



City of Parramatta	
File No:	DA/776/2014/C

SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

1. Summary

DA No:	DA/776/2014/C
Property:	Lot 5-7 DP 27997, 125-129 Arthur Street, PARRAMATTA NSW 2150
Proposal:	Section 4.55(2) Modification to DA/776/2014 for the demolition of existing buildings, tree removal and construction of a Part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking. The modification seeks to increase the building height by 300mm, amend the layout of the basement, ground floor and first floors, changes to the unit mix, provision of a padmount substation, and amendments to services.
Date of receipt:	24 November 2021
Applicant:	Ghazi Al Ali Architect
Owner:	S & A Property Holdings Pty Ltd
Property owned by a Council 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:	None Received
Conciliation Conference Held:	No
Prelodgement Meeting Held:	No
Recommendation:	Approval , subject to amended conditions of consent.
Assessment Officer:	John Martinez

2. Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development• Apartment Design Guide• Parramatta Local Environmental Plan 2011 (LEP 2011)• Parramatta Development Control Plan 2011 (DCP 2011)• Draft Parramatta Local Environmental Plan 2020 (DLEP 2020)
Zoning	B4 Mixed Use
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No, however within vicinity to Elizabeth Farm Heritage Conservation Area.
Integrated development	No
Clause 4.6 variation	No – Height breach is proposed however Cl. 4.6 does not apply to s4.55 applications.
Delegation	Parramatta Local Planning Panel (PLPP) – Variation to development standard >10%

3. Site Context

The subject site is known as **125-129 Arthur Street, Parramatta** (Lot 5, 6 & 7 DP 27997). The site consists of three (3) vacant allotments with a site area of 1,668m². The site has dual frontages of 55m to Arthur Street & 28m to Hassall Street.

Adjoining the subject site to the east is the Mercure Parramatta Hotel with a building height of RL 34.30. Properties to the south of the site (across Hassall Street) consist of commercial premises (food and drink, office & retail) and a centre based child care centre.

Properties to the west of the site consists of dwelling houses and secondary dwellings.

Properties to the south-west of the site consists of dwellings within the Elizabeth Farm Heritage Conservation Area.



Figure 1: Aerial photograph of subject site (outlined in blue) and surrounds (Nearmap, 6 October 2021)

The site is located within an area zoned as B4 Mixed Use. Surrounding properties are zoned R2 Low Density Residential, IN1 General Industrial, B4 Mixed Use, B2 Local Centre & RE2 Private Recreation.



Figure 2: Zoning Map, subject site outlined in yellow (ePlanning Spatial Viewer)

The site is subject to 1 in 20 years, 1 in 100 years, and Probable Maximum Flood (PMF) flooding. The flood affection to the site is classified as medium and high risk flooding. Properties within vicinity to the site are also flood affected.

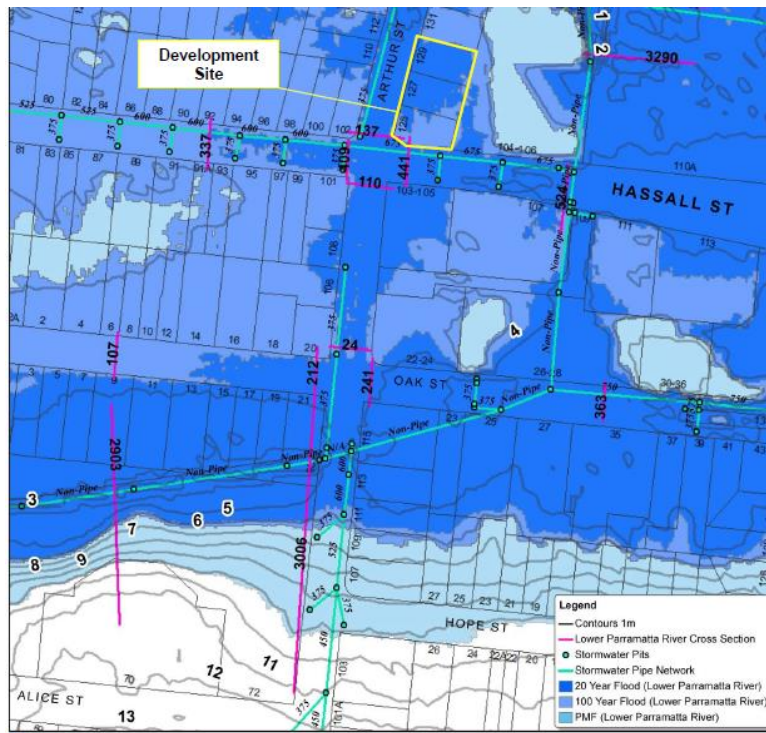


Figure 3: Extract of Flood Map (Parramatta City Council, 05/08/2014)

Basement excavation works have commenced at the site.



Figure 4: Subject site and Mercure Hotel viewed from Arthur Street, Corner Hassall Street (Site inspection, 24 February 2022)



Figure 5: Heritage Map Extract (PLEP 2011)

4. Relevant Site & Application History

Date	Comment
22 June 2015	Development Application DA/776/2014 for <i>Demolition of existing buildings, tree removal and construction of a part 4, 6 and 7 storey residential flat building comprising 64 dwellings and basement car parking</i> approved by <u>The Council</u> of Parramatta City Council. A Clause 4.6 variation request to the maximum permissible building height on site by 107% (RL 29) was considered and accepted.
9 March 2016	Section 96 (1) Modification Application DA/776/2014/A to include a plan which was omitted from the original set of stamped plans approved by Parramatta City Council Staff delegation.
10 January 2017	Section 96 (2) Modification Application DA/776/2014/B for amended unit mix, reduction of 3 basement car spaces, reconfiguration of unit and basement layout, and various external changes to balconies and roof feature approved by City of Parramatta Council Staff delegation.
12 December 2018	Development Application DA/870/2018 for <i>Alterations and additions to an approved residential flat building comprising 64 units. The alterations include an additional 2 storeys containing a further 10 units and the provision of a rooftop common open space</i> refused by the Parramatta Local Planning Panel (PLPP).
20 October 2020	A subsequent NSW Land and Environment Court appeal to the refusal of DA/870/2018 was withdrawn.
24 November 2021	Subject Section 4.55 (2) Modification Application lodged.

5. Modification Proposal

Consent is sought to modify the approved development (DA/776/2014) as follows:-

5.1 Increase the Finished Floor Level by 300mm to provide a flood refuge area

The finished floor level (FFL) of Level 1 to Level 6 is to be increased by 300mm to satisfy Condition No. 24 c) of the development consent requiring 'shelter in place' to be provided at or above the Probable Maximum Flood (PMF) level of 9.3m AHD. The finished floor level of the first floor will increase by 300mm and the ground floor level's floor to ceiling height will increase from 3m to 3.3m. The overall building height will increase by 300mm.

Condition No. 24 c) of DA/776/2014/B (latest consent) reads as follows:

If “shelter in place” is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30mAHD will be required in the building due to not having entire reliance on lift operation during higher flooding event scenario.

The Applicant’s updated Flood Impact Assessment report (Cardno, 11 November 2021) states the following:

It is concluded that while the ground floor apartments have a freeboard of 500 mm or more over the 100 year ARI flood level, that this freeboard would be rapidly overwhelmed in a PMF event (within around 10 - 15 minutes). In the case of a 4 hour PMF event it is expected that there would be insufficient time to evacuate any residents and/or visitors from the site and that instead residents and/or visitors would need to shelter in place.

