

FURTHER REPORT TO SYDNEY WEST JRPP

JRPP No	
DA Number	DA/601/2013
Local Government Area	Parramatta City Council
Proposed Development	Tree removal, re-subdivision and construction of a residential flat building complex containing 157 apartments along the Mobbs Lane frontage of the site.
Street Address	Part Lot 1 and Lot 11 DP 270605 Midson Road (former Eastwood Brick Pit), EASTWOOD

BACKGROUND

The above application was initially considered by the Sydney West JRPP on 2 October 2014. Concerns were raised by the Panel Members with regard to the height of the proposed development.

The Panel deferred the determination of the application and resolved the following at that meeting:

The decision of the Panel is to defer determining the application to allow the applicant to consider amendments to the proposal that respond to the Panels concerns in regard to the current design. In consideration of the current proposal the Panel –

- (i) Considers the proposal as designed does not adequately give effect to the principles of the Master Plan prepared to respond to the particular characteristics of this site and consequently provides an unacceptable interface, particularly with properties located in Carrington Crescent.*
- (ii) The Panel accepts that residential flat buildings, rather than townhouses, are an appropriate form of housing on this site.*
- (iii) The Panel considers that the footprints and building form generally are acceptable, but given its concerns as outlined in (i) above it concludes that the design requires amendment so as not to exceed a height of 11m above existing ground level. Infringement of that height plane would only be considered if not visible when viewed from the footpath of the northern side of Mobbs lane and the footpath from (the) southern property alignment of Carrington Crescent.*

Further the Panel considers any lift overrun that infringes the 11m height plane must be integrated within an architectural roof feature as detailed in clause 5.6 of Parramatta LEP 2011.

AMENDED PLANS

The applicant submitted amended plans to Council on 16 November 2014 that lowered the height of the building. The reduction in height has resulted in the deletion of 10 dwellings. This is a decrease from 167 dwellings to 157 dwellings. The amendments result in a total reduction of 747sqm of GFA.

A detailed description of the amendments are provided below:

Building A:

- The internal floor to floor levels within the building are reduced to 3.0m (meeting the requirements of the RFDC). As a result the height of the building is now within the 11 metre height plane as viewed from Mobbs Lane;

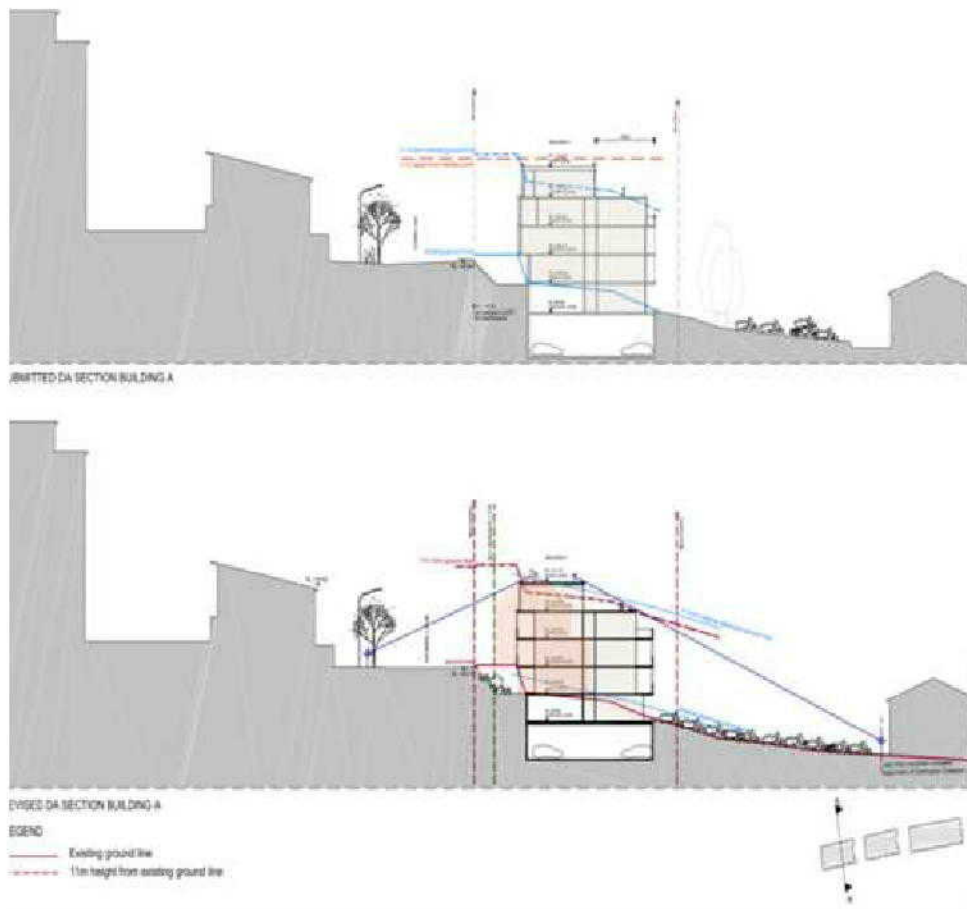
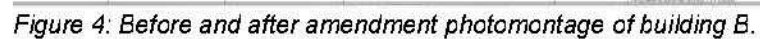
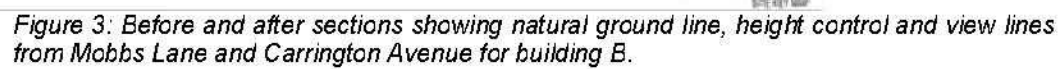


Figure 1: Before and after sections showing natural ground line, height control and view lines from Mobbs Lane and Carrington Avenue for building A.



