in DA/776/2014/C.

- 24. A detailed <u>Site Emergency Response Flood Plan</u> prepared & submitted for Council approval, in particular reference to this development incorporating the following:
  - a) Site based Flood Warning Systems (not limited to adequate sensible warning systems, signage, exits, evacuation routes, flood preparedness plan for 'flash flood' regime etc) to be established for the residents and occupiers of the dwellings in order for being fully informed and aware of the flood information and being prepared for any impending flood event.
  - b) Effective evacuation frameworks, procedures and final plan shall be prepared as per Council Floodplain Matrix 'Evacuation' Controls which essentially do not support any reliance on SES & other government agencies aid during the site flood emergency situation and the responsible person for each of the buildings for implementation of the evacuation plan.
  - c) If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30mAHD will be required in the building due to not

having entire reliance on lift operation during higher flooding event scenario.

**Reason:** To ensure an effective site flood emergency response management plan in place.

25. It is essential for the development that an additional measure in terms of a flood proof gate shall be installed at the basement ramp entrance crest levels defined as per Condition 9 (ii) of this Consent. The purpose of this flood proof gate shall be to address impact measures from flooding events reaching beyond 100 year event towards PMF event flood inundation which will potentially fill basement car park with flood water. In addition, detail design of flood proof gate and maintenance plan shall be submitted to the satisfaction and subsequent approval by i) Certifying Authority and ii) Council, prior to issue of the Construction Certificate and the Final approved copy of Flood Proof Gate Detailed Design & Maintenance Plan shall be submitted to Council for compliance and record purposes.

Reason:

To ensure satisfactory measures in place for the basement car park from being filled with floodwater during storm events leading to Probable Maximum Event (PMF) event inundation.

26. Due to the close proximity of the existing Duck Creek and the flood affected surrounding areas, the perimeter walls of the basement shall be constructed using "Tank Construction" method, to prevent any flood waters seeping through the basement walls. In terms of the potential ground water inflows within the basement areas, and to manage any ongoing seepage, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Certifying Authority, with the Construction Certificate application.

Reason:

To ensure the basement is protected from any flood water seepages and adequate dewatering system is in place to manage any ongoing ground water

- 27. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by the Certifying Authority. Prior to the approval of stormwater drainage plans, the person issuing the Construction Certificate shall ensure that:
  - The final stormwater plans are, in general, consistent stormwater management plans Drawings (OSD Plans, Dwg No. 80215019-DA-010, Rev 3, and OSD & WSUD Details, Dwg No. 80215019-

DA-020, Rev 3, Dated 26/11/2014, Dated 26/11/2014, prepared by Cardno) to be consistent with the approved stormwater plans in Condition No. 1 of this development consent.

- **Note 1:** The Council approved Stormwater Plans are **for DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).
- ii. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook".
- iii. The design achieves, when using the Flood detention method (3rd edition of Upper Parramatta River Catchment Trust's (UPRCT's), handbook), as shown on the approved stormwater plan.
- iv. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- v. A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.
- vi. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.
- vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
- viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious odours.
- ix. When applicable, OSD tank shall have clear headroom of 2.2m available for the basement car park underneath those tanks.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practicing Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

Amendment Note: Condition No. 27 amended in DA/776/2014/C.

28. The OSD tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above, Vehicular loading and any other surrounding areas/structures, which exert load on the tank structures. The Certifying Authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The Certifying Authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

**Reason:** To ensure that the structural stability of the underground tank structure.

- 29. Prior to the issue of a Construction Certificate, longitudinal driveways sections and Ramp Access from to and from the Basement levels are to be prepared as per AS 2890.1 (2004) by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scales along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level and also similar sections for Ramp Access from Basement to Basement levels. The Civil/Traffic Engineer shall provide specific written certification to the Certifying Authority on the prepared longitudinal driveways sectional plans that the following five requirements are entirely complied with:
  - a. Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
  - b. All RAMP CIRCULATION & GRADES and changes in grade (transitions) are to be complied with Clause 2.5 and 3.3 of Australian Standard 2890.1 (2004) "Off-street car parking" to prevent bottoming or scraping of the underside of vehicles.
  - c. The grade of the driveway is NOT more than 5% at the nature strip from the kerb & gutter up to the property line and that driveway surface matches the level of the outer edge of the existing footpath level crossing (intersection).
  - d. The grade of the driveway is NOT more than max 5% for at least the first 6m from the property line into the car park. Grade Transitions with transition length of at least 2m are provided where the grade change is 12.5% or more for the Summit grade change and 15% or more for the Sag grade change.