5.2 Amend the ground floor and first floor layout to provide continuous corridors to both cores

The amendments to the layouts are required in order to provide a suitable location for the flood refuge area at Level 1. In addition, the provision to provide a continuous corridor at the ground floor will enable both cores of the building to have direct access to the flood refuge area located at Level 1.

5.3 Amend the unit mix as a result of the provision for a flood refuge area

Unit Type	DA/776/2014/B (approved)	Modification Proposal
Studio	7	7
1 bedroom	1	4
1 bedroom + study	1	3
2 bedrooms	51	46
3 bedrooms	1	4
3 bedrooms + study	3	0
Total Units:	64	64

The total number of units being sixty-four (64) remains the same.

5.4 Amend the lower and upper basement level layout

To satisfy Construction Certificate requirements, a sprinkler water tank, water pumps and additional services are added. Two (2) accessible car spaces and associated shared space have been relocated to the lower basement level.

5.5 Amendments to the East Elevation

Amendments include larger windows for greater natural light access to habitable rooms and an additional balcony to Level 1 for Unit 106.

5.7 Amendments to the South Elevation

Amendments include the relocation of the balcony sliding door for Unit 601.

5.8 Provision for additional hydraulic risers, service cupboards & mechanical ducts throughout all levels of the development for Construction Certificate requirements

5.9 Provision for a padmount substation along the Hassall Street frontage for Construction Certificate requirements

5.10 Provision for a hydraulic booster along the Arthur Street frontage for Construction Certificate requirements

5.11 Provision for flood proof doors and roller shutters along the ground floor level

5.12 Amend various conditions to be consistent with amended plans and documents

5.13 Delete Condition No. 90 as it is a duplication of Condition No. 88

Has the consent lapsed? No, demolition and earthworks commenced in 2017 (based on aerial images).

6. Assessment under Section 4.55 of EP&A Act 1979

The subject application seeks approval to the Section 4.55(2) modification to DA/776/2014. The following is an assessment of the modification application against the Section 4.55 of the Environmental Planning and Assessment Act 1979.

Section 4.55(2)	Discussion
<i>A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—</i>	
<i>(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>The proposed modification application is considered to be substantially the same as the originally approved residential flat development. It is noted that the proposed amendments do not significantly impact the approved building's built form presentation to the streetscape and locality, and no amendments are proposed to the approved building envelope. The proposed modification results in minor quantitative and qualitative impacts to the originally approved development application and does not result in the increase of amenity impacts onto the surrounding residential properties.</p> <p>The proposal is considered to be essentially and materially the same as the previously approved development in terms of use, intensity and environmental impacts. The assessment is consistent with the approach discussed in <i>Moto Projects No 2 Pty Limited v North Sydney Council</i> [1999] 106 LGERA 298. The detailed quantitative and qualitative impacts as a result of the modification application are discussed elsewhere in this assessment report.</p>
<i>(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</i>	There were no conditions relating to this application that were as a result of consultation with a public authority.
<i>(c) it has notified the application in accordance with:</i> <i>(i) the regulations, if the regulations so require, or</i> <i>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i>	The modification application was notified in accordance with the requirements set out in <i>Council's Consolidated Notification Requirements 2020</i> .
<i>(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	The modification application did not receive any submissions during the notification period.
<i>(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</i>	The modification application has been assessed against Section 4.15 (1) of the Environmental Planning and Assessment Act 1979. The modification is consistent with the reasons for approval of the original Development Application.

7. Environmental Planning Instruments

The original Development Application (DA/776/2014) was assessed against the following instruments:

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

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

An amended BASIX Certificate was submitted for the modification application. As a result, Condition No. 80 of the development consent is recommended to be amended in order to reflect the new BASIX Certificate.

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

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

The provisions of the SEPP were considered in the assessment of the original application. This proposal does not change the assessment.

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

7.5.1 Design Quality Principles

The proposed modifications result in minor changes to the facades and is not considered to be inconsistent with any of the 9 Design Quality Principles as considered under the original applications.

7.5.2 Apartment Design Guide

The original Development Application DA/776/2014 was approved on 22 June 2015 and was assessed against the superseded Residential Flat Design Code (RFDC).

As the Apartment Design Guide (ADG) now applies, the relevant topic area provisions within Part 3 & 4 of the ADG have been considered in the assessment of the subject modification application as follows:

Subjects & Controls		Proposal	Compliance
3D Communal and public open space			
The current rooftop communal open space is essentially the same as the previously approved.			Yes
3E Deep Soil Zones			
Minimum 7% (116.76m ²) of deep soil to be provided	Previous: 13.55% (226.15m ²) Proposed: 12.89% (215.09m ²) The reduction is the result of the proposed padmount substation.		Yes
3F Visual Privacy/Building Separation			
No changes are proposed to the existing side and rear setbacks. The current side and rear setbacks were considered in the assessment of the original Development Application DA/776/2014.			N/A
3J Bicycle and Car Parking			
The previous approved 78 car parking spaces and 35 bicycle spaces remain.			N/A
4A Solar and daylight access			
Living rooms and private open space of at least 70% of apartments in a building receive a min. 2 hours of direct sunlight between 9am and 3pm on 21 June	Previous Approved: 47/64 (73%) Proposed: 45/64 (70.4%)		Yes
A max. of 15% of apartments in the building receive no sunlight between 9am and 3pm at mid-winter	Previous Approved: 7/64 (11%) Proposed 0/64 (0%) The increase in building height is not considered to create significant additional impacts onto the neighbouring properties.		Yes
4B Natural Ventilation			

Min 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	Previous Approved: 45/64 (70%) Proposed: 42/64 (66%) The reduction is the result of the removal of longitudinal units.	Yes
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum Ceiling Height	No changes are proposed to the existing floor to ceiling heights with exception to the ground floor proposed to have 3m floor to ceiling height. All other floor levels maintain the previously approved 2.7m floor to ceiling height.	Yes
Habitable rooms 2.7m		
Non-habitable 2.4m		
4D Apartment size and layout		
Minimum unit sizes: Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² Additional bathrooms increase the minimum internal area by 5m ² each	The following amended units comply with the minimum sizes: <ul style="list-style-type: none">Unit G03, 103, 203, 403, 303, 403, 503 (studio) – 39m²Unit G05, 105, 106 (1 bed) – 67.05m²Unit G06 (2 bed) – 75.26m² All other units remain the same as previously approved.	Yes
Master bedrooms have a min. size of 10m ² & other bedrooms 9m ² (excluding wardrobe space) Min dimension 3m	The following amended units comply with the minimum sizes: <ul style="list-style-type: none">Unit G05, G06, 105, 106 & 601 All other units remain the same as previously approved.	Yes
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	The following amended units comply with the minimum widths: <ul style="list-style-type: none">Unit G05, G06, 105, 106 & 601 All other units remain the same as previously approved.	Yes
4E Private open space and balconies		
All apartments are to have primary balconies as follows: Dwelling type Minimum Area Minimum Depth	The following amended units comply with the minimum balconies: <ul style="list-style-type: none">Unit G05 (1 bed) – 17.4m², 2.2m depthUnit G06 (2 bed) – 22.26m², 2.5m depthUnit 105 (1 bed) – 18.6m², 2.4m depthUnit 106 (1 bed) – 20.34m², 3.5m depth All other balconies remain the same as previously approved.	Yes
Studio 4 m ² -		
1 Bedroom 8 m ² 2m		
2 Bedroom 10 m ² 2m		
3 Bedroom 12 m ² 2.4m		
The minimum balcony depth to be counted as contributing to the balcony area is 1m.		
4F Common circulation and spaces		
Max. number of apartments off a circulation core on a single level is 8.	The ground floor and first floor level both have continuous corridor servicing 11 units each as a result of the removal of the middle longitudinal units. It is noted that both ground floor and first floor levels have two (2) lift cores at separate ends. The amendments are required in order to provide a direct access to an adequate flood refuge area for the ground floor residents during heavy rain flooding events. The non-compliance is acceptable in this regard due to the severity of the flood impacts.	No, but acceptable.