Building C:

- Deletion of 5 units reducing bulk to the Carrington Crescent properties to the south;
- Reduction in basement parking levels for the building allowing a lowering of the overall building height by 2.4m;
- An increased 1m setback on the southern elevation with associated reconfiguration of unit types on that elevation and an overall setback of the building away from the town houses on Carrington Crescent;
- Level 4 of the building C has been further setback along the eastern portion of that upper level to again reduce bulk and scale as perceived from Carrington Crescent;
- The floor to floor levels within the building have been marginally reduced to 3.0m (meeting the requirements of the RFDC) and now reducing the height of the building to be within the 11 metre height plane as viewed from Mobbs Lane;

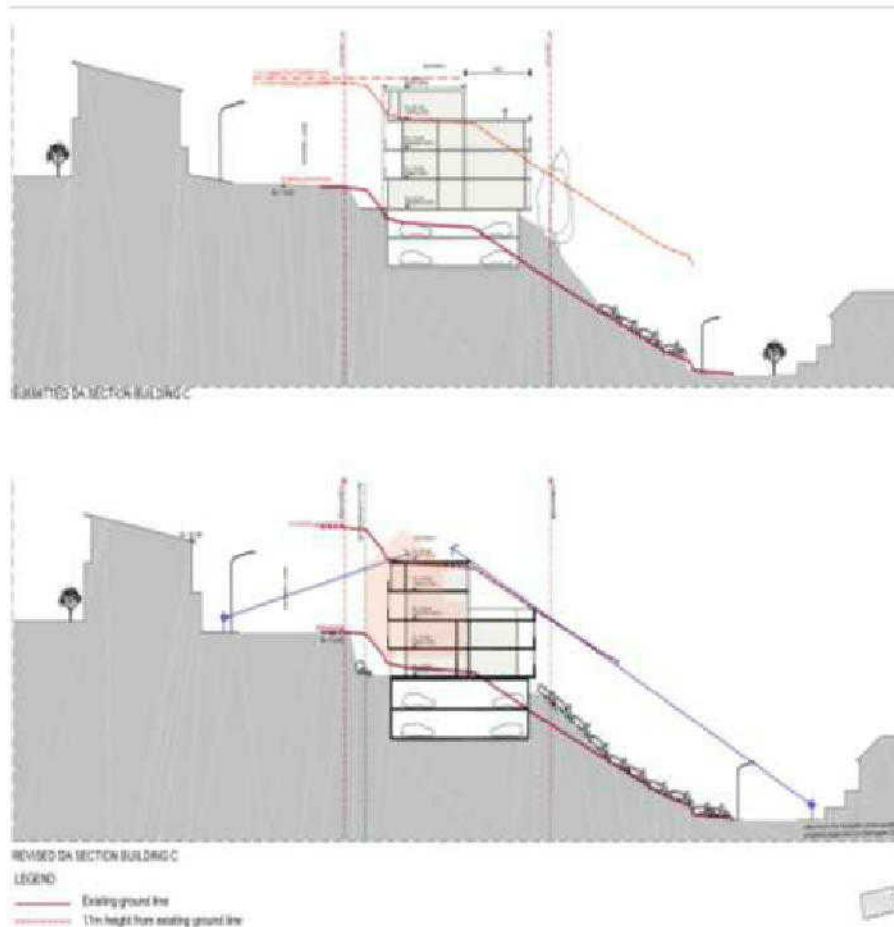


Figure 5: Before and after sections showing natural ground line, height control and view lines from Mobbs Lane and Carrington Avenue for building C.



Figure 6: Before and after amendment photomontage of building C

Building D:

- Deletion of 3 units at the upper southern to reduce bulk to the Carrington Crescent properties to the south;
- A review of building planning and in particular the basement parking levels for the building has allowed a lowering of the overall building height by 1.3m;
- The floor to floor levels within the building have been marginally lowered to 3.0m (meeting the requirements of the RFDC), reducing the height of the building to be within the 11 metre height plane as viewed from Mobbs Lane;
- The upper level of the northern units have been setback a further 1 metre from the southern side to again reduce the visual impact to the Carrington Crescent properties;

