



SECTION 4.15 ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/544/2021
Property:	Lot 6 DP 38557, Lot 5 DP 38557, 47-49 Park Road, RYDALMERE NSW 2116
Proposal:	Demolition, tree removal and construction of a three storey residential flat building containing 18 units over basement car parking.
Date of receipt:	2 June 2021
Applicant:	Bluestone Projects Pty Ltd
Owner:	Mr G W Smith and Mrs G M Smith and FMH Nominees Pty Limited and Jaami Holdings Pty Limited and FMH Custodian Pty Limited and Rydalmere Holdings Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Conciliation Conference Held:	No
Recommendation:	Approval, subject to conditions
Assessment Officer:	Matthew Golebiowski

LEGISLATIVE REQUIREMENTS

Environmental Planning Instruments	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979;• Environmental Planning and Assessment Regulation 2021;• SEPP 65 - Design Quality of Residential Apartment Development;• SEPP BASIX 2004;• SEPP (Biodiversity and Conservation) 2021;• SEPP (Resilience and Hazards) 2021;• SEPP (Transport and Infrastructure) 2021;• SEPP (Affordable Rental Housing) 2009; and• Parramatta Local Environmental Plan 2011
Zoning	R4 High Density Residential
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	Yes – Clause 4.6 variation - Building Height
Delegation	PLPP

SITE DESCRIPTION AND CONDITIONS

The subject site comprises two separate allotments known as No. 47 and No. 49 Park Street, Rydalmere. The current property descriptions are Lots 5 & 6 DP 38557.

The proposed site is a rectangular mid-block allotment with a slope from the north-western corner down to the rear south-eastern corner of approximately 4.69 metres over a distance of 54 metres.

The subject site has the following area and dimensions:

Area – 1388 square metres

Frontage – 30.46 metres

Rear – 30.265 metres

North – 45.72 metres

South – 45.72 metres

The site is zoned R4 High Density Residential. The surrounding properties are also zoned R4 High Density Residential. Located to the south-east is land zoned RE1 Public Recreation, known as Hannibal Macarthur Park. Located on the western side of Park Road is also land zoned RE1 Public Recreation, known as Rydalmere Park.

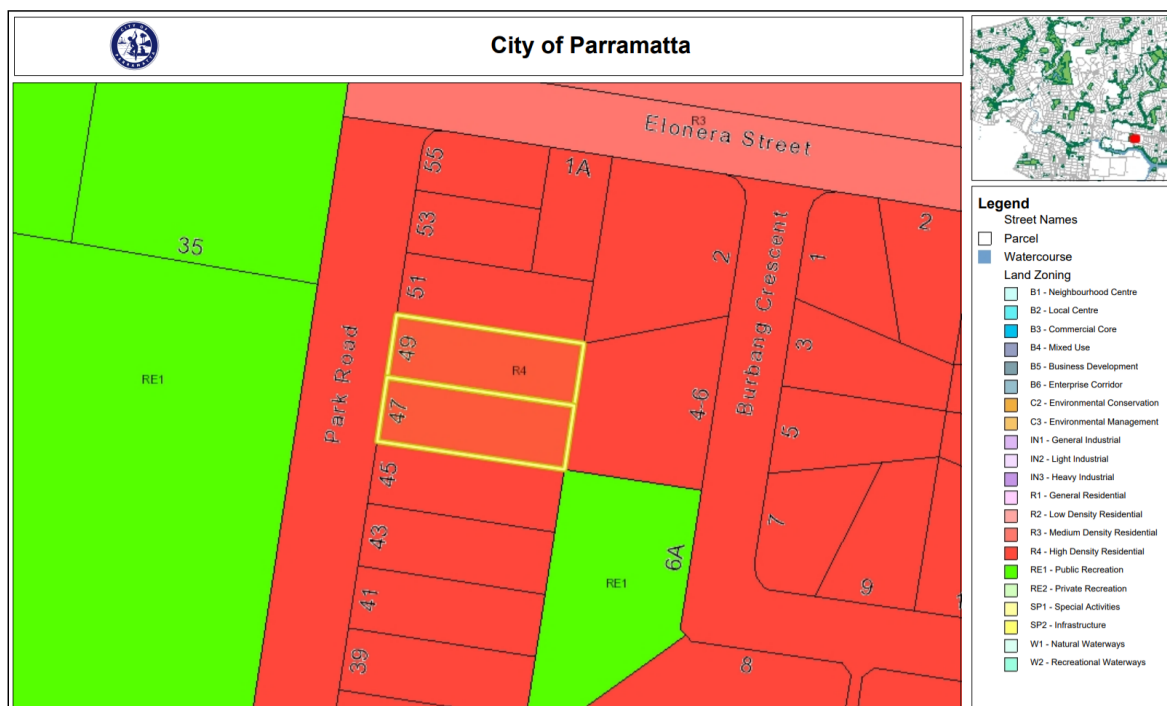


Figure 1: Zoning Map (LEP 2011)

The subject site currently accommodates 2 single storey detached dwellings on separate Torrens title allotments. It is located within an established residential area characterised by single and double storey residential dwellings, dual occupancy developments, and residential flat buildings. Adjoining the site to the north and south are single storey detached dwellings, and to the east are existing residential flat building developments.

The subject site is located within an area known as the (East) Rydalmere Precinct.



Figure 2: Aerial Photo (NearMaps)



Figure 3: The subject site as seen from Park Road (Google StreetView)

SECTION 4.15 EVALUATION

THE PROPOSAL

The proposed development includes the following components:

- Demolition of existing structures;
- Removal of nine (9) trees;
- Lot consolidation;
- Construction of a three (3) storey Residential Apartment Building comprising 18 units over basement car parking;
 - The unit mix is as follows:
 - 3 x 1 bedroom dwellings;
 - 11 x 2 bedroom dwellings; and
 - 4 x 3 bedroom dwellings
 - Basement parking as follows:
 - 24 x car spaces; and
 - 2 x motorcycle spaces
- Nine (9) units (Dwellings 2, 4, 5, 9, 10, 11, 15, 16 and 17) are to be allocated for affordable rental housing.
- Two x (2) units (dwellings 9 & 10) are allocated as adaptable.



Figure 4: Photomontage of the proposed development

PERMISSIBILITY

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are defined as a 'residential flat building' and is permitted with consent within the R4 High Density Residential zone.

