



SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

DA No:	DA/958/2021
Subject Property:	LOT B DP 421597, 67 High Street, PARRAMATTA NSW 2150
Proposal:	Demolition of additions to the existing heritage cottage, tree removal and construction of a 4 storey residential flat building consisting of 12 apartments over 1 level of basement parking for 11 car spaces. The site is identified as a Heritage Item (No. I712) of local heritage significance.
Date of receipt:	15 October 2021
Applicant:	Mr P Israel
Owner:	Mr M Mahmasani and Ms L Chatila
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Approval
Assessment Officer:	Darren Wan

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 No.65 – Design Quality of Residential Apartment Development• State Environmental Planning Policy (BASIX) 2004• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• Parramatta Local Environmental Plan 2011 (PLEP 2011)• Parramatta Development Control Plan 2011 (PDCP 2011)• Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).
Zoning	B4 Mixed Use
Bushfire Prone Land	No
Heritage	Yes – Heritage Item I712
Heritage Conservation Area	No
Designated Development	No
Integrated Development	No
Clause 4.6 variation	Yes – 5% variation to Clause 4.3 – Building Height
Delegation	Parramatta Local Planning Panel (PLPP) due to SEPP65

1. EXECUTIVE SUMMARY

Development Application DA/958/2021 was lodged on 15 October 2021 for '*Demolition of additions to the existing heritage cottage, tree removal and construction of a 4 storey residential flat building consisting of 12 apartments over 1 level of basement parking for 11 car spaces. The site is identified as a Heritage Item (No. 1712) of local heritage significance*'.

In accordance with the Consolidated Parramatta Notification Plan the Development Application was notified and advertised on 27 October 2021 to 17 November 2021. No submissions were received during the notification period.

The proposal seeks to demolish unsympathetic additions to an existing heritage item, whilst retaining the original fabric. The use of the heritage item will continue to be operated as a commercial premises, in accordance with the existing approval.

The proposal also seeks a minor variation to the 12m building height development standard prescribed under Clause 4.3 of PLEP2011. The proposal seeks a maximum height of 12.6m and equates to a 5% variation.

In accordance with the Environmental Planning and Assessment Act 1979, Section 9.1 – Directions by the Minister, this application is reported to the Parramatta Local Planning Panel for determination as the proposed development is greater than 3-storeys and is subject to the provisions of SEPP65.

Section 4.15 Assessment Summary

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

The proposed demolition of the unsympathetic additions to the heritage item is supported, as it will revert the heritage item to its original fabric.

This proposed variation to the building height development standard was also assessed and considered to be well founded given the minor nature of the variation, as well as the desired future character of the area to have higher built form, culminating in an amendment to the building height standard for the subject site to 20m.

The application was referred to a number of internal and external stakeholders for comment including the following:

- Sydney Water;
- Endeavour Energy;
- Traffic Engineer;
- Development Engineer;
- Landscape Officer;
- Heritage Advisor;
- Environmental Health; and
- Design Excellence Advisory Panel.

No objections to the overall development were received. Conditions of consent have been imposed where necessary.

Having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, it is recommended Development Application DA/958/2021 be issued an approval. The recommended conditions of consent are within **Attachment 1**.

2. SITE DESCRIPTION AND CONDITIONS

The subject site comprises is known as 67 High Street, Parramatta. The current property description is Lot B DP 421597. The subject site is an irregularly shaped allotment and has a moderate slope from the High Street frontage down to the Raymond Lane frontage of approximately 500mm over a distance of 64 metres.

The subject site has the following area and dimensions:

Area – 1,047 square metres

Frontage – 16.48 metres to High Street

Rear – 16.76 metres to Raymond Lane

North – 64.64 metres-

South – 62.095 metre

The subject site currently accommodates a heritage listed dwelling house of local significance. It is located within a mixed commercial/residential area characterised by single storey residential dwellings as well as newer 4-storey residential flat buildings. Across the road on the western side of High Street is the Volkswagen car dealership, and a private parking lot.

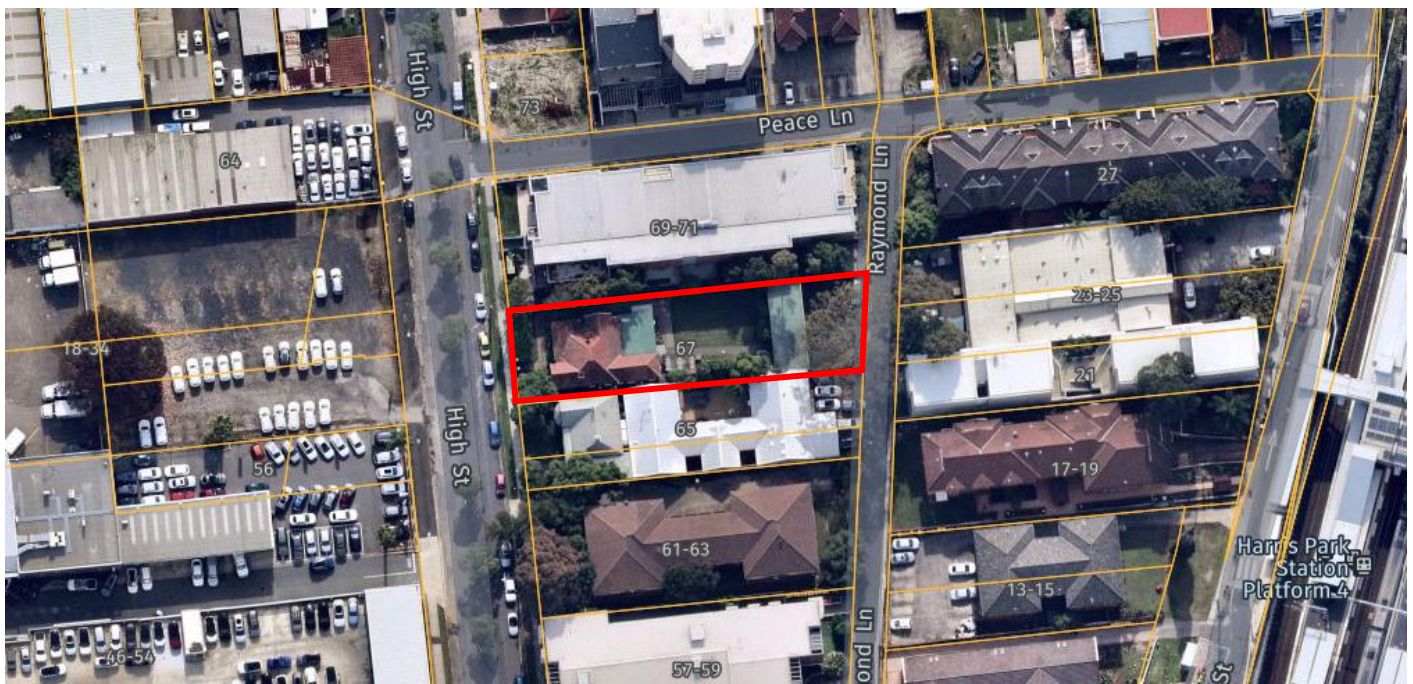


Figure 1: Aerial of the locality, with the subject site outlined in red (Nearmap)



Figure 2: The subject site as seen from High Street

3. RELEVANT SITE HISTORY

Development Application	Description
DA/610/1997	Approved on 4 February 1998 to 'use the existing premises for office administration for Motorcycling NSW'.
DA/2093/2001	Approved on 10 December 2001 for 'construction of a carport with attached storage room at the rear of the existing property'.
DA/2170/2001	Approved on 29 July 2002 for 'additions to existing heritage building, construction of a storage room'.
DA/1214/2004	Approved 15 December 2004 'to construct an addition to the rear of the existing building to be used as an office'.
DA/789/2010	Approved 6 December 2010 for 'installation of new disabled access ramps and change of use to a business premises providing counselling services'.
DA/324/2011	Approved 23 August 2011 for 'installation of signage'.
DA/578/2018	Withdrawn application for 'retention and alterations to an existing heritage dwelling and construction of a 6 storey residential flat building comprising 15 units over 2 levels of basement parking accommodating 17 car parking spaces.'