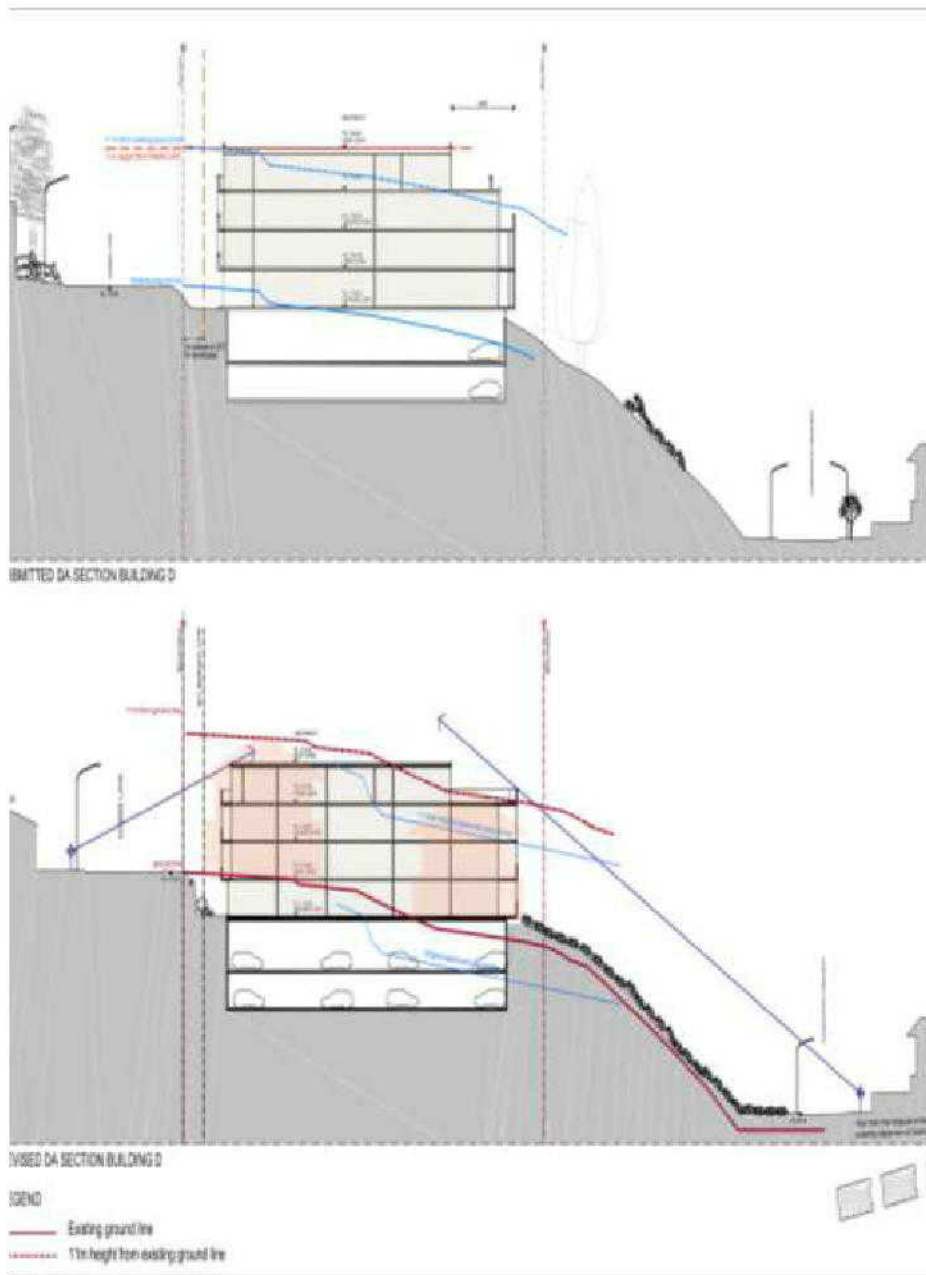


Figure 7: Before and after sections showing natural ground line, height control and view lines from Mobbs Lane and Carrington Avenue for building D.



Figure 8: Before and after amendment photomontage of building D.

ASSESSMENT OF AMENDED PLANS

The amendments to the design have resulted in some changes to the assessment of the proposal, particularly with respect to numerical requirements. This assessment of the impacts of the amended plans is at **Attachment 1**.

The amendments have improved the relationship to the adjoining properties and have specifically addressed the concerns of the Panel as set out in the following assessment:

- (i) ***Considers the proposal as designed does not adequately give effect to the principles of the Master plan prepared to respond to the particular characteristics of this site and consequently provides an unacceptable interface, particularly with properties located in Carrington Crescent.***

In order to reduce the bulk and scale of the building, and therefore provide an acceptable interface with the Carrington Crescent properties the following amendments have occurred:

- the upper floors of three of the buildings B, C & D have been marginally lowered in overall height as outlined in the table below;

Height of Building(including lift overrun)	Plans submitted to JRPP	Amended plans
Building A	14.5m	14.1m (0.4m reduction)
Building B	16m	14.6m (1.4m reduction)
Building C	14.7m	11.9m (2.8m reduction)
Building D	16.4m	14.7m (1.7m reduction)

- 10 apartments have been deleted with increased setbacks to upper levels. This has the effect of reducing the majority of the built form to being at or below the statutory 11 metre height limit with any encroachments positioned such that they are not visible to adjoining neighbours. This has seen an improvement in the perceived bulk as viewed from Carrington Crescent.

(ii) The Panel accepts that residential flat buildings, rather than townhouses, are an appropriate form of housing on this site.

The building typology and form remain as they did with the original Application with four buildings providing separation in built form. This contrasts with the original town house proposal of the master plan which has a continuous street wall.

(iii) The Panel considers that the footprints and building form generally are acceptable, but given its concerns as outlined in (i) above it concludes that the design requires amendment so as not to exceed a height of 11m above existing ground level. Infringement of that height plane would only be considered if not visible when viewed from the footpath of the northern side of Mobbs Lane and the footpath from southern property alignment of Carrington Crescent”.

The applicant prepared revised building sections matching those originally provided with the Application. These are accompanied by additional visual aids and computer generated views.

Those updated sections are attached to this submission and include Drawings DA4.01 – DA 4.04, showing the difference in building height between the former plans and that now proposed. Each building in the Application is therefore assessed below based on the principles established by the Panel:

Building A

Drawing DA 4.01 provides a section comparison between the former plans and that currently proposed.

Overall Height

The upper level of Building A continues to exceed the overall height plane as shown on the section plus the isolated lift overrun. The highest point of this building is 14.1 metres. This is a variation of 3.1 metres or 28% on the 11 metre height control and is a 0.4 metre reduction on the most recently considered proposal. This is a reduction in height from the previous submission as follows:

Mobbs Lane View

The Master Plan considers a 3 metre street setback as being reasonable however all buildings propose a greater setback. Nevertheless the front elevation of the building sits at or below the 11 metre building height limit from existing ground level and relates as a similar scale to the existing buildings on the northern side of Mobbs Lane. The additional building height proposed above the 11m height control is therefore not perceived any more than a building built to 11 metres on Mobbs Lane.

Carrington Crescent View

Carrington Crescent is not located immediately to the south of Building A. This location adjoins the side fence of the nearest dwelling. The view line projected from this point shows that the proposed southern elevation is below or abuts the 11 metre height control and generally prevents views to any building behind. The amended proposal meets the principle recommended by the Panel.

Building B

Overall Height

The rear portion of the upper level extends above the 11 metre height limit due to the fall in the site with the front portion of that level well below the height limit. The highest point of this building is 14.6 metres. This is a variation of 3.6 metres or 32% on the 11 metre height control and is a 1.4 metre reduction on the most recently considered proposal.

Mobbs Lane View

Views of the building from Mobbs Lane present it as a three level building which is at a height lower than the building on the northern side of Mobbs Lane. The rear portion of the floor is therefore not seen and the building appears as a normal 3 level building complimenting the transitional streetscape of Mobbs Lane. The amended proposal conforms with the Panel requirements.

Carrington Crescent View

Projection of the view line from the southern side of Carrington Crescent demonstrates the southern elevation is sitting at or below the 11 metre height limit. Building mass to the rear of this is setback is within that view line and therefore does project above the view line. The amended proposal meets the principle established by the Panel.

Building C

Drawing DA 4.03 provides a section comparison between the former plans and the current proposal.

Overall Height

The amendments to Building C have had the effect of lowering the building on the site to the point where it is at or marginally exceeding the statutory 11 metre height limit. This is a reduction in overall height when compared to the previous design. The highest point of this building is 11.9 metres. This is a variation of 0.9 metres or 8% on the 11 metre height control and is a 2.8 metre reduction on the most recently considered proposal.

Mobbs Lane View

Views from Mobbs Lane will be of a three level building that will complement the existing built form on the opposite side of the road. The proposed building will be at the same height or below the 11m building height limit of that building. The view line from the northern side of Mobbs Lane shows a building matching the 11 metre height limit with no perceivable additional height above that level. The amended proposal meets the principle recommended by the Panel.