Zone Objectives

The proposed development is consistent with the aims and objectives of the R4 High Density Residential zoning applying to the land as the proposed works:

- Provide for the housing needs of the community within a high density residential environment;
- Provide a variety of housing types within a high density residential environment; and
- Provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.

ENVIRONMENTAL PLANNING INSTRUMENTS

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

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application proposes the removal of 9 trees from the site.

The following trees are approved to be removed to facilitate development;

Tree No.	Name	Common Name	Location	Reason
3	<i>Cupressus Macrocarpa</i>	Italian Cypress	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
4	<i>Cupressus Macrocarpa</i>	Italian Cypress	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
5	2x <i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
7	<i>Callistemon viminalis</i>	Weeping bottle Brush	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
8	<i>Syzygium austral</i>	Brush Cherry	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
9	<i>Cordyline sp.</i>	Cabbage palm	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
17	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Appendix 1 of the arborist report	Impacted by the proposed works
20	<i>Lagerstoemia Indica</i>	Crepe Myrtle	Refer to Appendix 1 of the arborist report	Impacted by the proposed works

The trees proposed to be removed have been identified as having low to medium retention value. The only tree proposed to be removed with a high retention value is the brush cherry (Tree No.8). The proposed tree removal will be replaced with new plantings as required in the Landscape Plan.

Council's Tree and Landscape Officer has reviewed the application and raise no objections to the removal of the vegetation from the subject site subject to conditions.

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

- ☒ A Site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- ☒ Historic aerial photographs were used to investigate the history of uses on the site;
- ☒ A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- ☒ A search of public authority databases did not include the property as contaminated;
- ☒ The Statement of Environmental Effects states that the property is not contaminated.

The existing brick and tile dwelling is proposed to be demolished and appropriate conditions have been included to require any potential asbestos to be removed from the site by a suitably qualified person.

Furthermore, considering the significant excavation required to accommodate the proposed basement car park, much of the existing soil would be removed from the rear outdoor play area in any event.

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

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

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

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

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

The application is not subject to Section 2.48 of the SEPPTI as the development does not propose works within the vicinity of electricity infrastructure.

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

The application is not subject to Section 2.119 of the SEPPTI as the average daily traffic volume of Park Street is less than 20,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Schedule 7(2)(a) 'General savings provision' in State Environmental Planning Policy (Housing) 2021 states the following:

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

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

As the application was lodged on 2 June 2021 being prior to the gazettal of this instrument, the repealed *State Environmental Planning Policy (Affordable Rental Housing) 2009* still applies and is addressed in the following section.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 ARHSEPP provides incentives to deliver affordable rental housing.

The ARHSEPP was repealed on 26 November 2021 by State Environmental Planning Policy (Housing) 2021, however the savings and transitional provisions prescribe that the ARHSEPP

continues to apply to development applications made before the commencement of the Housing SEPP and not yet determined. Accordingly, the development application is assessed against the ARHSEPP below:

Clause	SEPP Requirements	Compliance
Clause 10 Development to which division applies	Residential flat buildings must be permitted in the zone. The subject site must be within an accessible area.	Yes. RFBs are permitted within the zone and the subject site is located within an accessible area.
Clause 13 Floor Space Ratios	Maximum FSR is 0.8:1 + percentage of gross floor area to be used as affordable housing: $0.8 + 42\% = 1.22:1$ (1,693m ²)	Yes. 42% of the total GFA is proposed to be used for affordable housing. The proposal has an FSR of 1.19:1 (1,655m ²) and complies.
Clause 14 – Standards that cannot be used to refuse consent A consent authority must not refuse consent to development to which this Division applies on any of the following ground		
14(1)(b)	Site Area Minimum 450m ²	Yes. The site has an area of 1,388m ² .
14(1)(c)(ii)	Landscaped Area 30% of the site area	Yes. 436m ² or 31%.
14(1)(d)	Deep Soil Zones 15% of the site area with min dimensions of 3m	Yes. 316m ² or 22%
14(1)(e)	Solar Access 70% of dwellings (dwellings) and private open space to have 3 hours of direct solar access between 9am and 3pm in mid-winter	Yes. 77% of units (14) receives 3 hours of adequate solar access.
14(2)(a)	Parking 1 bedroom – 0.5 space (3 x 0.5 spaces) = 1.5 2 bedroom – 1 space (11 x 1 space) = 11 3 bedroom – 1.5 spaces (4 x 1.5 spaces) = 6 TOTAL spaces required = 19 spaces	Yes. The proposal provides 24 resident parking spots and complies.
14(2)(b)	Dwelling Size 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	Yes. 1 bedroom 57m ² (min.) 2 bedroom 75m ² (min.) 3 bedroom 96m ² (min.)
Clause 15 – Design Requirements		
This Clause does not apply as Clause 4 of SEPP 65 applies.		
Clause 16A – Character of Local Area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The SEPP (Affordable Rental Housing) 2009 does not provide guidance in how to determine if a development is compatible with the local area. In this regard, case law in the Land and Environment Court has considered the merits assessment of Clause 30A. In addition, the Land and Environment Court's Planning Principle 'Surrounding Development – Compatibility of proposal with surrounding development' (<i>Project Venture Developments Pty Ltd v Pittwater Council</i> [2005] NSWLEC 191)		

provides for guidance on how to assess the compatibility of development with the character of a local area. Using case law and the Land and Environment Court Planning Principle, a merit assessment of the character of the local area should consider the following three steps:

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

An assessment against each step is provided below:

Step 1 – Identify the local area

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

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

The local area is generally characterised by residential uses. Although there are residential flat buildings within the area, the housing stock is primarily dwelling houses.

The site is located within an R4 High Density Residential Zone pursuant to the Parramatta Local Environmental Plan 2011 under which boarding houses, residential flat buildings and multi dwelling housing are permissible on the site and in the surrounding locality.

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

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

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

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

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

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

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

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

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

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

In addition, the proposal does not isolate any adjoining allotments, so it will not hinder the opportunity for future developments with similar built forms.