4. THE PROPOSAL

- Demolition of part of an unsympathetic addition to the heritage item;
- Tree Removal
- Construction of a 4 storey residential flat building as follows:
 - 4 storey residential building to the rear of the existing heritage item
 - 12 units (3 units on each level)
 - Basement access from Raymond Lane
 - 11 residential car parking spaces
- Site works and landscaping.

TOTAL =	12 units
UNIT MIX =	(3 x 1 bedroom) + (6 x 2 bedroom) + (3 x 3 bedroom)
ADAPTABLE UNITS =	2 units

Note: the existing heritage item will be retained and continued to be used for commercial purposes and does not form part of the Residential Flat Building.



Figure 3: Photomontage of proposed development as seen from Raymond Lane

5. REFERRALS

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

Referral	Comment
Development Engineer	Supported, subject to conditions of consent.
Transport and Traffic Engineer	Supported, subject to conditions of consent.
Tree and Landscape	Supported, subject to conditions of consent.
Environmental Health	Supported, subject to conditions of consent.
Sydney Water	Supported, subject to conditions of consent.
Endeavour Energy	Supported, subject to conditions of consent.

6. ENVIRONMENTAL PLANNING INSTRUMENTS

6.1 OVERVIEW

The instruments applicable to this application are:

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Parramatta Local Environmental Plan 2011 (PLEP 2011)
- Parramatta Development Control Plan 2011 (PDCP 2011)
- Draft Parramatta Local Environmental Plan 2020 (DLEP 2020).

Compliance with these instruments is addressed below.

6.2 STATE ENVIRONMENTAL PLANNING POLICY No.65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

In accordance with clause 28(2) of SEPP 65, the consent authority must take into consideration the following:

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

The application was initially considered by Design Excellence Advisory Panel (DEAP) at a meeting on 25 November 2021. The panel was generally supportive of the application, issuing the design an Amber Light, and provided the following advice:

1. *The site is located within a precinct subject to future controls under the Draft Parramatta City Centre DCP, Section 5.8 Station Street West Special Area (currently on exhibition). In response to the proposed future context, the controls include anticipated increases in scale and density within the precinct and desired improvements relating to Raymond Lane. The Panel notes that a number of nearby sites have already been developed to face the laneway, including two examples of buildings with zero lot setbacks on the western side. More similar buildings are expected in the future.*
2. *The Panel generally supports the overall objectives and principles of the Draft DCP and is of the opinion that despite the narrowness of the block, a well-designed, appropriately scaled development could be integrated on the site.*
3. *The proposed DCP improvements relating to Raymond Lane present a number of challenges for the development. These include the resolution of the built form setbacks, pedestrian and vehicular entry experience, site services and public domain outcomes.*

Regardless of whether or when the DCP is adopted, design excellence standards should be met in relation to the laneway experience, the relationship to the heritage building, residential amenity and servicing of the development.

4. *Whilst the east elevation generally presents well to the lane the Panel raised a number of concerns in relation to the design at street level relative to the building entrance and street interface. The Panel recommends the following in relation to the changing context of the site:*

- a) *Reconfigure the landscaped frontage to the laneway to achieve a more welcoming and integrated relationship with the street (refer to Draft DCP principles for Raymond Lane)*
- b) *Reduce the impact of the driveway width by removing the waiting bay and consider the integration of a kerbside layby.*
- c) *Use a singular unit paving material across the pedestrian and driveway areas (not concrete) to enhance and unify the landscaped front entry.*
- d) *Redesign the bin holding area and its adjacent landscape setting. The mass planted area is better served as private open space attached to the ground floor unit G03 with appropriate privacy and security screening. The existing Lemon scented Gum (deemed hazardous by the project Arborist) to be replaced by a similar tall canopy tree (min pot size 200 litres)*
- e) *Provide climbers to soften the fences along both north and south boundaries. This could involve providing deep soil or dropping the slab to include a planter with drainage.*
- f) *The proponent to liaise with Council regarding the foot path treatment, location of street trees and street lighting to achieve a co-ordinated outcome for Raymond Lane, as it transforms from a service lane to a neighbourhood street.*

With regard to the local context and laneway experience, the Panel raised the issue of whether or not the applicant might consider a taller development with a smaller footprint in response to the new planning controls and Council's new vision for the area. This would have the potential to address issues such as the setback to the rear lane, the gap between the proposed development and the heritage item, deep soil, landscaping and amenity issues.

5. *The Panel notes that the heritage building will be retained as an office and will be restored along with new landscaping to the sides and rear. The Panel is concerned that there is insufficient curtilage and landscaping between the two buildings to provide the appropriate screening and scale of planting required to ameliorate the visual impact of the development.*

The Panel recommends the following:

- a) *Reconfigure the space between the buildings to enhance the landscape character and backdrop to the heritage building. This is to include re- locating the communal open space to the roof and possibly reconfiguring the car park stair to enhance the canopy cover in the deep soil area.*
 - b) *The roof top communal open space should be edged by planting and discretely set back from the edge.*
 - c) *As the courtyard is largely overshadowed, a shade tolerant deciduous tree compatible with the era of the heritage building could be considered*
 - d) *Consider pedestrian access to the apartments from High Street via a landscaped side pathway alongside the heritage building.*
 - e) *Reduce the amount of glazing and/or increase the screening to the west facing façade to create a more uniform backdrop to the heritage item and to address sun impacts.*
6. *The Panel queried whether the site will be subdivided into two separate lots in the near future as this could impact on the landscape opportunities to unify the site.*
 7. *Overall built form and articulated façade treatments generally supported.*
 8. *Amenity:*
 - a) *The location, storage, and the movement of the bins via the foyer is of concern. The plan for the entry, waster room and G03 should be reconfigured to achieve a better outcome.*
 - b) *SRV access to basement is limited.*
 - c) *Active ESD provisions such as rainwater re-cycling, solar power and solar hot water were not discussed at the meeting, however it is assumed that at a minimum these measures will be included in the development*

Comment: The application, as amended in accordance with the recommendations of Panel, is considered to satisfactorily address the comments, and satisfies Clause 28(2) of SEPP65.