Carrington Crescent View

The view line drawn from the southern side of Carrington Crescent to the 11 metre height plane at the top edge of the southern elevation demonstrates that the building does not present any significant additional height projecting outside the height plane. The building largely sits within the statutory height plane and meets the view requirements of the Panel.

Building D

Drawing DA 4.04 provides a section comparison between the former plans and the amendments.

Overall Height

As depicted in the comparison cross section the amendments to the building reduces the height to a point where there are only minor transgressions of the 11 metre height limit. The highest point of this building is 14.7 metres. This is a variation of 3.7 metres or 33% on the 11 metre height control and is a 1.7 metre reduction on the most recently considered proposal.

Mobbs Lane View

As shown on the section, the view from Mobbs Lane is of a 3 to 3½ storey building with its northern elevation at or below the 11 metre statutory height plane. As the building stretches to the rear it extends outside the height plane but this is not viewed from the Mobbs Lane view location. The building therefore offers a height that meets the principles recommended by the Panel.

Carrington Crescent View

The southern elevation of Building D presents as a three storey building to Carrington Crescent. The overall height of the building at the rear elevation is marginally in excess of the 11 metre height plane with the height penetration as shown in cross section limited to an upper level balustrade. As shown on the cross section the bulk of the building is setback and is generally not viewed from Carrington Crescent. The amended design meets the principle as recommended by the Panel.

Overall View Plane Review - Southern Side Carrington Crescent

The entire project has been modelled and has been analysed in terms of the view plane from the footpath on the southern side of Carrington Crescent. (See dwg 4.10 attached).

This shows a viewing point consistent with the southern side of Carrington Crescent (or adjacent to the side fence of the housing relative to Building A), looking up perpendicular to the buildings above. The view picks up the closest top point of the building (which in all cases is at or below the 11 metre statutory height limit) and shows that no other point of the building behind, is visible along this view line from the footpath on Carrington Crescent.

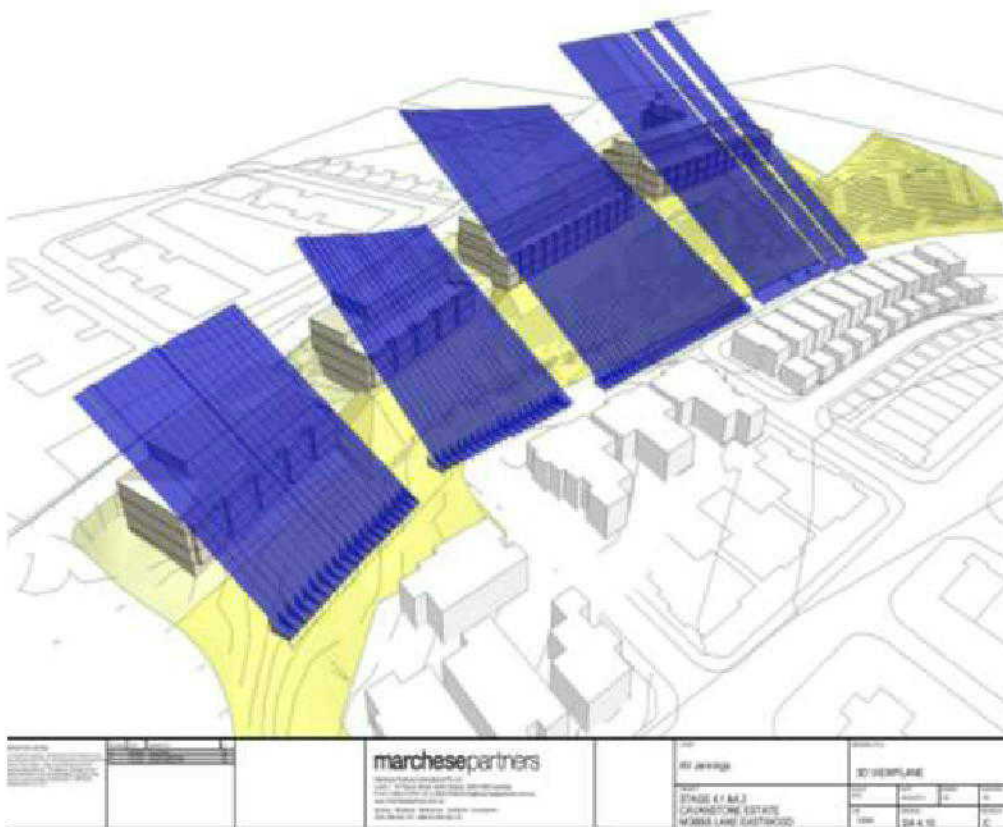


Figure 5: 3-D view plane analysis from Carrington Crescent.

This diagram demonstrates that a person standing on the footpath in Carrington Crescent will be unable to see any part of the building that extends above the maximum building height of 11m. This conforms to the recommendation of the Panel.

As a result of the assessment of the amended plans, the description and certain conditions of consent have been modified. Changes to the original recommended conditions of consent include the following:

- Revised plan and document references (Condition 1)
- Revised Section 94A contribution (Condition 28)
- Revised Basix Certificate compliance (Condition 91).

The revised recommended conditions of consent are at **Attachment 2**.

CONCLUSION

The application has been amended to comply with the Panel's resolution of 2 October 2014. The amended design has resulted in the loss of 10 apartments.

An assessment of the amended plans has been carried out.

After consideration of the amended development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal as amended meets the recommendations made by the JRPP on 2 October, 2014. The proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

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

- (a) **That** the Sydney West Joint Regional Planning Panel as the consent authority support the variations to Clauses 4.3 and 4.5 of the PLEP 2011 under the provisions of clause 4.6 in respect of height and floor space ratio.
- (b) **That** the Western Sydney Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. DA/601/2013 for tree removal, re-subdivision and construction of a residential flat building complex along the Mobbs Lane frontage of the site consisting of 157 apartments over four buildings with basement carparking at Lot 11 DP 270605, Part Lot 1 and Lot 11 DP 270605 Midson Road (former Eastwood Brick Pit), EASTWOOD for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment 2**:

Stan Fitzroy-Mendis
Senior Development Assessment Officer
Parramatta Council

Attachments:

Attachment 1 Assessment of Amended Plans

Attachment 2 Revised Recommendation

ATTACHMENT 1 ASSESSMENT OF AMENDED PLANS

The following outlines the assessment of the amended plans only where it is relevant to the changes proposed.