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

In accordance with Clause 28(2) of State Environmental Planning Policy No.65 (SEPP 65), the consent authority must take into consideration the following:

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

The proposed development was referred to the Parramatta Design Excellence Advisory Panel (DEAP). The comments made by DEAP during the meeting are as follows:-

DEAP COMMENTS	PLANNER'S COMMENTS
<i>a) The panel noted that the compressed frontage and balconies close to street boundary requires further study in terms how the elevation looks and access works from the street. The panel noted several good examples of successful balcony design and setback on the RFB's on Park Road.</i>	The design has been amended to reduce the presence of the balconies along the street frontage.
<i>b) Setback diagrams should be provided for clarity based on ADG setbacks, currently all four setbacks do not comply with the ADG, and front setback is not consistent with predominant or likely future street alignments.</i>	This has been provided.
<i>c) The current scheme exhibits a convoluted entry and circulation pattern with over a metre change of level from the footpath to the entry foyer. Although the proponent has indicated a foldable wheelchair platform is proposed the panel queried this solution based on DDA compliance and the creation of awkward sunken ground floor units.</i>	The entry has been reoriented away from the street to the northern elevation. A condition of consent has been imposed to ensure that in order to mitigate the required 90° turn a minimal width of 1550mm is to be provided.
<i>d) The circulation and access on the ground floor to the lifts and split stairwells is not ideal and CPTED issues are evident with this proposed vertical circulation layout. The proposed level change has not provided a level connection to either the street or the rear yard which results in the poor circulation issues noted above and so is therefore not supported in its current form.</i>	The proposed step in the building has been removed and there is now a consistent FFL for each floor.
<i>e) The panel noted that the entry drive from Park Road is visually very prominent and suggest the Architects review potential screening devices such as trellises or planted pergola where appropriate to mediate the view from the streetscape and importantly the southwestern ground floor unit. Currently the ground floor foyer exhibits no scope for any social space or relief. These spaces are important in affordable housing schemes.</i>	Trellises have been incorporated into the driveway design. The entranceway/foyer has been relocated to the side of the building to encourage social space.

<i>f) The panel suggested that the proponent review the opportunity to locate the communal open space on the roof level with suitable communal facilities including shade, a BBQ, sink, seating areas and a DDA accessible toilet. The deep soil zones on the ground level could then be used for useful private open space by some of the ground floor units.</i>	Amended plans with communal open space on the rooftop have been provided.
<i>g) The landscape plan must consider access to the future pedestrian pathway outlined in the LEP along the south edge of the site.</i>	The has been indicated on the landscape plan
<i>h) The panel suggested that larger canopy evergreen native trees be planted in suitable courtyards in the eastern portion of the block.</i>	Amended landscape plans have been submitted and Councils Landscape Officer supports the proposal.
<i>i) The proposed hydrant booster valve needs to be considered as part of the overall configuration of the front fence garden proposal and the extent and height needs to be integrated in an effort to reduce its visual impact on the streetscape. This should include screens or doors to conceal the required fire services</i>	The hydrant booster valves has been screened.
<i>j) Dimensions on internal rooms should be noted on the plans with confirmed sizes as part of ADG requirements.</i>	This has been provided
<i>k) Compliance with ADG for solar access and availability of sunlight relative to unit planning was queried and needs to be resolved.</i>	The layout of the units has been altered and allows for adequate solar access.
<i>l) Potential for site amalgamation was queried in order to create a more satisfactory development area. The applicant advised attempts were made to acquire adjacent lots without success, but evidence needs to be presented.</i>	It is considered that the proposal would not lead to the isolation of neighbouring properties.
<i>m) The panel noted that the proposed snorkel windows to bedrooms are too deep and should have a window view from all parts of the room.</i>	The layout of the units have been altered to permit window views from all portions of a bedroom.
<i>n) The panel queried the apartment layouts in terms of doors to bedrooms off living area that diminish the resident privacy and amenity.</i>	The number of bedrooms opening to living areas have been reduced.
<i>o) Integrate plumbing and downpipes into the DA drawings must be shown especially at the driveway interface to avoid outcomes shown at 35 Park Rd.</i>	The elevation drawings indicate downpipes on all elevations.
<i>p) Integrated locations and screening of all condensers must be shown on the DA drawings.</i>	Condenser to be indicated or air conditioning
<i>q) The panel recommended that ESD measures such as plv solar panels and ceiling fans in all living areas and bedrooms should be explored.</i>	Amended BASIX has been submitted.

Comment: The application, as amended in accordance with the recommendations of Panel, is considered to satisfactorily address the comments, and satisfies Clause 28(2) of SEPP 65.

The provisions of SEPP 65 have been considered in the assessment of the development application. The applicant submitted a SEPP 65 assessment of the proposed development along with a design verification statement, prepared by Vladimir Hripac, verifying that the plans submitted were drawn by a Registered Architect. This document provides a statement about the design quality principles set out in Schedule 1 of SEPP 65.

An assessment of the design principles is addressed below:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
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PART 2 Building envelopes

Separation - Building separation is measured from the outer face of building envelopes which includes balconies

Separation	Up to 4 storeys (approximately 12m): <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable 	<u>North (side)</u> 6.129m to boundary 7.3m to neighbouring building <u>South (side)</u> 6.0m to boundary 7.4m to neighbouring building <u>Rear (side)</u> 4.7m to boundary 10m to neighbouring building	No, But Acceptable
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Justification for non-compliant Building Separation.**Separation to the rear boundary**

The proposal will have a balconies on the eastern elevation that are not compliant with the required building separation. This is due to the existing RFB development to the east, which has a rear setback that does not comply with the building separation requirements and patio that extends into the rear setback area. It is considered to be acceptable given the following:

- Given the existing RFB to the rear, it would be unreasonable to require the entirety of the building separation requirement to be accomplished within the subject site.
- There will be a 1.8m high boundary fence and significant landscaping between the developments.
- The developments still achieve the minimum 9m separation required (please refer to 'visual privacy' discussion below). It is also noted that the balconies are offset from direct views into any neighboring windows to the rear.
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PART 3 Siting the development**Communal open space**

- COS should have a minimum dimension of 3m.
- Where COS cannot be provided at ground level, it should be provided on a podium or roof.

Communal open space	Communal open space has a minimum area equal to 25% of the site or 347m ²	A combined area of 569m ² (40%) of communal open space has been provided on the rooftop and at ground level	YES
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The communal open space is predominantly located on the roof and will achieve adequate solar access as required.	YES
Deep Soil	Minimum of 7%, 6m in width. Required – 97.16m	22% (316m ²). Only areas that met the 6m dimension were included in the calculation of deep soil.	YES

Visual privacy

- Separation between windows and balconies is provided to ensure visual privacy is achieved.
- Adjoining a different zone with a less density, add 3.0m.
- Retail, office spaces and commercial balconies, use habitable room separation.
- No separation is required between blank walls.