7.6 PREVIOUS STATE ENVIRONMENTAL PLANNING POLICIES

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

Old SEPP/SREP	New SEPP	New Location
(Sydney Harbour Catchment) 2005	(Biodiversity and Conservation) 2021	• Chapter 10
No 55—Remediation of Land	(Resilience and Hazards) 2021	• Clause 7 = cl4.6 • Clause 17 & 18 = cl4.16 & cl4.17
(Infrastructure) 2007	(Transport and Infrastructure) 2021	• Chapter 2
SEPP 65	Design & Place SEPP	NO DATE FOR GAZETAL
BASIX	Design & Place SEPP	NO DATE FOR GAZETAL

7.7 DRAFT DESIGN AND PLACE SEPP (DP SEPP) 2021

The new Design and Place State Environmental Planning Policy (DP SEPP) 2021 and supporting guides are part of a broader review of all SEPPs. It aims to simplify and consolidate how to address the need for sustainable and resilient places and deliver good design in NSW.

The DP SEPP puts sustainability, resilience, and quality of places at the forefront of development. Our shared responsibility to sustain healthy and thriving communities, and to care for our environment underpins the policy. The DP SEPP will apply to all of NSW and spans places of all scales, from precincts, large developments and buildings, to infrastructure and public space (other than specified exclusions).

The DP SEPP and supporting guides and documents were on public exhibition until 28 February 2022.

For the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft proposed Design and Place State Environmental Planning Policy (DP SEPP) 2021 is not notified to any consent authorities. The draft DP SEPP is therefore not a mandatory matter for consideration under the Act.

8. Parramatta Local Environmental Plan 2011

8.1 Amended Compliance to Development Standards and Provisions

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 (LEP 2011) for the modification proposal are outlined below.

Standards and Provisions	Compliance
Part 4 Principal development standards	
Cl. 4.3 Height of buildings	<p>Non-compliant, but acceptable.</p> <p>Maximum Permissible Height = RL 14</p> <p><u>Previous Approved (DA/776/2014/B)</u> Roof Feature cnr Hassall Street & Arthur Street: RL 28.38 (102.71% variation) Rooftop Parapet: RL 27.40 (95.71% variation) Lift Shaft: RL 28 (100% variation)</p> <p><u>Proposed Height Modification</u> Roof Feature cnr Hassall Street & Arthur Street: RL 28.68 (104.85% variation) Rooftop Parapet: RL 27.7 (97.85% variation) Lift Shaft: RL 28.65 (104.64% variation)</p> <p>Refer below for further discussion.</p>
Cl. 4.4 Floor space ratio	<p>N/A – The site is not subject to maximum floor space ratio under LEP 2011.</p> <p>However, the Applicant has provided the following FSR calculations:</p> <p>Previous Approved (DA/776/2014/B) = 3.04:1 (GFA 5,063.96m²) Proposed = 3.06:1 (GFA 5,101.78m²)</p> <p>Whilst FSR does not apply to the development, the proposed FSR does not increase the building's bulk and scale.</p>
Part 5 Miscellaneous provisions	
Cl. 5.21 Flood planning	The proposed modifications do not result in detrimental impacts to the flood flows of the area.

8.2 Variation to Height of Buildings

The original development application DA/776/2014 was approved with a variation to the maximum height of buildings development standard. Applications assessed under Section 4.55 of the Environmental Planning and Assessment Act 1979 do not require a Clause 4.6 variation request under the Parramatta Local Environmental Plan 2011.

The proposed variation to the height of building development standard for this modification is considered acceptable for the following reasons:

- The original development application was approved with greater height variations in comparison to the subject modification application as shown in the comparison table below. In this regard, the proposed building height proposed under this modification application generates lesser amenity impacts to the locality and lesser height variation than the building height approved in the original application.

Structure	DA/776/2014	DA/776/2014/B	Subject Application
Roof Feature	RL 29 (107.14% variation)	RL 28.38 (102.71% variation)	RL 28.68 (104.85% variation)

Rooftop Parapet	RL 28 (100% variation)	RL 27.40 (95.71% variation)	RL 27.7 (97.85% variation)
Lift Shafts	RL 27.80 (98.57% variation)	RL 28 (100% variation)	RL 28.65 (104.64% variation)

The proposed roof feature height is 320mm lower than the originally approved.

The proposed rooftop parapet is 300mm lower than the originally approved.

The proposed lift shafts are 850mm greater than the originally approved and are considered acceptable as they do not significantly impact the locality due to their size and location within the building footprint.

- The proposed modifications further increase the building height by approximately 300mm to satisfy Condition No. 24 c) of DA/776/2014/B requiring a flood refuge area to be located at or above the Probable Maximum Flood (PMF) of RL 9.3.

Condition No. 24 c) of DA/776/2014/B (latest consent) reads as follows:

If “shelter in place” is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30m AHD will be required in the building due to not having entire reliance on lift operation during higher flooding event scenario.

Level 1 proposes to have a Finished Floor Level (FFL) of RL 9.33 and is located above the PMF level. As the site is significantly flood affected, the increase to the building's FFL and overall building height is supported in this instance. Council's Catchment Development Engineer has reviewed the application and raised no concerns to the proposed flood refuge area at Level 1 of the development. No additional flooding conditions are required for the proposal.

- The Applicant's submitted June 21 shadow diagrams demonstrates that the additional shadows generated from the height increase are minor and not detrimental to the locality.
- The increase to the height does not significantly alter the streetscape appearance of the development to Arthur Street and Hassall Street.
- No adverse impacts arise with respect to privacy, overshadowing, or bulk and scale.
- The additional minor shadow impacts to the Elizabeth Farm Heritage Conservation Area are considered acceptable.
- The proposed height increase is minor, is still lesser than the originally approved height and is considered to be appropriate given the constraints of the site.
- The proposed height increase is in accordance with the objectives of Clause 4.3 Height of buildings, and the zoning objectives of B4 Mixed Use.

The following Hassall Street Elevations (south) demonstrate the height changes throughout the previous applications.