GENERAL MATTERS

Description: The reduction in height results in the modification of the description of the development to read as follows:

Tree removal, re-subdivision and construction of a residential flat building complex containing 157 apartments along the Mobbs Lane frontage of the site.

Notification: The amended plans were not notified.

In accordance with the requirements contained in appendix 5 of DCP 2011 entitled "Notifications of Amended Development Applications Where The Development Is Substantially Unchanged" 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.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The amended plans for the residential flat development have been accompanied with an amended BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out.

STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

The assessment results of the 10 design principles remain unchanged.

Residential Flat Design Code

The following table highlights the controls relevant to this proposal:

CONTROL	REQUIREMENT	PROPOSAL	COMPLIANCE
Daylight Access	Living rooms and private open space for at least	115 or 73% have a minimum of 3 hours	Yes

	70% of apartments should receive 3 hours direct solar access on winter solstice	of direct sunlight between 9 am and 3 pm in mid-winter	
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units		Yes
Natural ventilation	60% of units should be naturally cross ventilated	98 units or 62% of apartments have natural ventilation	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation		Yes
Ceiling heights	Minimum 2.7m for residential	Minimum heights able to be accommodated.	Yes

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

COMPLIANCE TABLE		
Development standard	Proposal	Compliance
4.3 - Height of Buildings	<p>The Height of Buildings Map indicates that buildings on this site can be a maximum height of 11m above existing natural ground level.</p> <p>The development has a maximum height as follows: Building A - 14.1m Building B - 14.6m Building C - 11.9m Building D - 14.7m</p> <p>The applicant submitted a revised Clause 4.6 variation in support of the departure to the standard and the assessment is discussed below.</p>	No but supportable Clause 4.6 assessment below.
4.4 - Floor Space Ratio	<p>The Floor Space Ratio Map indicates that buildings on this site can be a maximum floor space ratio of 0.6:1.</p> <p>The development provides for the following: Floor Space Ratio = 1:428:1</p>	No but supportable Clause 4.6 assessment below.

	The applicant has submitted a revised Clause 4.6 variation in support of the departure to the standard and the assessment is discussed below.	
4.6 Exceptions to development standards	Height and FSR.	Yes
5.6 Architectural roof features	There are no significant architectural roof features.	N/A

Discussion of Non-Compliances

Height

The Height of Buildings Map indicates that buildings on this site can be a maximum height of 11m above existing natural ground level. The site was a former brick pit that consists of undulations including a mid-level benched area. Accordingly the ground levels have been altered during the previous brick pit operations.

The heights of the proposed buildings and the extent of departures are expressed in the following table:

Building	Height	Variation
A	14.5m	14.1m (28% variation)
B	16m	14.6m (32% variation)
C	14.7m	11.9m (8% variation)
D	16.4m	14.7m (33% variation)

Clause 4.6 Exemption to development standards

A Clause 4.6 Exemption to development standards submission was made with the amended application. In accordance with the provisions of this clause compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The underlying purpose of the development standard

The objectives of the height of buildings development standard is stipulated as:

(1) The objectives of this clause are as follows:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (c) to require the height of future buildings to have regard to heritage sites and their settings,*
- (d) to ensure the preservation of historic views,*
- (e) to reinforce and respect the existing character and scale of low density residential areas.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2), any development on land identified with a thick blue line and labelled "Area 1" on the Height of Buildings Map is not to exceed the height determined in accordance with the Table to this clause.

The applicant's submission with respect to Height is as follows:

The current development proposal is consistent with the above objectives based on the following:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;*
- there are sufficient environmental planning grounds to justify contravening the development standard;*
- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone.*
- The reason why the height is being breached is because the site is highly modified, uneven, deliberately shaped to accommodate future development, and slopes dramatically;*
- The modified nature of the site is due to the landform being cut to a lower level than it otherwise would have been to accommodate future development. This incorporates a mid level benched area to allow for a future basement in accordance with the masterplan;*
- If the land were filled with a consistent batter and without the mid-level bench providing for a future basement the height encroachments could be reasonably reduced. This is not the existing situation;*

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the height control. In addition the proposal is consistent with the objectives of the zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within residential environment with a range of densities. The design concept recognises the key site attributes and provides for an attractive built form that relates to the existing and future site context.

It is understood that the concurrence of the Director General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director General may be assumed in this circumstance, however the following points are made in relation to this clause:

a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the highly unique site attributes that are not replicated in any meaningful way elsewhere within the LGA; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the proposal is responding to the unique site attributes to provide an appropriate transition between high density Meriton development to the north and the lower scale townhouse development downslope to the south. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality it being a master planned site.

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which is characterised by residential development, some of which is of a comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

ASSESSMENT

The objectives and purpose behind the development standard have been met and the allowance of a departure in the maximum height requirement has no unreasonable impacts that would frustrate the objectives of the Environmental Planning and Assessment Act, 1979. Furthermore, compliance with the standard in this case is unreasonable and unnecessary as the purpose of the standard has been achieved with the proposed design in its overall context. Although the proposed development exceeds the height requirement, it has been demonstrated that the additional height will not be out of context with the adjoining built form over time, the physical impacts are acceptable, and there are no loss of significant views. The variation will not be interpreted as an inconsistency given the topography of the site and the transitions in height on adjoining sites.

The Clause 4.6 variation is considered acceptable for the following reasons:

- The amended development is consistent with the relevant objectives of the height development standards under Parramatta Local Environmental Plan 2011 as it minimises visual impact, disruption of views, loss of privacy and loss of solar access to existing development;
- The site is uncharacteristically uneven with a centrally located benched area and a dramatic slope from north to south. The amended building height is acceptable in this circumstance as the additional height does not adversely impact the amenity of neighbouring sites; and
- The proposed development is consistent with the zone objectives as it provides a compatible land use, integrates residential in accessible locations so as to maximise public transport patronage and encourage walking and cycling and encourages development that contributes to an active, vibrant and sustainable neighbourhood.