In regard to the Draft DCP, it is neither imminent nor certain and therefore limited weight has been placed on it.

The provisions of SEPP 65 have been considered in the assessment of the development application. The applicant submitted a SEPP 65 assessment of the proposed development along with a design verification statement verifying that the plans submitted were drawn by a Registered Architect.

An assessment of the design principles is addressed below:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
PART 2 Building envelopes			
Separation - Building separation is measured from the outer face of building envelopes which includes balconies			
Separation	Up to 4 storeys (approximately 12m): <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable 	<p>The proposed development will have window openings setback 3m from the northern side boundary. The window openings generally serve bedrooms and privacy screens have been proposed to mitigate overlooking to onto the property to the north.</p> <p>The southern elevation will have nil setback to the boundary, however no openings are proposed on the southern elevation of the building.</p>	<p>NO, BUT ACCEPTABLE</p> <p>Being a narrow lot within the B4 Mixed Use zone, the typical residential flat buildings within the locality have been approved with reduced building separation provisions.</p> <p>Nonetheless, the proposed development is considered to be acceptable as the reduced building separation has been mitigated by privacy screens to the bedrooms facing the northern boundary.</p>
PART 3 Siting the development			
Communal open space			
<ul style="list-style-type: none"> • COS should have a minimum dimension of 3m. • Where COS cannot be provided at ground level, it should be provided on a podium or roof. 			
Communal open space	Communal open space has a minimum area equal to 25% of the site or 261.75m ²	The proposal provides 120m ² of communal open space at ground level, and does not comply.	<p>NO, BUT ACCEPTABLE</p> <p>The proposed 120m² only makes 17% of the site area and does not comply. However, it is acceptable as the curtilage of the heritage item occupies approximately 33% of the site.</p> <p>The 120m² is considered to adequately accommodate for the 12 units proposed. The subject site is also within close proximity to Jubilee Park.</p> <p>It is also of note that PLEP2011 does not allow for clause 4.6 variations to building height greater than 5% for properties located within the City Centre. Accordingly, a rooftop COS is not feasible.</p>
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	The communal open space is located on the northern portion of the site, and complies.	YES
Deep Soil	Minimum of 7%, 6m in width = 73.29m ² required.	80m ² or 7.6%	YES

Visual privacy

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

Visual privacy	Up to 12m (approximately 4 storeys): <ul style="list-style-type: none"> • 6m between habitable and non-habitable rooms • 3m between non-habitable 	As per the discussion under Building Separation, the windows facing the northern boundary generally serve bedrooms and are setback 3m.	NO, BUT ACCEPTABLE The adjoining development to the north was built with only a 1m setback to the shared boundary. Accordingly, it would be unreasonable to require the proposed development to take on the responsibility of accommodating the compliant separations. In order to mitigate overlooking impacts, the developer has implemented privacy screens on the windows facing the northern boundary. This is considered to be reasonable and is a consistent approach that other similar RFBs located within the B4 Mixed Use zone have incorporated into their design.
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Parking and Bicycle storage

Note: The car parking needs for a development must be provided off street.

Parking and bicycle storage	For development in the following locations: The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	The proposal provides 11 resident parking spots.	YES
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PART 4 Designing the building

Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	No, only 66% of units (8) receive 2 hours of solar access between 9am and 3pm at mid-winter.	NO, BUT ACCEPTABLE The east-west orientation of the site means that the south-facing units do not receive 2 hours and is not avoidable given the development only accommodates 12 units.
	A maximum of 15% of apartments in a building received no direct sunlight between 9am and 3pm at mid-winter.	No units receive no direct sunlight. The south-facing units of the development will receive some direct sunlight in the morning period.	YES

Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	All units are cross ventilated.	YES
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No unit exceeds 18m in overall depth when measured from glass line to glass line.	YES
Ceiling Heights	Habitable rooms - 2.7m	Proposed – 2.8m	YES
Apartment size and layout Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.			
Apartment size and layout	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	All units comply with the minimum areas required for the specified number of bedrooms.	YES
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Every habitable room has a window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.	YES
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry	No kitchens are located in circulation spaces.	YES
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	No habitable rooms exceed 8m in room depth.	YES
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	The master bedrooms have a minimum area of 10m ² .	YES
	Bedrooms have a minimum dimension of 3m.	All bedrooms are provided with a minimum dimension of 3 metres.	YES
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	All min. dimensions provided.	YES
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	The width of all apartments exceed 4m in width.	YES

Private open Space and balconies				
Note: Storage areas on balconies is additional to the minimum balcony size.				
Private space balconies	open and	1 Bedroom = 8m ² minimum with 2m depth	All proposed units will have compliant balconies in regard to area and depth.	YES
		2 Bedroom = 10m ² with 2m depth		
		3+ Bedroom = 12m ² with 2.4m depth		
		For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	Ground level apartments have access to compliant terraces.	YES
Storage				
Note: Storage is accessible from either circulation or living areas.				
Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.				
Storage		At least 50% of the required storage is to be located within the apartment. Left over space such as under stairs is used for storage	Adequate Storage is provided within the units.	YES
Common circulation spaces	and	The maximum number of apartments off a circulation core on a single level is eight.	3 units per level.	YES

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

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

Council's Consultant Landscape Architect raised no objections to the removal of four (4) trees subject to appropriate conditions of consent.

It is considered that the removal of four (4) trees on site will not have an adverse impact of the ecological, heritage, aesthetic and cultural significance of the area. The proposed replacement planting will ensure that the development will not result in an unacceptable loss of amenity values or finite natural resources. The development as a whole will positively contribute to ensuring a sustainable urban forest canopy in the City of Parramatta.

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

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

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

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

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

The subject site has no history of uses that could increase the potential for contamination on the subject site. Furthermore, taking into account the significant excavation required to accommodate the proposed car park, much of the existing soil would be removed from the subject site in any event.

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

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

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

Clause	Comment
Clause 2.48 – electricity infrastructure	Yes – The application was referred to Endeavour Energy for comment. No objections were received.
Clause 2.119 – frontage to a classified road	N/A
Clause 2.120 - average daily traffic volume of more than 20,000 vehicles.	N/A
Clause 2.121 – Traffic generating development	N/A

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

7. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The site is zoned B4 Mixed Use zone. Surrounding properties are also zoned B4 Mixed Use. The western side of High Street is zoned B5 Business Development.



Figure 4: Zoning of the subject site and surrounds

The aims and objectives for the B4 Mixed Use zone in Clause 2.3 – Zone Objectives are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.

The application proposes to develop a Residential Flat Building which is permitted with consent within the R4 High Density Residential zone. This development of an RFB will ensure the housing needs of the community are achieved which is high density in nature and close to major transport nodes and services and meets the objectives of the zone.