Figure 5: DA/776/2014 Approved Hassall Street Elevation

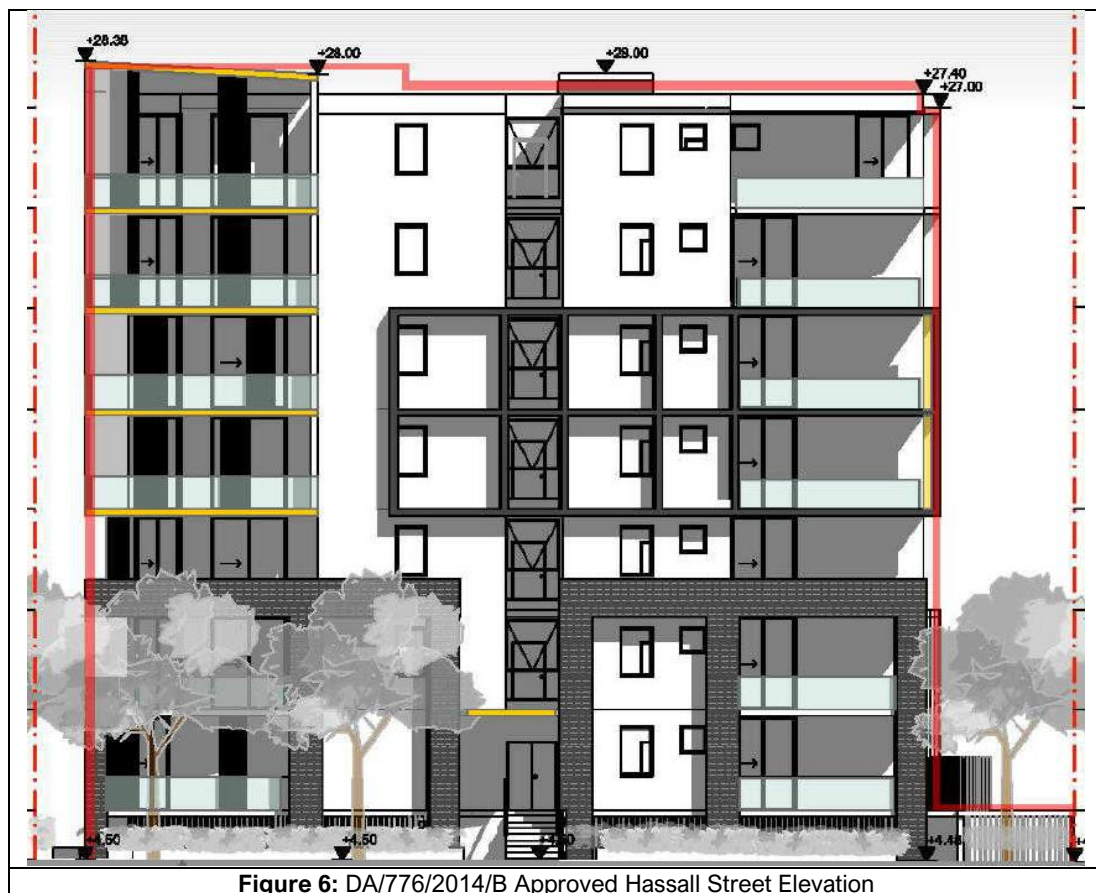


Figure 6: DA/776/2014/B Approved Hassall Street Elevation

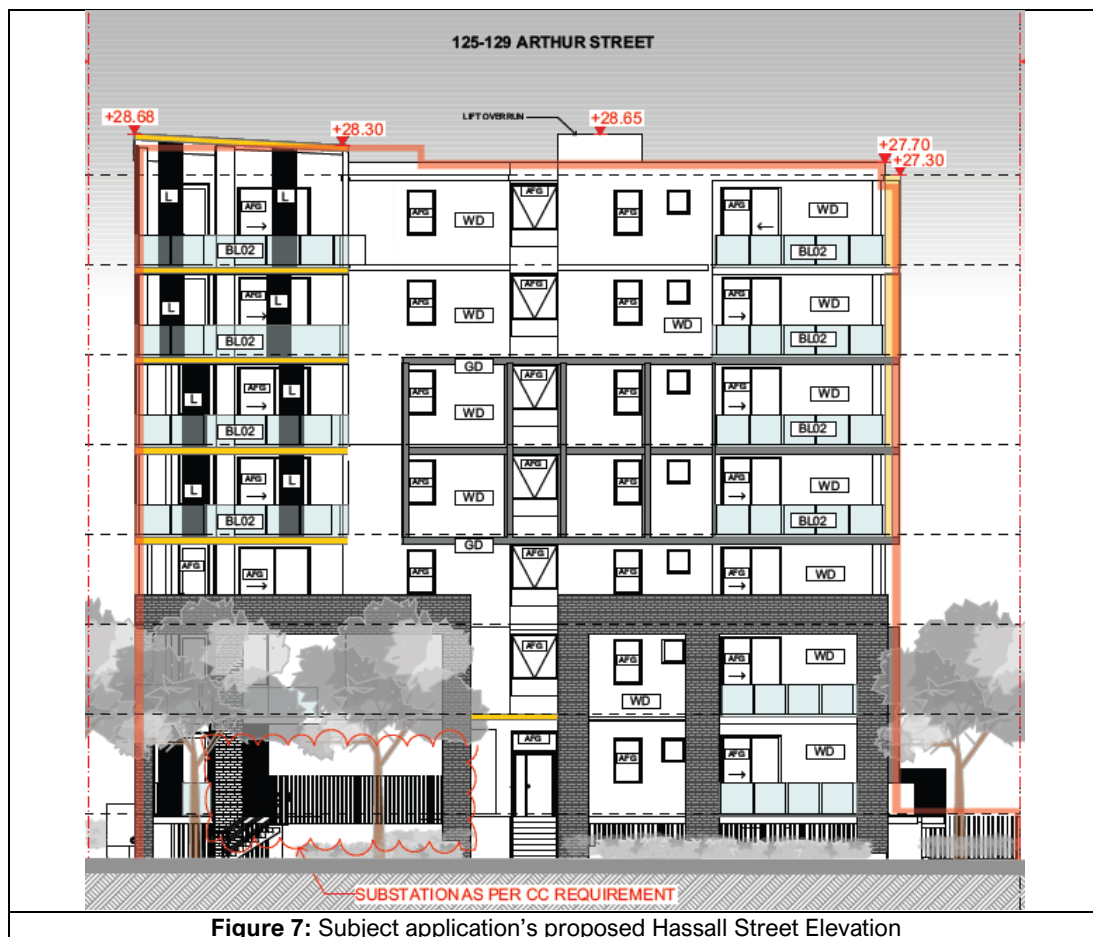


Figure 7: Subject application's proposed Hassall Street Elevation

It is noted that the original development application's (DA/776/2014) variation to the height of building was approved with the following comments in the assessment report.

The maximum height variation, although is 107% is well founded and acceptable as:

1. *The increase in height was partially necessitated by the flood impacts on the site and the ability of the building to allow for flood flow through path. This in turn increased the height of the building substantially to a maximum of 1.7m from the natural ground level.*
2. *The 7 storey portion of building is a transition from the 9 storey Mercure Hotel building to the east and is considered appropriate for the area, given that it is located in a predominant gateway site connecting the east with Parramatta CBD.*
3. *The Arthur Street frontage has been transitioned to a step down from 7 storeys through 6 and 5 storeys and finally a 4 storey, thereby providing a transition to the two storey dual occupancy to the north of the site.*
4. *No significant views listed in the PDCP2011 that would be obstructed.*
5. *The proposal will not have any additional solar access impacts on all the immediate neighbours.*
6. *There are no known privacy issues as the buildings are setback 4.5m from the eastern boundary and adequately landscaped.*
7. *The matter was considered by Council in a pre-lodgement application and assessed to be appropriate.*

The maximum building height variation is considered acceptable in order to achieve the design outcome and compliance with zoning requirements.

9. Draft Parramatta Local Environmental Plan 2020

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

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

A brief comparison of the existing and proposed instruments is demonstrated below.

	Parramatta LEP 2011	Draft Parramatta LEP 2020
Land Zoning	B4 Mixed Use	B4 Mixed Use
Maximum Height	RL 14	RL 14
Maximum Floor Space Ratio	N/A	N/A

The modification proposal is generally consistent with the development standards and objectives of the draft LEP.

10. Parramatta Development Control Plan 2011

The relevant matters to be considered under Parramatta Development Control Plan 2011 (DCP 2011) for the modification proposal are outlined below.