Visual privacy	Up to 12m (approximately 4 storeys): <ul style="list-style-type: none"> 6m between habitable and non-habitable rooms 3m between non-habitable 	The proposal will provide the required separation distances to all boundaries.	YES
Parking and Bicycle storage Note: The car parking needs for a development must be provided off street.			
Parking and bicycle storage	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	See comments under "Parking" of the ARHSEPP table above. The proposal provides 24 resident parking spots and complies	YES
PART 4 Designing the building			
Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	77% of units (14) receives 2 hours of adequate solar access	YES
	A maximum of 15% of apartments in a building received no direct sunlight between 9am and 3pm at mid-winter.	There are no south facing single aspect apartments proposed.	YES
Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	A total of 13 units (72%) are cross ventilated.	YES
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No unit exceeds 18m in overall depth when measured from glass line to glass line.	YES
Ceiling Heights Note: Measured from finished floor level to finished ceiling level	Habitable rooms - 2.7m	Proposed – 2.7m	YES
Apartment size and layout Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.			
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 total minimum glass area of not	Every habitable room has a window in an external wall with a minimum glass area of not less	YES

	less than 10% of the floor area of the room.	than 10% of the floor area of the room.	
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Kitchens are not located in circulation spaces.	YES
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	No apartments exceed the maximum 8m habitable room depth.	YES
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	The master bedrooms have a minimum area of 10m ² .	YES
	Bedrooms have a minimum dimension of 3m.	All bedrooms are provided with a minimum dimension of 3 metres.	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.	All min. dimensions provided.	YES
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The width of all apartments exceed 4m in width.	YES
Private open Space and balconies Note: Storage areas on balconies is additional to the minimum balcony size.			
Private open space and balconies	1 Bedroom = 8m ² minimum with 2m depth	All proposed units will have compliant balconies in regard to area and depth.	YES
	2 Bedroom = 10m ² with 2m depth		
	3 bedroom = 12m ² with 2.4 depth		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Ground level apartments have access to compliant terraces.	YES
Storage Note: Storage is accessible from either circulation or living areas. 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 located within the apartment.	Adequate Storage is provided both within the units and within the storage lockers on the lower ground floor.	YES

	Left over space such as under stairs is used for storage		
Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	A maximum of 6 units will be served on each level.	YES

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

Development Standard	Compliance
Height of Buildings Allowable = 11.00m Proposed = 12.5 m Variation = 1.5m or 13%	Refer to Clause 4.6 discussion
Floor Space Ratio Allowable = 0.8:1 or 1,110. 4m ² ARH SEPP PERMITS BONUS Based upon 42% ARH 0.8 + 42% = 1.22:1 (1,693m ²) Proposed = 1.19:1 (1,655m ²)	No, but SEPP bonus prevails – Clause 4.6 variation not required.
Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Architectural roof features	An architectural roof feature is not proposed.
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Heritage Conservation	N/A – The subject site is not identified as being or containing an item of heritage significance and is not located within a heritage conservation area.
Aboriginal Places of Heritage significance	Yes – the subject site is identified as having low aboriginal significance. However, a condition of consent has been imposed to ensure that if any relics are discovered during the excavation of the basement, work must cease and reported to Council.
Acid sulphate soils	An Acid Sulphate Soils Management plan is not required to be prepared.
Earthworks	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
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	The proposal seeks a variation to Clause 4.3 – Height of Buildings. Please see discussion below.
Clause 4.6 Exceptions to Development Standards	
The proposal seeks a height of 12.5m, which exceeds the 11.0m Building Height development standard by 1.5m (approximately 13.6% variation).	

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

The objectives of Clause 4.6 are as follows:

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

Clause 4.6(3) prescribes

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

The departure from the maximum building height development standard is supported by a written request from the applicant under Clause 4.6 of the PLEP 2011 as follows:

- *The proposal is consistent with the objectives of the development standard as provided in clause 4.3 of PLEP 2011.*
- *The height variation is a result of the topography of the site, as well as the bonus FSR resulting from the provision of affordable housing; and*
- *The proposed height variation allows for access to the communal open space on the rooftop as recommended by DEAP, as well as for the scheme to fulfil its development potential, given the bonus FSR provided by the ARH SEPP.*

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

- The height variation retains the primary presentation of the building as a 3 storey residential flat building that is consistent with other residential flat buildings within the locality;
- The building has been appropriately articulated and modulated. Fenestration, material variation and private open spaces have been incorporated in order to minimise the external bulk and scale through effective design;
- The proposal supports a residential intensity that is reasonable for the site, with regard to context and zoning;
- The height variation does not result in unreasonable amenity impacts on neighbouring properties; and
- It is acknowledged that the City of Parramatta's Design Excellence Advisory Panel raised no design objection to the non-compliance.

The Clause 4.6 statement and justification was considered in *Wehbe v Pittwater Council [2007] NSW LEC 827*. *Wehbe* requires that the applicant must argue, and the consent authority must be satisfied, that compliance with the development standard is unreasonable or unnecessary with the following test:

Compliance with the development standard is reasonable or unnecessary because:

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*

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

The objectives of Clause 4.3 of the PLEP2011 are:

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

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

Consideration has also been made in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 and *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61. *Al Maha* provides that the consent authority "had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified" [21].