e. The access driveway for at least first **6m** from the property boundary to the car park shall have a minimum width of **5.5m** in accordance with AS 2890.1-2004.

Note:

The driveway should slope upward from kerb & gutter to the front property line with surface level at the property line at the highest level, at least **150mm** above the top water level of the stormwater flowing down the along the adjacent kerb & gutter, before it slopes down towards the car park, to avoid the street runoff spilling into the property through the driveway.

Reason:

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

30. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council

- 31. Prior to the issue of a Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -Western Sydney Salinity Code of Practice 2003.

  Reason: To ensure appropriate safeguards against salinity.
- 32. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

33. 78 parking spaces (including 7 disabled parking spaces; 13 visitor parking spaces and 1 carshare space) as shown on the revised

basement plans (*Dwg Nos. A1201 and A1202 – Issue E – dated 8/11/16*) (*Drawing Nos. DA A-1201 & A-1202, Issue C, dated 27/10/2021*) are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that there are convex mirrors proposed to be installed in the lower basement level adjacent to spaces 47 - 48 and 63 - 64 as shown on the plan. The installation of these convex mirrors is anticipated to be suspended on to the ceiling, however installation of these mirrors should not impact on vehicle access into and out of parking spaces 47 - 48 and 63 - 64. Also note that bollards are to be installed on the shared space adjacent to the dedicated space at a distance of  $800 \pm 50$ mm from the parking aisle in accordance with AS2890.6-2009.

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

Note: Amended as per Modification B.

Amendment Note: Condition No. 33 modified in DA/776/2014/B & DA/776/2014/C.

- 34. 1 car share space is to be provided in accordance with PDCP 2011 for any residential development containing more than 50 residential units. The applicant must submit written evidence demonstrating that offers of a car space to carshare providers have been made together with the outcome of the offers or a letter of commitment to the service prior to the issue of construction certificate.
- 35. 35 bicycle spaces/racks are to be provided on-site and used accordingly, as shown on the Lower Basement plan (Dwg No. A1201 Issue E dated 8/11/16) (Drawing No. DA A-1201, Issue C, dated 27/10/2021). The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate. Reason: To comply with Council's parking requirements. Note: Amended as per Modification B.

Amendment Note: Condition No. 35 amended in DA/776/2014/C.

36. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the radius along the ramp access driveway towards the upper basement level is approximately 5m and does not comply with Figure 2.9 of AS2890.1-2004. This should be 7.6m minimum. A swept turning path is to be submitted to Council prior to issue of construction certificate to confirm that vehicle turning into the upper basement level can do so without encroaching on the ramp access wall.

Reason: To ensure appropriate vehicular manoeuvring is provided

37. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from Arthur Street. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

## Prior to the Commencement of Work

38. Prior to commencement of work, the recommendations of the Acid Sulphate Management Plan by Environmental Investigation Services are required to be implemented and certified by an appropriately qualified engineer.

**Reason:** To ensure compliance with the report.

- 39. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate 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 is appointed within 7 days; and
  - (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

**Reason:** To comply with legislative requirements.

40. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

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

41. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

**Reason:** To ensure public safety.

42. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

43. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

44. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website www.workcover.nsw.gov.au.

**Reason:** To comply with the requirements of the NSW WorkCover Authority.

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

suitably qualified and experienced environmental scientist and must include at least the following information:

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

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

46. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

47. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

To ensure the community is protected from the cost of any

Reason: claim for damages arising from works on public land.

48. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

**Reason:** To comply with the requirements of the NSW WorkCover Authority.

- 49. Prior to the commencement of any works on site, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:
  - (a) Construction Management Plan for the Site
    A plan view of the entire site and frontage roadways indicating:
    - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
    - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
    - iii. The locations of proposed Work Zones in the egress frontage roadways,
    - iv. Location of any proposed crane standing areas,
    - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
    - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
    - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
    - viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
    - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
  - (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

(c) Traffic Control Plan(s) for the site:

- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
  - vii. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - viii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - ix. Minimising construction related traffic movements during school peak periods,

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

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

50. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

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

51. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including

photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

Reason: To ensure that the applicant bares the cost of all restoration works to Council's property damaged during the course of this development.

52. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note:

This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

53. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

- 54. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:
  - I. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
  - all site boundaries are to be secured and maintained to prevent unauthorised access to the site
  - III. all general refuge and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
  - IV. the site is to be maintained clear of weeds
  - V. all grassed areas are to be mown on a monthly basis

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

- 55. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
  - Protect and support the adjoining premises from possible damage from the excavation
  - Where necessary, underpin the adjoining premises to prevent any such damage.

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

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

56. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

57. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent

are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To prevent any damage to underground utility services.

- 58. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:
  - (a) That the tree protection zone is a No Go Zone
  - (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
  - (c) The name, address, and telephone number of the developer and site Arborist.

**Reason:** To protect existing trees during the construction phase.

59. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a 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.

59A. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. The fence shall be located a minimum of 3m from the eastern boundary along the full length of the site. The fence is to be fully supported at grade. The enclosed area is to be mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the construction works. "Tree Protection Zone' signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

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

59B. 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.

59C. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 – "Protection of Trees on Development Sites".

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

## During Construction

60. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

Reason: To ensure compliance with this consent.

Noise from the construction, excavation and/or demolition activities 61. associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

62. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

63. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

Reason: To ensure pedestrian access.

64. All plant and equipment used in the construction of the development. including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

To ensure public safety and amenity on public land. Reason:

All work including building, demolition and excavation work; and 65. activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note - Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses;
  - Internal fit out work.

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

- 66. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall 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 affect;
  - (d) Nature of the complaints;
  - (e) Any action(s) taken by the applicant in relation to the compliant, 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 shall be made available to Council and/ or the principal certifying authority upon request.

Reason: To protect the amenity of the area.

67. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

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

68. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

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

69. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

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

70. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

**Reason:** To ensure the development is being built as per the approved plans.

71. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public safety.

- 72. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:
  - (a) On-street mobile plant:
    E.g. Cranes, concrete pumps, cherry-pickers, etc. restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
  - (b) Storage of building materials and building waste containers (skips) on Council's property.
  - (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
  - (d) Kerbside restrictions, construction zones:

    The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to

Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

Reason: Proper management of public land.

A Certificate of Compliance from the Consultant Designers and Applicant's Works Supervising Engineer shall be required to be submitted to the Certifying Authority towards satisfactory construction completion of southern and western site boundaries flow through fencing, Basement Ramp Crest Level, Ramp Grades, Driveways and Driveways Grades, OSD tank, subsequently complying entirely with this DA consent conditions Nos. 9 (ii), 12 (In addition, a registered surveyor certificate will be required stating that the Flood Storage Level of RL4.20mAHD has been constructed throughout the area within Under Slab Flood Storage Area as per Council APPROVED Plans (Flood level floor plan DA105, Issue C and Fence details DA308, Issue B Prepared by Chanine Design). A copy of the above Compliance Certificate shall be forwarded to Council for record.

Reason:

To ensure the satisfactory construction of southern and western site boundaries fencing, Basement Ramp Crest Level, Driveways & Driveway Grades, OSD tanks and WSUD Measures are all complied with this Development Consent.

74. 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.

75. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

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

75A. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

**Reason:** To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

## Prior to release of Occupation Certificate

75B. Prior to the issue of any occupation certificate and/or subdivision certificate the Principal Certifying Authority must obtain written advice from Council that the deliverables required under the Voluntary Planning Agreement referred to in Condition 8 has been delivered to the satisfaction of Council.