Control	Proposal	Complies
Part 3 – Development Principles		
3.1 Preliminary Building Envelope	No changes are proposed to the previously approved minimum primary, secondary, side and rear building setbacks.	N/A
3.2 Building Elements		
<u>3.2.1 Building Form and Massing</u>	No changes are proposed to the building form and massing under this modification application.	N/A
<u>3.2.2 Building Façade and Articulation</u>	The proposed Arthur Street (West) Elevation and Arthur Street (South) Elevation are essentially and materially the same. The minor window size increases along the East Elevation are considered to generate minor impacts onto the eastern adjoining property (Mercure Hotel Parramatta). The ground floor level along the North Elevation only consists of changes along the Flood Overflow Floor and Ground Floor. The changes consist of the provision of the basement air intake.	Yes
<u>3.2.3 Roof Design</u>	No changes are proposed to the previously approved roof design.	N/A
<u>3.2.4 Energy Efficient Design</u>	An amended BASIX Certificate, consistent with the amended plans has been submitted.	Yes
<u>3.2.5 Streetscape</u>	The building's streetscape presentation essentially remains the same.	Yes
3.3 Environmental Amenity		
<u>3.3.1 Landscaping</u>	The amended landscape plan submitted is consistent with the proposed amendments and is considered acceptable.	Yes
<u>3.3.2 Private Open Space</u>	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A
<u>3.3.2 Common Open Space</u>	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A
<u>3.3.3 Visual Privacy</u>	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A
<u>3.3.4 Acoustic Amenity</u>	No changes are proposed to the existing acoustic amenity provisions.	N/A

3.3.5 Solar Access	In accordance with Clause 6A of SEPP 65, this control does not apply, refer to ADG assessment above.	N/A															
3.4 Social Amenity																	
3.4.5 Housing Diversity and Choice	<table border="1"> <thead> <tr> <th>Unit Mix Requirement</th><th>DA/776/2014/B</th><th>Modification Proposal</th></tr> </thead> <tbody> <tr> <td>Adaptable – 10%</td><td>6 adaptable units (9.3%)</td><td>6 adaptable units (9.3%)</td></tr> <tr> <td>1 bed – 10-20%</td><td>9 units (14%)</td><td>14 units (21.87%)</td></tr> <tr> <td>2 bed – 60-75%</td><td>51 units (79%)</td><td>46 units (71.87%)</td></tr> <tr> <td>3 bed – 10-20%</td><td>4 units (7%)</td><td>4 units (7%)</td></tr> </tbody> </table> <p>Whilst the modification proposal does not comply, the proposed unit mix achieves better outcome than previously approved and is considered acceptable.</p>	Unit Mix Requirement	DA/776/2014/B	Modification Proposal	Adaptable – 10%	6 adaptable units (9.3%)	6 adaptable units (9.3%)	1 bed – 10-20%	9 units (14%)	14 units (21.87%)	2 bed – 60-75%	51 units (79%)	46 units (71.87%)	3 bed – 10-20%	4 units (7%)	4 units (7%)	No, but acceptable.
Unit Mix Requirement	DA/776/2014/B	Modification Proposal															
Adaptable – 10%	6 adaptable units (9.3%)	6 adaptable units (9.3%)															
1 bed – 10-20%	9 units (14%)	14 units (21.87%)															
2 bed – 60-75%	51 units (79%)	46 units (71.87%)															
3 bed – 10-20%	4 units (7%)	4 units (7%)															
3.6 Movement and Circulation																	
3.6.2 Parking and Vehicular Access	<p>The previous approved 78 car parking spaces and 35 bicycle spaces remain.</p> <p>It is noted that the subject site is within close vicinity to the future Parramatta Light Rail and high frequency bus services.</p>	N/A															

11. Referrals

Internal	Comment
Catchment Development Engineer	Acceptable, subject to amended conditions. Council's Catchment Development Engineer raised no concerns with the increase to the Finished Floor Level of Level 1 in order to satisfy Condition No. 24 c)'s flood refuge area requirement. No additional conditions were recommended however, some flood engineering conditions were amended to reflect the updated plans and reports.
Heritage	No objections. <i>The proposed amendments do not alter the previous granted approval DA/776/2014. The additional heritage impact on the nearby property is minor in nature and related to a minor increasing in shadows that will impact the HCA of Elizabeth Farm.</i>
Traffic Engineer	Acceptable, subject to amended conditions.
Universal Access	No objections.
External	Comments
Parramatta Light Rail	No objections.
Endeavour Energy	No objections. An Accredited Service Provider (ASP) is to be engaged to ensure adequate construction of the padmount substation is achieved. This has already been covered by Condition No. 94 of the development consent.

12. Public Consultation

The application was advertised in accordance with Council's *Consolidated Notification Requirements 2020*. No submissions were received during the advertising period.

Amended Plans

Yes

Summary of amendments:

- Reinstatement of public water closet on rooftop common open space as per previously proposed in DA/776/2014/B.
- Amended flood fence details.

In accordance with Council's *Consolidated Notification Requirements 2020*, the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

13. Conciliation Conference

On 11 December 2017, Council resolved that:

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

Conciliation Conference – Not Required

The application did not receive any unique submissions during the formal notification period and as a result a Conciliation Conference was not required to be held.

14. Development Contributions

As the development contributions have already been paid in 2016, the modification application cannot modify the previously imposed Section 94A contributions requirement (Condition No. 11) as established in *Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177.

15. Planning Agreements

In addition to the Section 94A Contributions, a Volunteer Planning Agreement (VPA) was made under Section 93F of the Environmental Planning and Assessment Act 1979.

A condition was imposed during the assessment of the original development application requiring the Applicant to enter a VPA prior to the issue of a Construction Certificate (Condition No. 8). Council's records indicate this was paid in August 2016.

16. Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the modification proposal is suitable for the site, and is in the public interest. Therefore, it is recommended that the application be approved subject to the amendments to DA/776/2014's conditions of consent as demonstrated in Section 17 and Appendix 1 of this assessment report.

17. Recommendation

Approval, subject to amended conditions of consent.

- (a) **That** the Parramatta Local Planning Panel exercising the functions of Council as the consent authority, modify development consent DA/776/2014 on land at 125-129 Arthur Street, Parramatta, for a period of five (5) years from the date on the **original** Notice of Determination, subject to the following modifications:
1. Amend Condition Nos. 1, 23, 27, 33, 35 & 80 to reflect the updated plans and documents.
 2. Delete Condition No. 90 as it is a duplication of Condition No. 88.
 3. All other conditions of DA/776/2014 remain unchanged.
- (b) **That** the Parramatta Local Planning Panel approve the proposal notwithstanding the non-compliance with the building height control in Clause 4.3 Height of buildings of the Parramatta Local Environmental Plan 2011 as there are sufficient environmental grounds to justify the variation.

Reasons for Approval:

1. The proposed modification is substantially the same development which has been approved.
2. The proposed modification is permissible within the B4 Mixed Use zone and results in a development which is suitable for the context of the site and locality.
3. The proposed modification to increase the height is supported in order to provide an adequate flood refuge area due to the significant flood constraints on site.
4. The proposed modification results in reasonable impacts to adjoining and surrounding properties, is suitable for the site, and is in the public interest.

“Appendix 1” to Section 4.15 Assessment Report - DA/776/2014/C

DRAFT CONDITIONS OF CONSENT

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

Development Consent No.: DA/776/2014/C
Property Address: Lot 5, 6 & 7 DP 27997
125-129 Arthur Street, Parramatta

You are advised that pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, the application to modify the development consent issued by Council is **APPROVED**.