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

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

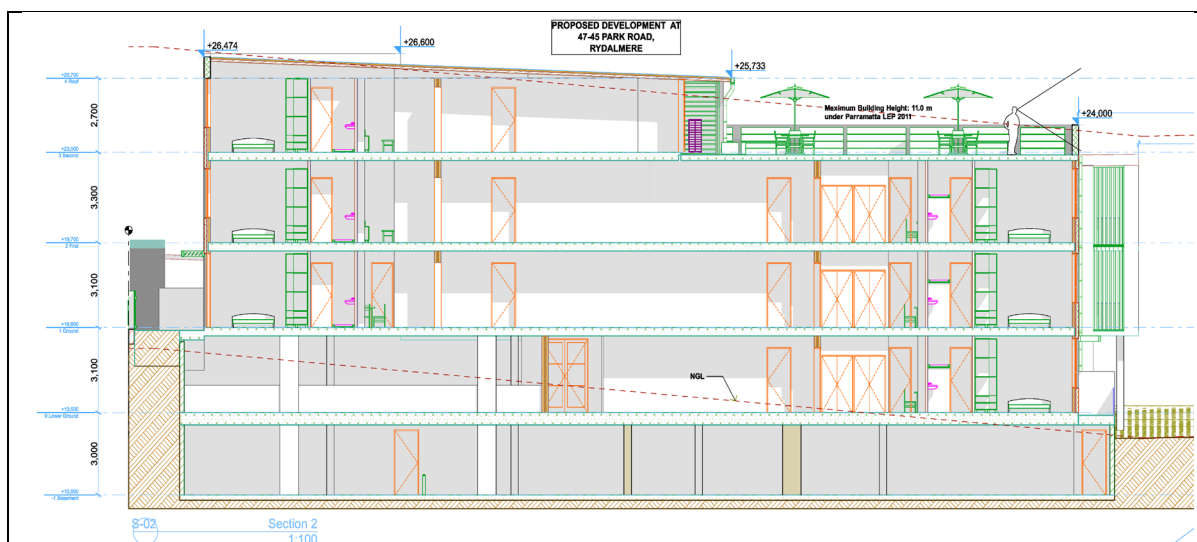


Figure 5: Cross section of the proposed building, showing extent of the non-compliance

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011	
Development Control	Compliance
Part 2 Site Planning	
Views and Vistas	The site is not identified as having significant views and vistas.
Flood Affection	The site is not identified in Council's database as being flood prone.
Protection of Waterways	Yes – An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.
Protection of Groundwater	Yes – basement parking is proposed, but it is unlikely that the level of basement would impact on any groundwater, particularly as the site does not adjoin a waterway nor is there any evidence of groundwater within proximity to the site.
Soil Management	Yes – An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.
Acid Sulfate Soils	Yes – An Acid Sulphate Soils Management plan is not required to be prepared.
Salinity	N/A
Land Contamination	Yes – Refer to assessment under <i>State Environmental Planning Policy (Resilience And Hazards) 2021 – Chapter 4: Remediation Of Land</i> .
Air Quality	Yes – the proposed use of the subject site for residential purposes is not considered likely to create air quality impacts.

Development on Sloping Land	<p>Yes – the initial stepped design was not supported by DEAP and subsequent amendments to address their concerns have resulted in a design where there is significant cut proposed to create a level building platform.</p> <p>This is considered acceptable as the lower ground floor limits all residential uses to the rear of the site, generally keeping the areas below NGL as non-habitable.</p> <p>The development still retains a 3-storey presentation to the street and does not cause any additional bulk and scale, or streetscape impacts.</p>
Biodiversity	Council's Tree and Landscape Officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not required.
Development on land abutting the E2 or W1 zone	The site does not adjoin land zoned E2 or W1.
Public Domain	Yes – the buildings have an appropriate address to Park Road, with distinguishable entries and clear pedestrian pathways to ensure clear identification from the public domain.
Part 3 Development Principles	
Frontage Minimum 24m	Yes – The site has a frontage of 30.46m.
Height	No, but acceptable – the proposal seeks a Clause 4.6 variation to the maximum building height. The variation request was assessed on its merits and considered to be acceptable.
Front Setback Primary frontage: 3m	Yes- 3m
Side Setback Min 4.5m	Yes – North 6.129m South 6m
Deep Soil 30%, of which 50% is to be located at the rear, with minimum dimensions of 4m x 4m = 416.4m ² min total	No, but acceptable – The proposal only provides 22% (316m ²) and does not comply. However, it does comply with the provisions of SEPP ARH, which prevails. It is noted that the 22% also exceeds the 7% prescribed by the ADG.
Landscaped Area 40% = 555.2m ² min	No, but acceptable – the proposal only provides 436m ² or 29% of landscaped area and does not comply. However, it does comply with the provisions of SEPP ARH, which prevails.
Building Form and Massing	Yes – The proposal has an acceptable bulk and scale as the variation of the building height is considered to be appropriate in this context. The building envelope is generally compliant in all other aspects.
Building Façade and Articulation	Yes – the proposal is designed with multiple recesses to create articulation, improve solar access to adjoining properties and to create some visual interest at pedestrian level.
Roof Design	Yes – the proposal incorporates a contemporary roof form that does not dominate the streetscape.

Streetscape	Yes – the proposal is consistent with the existing built form elements that contribute to the character of the street as the proposed built form visually presents as a 3 storey residential flat building, with landscaped front and side setbacks. In this context, the proposal is consistent with the existing and desired future character of the locality.
Fences	Yes - Fencing will be conditioned to be a maximum of 1.2m.
Landscaping	The proposal was referred to Council's Landscape and Tree Officer, who raised no objections subject to conditions of consent.
Private Open Space Min 10m ² with min 2.5m dimension per unit.	Yes – each dwelling has a compliant POS, that meets the minimum dimensions.
Common Open Space Min 10m ² of COS provided per unit. Required: 180m ²	Yes – a combined 569m ² (40%) of COS is provided at ground level and on the rooftop.
Swimming Pool	No swimming pool proposed.
Visual Privacy	<p>Yes – the proposal generally satisfies the building separation distances prescribed within the ADG.</p> <p>The proposal will have balconies that face the rear boundary which could have potential for visual privacy impacts. In that regard, a condition of consent has been imposed to change the transparent balustrades to a solid material.</p> <p>Subject to compliance with the relevant conditions of consent, the location and design of the proposed windows to the dwellings are sympathetic to the privacy needs of adjoining dwellings and satisfactorily addresses the relevant objectives of PDCP2011.</p>
Acoustic Amenity	Yes – the proposed residential use is not considered to create acoustic amenity impacts on adjoining properties.
Solar Access	Yes – The proposal is compliant with the solar access requirements of the SEPP ARH.
Cross Ventilation	Yes – The proposal is compliant with the cross-ventilation requirements of the ADG.
Water Sensitive Urban Design	Yes – The proposal was referred to Council's Development Engineer, who raised no objections.
Waste Management	Yes – The proposal provides a waste management plan which has been reviewed by Council's Environmental Health Officer.
Access for People with Disabilities	Yes – The proposal provides adequate access for people with a disability, in accordance with the requirements of the BCA. Two Units are dedicated as adaptable.
Safety and Security	Yes – The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.
Housing Diversity and Choice 3 bedroom: 10% - 20% 2 bedroom: 60% - 75% 1 bedroom 10% - 20%	<p>No, but acceptable – 1 bed (3) = 16.7%, 2 bed (11) = 61.1% 3 bed (4) = 22.2%</p> <p>The proposal slightly exceeds the percentage for 3 bedroom units. It is considered acceptable as part of the housing stock is proposed to be affordable housing, and additional 2 bedroom units would be a better mix for those purposes.</p>

Parking Provision 1/1-2 bedroom 1.2/3 bedroom 0.25/dwelling visitor Required residents 14 x 1 = 14 4 x 1.2 = 4.8 (5) Required visitor 18 x 0.25 = 4.5 (5) Total = 24 spaces	Yes – the proposal provides 24 spaces and complies with this control. It is noted that the subject site is located within an accessible area as required by the ARH SEPP.
Site consolidation and isolation	The proposal does not result in the isolation of any adjoining properties.
Part 4 Town and Neighbourhood Centres	
(East) Rydalmere Precinct	The proposal complies with the desired 3m front setback to Park Road. It will also have no impact on the proposed future pedestrian link located to the south of the subject site.