Standards and Provisions	Compliance
Part 4 Principal development standards	
Cl. 4.3 Height of buildings Allowable: 12m Proposed: 12.6m	No - The proposal seeks a variation of 600mm (5%) to the 12m Building Height development standard.
Cl. 4.4 Floor space ratio Allowable: 2:1 (2,094m ²) Proposed: 1.2:1 (1,247m ²)	Yes
Cl. 4.6 Exceptions to Development Standards	See discussion below.
Part 5 Miscellaneous provisions	
Cl. 5.10 Heritage conservation	<p>The site is identified as a heritage item of local significance. It is described as a single storey residence'. The site is also in the vicinity of several other heritage items. Most notably, the property is located adjacent to a heritage item at 65 High Street (identified as item no I1711) to the south of the subject site. It is also described as a "single storey residence". Both 67 and 65 High Street make a positive contribution to the High Street streetscape and provide an identifiable reference to the street.</p> <p>The application was referred to Council's Heritage Advisor who supported the proposed development from a heritage perspective, noting the clear separation between the item and the future development, as well as the landscape screening.</p> <p>Accordingly, the proposal satisfies the requirements of Clause 5.10.</p>
Cl. 5.21 Flood Planning	The site is not identified as being flood prone.
Part 6 Additional Local Provisions - Generally	
Cl. 6.2 Earthworks	<p>The scale and location of the proposed earthworks to accommodate the proposed basement will not adversely affect the visual quality and amenity values of the site given the earthworks are localised to the vicinity of the site.</p> <p>In addition, adequate sediment and erosion control measures are proposed as part of this development as are supporting conditions.</p> <p>The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>
Part 7 Additional Local Provisions – Parramatta City Centre	
Cl. 7.3 Car Parking	<p>This control requires a maximum parking allocation of 1 space per dwelling plus 1 visitor space per 5 dwellings.</p> <p>The development only seeks 11 parking spaces for 12 units. None of which are allocated for visitors. This complies with the requirement of the clause which seeks to limit vehicle trips within the CBD.</p>

Clause 4.6 Exceptions to Development Standards – Building Height

The proposal does not comply with the maximum 12m building height development standard prescribed under Clause 4.3. The proposal seeks a maximum height of 12.6m, which is an increase of 600mm or 5% variation.

Clause 4.6 of PLEP 2011 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

Clause 4.6(1) – Objectives of Clause 4.6

The objectives of clause 4.6 of the PLEP 2011 are considered as follows:

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

Clause 4.6(2) – Operation of Clause 4.6

It is of note that the operation of clause 4.6 in this instance is limited by the provisions of Clause 4.6(8)(ca) of the LEP which does not permit variations for development within Parramatta City Centre by more than 5%.

Clause 4.6(3) – The Applicant's written request 4.6

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

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

The applicant has submitted a written request justifying the variation to both the building height and FSR development standards. In the justification the applicant states:

- The overall height of the development presents as a compatible form of development to the anticipated high density residential development that are emerging in the locality, noting that the emerging character is for 4 plus storey residential developments. The lift overrun is recessed behind the main building alignment to downplay visual dominance as viewed from the public domain and adjoining residential /industrial properties.*
- The proportion of the building that protrudes above the 12m height limit contains no habitable floor space and presents with a dominant 4 storey building design, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather a suitable contextual response to the locational characteristics on the site in order to achieve a suitable ground floor outcome with sufficient amenity for the suites at this level.*
- The proposed development incorporates a complying floor space ratio as per the provisions of the PLEP 2011, which will ensure that the scale of the proposed development will be appropriate and will be visually consistent with the permitted building height with the upper levels recessed and designed using a lighter design style to ensure a positive streetscape presentation.*
- The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context.*
- The proposal has been carefully designed to ensure that no adverse visual or acoustic amenity impacts will be created by the proposed building height along site boundaries as the upper levels are substantially recessed behind the building perimeter.*
- The proposed articulation of the built form will ensure that the additional building height will not be discernably noticeable from street level and that the proposed development will provide a strong and identifiable building line that will pronounce the site's prominent and strategic gateway entry location at the edge of the Parramatta CBD.*
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 4 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties. Therefore, the response has been to maximise the amenity of suites.*

- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors.
- The proposal will not unreasonably impact on the significance of the heritage item on the site or on the adjoining property having regard to the details in the submitted HIS.
- The proposal provides residential accommodation opportunities, the proposal will strongly contribute towards revitalising the subject area, as it will increase employment opportunities both during the construction phase and at the completion of the proposal. The 12 apartments will provide augmented patronage in the locality thus both components will contribute towards boosting the local economy of Parramatta.

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

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

Wehbe v Pittwater Council

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

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

Height of Buildings Objectives

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,

Comment: The proposed development will have a built form that is generally consistent with other residential flat buildings in the locality. The additional 600mm incorporates the lift overrun as well as the parapet roof, and does not facilitate additional habitable floor space.

It is also of note that an amendment proposed to PLEP which will be in force on 14 October 2022, seeks to increase the building height standard to 20m, at which point a cl4.6 variation statement wouldn't even be required.

In that regard, it is considered that the building height variation does not negatively impact upon the built form, nor the land use intensity of the surrounding area.

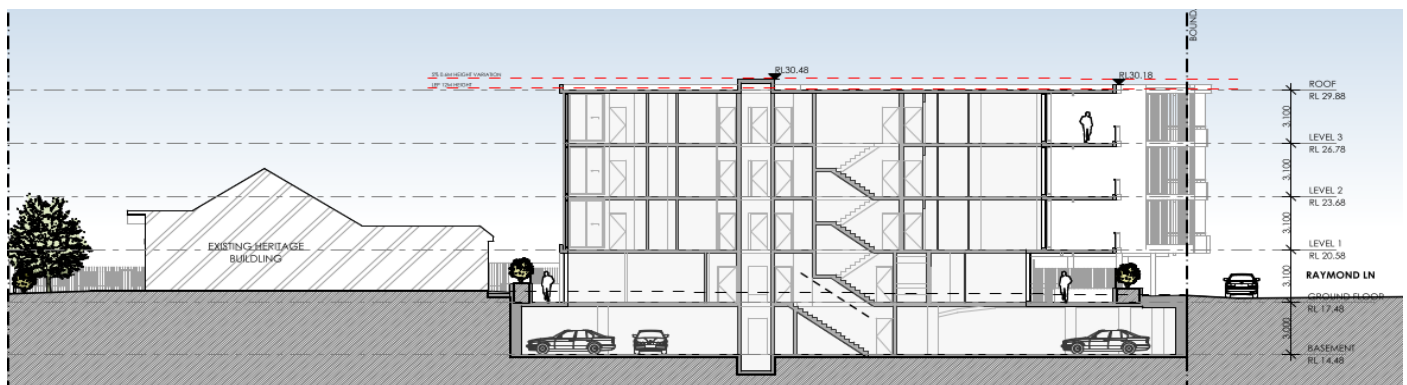


Figure 5 Section plan showing the extent of the variation.

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

Comment: As the proposed variation is 5% and only incorporates the lift overrun and parapet roof, it is not considered to adversely impact upon views, privacy or solar access to adjoining properties.

Being within the B4 Mixed Use zone, it has been established that the proposed building separation is appropriate in its setting.

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

Comment: The proposed development allows for additional uses on the subject site whilst retaining the integrity of the heritage item. The proposal was also referred to Council's Heritage Advisor who raised no objection to the development from a heritage perspective.

(d) to ensure the preservation of historic views,

Comment: It has been established that there are no significant views to and from the sight that has been identified in Council's Planning Controls. Accordingly, the proposal is not considered to have any adverse impacts in that regard.