It is therefore considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the

circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Floor Space Ratio

The development provides for the following FSR:

Floor Space Ratio	
1.45:1 (reduced from 1.5:1 from previous proposal)	Across Lot 11 DP 270605
0.42:1	Across the Cavanstone Estate site

A Clause 4.6 Exemption to development standards submission was made with the application. In accordance with the provisions of this clause compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The underlying purpose of the development standard

The objectives of the Floor Space Ratio development standard are stipulated as:

- (a) *To regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) *To provide a transition in built form and land use intensity within the area covered by this Plan,*
- (c) *To require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- (d) *To reinforce and respect the existing character and scale of low density residential areas.*

The applicant's submission with respect to FSR is as follows:

The former Eastwood Brickworks site now generally known as the Cavanstone Estate is subject to a Master Plan adopted by Council in 2003. This Master Plan affords the entire site with an FSR of 0.6:1 or 147, 200 sqm. However pursuant to the Parramatta LEP 2011, a portion of the site The overall floor space inclusive of the floor space generated by the proposed residential flat buildings that form part of this application equates to a FSR of 0.42:1, which is well below the 0.6:1 maximum.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest, as it remains consistent with the objectives of the FSR control. In addition the proposal is consistent with the objectives of the zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within residential environment with a range of densities. The design concept recognises the key site attributes and provides for an attractive built form that relates to the existing and future site context.

It is understood that the concurrence of the Director General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director General may be assumed in this circumstance, however the following points are made in relation to this clause:

a) The contravention of the FSR control does not raise any matter of significance for State or regional environmental planning given the highly unique site attributes that are not replicated in any meaningful way elsewhere within the LGA; and

b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the proposal is responding to the unique site attributes to provide an appropriate transition between high density Meriton development to the north and the lower scale townhouse development downslope to the south. The departure from the FSR control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality it being a master planned site.

Strict compliance with the prescriptive FSR requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which is characterised by residential development, some of which is of a comparable FSR and character, particularly on the Meriton site. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

ASSESSMENT

The objectives and purpose behind the development standard have been met and the allowance of a departure in the maximum FSR requirement has no unreasonable impacts that would frustrate the objectives of the Environmental Planning and Assessment Act, 1979. Furthermore, compliance with the standard in this case is unreasonable and unnecessary as the purpose of the standard has been achieved with the proposed design in its overall context. Although the proposed development exceeds the FSR requirement on the development lot, it has been demonstrated that the additional FSR will not be out of context with the adjoining built form over time, the physical impacts are acceptable, and there are no loss of significant views. The variation will not be interpreted as an inconsistency given the topography of the site and the transitions in FSR on adjoining sites and the overall FSR for the Cavanstone Estate.

The Clause 4.6 variation is considered acceptable for the following reasons:

- The proposed development is part consistent with the relevant objectives of the FSR development standards under Parramatta Local Environmental Plan 2011 as it regulates density in a way that is acceptable for vehicular and pedestrian traffic, provides a transition in built form as envisaged in the Master Plan and LEP, is consistent and

acceptable in its impact to the Eastwood Brick Pits heritage item, and reinforces the existing character and scale of the locality;

- The proposed development is consistent with the zone objectives and Master Plan as it provides a compatible land use, integrates residential in accessible locations so as to maximise public transport patronage and encourage walking and cycling and encourages development that contributes to an active, vibrant and sustainable neighbourhood.

It is therefore considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
3. DEVELOPMENT PRINCIPLES		
3.1 Preliminary Building Envelope		
3.1.3 – Preliminary Building Envelope Table		
<i>Height</i> Maximum height is shown on the Parramatta LEP 2011 - Height of Buildings Map – 11m	The development has a maximum height as follows: Building A - 14.1m Building B – 14.6m Building C – 11.9m Building D – 14.7m	No but supportable Clause 4.6 assessment above
<i>Floor space ratio</i> An FSR of 0.6:1 applies to the site	Floor Space Ratio = 1.428:1.	No but supportable Clause 4.6 assessment above
3.3.2 Private and Communal Open Space		
Is a minimum of 10m ² of private open space provided per dwelling with minimum dimensions of 2.5m?	All dwellings have a balcony with a minimum width of between 2.2m and 2.4m and achieve a minimum area of 10m ² . Some balconies widths are 2.4 m but all achieve the minimum area requirements.	No
3.3.5 Solar Access and Cross Ventilation		
<i>Solar Access</i> Do the dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?	<ul style="list-style-type: none"> • 73% of the apartments have a minimum of 3 hours of direct sunlight between 9 am and 3 pm in mid-winter A shadow assessment reveals that the multi-dwelling housing to	Yes

<p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>	<p>the south will receive direct solar access from 9:00am to 2:00pm in the winter solstice.</p> <p>Internal orientation to most dwellings will result in living areas located on the northern side, particularly for those dwellings fronting Mobbs Lane. There are some constraints due to the slopping nature of the development.</p>	<p>Yes</p> <p>Yes</p>
<p>Is the minimum floor to ceiling height 2.7m?</p>	<p>Minimum 2.7m floor to ceiling heights nominated</p>	<p>Yes</p>
<p>3.4.5 Housing Diversity and Choice</p>		
<p><u>UNIT MIX</u></p> <p>1 bedroom 10% - 20% 2 bedroom 60% - 75% 3 bedroom 10% - 20%</p> <p>This mix may be refined having regard to:</p> <ul style="list-style-type: none"> the location of the development in relation to public transport, public facilities, employment areas, schools, universities and retail centres; population trends; and whether the development is for the purpose of public housing or the applicant is a community housing or non-profit organisation. <p><u>ADAPTABLE DWELLINGS</u> Have any adaptable dwellings been provided?</p>	<p>1 bed (84) = 53% 2 bed (63) = 40% 3 bed (10) = 6%</p> <p>There is a non-compliance with an excess provision of one bedroom units and a deficiency of two and three bedroom units. The dwelling mix provides housing diversity in the broader context of the Cavanstone Estate, which has a significant number of two and three bedroom multi-dwelling housing currently but not in residential flat building typology. Given its proximity to facilities and transport as well as providing greater housing choice within the estate the proposal is consistent with the objectives of 3.4.5 of the DCP.</p> <p>17 x adaptable dwellings have been provided which is in excess of the 10% required under the</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p>

<p>Carparking Provision</p> <p>Parking is required to be provided at the following rates:</p> <ul style="list-style-type: none"> ➤ 1 space per 1-bedroom units x 84 = 84 parking spaces ➤ 1.25 spaces per 2-bedroom units x 63 = 78.75 (79) parking spaces ➤ 1.5 spaces per 3-bedroom units x 10 = 15 parking spaces ➤ 0.25 spaces for visitors x 157 = 39.25 (40) parking spaces <p>Total = 218 parking spaces (178 spaces for residents and 40 spaces for visitors)</p>	<p>DCP</p> <p>198 resident spaces</p> <p>43 visitor spaces</p>	<p>Yes</p>
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ATTACHMENT 2

REVISED RECOMMENDED CONDITIONS OF CONSENT

- The development is to be carried out in compliance with the following plans by annotation and documentation listed below and endorsed with Council's stamp.