INTERNAL REFERRALS	COMMENT
Development Engineer	Drainage is proposed via an easement through downstream properties. Registration of this easement has been imposed as a deferred commencement condition. The topography of the site(s) is characterised by a downhill slope to the rear south eastern corner of the block, which, in order to effectively drain the site, would require the creation of an easement via the No. 4 Burbang Crescent to the rear: The following matters would be imposed via conditions of consent: <ul style="list-style-type: none"> • Increase basement pump out system: • 100mm freeboard to any adjacent surface and 1% grade around the building: • Inclusion of a kerb along the southern boundary to prevent nuisance flow to neighbouring properties.
Landscape	Supported, subject to conditions.
Traffic and Transport	Supported, subject to conditions
Waste	Supported, subject to conditions
EXTERNAL REFERRALS	COMMENTS
No external referrals required.	

PUBLIC CONSULTATION

The application was notified in accordance with Council's Consolidated Notification Requirements. In response no submissions were received.

AMENDED PLANS SUBMITTED

Amended Plans

Yes

Summary of amendments (if applicable)

- Increase in front setback;
- Alterations to carpark layout;
- Additional stormwater details;

- Amended landscape plan;
- Amended elevations and layout of individual units; and
- Amended BASIX

The application was re-advertised in accordance with Council's notification procedures contained within Council's Consolidated Notification Requirements. In response no submissions were received.

PARRAMATTA SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for development increases the number of residents a Section 7.11 Development Contribution of is required to be paid. A Detailed Cost Estimate was provided by a Quantity Surveyor. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

It is noted, however, in accordance with Clause 208 (4) of the Environmental Planning and Assessment Regulation 2021 (which defines instances where Section 7.11 Contributions apply) that affordable housing units are expressly excluded from Section 7.11.

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

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.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

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.

SUMMARY & CONCLUSION

Social & Economic Impact

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

ESD & The Cumulative Impact

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

Waste Management

The waste bin storage area is able to accommodate the required number of bins for the development. The bins can be easily wheeled to the kerb from its location in the basement. The bins can be accommodated at the kerb in front of the site at the South Street frontage.

Suitability of the Site

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

Submissions & Public Interest

One submission was received in response to the advertisement/notification of the application. The issue raised within the submission are addressed elsewhere in this report.

The proposed development is not contrary to the public interest.

CONCLUSION

Deferred commencement 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. It has been approved for the following reasons:

1. The development is permissible in the R4 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 minor 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 in the public interest because it is consistent with the objectives of the building height control and the objectives for development within the R4 zone in which the development is proposed to be carried out.
3. The development will be compatible with the emerging and planned future character of the area.
4. For the reasons given above, approval of the application is in the public interest.

Therefore, it is recommended that the application be approved as deferred commencement consent.

RECOMMENDATION B – DEFERRED COMMENCEMENT APPROVAL SUBJECT TO CONDITIONS WITH DEVELOPMENT STANDARD VARIATION

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

- (a) The Parramatta Local Planning Panel exercising the function as the consent authority, support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6; and
- (b) Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979, that Council grant deferred commencement consent to DA/544/2021 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; and
- (c) That those who made a submission, be advised of the Panel's decision.

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 Council Planning instrument.
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.

DRAFT DEFERRED COMMENCEMENT CONDITIONS

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

Development Consent No.: DA/544/2021
Property Address: Lot 6 DP 38557, Lot 5 DP 38557

Schedule 1:

DAA0002 #Interallotment Drainage Easement

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

Submission to Council of suitable documentary evidence issued by the Department of Lands confirming the creation of an easement to drain water 1.65 metres wide over a downstream property benefiting the subject lot known as 47-49 Park Road and burdening the downstream property known as 4-6 Burbang Crescent has been registered with the NSW Land and Property Information Service.

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

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

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

Schedule 2:

PART A – GENERAL CONDITIONS

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

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

Architectural Drawings (Project No.20-014)

Drawing/Plan No.	Issue	Plan Title	Dated
1	D	Design Data	15/02/2022
3	D	Site Plan	15/02/2022
6	D	Basement Floor/Section	15/02/2022
7	D	Lower ground	15/02/2022
8	D	Ground floor	15/02/2022
9	D	First floor	15/02/2022

Drawing/Plan No.	Issue	Plan Title	Dated
10	D	Second floor	15/02/2022
11	D	Roof Plan	15/02/2022
15	D	Elevations	15/02/2022
16	D	Façade Details	15/02/2022

Civil Drawings/Stormwater (Project No. SW21120-S1)

Drawing/Plan No.	Issue	Plan Title	Dated
SW21120-S1	A	S4.15 Report DA_15_2021 No 2 Christine Street	26/05/2021

Landscape Drawings (Project No. SW21120)

Drawing/Plan No.	Issue	Plan Title	Dated
2021.0504DA 1-1	B	Landscape Plan	27/10/2021
2021.0504DA 1-2	B	Landscape Plan	27/10/2021
2021.0504DA 1-3	B	Landscape Plan	27/10/2021
2021.0504DA 1-4	B	Site Stormwater Management Layout	21/10/2021

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
External Finishes	20-014	D	Designeffect Architects PTD. LTD.	15/02/2022
BASIX Certificate No. 1206435M_02	-	-	EPS	17/02/2022
Arboricultural Implication Assessment & Tree Protection Specification	-	A	Horticultural Resources Consulting Group	02/05/2022

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

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

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

PA0003 Construction Certificate

2. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during

opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

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

PA0011 #Demolition of Buildings

4. Approval is granted for the demolition of both dwellings and outbuildings currently on the property(s), subject to compliance with the following: -
- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.
Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
 - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
 - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
 - (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
 - (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current

WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

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

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

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

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

LA0001#Tree Retention

6. Trees to be retained are:
As per Arboricultural Implication Assessment ; HRCG ; 02/05/2021 : Issue A (T8 can be removed)

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

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

7. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

EWA0002 Amenity of waste storage areas (general)

8. 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.