Council has updated the original consent notice to incorporate the amendments approved under this modification. Amended conditions are in ***bold italic***. Accordingly, the current conditions of consent that apply to this development are:

General Matters

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except where amended by other conditions of this consent:

Drawing N^o	Date
Survey Plan 6350, Issue B by SDG Land development Solutions	11 August 2014
Site Plan DA100, Issue B by Chanine Design	<i>4 February 2015</i>
Site analysis plan DA101, Issue B by Chanine Design	<i>4 February 2015</i>
Demolition Plan DA102, Issue B by Chanine Design	<i>4 February 2015</i>
<i>Lower Basement DA A-1201, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Upper Basement DA A-1202, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Flood Overflow Plan DA A-1203, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Ground Floor Plan DA A-1204, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Level 01 Floor Plan DA A-1205, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Level 02 Floor Plan DA A-1206, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Level 03 Floor Plan DA A-1207, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Level 04 Floor Plan DA A-1208, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Level 05 Floor Plan DA A-1209, Issue C, by Ghazi Al Ali Architects</i>	<i>27 October 2021</i>
<i>Level 06 Floor Plan DA A-1210, Issue C, by Ghazi Al Ali</i>	<i>27 October 2021</i>

Architects	
Roof Plan DA A-1211, Issue C, by Ghazi Al Ali Architects	27 October 2021
West Elevation DA A-1301, Issue C, by Ghazi Al Ali Architects	27 October 2021
South Elevation DA A-1302, Issue C, by Ghazi Al Ali Architects	27 October 2021
East Elevation DA A-1303, Issue C, by Ghazi Al Ali Architects	27 October 2021
North Elevation DA A-1304, Issue C, by Ghazi Al Ali Architects	27 October 2021
Ramp Sections AA & BB DA A-1401, Issue C, by Ghazi Al Ali Architects	27 October 2021
Section CC DA A-1402, Issue C, by Ghazi Al Ali Architects	27 October 2021
Section DD DA A-1403, Issue C, by Ghazi Al Ali Architects	27 October 2021
Flooding Design-Ground Floor DA A-2021, Issue C, by Ghazi Al Ali Architects	27 October 2021
Flooding Design-L01 DA A-2022, Issue C, by Ghazi Al Ali Architects	27 October 2021
Pre & Post Adaptable Units 01 DA A2025, Issue C, by Ghazi Al Ali Architects	27 October 2021
Pre & Post Adaptable Units 02 DA A2026, Issue C, by Ghazi Al Ali Architects	27 October 2021
Shadow Diagrams DA304, Issue C by Chanine Design	16 April 2015
Fence detail DA A-1501, Issue C, by Ghazi Al Ali Architects	27 October 2021
Landscape Plans Sheets 1-6, Rev B, by Conzept Landscape Architects	2 November 2021
Stormwater Concept Designs Drawing Nos. SW100, SW101, SW200, SW201, SW202, SW203, SW204, SW205, SW206, SW207, SW208, SW209, SW210, SW300, SW400, SW500 & SW601, Rev B, Project No. 20200068, by SGC Consulting Engineers	8 November 2021

Document(s)	Date
Statement of Environment Effects by SJB Planning	November 2014
BASIX Certificate 777340M_08	9 November 2021
Acoustic Assessment by Rodney Stevens Acoustics	12 November 2014
Traffic Assessment report by Motion Traffic Engineers	October 2014
Acid Sulphate Management Plan by Environmental Investigation Services	13 November 2014
Flood report by Cardno	14 November 2014
Waste Management Plan	Undated
Flood Impact Assessment Update Report (AWE200226) by Cardno	11 November 2021
Floor Emergency Detailed Response Plan (AWE200226) by Cardno	11 November 2021

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

~~The plans modified in Bold above are to be read along with the plans already approved (especially the floor plans).~~

~~Note: Amended as per Modification B.~~

Amendment Note: Condition No. 1 amended in DA/776/2014/B and DA/776/2014/C.

2. Trees to be removed are:

Tree No.	Species	Common Name	Location
3	<i>Chamaecyparis obtusa</i>	Hinoki Cypress	Refer to arborist report
4	<i>Chamaecyparis obtusa</i>	Hinoki Cypress	Refer to arborist report
5	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
6	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
7	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
8	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
9	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
10	<i>Cinnamomum camphora</i>	Camphor laurel	Refer to arborist report
11	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
12	<i>Lophostemon confertus</i>	Brush Box	Refer to arborist report
13	<i>Lophostemon confertus</i>	Brush Box	Refer to arborist report
15	<i>Archontophoenix alexandrae</i>	Alexander Palm	Refer to arborist report
22	<i>Citrus sp.</i>	Orange	Refer to arborist report
23	<i>Citrus sp.</i>	Orange	Refer to arborist report

Reason: To facilitate development.

3. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos and demolition works must at all times comply with its requirements.
- e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2) (c) of the Occupational Health and Safety Regulation 2001.
- f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

- g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” **and** a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- i) Demolition is to be completed within 5 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

- q) Payment of a fee for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To ensure appropriate demolition practices occur.

4. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

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

5. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

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

6. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

7. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

- 7A. A minimum Australian Qualification Framework Level 3 arboricultural service provider is to remove the existing street trees within the Arthur Street road reserve and replace with the following:

Qty.	Name	Common Name	Minimum Pot Size	Plant Spacing	Distance from Corner	Distance from Driveway
5 x	<i>Lophostemon confertus</i>	Brush Box	45L	8m	12m	3m

The existing street tree within the Hassall Street road reserve is to be retained.

Reason: To ensure restoration of environmental amenity

Prior to the Issue of a Construction Certificate

8. Prior to the issue of a Construction Certificate, the applicant shall enter into a Voluntary Planning Agreement with Council in the terms of the offer made by the applicant in connection with the subject development application. The developer must register the Voluntary Planning Agreement on the relevant folios Torrens Title Register held by the NSW Office of Land and Property Information pertaining to the land and evidence shall be submitted to the satisfaction of Council, prior to the issue of the Construction Certificate.

Reason: To ensure the Voluntary Planning Agreement is appropriately registered before the issue of a construction certificate.

- 8A. The basement levels shall be relocated to the Arthur Street boundary, with a minimum setback to the eastern boundary of 3m. The landscaping in the front setback of Arthur Street is to be amended to incorporate planter boxes (to a maximum height of 1.2m) to accommodate the approved tree and shrub planting. Amended architectural plans and landscape plans are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To minimise the impact on the adjoining property and provide for an appropriate street setting.

9. The development must incorporate 6 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

10. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

11. A monetary contribution comprising \$ **172,807.15** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta Section 94A Development Contributions Plan*. Payment must be by , EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a **construction certificate**. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
Reason: To comply with council's Policy.
12. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.
Note: Qualified designer in this condition is as per the definition in SEPP 65.
Reason: To comply with the requirements of SEPP 65.
13. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.
Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
14. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.
Note: Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.
Reason: To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.
15. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:
 - (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

16. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

17. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/776/2014;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows

Nature strip and roadway \$ 40,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

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

18. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details shall be illustrated on plans submitted with the construction certificate.

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

19. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

20. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The Structural & Foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:

- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a

full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.

- ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.
- v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

- 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 C of AS 2870 - 1996.

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

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

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

Reason: To ensure satisfactory storm water disposal.

22. The underground basement pump holding structure shall be designed and certified by a Certified Practising Structural Engineer, taking into

account of the any structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The Certifying Authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The principal certifying authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

Reason: To ensure that the structural stability of the underground holding tank structure.

23. The provision of a flow through fence **(1.8m high pool type fence with 75% opening)** and the Flood Storage Level of RL4.20mAHD within Under Slab Flood Storage Area and the Flow Through Fence around the building footprint envelop shall be Implemented as per Council APPROVED Plans **in Condition No. 1 of this development consent (~~Flood level floor plan DA105, Issue C and Fence details DA308, Issue B Prepared by Chanine Design~~)**, in terms of the area 'Open' to allow for flood water flows to pass through it without obstruction.