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

Comment: There are no nearby low-density residential zones. The surrounding area has been envisioned to have a higher density due to the proximity to the CBD.

(f) maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

Comment: The proposed variation accommodated the lift overrun and parapet roof, and does not significantly impact the sky exposure of the public domain, street or lane.

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

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

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

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

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

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

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

"a) the consent authority is satisfied that:

- i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b) the concurrence of the Secretary has been obtained."

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

Public Interest

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

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

Comment: The proposed development is in the public interest as it allows for continued development of a site containing a heritage item, whilst retaining its heritage values. It also provides additional housing options in an area slated for higher density.

Concurrence

Clause 4.6(4)(b) of PLEP 2011 states:

“The concurrence of the Secretary has been obtained”.

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

Conclusion: It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated and that the request to vary the building height standard within Parramatta LEP 2011 can be supported. The proposal achieves the objectives of the standard and the zone, and there are sufficient site-specific reasons for the breach. The additional density can be achieved without additional adverse impacts on neighbouring properties, or the greater precinct. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

8. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The Draft Parramatta Local Environmental Plan 2022 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 draft LEP is neither imminent nor certain and therefore limited weight has been placed on it.

It is also of note that there will be an amendment to the existing PLEP2011, specifically for areas within the Parramatta CBD. These amendments have been approved and are due to be effective on 14 October 2022. The proposed amendments increase the building height for the rear portion of the site to 20m. Although the proposed development will comply with the new building height standard, the proposed development is still considered to exceed the existing controls and therefore an assessment under Clause 4.6 has been carried out.

Control	PLEP 2011	Draft LEP 2022	PLEP Amd 56 (CBDPP) Effective 14 Oct 2022
Zoning	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Height	12m	12m	12m/20m
FSR	2:1	2:1	2:1

9. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Consideration of the relevant sections of the PDCP 2011, which includes the controls for general residential development and residential flat buildings is provided below.

Development Control	Compliance
Part 2 Site Planning	
Views and Vistas	The site is not identified as having significant views and vistas.
Flood Affection	The site is not identified in Council's database as being flood prone.
Protection of Waterways	An erosion and sedimentation plan has been submitted with the application and conditions of consent have been imposed to ensure that this development would minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.
Protection of Groundwater	Yes – Basement parking is proposed, and additional information in the form of an updated geotechnical report is required from the applicant to ensure there is no impacts on the surrounding groundwater.
Soil Management	An erosion and sedimentation plan has been submitted with the application and had the application been recommended for approval, conditions of consent would have been imposed to ensure that this development would minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.
Acid Sulfate Soils	An Acid Sulphate Soils Management plan is not required to be prepared.
Salinity	N/A
Land Contamination	Refer to assessment under SEPP (Resilience and Hazards) 2021.
Air Quality	The proposed use of the subject site for residential purposes is not considered likely to create air quality impacts.
Development on Sloping Land	The site is relatively flat, and the cut proposed is to accommodate the basement parking.
Development on land abutting the E2 or W1 zone	The site does not adjoin land zoned E2 or W1.
Public Domain	The proposal will generally retain the existing street presentation of the site to High Street. The proposal will have a similar presentation to Raymond Lane as the existing RFB to the north, and is considered compatible with the locality.
Part 3 Development Principles	
Frontage Minimum 20m	No, but acceptable – The site has a frontage of 16.48m to High Street and does not comply. However, it is considered to be acceptable as this particular block has many similar residential flat buildings approved with similar site frontages.
Height Maximum: 12m/4 storeys	No, but acceptable – the proposal seeks to exceed the maximum height limit prescribed under Clause 4.3. Please refer to the Clause 4.6 variation discussion.
Front Setback Primary frontage: 3m	Yes – Both frontages to High Street and Raymond Lane comply with the 3m setback.
Side Setback As per ADG	No, but acceptable – As discussed under the SEPP65 discussion, the proposal will have acceptable building separation for the B4 Mixed Use zone. It is noted that the DCP for Parramatta City Centre encourages nil setbacks where appropriate.
Deep Soil Rear setback to be deep soil area	Yes – There will be a deep soil area located on the south-eastern corner of the site. It is of note that the total quantum of DSZ for the development complies with the requirements of the ADG.
Building Form and Massing	Yes – The proposal has an acceptable bulk and scale as the variation of the building height is considered to be appropriate in this context. The building envelope is generally compliant with similar residential flat buildings in the locality that have been developed on conjunction with a heritage item.
Building Façade and Articulation	Yes – the proposal is designed with multiple recesses to create articulation, improve solar access to adjoining properties and to create some visual interest at pedestrian level.
Streetscape	Yes – the proposal is consistent with the existing built form elements that contribute to the character of the street as the proposed built form visually presents as a 4 storey residential flat building, with retention of an existing heritage item. In this context, the proposal is consistent with the existing and future desired character of the locality.

Landscaping	The proposal was referred to Council's Landscape and Tree Officer who raised no issues with proposal subject to the imposition of conditions of consent.
Private Open Space Min 10m ² with min 2.5m dimension per unit.	Yes – each dwelling has a compliant POS, that meets the minimum dimensions.
Common Open Space Min 10m ² of COS provided per unit. Required: 120m ²	Yes – 120m ² of COS is provided at ground level.
Visual Privacy	<p>Yes – The proposed development will have acceptable building separation distances as discussed under the SEPP65 table above.</p> <p>Subject to compliance with the relevant conditions of consent, the location and design of the proposed windows to the dwellings are sympathetic to the privacy needs of adjoining dwellings and satisfactorily addresses the relevant objectives of PDCCP2011.</p>
Acoustic Amenity	Yes – the application was accompanied by an Acoustic Report, which was referred to Council's Environmental Health Officer. No objections were raised, subject to conditions of consent.
Solar Access	<p>No, but acceptable – The proposal is generally compliant with the solar access requirements of the ADG.</p> <p>However, due to the orientation of the site and the prescribed B4 zoning, the reduced setbacks result in some solar access impacts to the south facing units and the property to the south.</p> <p>It is of note that there is an approved LEP amendment to the surrounding area, increasing building height from 12m to 20m.</p> <p>Accordingly, as long as the proposed development complies with the statutory built form requirements, it would be unreasonable to limit the development potential of the site, given the likelihood of further development of the surrounding locality.</p>
Cross Ventilation	Yes – The proposal is compliant with the cross-ventilation requirements of the ADG.
Water Sensitive Urban Design	Yes – The proposal was referred to Council's Development Engineer, who raised no objections.
Waste Management	Yes – the application was accompanied by a Waste Management Plan, which was referred to Council's Environmental Health Officer. No objections were raised, subject to conditions of consent.
Access for People with Disabilities	Yes – the proposal provides adequate access for people with a disability, in accordance with the requirements of the BCA. 2 adaptable units are provided.
Safety and Security	Yes – the proposal will provide a distinct entry way that clearly differentiates private and public land. The proposal also provides 1 unit that has outlook to the Raymond Lane, to provide casual surveillance.
Housing Diversity and Choice 3 bedroom 10% - 20% 2 bedroom: 60% - 75% 1 bedroom 10% - 20%	<p>No, but acceptable –</p> <p>1 bed (3) = 25%, 2 bed (6) = 50% 3 bed (3) = 25%</p> <p>With only 12 units in the development, the unit mix is considered to be acceptable for the locality.</p>
Parking Provision Maximum under PLEP2011	Yes – the subject site is located within land identified as Parramatta City Centre which is subject to maximum parking controls.
Site consolidation and isolation	Yes – The proposal does not result in the isolation of any adjoining properties.
Part 4.3.3 Parramatta City Centre Strategic Precinct	
4.3.3.1 Building Form	The proposed building is generally consistent with the building envelope controls for this portion of the strategic precinct. Additionally, it is consistent with other residential flat buildings approved in the area.
4.3.3.2 Mixed Use Buildings	Although the proposal seeks to retain the commercial nature of the existing heritage item, it will be distinctly separated from the residential component and is not considered to be a mixed use development.