EWA0006 Provide waste storage room on premises

9. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

EWA0005 Garbage Chutes

10. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's *Better Practice Guide for Resource Recovery in Residential Developments* (2019). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

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

EWA0002 Amenity of waste storage areas (general)

11. 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.

EWA0006 Provide waste storage room on premises

12. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

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

Bond Type	Amount
Nature Strip and Roadway:	\$5,150.00
Street Trees:	\$2,185.45

The payments will be used for the cost of:

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/544/2021;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

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

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

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

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.)

PB0020#Parra Develop Contrib. Plan – Outside City Centre

14. A monetary contribution comprising \$123,627.00 is payable to City of Parramatta Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and the *Parramatta Section 7.11 City of Parramatta (Outside CBD) Development Contributions Plan 2021*. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 5) can be viewed on Council's website at: <https://www.cityofparramatta.nsw.gov.au/business-development/planning/development-contributions>

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

PB0030Infrastructure & Restoration Adm. fee for all DAs

15. 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.

PB0008No external service ducts for multi-unit develop

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

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

PB0012Single master TV antenna

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

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

Reason: To protect the visual amenity of the area.

PB0028SEPP 65 verification

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

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

Reason: To comply with the requirements of SEPP 65.

PB0032Constr. Noise Managt. Plan for townhouses & above

19. A noise management plan must be prepared in accordance with the NSW Department of Environment, Climate Change and Water 'Interim Noise Construction Guidelines 2009' and accompany the application for a Construction Certificate. The Certifying Authority

must be satisfied the Construction Noise Management Plan will minimise noise impacts on the community during the construction of the development.

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

PB0033Energy Provider requirements for Substations

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

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

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

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

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

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

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

TB0001#Car Parking Condition

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

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002#Bicycle parking condition

23. 9 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

TB0003#Parking Provision

24. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 24 parking spaces is to be provided and be allocated as follows:

- a) 24 spaces for the residential units including 2 spaces as accessible parking;

Note that the bollard in the shared space between the accessible parking spaces is to be located in accordance with Figure 2.3 of AS2890.6-2009. Details are to be illustrated on plans submitted with the construction certificate application.

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

TB0004 Pedestrian Safety

25. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

TB0006#Motorcycle Parking Condition

26. 2 motorcycle spaces are to be provided on-site and used accordingly. The dimensions of the motorcycle spaces are to comply with Clause 2.4.7 and Figure 2.7 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements

DB0001 Stormwater Disposal

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

Reason: To ensure satisfactory stormwater disposal.

EWB0002 Management of Construction and/or Demolition Waste

28. 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.

DB0002 Retaining walls

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

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

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

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

30. 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

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

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

DB0007 Basement carpark and subsurface drainage

32. The basement stormwater pump-out system, must be designed and constructed to include the following:

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) Increase the contribution area to basement pump out system to include the area of Council cross over and front setback that can reasonably be assumed to be draining to the basement in the event of the failure of the strip drain within the driveway.
- (c) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
- (d) 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.
- (e) A 100 mm freeboard to all parking spaces.
- (f) Submission of full hydraulic details and pump manufacturers specifications.
- (g) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

DB0012 #On Site Detention

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

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

- (i) **“Stormwater Management Plan”, Drawing No SW21120, Issue B**, dated 21 Oct 2021, prepared by ALW Design.
 - (b) A Site Storage Requirement of 190 m³/ha and a Permissible Site Discharge of 290 L/s/ha (when using 3rd edition of UPRCT’s handbook)
 - (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
 - (d) The ground level adjacent to the building shall have sufficient grade (minimum 1%) to ensure surface flows can be directed around the building to their respective pits.
 - (e) The Southern setback shall drain to the OSD DCP. If not achievable by surface grading, a 150mm kerb shall be constructed to avoid nuisance surface flows being directed to the neighbour.
 - (f) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

DB0017A Construction of a heavy duty vehicular crossing

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

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

Reason: To ensure appropriate vehicular access is provided.

DB0018 Exhaust fumes

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

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

DB0020 Security roller shutters for basement car parking

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

Reason: To ensure visitor carparking is accessible.

DB0021 Impact on Existing Utility Installations

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

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

DB0026 Driveway Grades

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

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

TB0012#Convex Mirror

39. Convex mirror(s) are to be installed at the bottom of the driveway access ramp and within the basement car park, with their height and location adjusted to allow drivers a full view of the driveway and the basement car park in order to see if another vehicle is coming through. This includes drivers parked in the car spaces adjacent to the driveway at the car park entrance (labelled No. 5 in the submitted plans). Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure safety of drivers

EWB0002 Management of Construction and/or Demolition Waste

40. 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.

OB0003 #Street Tree Protection Bond

41. A security bond of \$2,185.45 per street tree shall be deposited with Council to guarantee the protection of the adjacent public street tree/s during demolition/construction works in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 and Council's adopted Fees and Charges. The bond is to be lodged with Council prior to the issue of a Construction Certificate, and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

Reason: To ensure adequate protection of existing environmental assets and to maintain public amenity.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

PC0001 #Appointment of PCA

42. 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

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

Reason: To ensure public safety.

PC0003 Site Sign

44. 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.

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

PC0005 Public liability insurance

46. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:
- (a) Above;
 - (b) Below; or
 - (c) On

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

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

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

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

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

PC0007 Footings and walls near boundaries

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

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

PC0007 Footings and walls near boundaries

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

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

LC0002#Tree protection as per arborist report

49. The trees identified for protection within the consent shall be protected prior to and during the demolition/construction process in accordance with the Arboricultural Impact Assessment and Tree Protection Plan prepared by HRCG dated 02/05/2021 and the conditions of consent.

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

LC0004Protective fencing

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

Reason: To protect the environmental amenity of the area.

LC0005Tree Protection Signage

51. Prior to works commencing, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form:

- (a) 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 level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

LC0006Pruning/works on tree(s)

52. 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.