Drawing N°	Dated		
DA 0.00 Cover Sheet Revision C	14/11/2014		
DA 0.01 Development Data Sheet Revision C	14/11/2014		
DA 1.00 Site Plan Revision A	9/09/2013		
DA 1.01 Site Analysis Revision B	7/03/2014		
DA 1.02 Site Identification Plan Revision A	9/09/2013		
DA 1.07 Staging Plan Revision B	7/03/2014		
DA 2.01 Plan + RL 95 Revision C	14/11/2013		
DA 2.02 Plan + RL 98 Revision C	14/11/2014		
DA 2.03 Plan + RL 102 Revision C	14/11/2014		
DA 2.04 Plan + RL 105 Revision C	14/11/2014		
DA 2.05 Plan + RL 108 Revision C	14/11/2014		
DA 2.06 Plan + RL 111 Revision C	14/11/2014		
DA 2.07 Plan + RL 114 Revision C	14/11/2014		
DA 2.08 Plan + RL 117 Revision C	14/11/2014		
DA 2.09 Plan + RL 120 Revision C	14/11/2014		
DA 2.10 Plan+ RL 123 Revision C	14/11/2014		
DA2.11 Plan RL 126 Revision B	7/03/2014		
DA 3.01 Elevation South Revision C	14/11/2014		
DA 3.02 Elevation North Revision B	7/03/2014		
DA 4.01 Cross Sections Revision C	14/11/2014		
DA 4.02 Section Building B	14/11/2014		
DA 4.03 Section Building C	14/11/2014		

Drawing N°	Dated		
DA 4.04 Section Building D	14/11/2014		
DA 5.01 GFA Plan Revision C	14/11/2014		
DA 7.01 Materials Board Revision B	7/03/2014		
DA 8.01 Photomontage Revision B	7/03/2014		
DA 8.02 Revision B	7/03/2014		
DA 10.01 Building A level 0 Revision C	14/11/2014		
DA 10.02 Building A level 1 Revision C	14/11/2014		
DA 10.03 Building A level 2 Revision C	14/11/2014		
DA 10.04 Building A level 3 Revision C	14/11/2014		
DA 10.05 Building B level 0 Revision C	14/11/2014		
DA 10.06 Building B level 1 Revision C	14/11/2014		
DA 10.07 Building B level 1 Revision C	14/11/2014		
DA 10.08 Building B level 2 Revision C	14/11/2014		
DA 10.09 Building B level 3 Revision C	14/11/2014		
DA 10.10 Building B level 4 Revision C	14/11/2014		
DA 10.11 Building C level 0 Revision P1	14/11/2014		
DA 10.12 Building C level 1 Revision C	14/11/2014		
DA 10.13 Building C level 2 Revision C	14/11/2014		
DA 10.14 Building C level 3 Revision C	14/11/2014		
DA 10.15 Building D level 0 Revision C	14/11/2014		
DA 10.16 Building D level 1 Revision C	14/11/2014		
DA 10.17 Building D level 2 Revision C	14/11/2014		
DA 10.18 Building D level 3 Revision C	14/11/2014		
DA 11.01 North Elevation Building A Revision C	14/11/2014		
DA 11.02 North Elevation Building B Revision C	14/11/2014		
DA 11.03 North Elevation Building C Revision C	14/11/2014		
DA 11.04 North Elevation Building D Revision C	14/11/2014		
DA 11.05 South Elevation Building A Revision C	14/11/2014		
DA 11.06 South Elevation Building B Revision C	14/11/2014		
DA 11.07 South Elevation Building C Revision C	14/11/2014		
DA 11.08 South Elevation Building D Revision C	14/11/2014		
DA 11.09 West Elevation Building A Revision B	7/03/2014		
DA 11.10 East Elevation Building D Revision B	7/03/2014		
LDA-000 Rev C	13/11/2014		
LDA-001 Rev C	13/11/2014		
LDA-001-1 Rev C	13/11/2014		
LDA-001-2 Rev C	13/11/2014		
LDA-001-3 Rev C	13/11/2014		
LDA-001-4 Rev C	13/11/2014		
LDA-001-5 Rev C	13/11/2014		
LDA-001-6 Rev C	13/11/2014		
LDA-001-7 Rev C	13/11/2014		
LDA-002 Rev C	13/11/2014		
LDA-003 Rev C	13/11/2014		
LDA-003 -1 Rev C	13/11/2014		

Drawing N°	Dated		
LDA-003 -1 Rev B	18/03/2014		
LDA-003-2 Rev C	13/11/2014		
LDA-004 Rev C	13/11/2014		
Concept Stormwater management Long sections drawing No. MMD-325596-C-SK-00-XX-1000 Rev. P3 prepared by Mott MacDonald	28/08/14		
Concept Shoring wall details Building 'C', drawing Number MMD-325596-S-DR-00-SK-015, Rev.1 prepared by Mott MacDonald.	22/08/14		
Proposed boundary adjustment between lot 1 DP 270605 and Lot 11 DP 270605(lot 11 Phase -1) prepared by Proust & Gardner. Plan of proposed subdivision of Lot 11 DP 270605(lot 11 Phase -2) dated 12/03/2014 prepared by Proust & Gardner. Plan of proposed conversion of lot 22 DP 270605 into community association property (lot 11 – phase 3)	10/09/2013		
Mobbs Lane external works plan, drawing No. 7587-PA-23, issue 'D', prepared by Worley Parsons			
Monitoring Statistics dwelling mix and FSR for the Cavanstone Estate by Proust & Gardner Surveyors and Planners	March 2014		
BASIX Certificate No. 493860M_05	14 November 2014		

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

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

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

Reason: To ensure appropriate demolition practices occur

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

- a) If the construction of the development is staged (at the discretion of the developer), as per the approved staging plan in Condition 1, the applicant must lodge a separate Construction Certificate for each stage.
- b) If the construction of the development is staged the s.94A contribution for each stage as indicated in condition 28 must be paid prior to release of the Construction Certificate for that stage.