**Reason:** To ensure that the terms of the Voluntary Planning Agreement are met.

- 76. Prior to the issue of an Occupation Certificate the recommendations in the Acoustic Assessment by Rodney Stevens Acoustics shall be implemented in full and certified by an appropriately qualified engineer. Reason: To ensure acoustic amenity.
- 77. Prior to the issue of the occupation certificate, a convex mirrors are to be installed within the ramp access driveway on each basement level (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers

Plan.

- 78. Prior to issue of an Occupation Certificate if required, under the recommendations of the Acid Sulphate Management Plan by Environmental Investigation Services, any further action required is to be implemented and certified by an appropriately qualified engineer.

  Reason: to ensure compliance with the Acid Sulphate management
- 79. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

**Reason:** To ensure a visible house number is provided.

80. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 777340M_0208, will be complied with prior to occupation.

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

Note: Amended as per Modification B.

Amendment Note: Condition No. 80 amended in DA/776/2014/B and DA/776/2014/C.

81. Occupation or use, either in part of full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia

and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

Reason: To comply with legislative requirements

82. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number:
- (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 legislative requirements.

- 83. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:
  - The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
  - The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
  - As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
  - OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
  - Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
  - Approved verses installed Drainage Design (OSD) Calculation Sheet.

 The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

- 84. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
  - compare the post-construction dilapidation report with the preconstruction dilapidation report, and
  - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

**Reason:** To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

Prior to issue of the Occupation Certificate the applicant must create a 85. Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement for the maintenance of the basement pump system and the on-site storm water detention facilities only upon satisfactory completion of OSD systems and following certification by the Hydraulic Engineer. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer to the satisfaction of the Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA (Not in 88B instrument). The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

**Reason:** To ensure effective maintenance of on-site detention and basement pump out systems and facilities.

Prior to issue of the Occupation Certificate, the Certifying Authority shall 86. ensure that Flood Warning Systems and Flood Evacuation Measures are all implemented on site, as per the Council's approved "Site Emergency Response Flood Plan" under this DA consent condition No. 13. This shall also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within the building and all other prominent locations around the building, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Site Emergency Response Flood Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

**Reason:** To ensure the property owners / occupants are aware of the procedure in the event of flooding.

87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

Reason: To ensure compliance with Sydney Water requirements.

88. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/776/2014** has been submitted to Certifying Authority.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

89. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

**Reason:** To provide satisfactory drainage.

90. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. DA/776/2014 has been submitted to Certifying Authority.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

Amendment Note: Condition No. 90 deleted in DA/776/2014/C.

91. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37of the *Strata Schemes (Freehold Development) Act 1973.* 

Reason: To comply with the Strata Schemes (Freehold Development)
Act 1973

92. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of any Occupation Certificate.

Reason: To ensure consolidation occurs.

93. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

Reason:

To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

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

94. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate electricity services are provided.

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

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

Reason: To comply with the requirements of SEPP 65.

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

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

96A. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

96 B. Five (5) new street trees at approx. spacing of 10m shall be planted in accordance with City of Parramatta's standard detail (see attached). The required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty
Arthur Street	Eucalyptus sideroxylon 'Rosea'	Red Flowering Ironbark	100L	3
Hassall Street	Lagerstroemia indica 'Natchez'	Crepe Myrtle	100L	2

The tree supply stock shall comply with the guidance given in publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container	Height	(above	Caliper	(at Clear	
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Size	container)	300mm)	Trunk Height
100 litre	2.4 metres	50mm	1.5 metres

Reason: To ensure adequate amenities are provided.

Note: Amended as per Modification B.

## The Use of the site

97. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

Reason: To ensure the removal of graffiti.

98. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

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

**Reason:** To ensure provision of adequate waste disposal arrangements.

100. No air-conditioning condensers / units are to be located on any of the balconies or walls fronting Arthur Street and Hassall Street.

**Reason:** To ensure the amenity of the units and visual amenity of the building.

101. If a roller shutter door is to be provided at the driveway entry and exit from Arthur Street it is to be operated via remote control.

Reason: To comply with Australian Standards.