4.3.3.3 Public Domain and Pedestrian Amenity	The subject site is not identified as an area that requires an active street frontage, new pedestrian lanes, or awnings.
4.3.3.4 View and View Corridors	The subject site is not located in a special view corridor.
4.3.3.5 Access and Parking	The subject site is located in the Parramatta City Centre. Noting the public transport options available within proximity of the subject site, car parking is compliant with the maximum parking rates prescribed in PLEP2011.
4.3.3.6 Environmental Management	The proposal retains the landscape presentation of the heritage item to High Street, and will provide planters within the internal COS and the street presentation to Raymond Lane. The application was referred to Council's Landscape Officer who raised no objection to the landscape treatment of the proposal.
4.3.3.7 City Centre Special Areas	The subject site is not identified as being within a special area.

10. DEVELOPMENT CONTRIBUTIONS

As this Development Application was lodged on 15 October 2021, the City of Parramatta CBD Development Contributions Plan 2007 (Amendment No. 5) applies to the land. As such, a development contribution based on the cost of the proposed development is required to be paid,

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

11. BONDS

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

12. EP&A REGULATION 2021

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

13. THE LIKELY IMPACTS OF THE DEVELOPMENT

The assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment through compliance with the applicable planning instruments and controls. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report, including natural impacts such as tree removal and excavation, and built environment impacts such as traffic and build form. In the context of the site and the assessments provided by Council's experts, the development is considered satisfactory in terms of environmental impacts.

15. SUITABILITY OF THE SITE

The subject site can accommodate a development of a residential flat building, whilst retaining the heritage item. The proposed development is of a scale that does not cause additional impacts on the amenity of surrounding properties and is ideally located close to public transport links, services and facilities.

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

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

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

16. PUBLIC CONSULTATION

In accordance with the Parramatta Notification Plan the Development Application was notified and advertised between 27 October 2021 and 17 November 2021.

No submissions were received during the notification period.

Amended Plans Yes

Summary of amendments

- Increase the provision of COS at ground level as requested by DEAP and Council's Heritage Advisor.

In accordance with the notification procedures 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.

17. PUBLIC INTEREST

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

18. CONCLUSION

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

The proposed development is appropriately located within a locality, with a variation to Parramatta LEP 2011 being sought. The request to vary the height standard is considered to be well founded for reasons including, but not limited to, the minor nature of the variation – only incorporating the lift overrun and part of the parapet roof. It is also noted that there is an approved amendment to PLEP2011 which will increase the maximum building height limit to 20m.

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

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

21. RECOMMENDATION

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

- A. **That**, the Parramatta Local Planning Panel support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 for the following reasons:
- (a) A written request to vary the building height has been received and is well drafted; and
 - (b) There is an amendment to the LEP that will increase the maximum building height of the subject site to 20m and will be active on 14 October 2022; and
 - (c) The height variation retains the primary presentation of the building as a 4-storey residential flat building that is consistent with other residential flat buildings within the locality; and
 - (d) The building has been appropriately articulated and modulated. Fenestration, material variation and private open spaces have been incorporated in order to minimise the external bulk and scale through effective design; and
 - (e) The proposal supports a residential intensity that is reasonable for the site, with regard to context and zoning; and
 - (f) The height variation does not result in unreasonable amenity impacts on neighbouring properties; and

(g) It is acknowledged that the City of Parramatta's Design Excellence Advisory Panel raised no design objection to the non-compliance.

B. **That** the Parramatta Local Planning Panel, exercising the function of the consent authority, **approve** development consent to DA/958/2021 for the '*Demolition of additions to the existing heritage cottage, tree removal and construction of a 4 storey residential flat building consisting of 12 apartments over 1 level of basement parking for 11 car spaces. The site is identified as a Heritage Item (No. 1712) of local heritage significance.*' on land at 67 High Street, Parramatta.

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

REASONS FOR APPROVAL

1. Council is satisfied with the applicants Clause 4.6 written request to vary the building height standard.
2. The development is permissible in the B4 zone pursuant to Parramatta Local Environmental Plan 2011 and generally satisfies the requirements of the applicable planning framework.
3. The development will be compatible with the emerging and planned future character of the area.
4. The development will provide housing that accommodates the needs of the existing and future residents, workers and visitors of Parramatta.
5. The amenity impacts can be appropriately managed.
6. The Panel is satisfied that:
 - a. The applicant's written request adequately addresses the matters required to be addressed under clause 4.6 (3) of the LEP; and
 - b. The development is in the public interest because it is consistent with the objectives of clause 4.3 (Height of Buildings) of the LEP and the objectives for development in the B4 Mixed Use zone.
7. For the reasons given above, approval of the application is in the public interest.

“Appendix 1” to Section 4.15 Assessment Report - DA/958/2021

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/958/2021
Property Address: LOT B DP 421597

PART A – GENERAL CONDITIONS

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

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

Architectural Drawings (Project No. P610)

Drawing No.	Issue	Plan Title	Dated
05	B	Basement/Ground Floor Plan	18/03/2022
06	B	Level 1 & Level 2 Plan	18/03/2022
07	B	Level 3 & Roof Plan	18/03/2022
08	B	Section 1	18/03/2022
09	B	Section 2	18/03/2022
10	B	North/East Elevations	18/03/2022
11	B	South/West Elevations	18/03/2022

Civil Drawings/Stormwater (Project No. 18235)

Drawing No.	Issue	Plan Title	Dated
C00.01	F	General Notes	04/08/2022
C01.01	F	Sediment & Erosion Control Plan	04/08/2022
C01.02	F	Sediment & Erosion Details	04/08/2022
C02.01	F	Stormwater Drainage Plan	04/08/2022
C02.02	F	Basement Drainage Plan	04/08/2022
C02.03	F	External Catchment Plan	04/08/2022
C02.04	F	Stormwater Details Sheet 1	04/08/2022
C02.05	F	Stormwater Details Sheet 2	04/08/2022
C02.06	F	Stormwater Details Sheet 3	04/08/2022

Landscape Drawings (Project No. 67HS/DA/LP)

Drawing No.	Issue	Plan Title	Dated
LP01	C	Landscape Plan	14/09/2021
LP02	B	Landscape Area Plan	14/09/2021