Reason: To ensure that building footprint Floodwater Flow through fencing is well established within the proposed development without having increased flood levels affectation along adjoining properties.

Amendment Note: Condition No. 23 amended in DA/776/2014/C.

24. A detailed **Site Emergency Response Flood Plan** prepared & submitted for Council approval, in particular reference to this development incorporating the following:
- a) Site based Flood Warning Systems (not limited to adequate sensible warning systems, signage, exits, evacuation routes, flood preparedness plan for 'flash flood' regime etc) to be established for the residents and occupiers of the dwellings in order for being fully informed and aware of the flood information and being prepared for any impending flood event.
 - b) Effective evacuation frameworks, procedures and final plan shall be prepared as per Council Floodplain Matrix 'Evacuation' Controls which essentially do not support any reliance on SES & other government agencies aid during the site flood emergency situation and the responsible person for each of the buildings for implementation of the evacuation plan.
 - c) If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations at or above PMF level of 9.30mAHD will be required in the building due to not

having entire reliance on lift operation during higher flooding event scenario.

Reason: To ensure an effective site flood emergency response management plan in place.

25. It is essential for the development that an additional measure in terms of a flood proof gate shall be installed at the basement ramp entrance crest levels defined as per Condition 9 (ii) of this Consent. The purpose of this flood proof gate shall be to address impact measures from flooding events reaching beyond 100 year event towards PMF event flood inundation which will potentially fill basement car park with flood water. In addition, detail design of flood proof gate and maintenance plan shall be submitted to the satisfaction and subsequent approval by i) Certifying Authority and ii) Council, prior to issue of the Construction Certificate and the Final approved copy of Flood Proof Gate Detailed Design & Maintenance Plan shall be submitted to Council for compliance and record purposes.

Reason: To ensure satisfactory measures in place for the basement car park from being filled with floodwater during storm events leading to Probable Maximum Event (PMF) event inundation.

26. Due to the close proximity of the existing Duck Creek and the flood affected surrounding areas, the perimeter walls of the basement shall be constructed using "Tank Construction" method, to prevent any flood waters seeping through the basement walls. In terms of the potential ground water inflows within the basement areas, and to manage any ongoing seepage, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Certifying Authority, with the Construction Certificate application.

Reason: To ensure the basement is protected from any flood water seepages and adequate dewatering system is in place to manage any ongoing ground water

27. No construction works shall start on the stormwater system until the detailed final storm water plans have been approved by the Certifying Authority. Prior to the approval of stormwater drainage plans, the person issuing the Construction Certificate shall ensure that:

- i. The final stormwater plans are, ~~*in general, consistent stormwater management plans Drawings (OSD Plans, Dwg No. 80215019-DA-010, Rev 3, and OSD & WSUD Details, Dwg No. 80215019-*~~

~~**DA-020, Rev 3, Dated 26/11/2014, Dated 26/11/2014, prepared by Cardno) to be consistent with the approved stormwater plans in Condition No. 1 of this development consent.**~~

Note 1: The Council approved Stormwater Plans are **for DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).

- ii. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook".
- iii. The design achieves, when using the Flood detention method (3rd edition of Upper Parramatta River Catchment Trust's (UPRCT's), handbook), as shown on the approved stormwater plan.
- iv. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- v. A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.
- vi. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.
- vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
- viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks are well ventilated and will not cause the accumulation of noxious odours.
- ix. When applicable, OSD tank shall have clear headroom of 2.2m available for the basement car park underneath those tanks.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practicing Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

Amendment Note: Condition No. 27 amended in DA/776/2014/C.

28. The OSD tank structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above, Vehicular loading and any other surrounding areas/structures, which exert load on the tank structures. The Certifying Authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The Certifying Authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

Reason: To ensure that the structural stability of the underground tank structure.

29. Prior to the issue of a Construction Certificate, longitudinal driveways sections and Ramp Access from to and from the Basement levels are to be prepared as per AS 2890.1 (2004) by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scales along both edges of the **proposed driveway**, starting from the centreline of the frontage street carriageway to the proposed basement floor level and also similar sections for Ramp Access from Basement to Basement levels. The Civil/Traffic Engineer shall provide specific written certification to the Certifying Authority on the prepared longitudinal driveways sectional plans that the following five requirements are entirely complied with:
- a. Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
 - b. All RAMP CIRCULATION & GRADES and changes in grade (transitions) are to be complied with Clause 2.5 and 3.3 of Australian Standard 2890.1 (2004) – “Off-street car parking” **to prevent bottoming or scraping** of the underside of vehicles.
 - c. The grade of the driveway is NOT more than **5%** at the nature strip from the kerb & gutter up to the property line and that driveway surface matches the level of the outer edge of the existing footpath level crossing (intersection).
 - d. The grade of the driveway is NOT more than max **5%** for at least the first **6m** from the property line into the car park. Grade Transitions with transition length of at least 2m are provided where the grade change is **12.5%** or more for the Summit grade change and **15%** or more for the Sag grade change.

- e. The access driveway for at least first **6m** from the property boundary to the car park shall have a minimum width of **5.5m** in accordance with AS 2890.1-2004.

Note: The driveway should slope upward from kerb & gutter to the front property line with surface level at the property line at the highest level, at least **150mm** above the top water level of the stormwater flowing down the along the adjacent kerb & gutter, before it slopes down towards the car park, to avoid the street runoff spilling into the property through the driveway.

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

30. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council

31. Prior to the issue of a Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document -Western Sydney Salinity Code of Practice 2003.

Reason: To ensure appropriate safeguards against salinity.

32. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

33. 78 parking spaces (including 7 disabled parking spaces; 13 visitor parking spaces and 1 carshare space) as shown on the revised

basement plans (~~Dwg Nos. A1201 and A1202 – Issue E – dated 8/11/16~~) (**Drawing Nos. DA A-1201 & A-1202, Issue C, dated 27/10/2021**) are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that there are convex mirrors proposed to be installed in the lower basement level adjacent to spaces 47 – 48 and 63 – 64 as shown on the plan. The installation of these convex mirrors is anticipated to be suspended on to the ceiling, however installation of these mirrors should not impact on vehicle access into and out of parking spaces 47 – 48 and 63 – 64. Also note that bollards are to be installed on the shared space adjacent to the dedicated space at a distance of 800 ± 50mm from the parking aisle in accordance with AS2890.6-2009.

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

Note: ~~Amended as per Modification B.~~

Amendment Note: **Condition No. 33 modified in DA/776/2014/B & DA/776/2014/C.**

34. 1 car share space is to be provided in accordance with PDCP 2011 for any residential development containing more than 50 residential units. The applicant must submit written evidence demonstrating that offers of a car space to carshare providers have been made together with the outcome of the offers or a letter of commitment to the service prior to the issue of construction certificate.
35. 35 bicycle spaces/racks are to be provided on-site and used accordingly, as shown on the Lower Basement plan (~~Dwg No. A1201 – Issue E – dated 8/11/16~~) (**Drawing No. DA A-1201, Issue C, dated 27/10/2021**). The bicycle storage/racks are to comply with AS2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To comply with Council's parking requirements.
Note: ~~Amended as per Modification B.~~
Amendment Note: **Condition No. 35 amended in DA/776/2014/C.**
36. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the radius along the ramp access driveway towards the upper basement level is approximately 5m and does not comply with Figure 2.9 of AS2890.1-2004. This should be 7.6m minimum. A swept turning path is to be submitted to Council prior to issue of construction certificate to confirm that vehicle turning into the upper basement level can do so without encroaching on the ramp access wall.