EWC0003 Waste management plan – demolition

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

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

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

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

DC0002 Road Opening Permits - DA's involving drainage wrk

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

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

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

DC0004 Geotechnical report

55. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
- (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
- (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
- (d) The impact on groundwater levels in relation to the basement structure.
- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

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

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

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist

recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

DC0006 Erosion and Sediment Control measures

56. 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

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

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

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

DC0008 Shoring and adequacy of adjoining property

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

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

- Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.
- Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

DC0009 Special Permits

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

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

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

Reason: Proper management of public land.

DC0010 Driveway Crossing Application

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

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

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

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

- Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524
- Reason:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

EWC0003 Waste management plan – demolition

61. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:
- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
 - (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0006 Hours of work and noise (DPIE Mandatory Condition)

62. 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.

TD0001 Road Occupancy Permit

63. 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.

TD0002Oversize vehicles using local roads

64. 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.

LD0001No removal of trees on public property

65. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

Reason: Protection of existing environmental infrastructure and community assets.

LD0004Material storage and trees

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

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

EWD0003 Waste data file maintained

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

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

LD0008No attachments to trees

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

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

LD0009Planting Requirements

69. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

Reason: To ensure appropriate landscaping.

LD0011Tree Removal

70. Trees to be removed are:

As per Arboricultural Implication Assessment report : HRCG : 02/05/2021 : Issue A (T8 can also be removed).

Reason: To facilitate development.

LD0013Removal of trees by an arborist

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

Reason: To ensure tree works are carried out safely.

DD0003 Grated drain at garage

72. A 200mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the driveway, immediately before the garage door, to collect all surface water flowing down the driveway. An opportunity must be provided to allow emergency overflows to be diverted away from the garage. The drainage line from the grated drain shall be connected to the stormwater drainage system.

Reason: Stormwater control.

DD0005 Erosion & sediment control measures

73. 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

74. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

DD0009 Car parking & driveways

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

Reason: To ensure appropriate car parking.

DD0010 Vehicle egress signs

76. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

EWD0003 Waste data file maintained

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

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

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

PE0001 Occupation Certificate

78. 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.

BE0001 Record of inspections carried out

79. 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.

PE0006 Street Number when site readily visible location

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

Reason: To ensure a visible house number is provided.

PE0007 #BASIX Compliance

- 81. 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 1206435M_02, will be complied with prior to occupation

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

PE0025 SEPP 65 verification statement OC stage

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

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

Reason: To comply with the requirements of SEPP 65.

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

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

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

PE0027 Post Constr. Private Property Dilapidation Report

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

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

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

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

PE0014 Creation of restrictions / positive covenants

- 85. The consent holder must submit to Council for endorsement, a Request Document and Plan (if applicable), together with payment of the relevant fee (as outlined in Council's adopted schedule of fees and charges) for the creation of a Positive Covenant and/or Restriction-As-to-User, in accordance with Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:-

- (a) People 55 or over or people who have a disability (as defined - SEPP Housing 2021);
- (b) People who live with people 55 or over or people who have a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided in this development.

Note: All Restrictions and Positive Covenants created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of Parramatta City Council.

Reason: To ensure that the development meets the provisions of the SEPP – Housing or Seniors of People with Housing 2021.

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

86. 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.

EWE0009 Waste Room Positive Covenant/Restriction

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

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

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

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

EWENSC Communal waste facilities

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

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

EWENSC Waste specific by-laws to be provided to Council

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

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

DE0003 Work-as-Executed Plan (DPIE Condition)

90. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented

- (i) *The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.*
- (ii) *The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.*
- (iii) *The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table*
- (iv) *OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).*
- (v) *Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).*
- (vi) *Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer*

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm the location of works once constructed that will become council assets

DE0005 #OSD Positive Covenant/Restriction

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

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

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

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

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

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

DE0006 Section 73 Certificate

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

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

DE0007 Street Numbering

93. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.
- Note:** Notification of all relevant authorities of the approved street numbers must be carried out by Council.
- Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

DE0014 Lot consolidation

94. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the NSW Land Registry Services, prior to an Occupation Certificate being issued.
- Reason:** To comply with the Conveyancing Act 1919.

DE0015 Driveway Crossover

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

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

EWE0009 Waste Room Positive Covenant/Restriction

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

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

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

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

BENSC Inspection of communal waste & access by Council

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

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

BENSC Communal waste facilities

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

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

BENSC Affordable housing provider

100. Details of the registered community housing provider responsible for the management of the affordable rental housing, Units 2, 5, 9,10,11,15,16 and 17 is to be submitted to the Principal Certifying Authority (PCA) and Council, prior to the issue of the Occupation Certificate.

To ensure compliance with the State Environmental Planning Policy (Affordable Rental Housing) 2009, Council is to be notified on the date that an Occupation Certificate is issued (this in turn will be considered as the day that the affordable rental housing 10 year dedication commences).

For ten (10) years from the date of the issue of the Occupation Certificate, Units 2, 5, 9,10,11,15,16 and 17 must:

- a) Be used for the purposes of affordable housing, and
- b) Be managed by a registered community housing provider.

Reason: To ensure that the nominated units are used solely for the purposes of affordable rental housing by a registered community

PE0014 Creation of restrictions / positive covenants

101. The consent holder must submit to Council for endorsement, a Request Document and Plan (if applicable), together with payment of the relevant fee (as outlined in Council's adopted schedule of fees and charges) for the creation of a Positive Covenant and/or Restriction-As-to-User, in accordance with Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:-

- (a) People 55 or over or people who have a disability (as defined - SEPP Housing 2021);
- (b) People who live with people 55 or over or people who have a disability;
- (c) Staff employed to assist in the administration of and provision of services to housing provided in this development.

Note: All Restrictions and Positive Covenants created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of Parramatta City Council.

Reason: To ensure that the development meets the provisions of the SEPP – Housing or Seniors of People with Housing 2021.

PART F – OCCUPATION AND ONGOING USE

PF0004 External Plant/Air-conditioning noise levels

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

Reason: To minimise noise impact of mechanical equipment.

PF0049 Graffiti Management

103. 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.

TF0002 #Roller shutter door intercom is installed

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

Reason: To comply with Australian Standards.

EWF0005 Management of waste storage facilities

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

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

EWF0006 Storage of bins between collection periods

106. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

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

EWF0005 Management of waste storage facilities

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

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

EWF0006 Storage of bins between collection periods

108. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

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

Date: 21 April 2022
Responsible Officer: Matthew Golebiowski