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Waste Management Plan (Construction)	-	-	Waste Audit and Consultancy Services	Sept 21
Waste Management Plan (Operational)	-	-	Waste Audit and Consultancy Services	Sept 21
Finishes Schedule	12	B	PTI Architecture	18/03/2021
BASIX Certificate No.943167M_02	-	-	EPS	15/09/2021
Traffic Impact Assessment	21181	D	TTPA	Mar 22
Access Report	21229	B	Vista Access Architects	08/03/2022
Arboricultural Report	-	D	HRC Group	24/03/2022
Geotechnical Report	5147-R1	1	AssetGeoEnviro	26/09/2021
Heritage Impact Statement	1804.01H	B	Form Architects	04/09/2021

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

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

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

PA0003 Construction Certificate

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

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

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

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

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

PA0011 #Demolition of Buildings

4. Approval is granted for the partial demolition of structures in accordance with the stamped demolition plan, subject to compliance with the following: -
- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.
Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
 - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 469 of the Work Health and Safety Regulation 2017.
 - (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
 - (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the

various service authorities regarding their requirements for the disconnection of services.

- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

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

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

consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

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

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

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

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

Bond Type	Amount
Nature Strip and Roadway: <i>Applies to all developments with a cost greater than 25K and swimming pools regardless of cost (fee is per street frontage). See current Schedule of Fees and Charges.</i>	\$25,750

The payments will be used for the cost of:

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

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

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

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/958/2021;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

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

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

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

EWA0001 Waste facilities in Mixed Use Developments

7. The waste handling, storage and collection systems for residential and commercial wastes are to be completely separate and self-contained, and designed in accordance with the City of Parramatta Waste Management Guidelines for New Developments. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

EWA0002 Amenity of waste storage areas (general)

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

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

EWA0005 Garbage Chutes

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

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

EWA0006 Provide waste storage room on premises

10. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) including:
- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types and bulky materials;
 - (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
 - (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;

- (d) Cold water being provided in the room with the outlet located 1.5m above floor level to avoid damage and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

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

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

Reason: To preserve existing landscape features.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

- 12. Prior to the issue of a construction certificate the applicant is liaise with Sydney Water in accordance with the advice provided in their letter dated 9 November 2021.

Reason: To ensure compliance with Sydney Water requirements.

PB0008 No external service ducts for multi-unit develop

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

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

PB0012 Single master TV antenna

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

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

Reason: To protect the visual amenity of the area.

PB0020 #Parra Develop Contrib. Plan – Outside City Centre

- 15. A monetary contribution comprising \$112,683.30 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta CBD Contributions Plan (Amendment No. 5)*. Payment must be by EFTPOS, bank cheque or credit card only.

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

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

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

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

PB0028 SEPP 65 verification

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

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

Reason: To comply with the requirements of SEPP 65.

PB0030 Infrastructure & Restoration Adm. fee for all DAs

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

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

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

PB0032 Constr. Noise Managt. Plan for townhouses & above

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

PB0033 Energy Provider requirements for Substations

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

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

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

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

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

20. The development must incorporate 2 adaptable dwellings. Plans submitted with the Construction Certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

PB0053 Construct. Site Manage. Plan (DIEP Mandatory Cond)

21. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:
- location and materials for protective fencing and hoardings to the perimeter on the site
 - provisions for public safety
 - pedestrian and vehicular site access points and construction activity zones
 - details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
 - protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
 - details of any bulk earthworks to be carried out
 - location of site storage areas and sheds
 - equipment used to carry out all works
 - a garbage container with a tight-fitting lid
 - dust, noise and vibration control measures
 - location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

PB0055 Waste Management Plan (DIEP Mandatory Cond)

22. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

(a) Council's Waste Management Development Control Plan

OR

(b) Details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
- the address of the disposal location(s) where the waste is to be taken

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

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

DB0002 Retaining walls

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

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

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

Reason: To minimise impact on adjoining properties.

DB0003 Sydney Water Quick check

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

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

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

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

DB0004 Dial Before you Dig Service

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

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

DB0007 Basement carpark and subsurface drainage

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

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

Reason: To ensure satisfactory storm water disposal.

DB0009 Collect&discharge of dirty water from car wash bay

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

Reason: To ensure satisfactory storm water disposal.

DB0012 On Site Detention

28. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the

following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code:

- i. General Notes, Drawing No. C00.01, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - ii. Sediment & Erosion Control Plan, Drawing No. C01.01, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - iii. Sediment & Erosion Control Details, Drawing No. C01.02, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - iv. Stormwater Drainage Plan, Drawing No. C02.01, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - v. Basement Drainage Plan, Drawing No. C02.02, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - vi. External Catchment Plan, Drawing No. C02.03, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - vii. Stormwater Details Sheet 1, Drawing No. C02.04, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - viii. Stormwater Details Sheet 2, Drawing No. C02.05, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
 - ix. Stormwater Details Sheet 3, Drawing No. C02.03, Revision F, dated 04.08.2022, prepared by Engineering Studio, Civil & Structural.
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- (b) A Site Storage Requirement of 215 m³/ha and a Permissible Site Discharge of 235 L/s/ha (when using 3rd edition of UPRCT's handbook).
 - (c) To provide adequate workspace within the OSD tank H.E.D pit, the pit chamber size shall be increased from 900 x 600 to 900 x 900. Details shall be included in the final Construction drawings.
 - (d) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank. All access covers to the OSD tank and the Basement Pump Holding tank shall be fitted with non-corrosive, childproof locking devices.
 - (e) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank and the Basement tank structures.

- (f) Proposed OSD Tank Emergency flow path at the front shall be appropriately incorporated with the proposed new Pedestrian Entry Pathway, to drain to the street frontage, without any obstructions. Full details shall be included in the Landscape Plans and the Stormwater Drainage Plans submitted for approval, with the Construction Certificate Application.

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

DB0018 Exhaust fumes

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

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

DB0024 Proposed inlet pit

30. The proposed new kerb inlet pit outside the site shall be constructed in accordance with Council Standard Plan No. DS21. An extended chamber gully pits may be required to make the connection into the existing downstream Butterfly Grated Drainage pit. Full details of the proposed 375 mm diameter RCP system, proposed new kerb inlet street gully pit outside the development site, and the proposed method of connection into the downstream existing butterfly grated pit shall be submitted to Council's Catchment Management Engineers, for approval, at the Council's City Works Unit, prior to issue of Construction Certificate. The details shall also include a longitudinal section of the pipe system with Hydraulic Gradient Line details

Reason: To ensure proposed new stormwater pipe system, the associated pits and the method of connections are acceptable by Council.

DBNSC Non-standard - Integral Conc. Layback in Laneway

31. An integral concrete Layback with gutter may be required for the proposed vehicular crossing in the rear laneway. However, the actual vehicular crossing related requirements will be subject to Council's Civil Assets Division's decisions and to their standard requirements on the individual circumstance. In this regard, applicant shall approach Council's Civil Asset Division for guidance and advice, prior to finalising the designs for Construction Certificate application.

Reason: To ensure proposed vehicular crossing related Layback at the rear laneway is acceptable by Council's Civil Asset Division.