Reason: To ensure appropriate vehicular manoeuvring is provided

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

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

Prior to the Commencement of Work

38. Prior to commencement of work, the recommendations of the Acid Sulphate Management Plan by Environmental Investigation Services are required to be implemented and certified by an appropriately qualified engineer.

Reason: To ensure compliance with the report.

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

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

Reason: To comply with legislative requirements.

40. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

Reason: To ensure adequate toilet facilities are provided.

41. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

42. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

43. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

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

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

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

45. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a

suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

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

46. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

47. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

48. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

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

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

(a) Construction Management Plan for the Site

A plan view of the entire site and frontage roadways indicating:

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas,
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
- ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

(b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

(c) Traffic Control Plan(s) for the site:

- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- vii. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - viii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - ix. Minimising construction related traffic movements during school peak periods,

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

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

50. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

51. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including

photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

Reason: To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

52. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

53. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

54. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:
- I. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - II. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
 - III. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
 - IV. the site is to be maintained clear of weeds
 - V. all grassed areas are to be mown on a monthly basis
- Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.
55. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
- Protect and support the adjoining premises from possible damage from the excavation
 - Where necessary, underpin the adjoining premises to prevent any such damage.
- Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.
- Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.
56. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.
- Reason:** To ensure the requirements of Sydney Water have been complied with.
57. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent

are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To prevent any damage to underground utility services.

58. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction, Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

59. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

- 59A. Retained trees or treed areas must be fenced with a 1.8 metre high chainwire link or welded mesh fence. **The fence shall be located a minimum of 3m from the eastern boundary along the full length of the site.** The fence is to be fully supported at grade. The enclosed area is to be mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

Reason: To protect the environmental amenity of the area.

- 59B. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties. All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

- 59C. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 – "Protection of Trees on Development Sites".

Reason: To ensure trees are protected during construction.

During Construction

60. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.
Reason: To ensure compliance with this consent.
61. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
62. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.
Reason: To protect the amenity of the area.
63. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.
Reason: To ensure pedestrian access.
64. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.
Reason: To ensure public safety and amenity on public land.
65. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses;
- Internal fit out work.

Reason: To protect the amenity of the area.

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

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

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

Reason: To protect the amenity of the area.

67. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

68. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

69. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

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

70. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

71. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public safety.

72. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
- (d) Kerbside restrictions, construction zones:
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to

Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

Reason: Proper management of public land.

73. A Certificate of Compliance from the Consultant Designers and Applicant's Works Supervising Engineer shall be required to be submitted to the Certifying Authority towards satisfactory construction completion of southern and western site boundaries flow through fencing, Basement Ramp Crest Level, Ramp Grades, Driveways and Driveways Grades, OSD tank, subsequently complying entirely with this DA consent conditions Nos. 9 (ii), 12 (In addition, a registered surveyor certificate will be required stating that the Flood Storage Level of RL4.20mAHD has been constructed throughout the area within Under Slab Flood Storage Area as per Council APPROVED Plans (Flood level floor plan DA105, Issue C and Fence details DA308, Issue B Prepared by Chanine Design). A copy of the above Compliance Certificate shall be forwarded to Council for record.

Reason: To ensure the satisfactory construction of southern and western site boundaries fencing, Basement Ramp Crest Level, Driveways & Driveway Grades, OSD tanks and WSUD Measures are all complied with this Development Consent.

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

Reason: To ensure proper management of Council assets.

75. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

- 75A. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

Reason: To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.

Prior to release of Occupation Certificate

- 75B. Prior to the issue of any occupation certificate and/or subdivision certificate the Principal Certifying Authority must obtain written advice from Council that the deliverables required under the Voluntary Planning Agreement referred to in Condition 8 has been delivered to the satisfaction of Council.
Reason: To ensure that the terms of the Voluntary Planning Agreement are met.
76. Prior to the issue of an Occupation Certificate the recommendations in the Acoustic Assessment by Rodney Stevens Acoustics shall be implemented in full and certified by an appropriately qualified engineer.
Reason: To ensure acoustic amenity.
77. Prior to the issue of the occupation certificate, a convex mirrors are to be installed within the ramp access driveway on each basement level (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
Reason: To ensure safety of drivers
78. Prior to issue of an Occupation Certificate if required, under the recommendations of the Acid Sulphate Management Plan by Environmental Investigation Services, any further action required is to be implemented and certified by an appropriately qualified engineer.
Reason: to ensure compliance with the Acid Sulphate management Plan.
79. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.
Reason: To ensure a visible house number is provided.
80. Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all design measures identified in the BASIX Certificate No. 777340M_0208, will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
~~Note: Amended as per Modification B.~~
Amendment Note: Condition No. 80 amended in DA/776/2014/B and DA/776/2014/C.
81. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia

and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

Reason: To comply with legislative requirements

82. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;
- (c) the type of inspection;
- (d) the date on which it was carried out;
- (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with legislative requirements.

83. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.

- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

84. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

Reason: To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

85. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement for the maintenance of the basement pump system and the on-site storm water detention facilities only upon satisfactory completion of OSD systems and following certification by the Hydraulic Engineer. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer to the satisfaction of the Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms **13PC** and **13RPA (Not in 88B instrument)**. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan and the detailed maintenance schedule, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

Reason: To ensure effective maintenance of on-site detention and basement pump out systems and facilities.

86. Prior to issue of the Occupation Certificate, the Certifying Authority shall ensure that Flood Warning Systems and Flood Evacuation Measures are all implemented on site, as per the Council's approved "**Site Emergency Response Flood Plan**" under this DA consent condition No. 13. This shall also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within the building and all other prominent locations around the building, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Site Emergency Response Flood Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

Reason: To ensure the property owners / occupants are aware of the procedure in the event of flooding.

87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

Reason: To ensure compliance with Sydney Water requirements.

88. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/776/2014** has been submitted to Certifying Authority.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

89. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

90. ~~An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. DA/776/2014 has been submitted to Certifying Authority.~~

~~**Reason:** To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.~~

Amendment Note: Condition No. 90 deleted in DA/776/2014/C.

91. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

Reason: To comply with the *Strata Schemes (Freehold Development) Act 1973*

92. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of any Occupation Certificate.

Reason: To ensure consolidation occurs.

93. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactorily repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

Reason: To safeguard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

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

94. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.

Reason: To ensure appropriate electricity services are provided.

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

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

Reason: To comply with the requirements of SEPP 65.

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

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

- 96A. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

- 96 B. Five (5) new street trees at approx. spacing of 10m shall be planted in accordance with City of Parramatta's standard detail (see attached). The required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty
Arthur Street	<i>Eucalyptus sideroxylon</i> 'Rosea'	Red Flowering Ironbark	100L	3
Hassall Street	<i>Lagerstroemia indica</i> 'Natchez'	Crepe Myrtle	100L	2

- The tree supply stock shall comply with the guidance given in publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container	Height	(above	Caliper	(at	Clear
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Size	container)	300mm)	Trunk Height
100 litre	2.4 metres	50mm	1.5 metres

Reason: To ensure adequate amenities are provided.

Note: Amended as per Modification B.

The Use of the site

97. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

Reason: To ensure the removal of graffiti.

98. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

Reason: To minimise noise impact of mechanical equipment.

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

Reason: To ensure provision of adequate waste disposal arrangements.

100. No air-conditioning condensers / units are to be located on any of the balconies or walls fronting Arthur Street and Hassall Street.

Reason: To ensure the amenity of the units and visual amenity of the building.

101. If a roller shutter door is to be provided at the driveway entry and exit from Arthur Street it is to be operated via remote control.

Reason: To comply with Australian Standards.