EWB0002 Management of Construction and/or Demolition Waste

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

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

TB0001 #Car Parking Condition

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

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002 #Bicycle parking condition

34. Six (6) bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

TB0003 #Parking Provision

35. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 11 parking spaces is to be provided and be allocated as follows:

- a) 11 parking spaces for the residential units and visitors including two (2) spaces as accessible parking.

Details are to be illustrated on plans submitted with the construction certificate application.

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

TB0004 Pedestrian Safety

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

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

TB0013 #Waiting Bay and Traffic Signal System

37. One (1) waiting bay within the basement carpark and a traffic signal system are to be installed and implemented on the ground level and basement level to regulate traffic flow and safety along the ramp to the basement. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure safe traffic movement at parking areas.

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

38. Prior to the issue of the Construction Certificate, the PCA is to ensure the development complies with the requirements issued by Endeavour Energy in their advice dated 27 October 2021

Reason: To ensure compliance with Endeavour Energy requirements.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

PC0001 #Appointment of PCA

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

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

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

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

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

Reason: To ensure public safety.

PC0003 Site Sign

42. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

PC0005 Public liability insurance

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

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

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

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

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

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

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

PC0007 Footings and walls near boundaries

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

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

PC0010 Compliance with Home Building Act (If Applicable)

45. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Reason: Prescribed condition EP&A Regulation, clause 98(1)(b).

DC0001 Construction and Traffic Management Plan

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

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

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

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

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

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

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

DC0002 Road Opening Permits - DA's involving drainage wrk

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

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

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

DC0003 Dilapidation survey & report for private properties

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

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

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

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

Reason: Management of records.

DC0004 Geotechnical report

49. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a

geotechnical/civil engineering report which addresses (but is not limited to) the following:

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

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

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

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

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

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

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

DC0006 Erosion and Sediment Control measures

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

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

DC0007 Site Maintenance

51. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
 - (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
 - (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
 - (d) the site is to be maintained clear of weeds; and
 - (e) all grassed areas are to be mowed on a monthly basis.

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

DC0008 Shoring and adequacy of adjoining property

52. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:
- (a) Protect and support the adjoining premises from possible damage from the excavation

- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

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

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

DC0009 Special Permits

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

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

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

Reason: Proper management of public land.

DC0010 Driveway Crossing Application

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

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

Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

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

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

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

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

EWC0001 Asbestos – hazardous management strategy

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

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

EWC0002 Asbestos – signage

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

Reason: To comply with the requirements of Safework NSW.

EWC0003 Waste management plan – demolition

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

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

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

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

LC0006 Pruning/works on tree(s)

58. 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.

LC0007 Tree Protection During Construction

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

Reason: To ensure trees are protected during construction.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0001 Copy of development consent

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

Reason: To ensure compliance with this consent.

PD0003 Dust Control

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

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

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

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

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

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

PD0008 Construction Noise (DPIE Mandatory Cond)

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

OR

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

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

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

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

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

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

67. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

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

PD0021 Implement. of BASIX Commit. (DPIE Mandatory Cond)

68. While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

PD0022 Uncover Relics/Aboriginal Obj(DPIE Mandatory Cond)

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

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and

- “Aboriginal object” means any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

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

PD0026 Shoring & adequacy of adjoining property

70. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person’s own expense: -
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: Prescribed condition - EP&A Regulation clause 98E.

DD0005 Erosion & sediment control measures

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

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

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

Reason: To protect public safety.

DD0010 Vehicle egress signs

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

Reason: To ensure pedestrian safety.

DD0011 Nomination of Engineering Works Supervisor

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

Reason: To ensure Council’s assets are appropriately constructed.

EWD0001 Asbestos—records disposal& licensed waste facility

75. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by

the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.
Reason: To ensure appropriate disposal of asbestos materials.

EWD0002 Asbestos handled& disposed of by licensed facility

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

Reason: To ensure appropriate disposal of asbestos materials.

EWD0003 Waste data file maintained

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

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

EWD0004 Hazardous/intractable waste disposed of in accor.

1. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:
(a) Work Health and Safety Act 2011;
(b) NSW Protection of the Environment Operations Act 1997 (NSW); and
(c) NSW Department of Environment and Climate Change Environmental Guidelines; NSW EPA Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

EWD0005 General requirements for liquid and solid waste

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

Reason: To prevent pollution of the environment.

EWD0008 Contaminated waste to licensed EPA landfill

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

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

EWD0013 Polluted water from excavation analysis

80. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge

to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and Australian & New Zealand Guidelines for Fresh & Marine Water Quality. Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways.

EWD0014 De-watering of Excavated Sites

81. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

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

LD0004 Material storage and trees

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

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

LD0009 Planting Requirements

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

Reason: To ensure appropriate landscaping.

LD0011 Tree Removal

84. Trees to be removed are:

Tree No.	Name	Common Name	Location
1	<i>Corymbia citriodora</i>	Lemon scented Gum	Rear corner
2	<i>Jacaranda mimosifolia</i>	Jacaranda	Southern side boundary
3	<i>Pittosporum undulatum</i>	Native Daphne	Southern side boundary
3b	<i>Cinnamomum camphora</i>	Camphor laurel	Southern side boundary

Reason: To facilitate development.

LD0013 Removal of trees by an arborist

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

Reason: To ensure tree works are carried out safely.

TD0001 Road Occupancy Permit

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

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

87. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

BE0001 Record of inspections carried out

88. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

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

Reason: To comply with statutory requirements.

PE0001 Occupation Certificate

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

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

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

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

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

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

Reason: To ensure that appropriate waste collection facilities are adequately managed by the authorised representatives and occupants of the building

PE0006 Street Number when site readily visible location

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

Reason: To ensure a visible house number is provided.

PE0007 #BASIX Compliance

93. 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. 943167M_02, will be complied with prior to occupation

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

PE0008 Completion of Public Utility Services

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

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

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

PE0025 SEPP 65 verification statement OC stage

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.

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

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.

PE0027 Post Constr. Private Property Dilapidation Report

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

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

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

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

DE0003 Work-as-Executed Plan (DPIE Condition)

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

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

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

Reason: To ensure stormwater works comply with the approved plans and adequate information is available for Council to update Council's records.

DE0005 #OSD Positive Covenant/Restriction

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

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

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

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

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

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

DE0006 Section 73 Certificate

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

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

EWE0006 Ventilation – waste storage rooms

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

Reason: To ensure compliance with BCA requirements.

EWE0009 Waste Room Positive Covenant/Restriction

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

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

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

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

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

103. 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.

PART F – OCCUPATION AND ONGOING USE

PF0004 External Plant/Air-conditioning noise levels

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

Reason: To minimise noise impact of mechanical equipment.

PF0049 Graffiti Management

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

Reason: To ensure the removal of graffiti.

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

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

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

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:
(a) Council's Development Application number; and
(b) Site address.

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

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

EWF0003 Remove putrescible waste at sufficient frequency

107. 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.

EWF0005 Management of waste storage facilities

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

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

EWF0006 Storage of bins between collection periods

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

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

Date: 29 August 2022
Responsible Officer: Darren Wan