Note: Condition No. 28 enables the staging of section 94A development contribution payments on the basis that two separate construction certificates (CC) will be issued. Stage A CC (being for Buildings A & B and associated community lot works) and Stage B CC (being for Buildings C & D and remaining community lot works)."

Reason: To ensure compliance with legislative requirements.

Prior to the release of a Construction Certificate

- 5. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and AS 2890.1, AS2890.2 and AS 2890.6. **One of the end car parking spaces located near the eastern boundary of basement 2 of Building C and D, and also near the western boundary of basement 3 of Building A and B are to be used for manoeuvring.** Details are to be illustrated on plans submitted with the construction certificate.

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

- 6. 94 bicycle spaces/racks are to be provided on-site and used accordingly. The dimensions and configuration of the bicycle storage shall comply with AS 2890.3 – 1993.

Reason: To comply with Council's parking requirements.

- 7. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

- 8. 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 to Mobbs Lane and Birchgrove Crescent. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Note that the landscaped area located on the west side of the driveway compromises sight lines to pedestrians from vehicles exiting the site and must be amended to provide sight lines for motorists and pedestrians.

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

9. The layout of Mobbs Lane is to be redesigned to provide an indented bus bay on the south side of the street. Note that this may require adjustment of the property boundary. The design of the refuge island and its associated signs and lines is to be modified to comply with RMS Technical Direction TDT 2011/01a. Construction of integral kerb and gutter within the property boundaries of Mobbs lane frontage in accordance with Council's Plan No. DS1 is also required. Details of the proposed works shall be submitted to and be approved by Council prior to commencement of works.

Detailed engineering design plans for external road works are to be submitted to Council's Service Manager - Traffic and Transport for approval through Traffic Committee processes prior to the commencement of road works in Mobbs Lane. All external works associated with the development are to be carried out and paid for by the developer at no cost to Council. The road works in Mobbs Lane are to be constructed prior to issue of the Occupation Certificate.

Reason: To comply with Council's requirements.

10. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
7	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	320	3.8
8	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	230	2.8
9	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	500	6
10	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to Landscape Plan; LDA-001	480	5.8

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

11. Trees to be removed are:

Tree No	Name	Common Name	Location
1	<i>Quercus robur</i>	English Oak	Refer to arborist report
2-6	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to arborist report
11-23	<i>Eucalyptus microcorys</i>	Tallowwood	Refer to arborist report

Reason: To allow appropriate development of the site.

12. All Tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian Standards for Pruning Amenity Trees and Tree work draft Code of Practice 2007.

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

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

- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.
- v. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

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

14. Heavy duty vehicular crossings shall be constructed to Mobbs Lane and Birchgrove Crescent in accordance with Council's Standard Drawing No. [DS9 & DS10]. Disused crossings shall be removed and constructed with kerb and gutter. Details must accompany an application for a Construction Certificate to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate.

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

15. A revised Construction Waste Management Plan is required to be prepared that provides additional details for the construction stage of the development, including:
- (a) Expected types and volumes of waste to be generated during construction;
 - (b) Details of how this waste will be re-used on site, recycled and/or disposed of off site;
 - (c) Details of how waste will be managed on site during construction (e.g. staff training, part of sub-contractor agreement etc);

You are also required to indicate the location of the waste storage area/s during construction on the plans.

To address this issue, please complete Council's standard Waste Management Plan that can be downloaded from Council's website (www.parracity.nsw.gov.au)

Reason: To provide satisfactory waste disposal for the proposal.

16. A revised Operational Waste Management Plan is required to be submitted to the Principal Certifying Authority that provides additional details for the use of the site and its on-going waste management including:
- (a) Expected types and volumes of waste to be generated per week;
 - (b) Design and location of waste processing and storage facilities;
 - (c) Details of the service provider that will collect waste and recyclables from the site;
 - (d) Size and number of proposed storage containers (bins) for the site;

- (e) Confirmation that the waste storage area/s are adequate for the volume of waste that will be generated;
- (f) Confirmation that access to water supply will be provided for clearing of bins and area, and that area will drain to sewer;
- (g) Identification of person/s responsible for ongoing waste management (e.g. caretaker).
- (h) Provide location of the waste storage area/s on the plans.

Reason: To provide satisfactory waste disposal for the proposal.

17. Where construction of retaining walls is proposed, in order to prevent the movement of the soil, details of the required retaining walls must be provided with the Construction Certificate for the approval of the Principal Certifying Authority. In addition a copy of a structural engineers report must be submitted to Council indicating the structural integrity of the walls.

Reason: To prevent soil movement.

18. Detailed engineering works related to earth stabilisation along the cut surface of Mobbs Lane frontage road reserve shall be submitted to the approval of the Principal Certifying Authority. A copy of a structural engineers/geotechnical engineers report must be submitted to Council indicating the structural integrity of Mobbs Lane.

Reason: To ensure Mobbs Lane earth stabilisation along the cut surface of the road reserve for the proposed development.

19. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

Reason: To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.

20. The approved plans must be submitted to a Sydney Water Quick Check agent or Sydney Water Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. This process will result in the plans being appropriately stamped.

The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate.

Notes: For Quick Check agent details please refer to the web site www.sydneywater.com.au – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

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

21. Electricity provision within the site is to be designed so that in the future the electrical connection from this site can be made to an underground connection within the street. Certification from an energy provider addressing their requirements for this provision is to be forwarded to the Certifying Authority with the application for a Construction Certificate.

Reason: To enable future upgrading of electricity services.

22. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be shown on the Construction Certificate plans.

Reason: To protect public safety.

23. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of Sydney Water Corporation Ltd confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To protect the environment.

24. No permanent elements of the basement wall or associated drainage shall be encroaching on adjoining properties or Council's Road reserve. Where any shoring is to be located on or is supporting Council's or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of temporary encroachment and the method of removal and de-stressing of shoring elements shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

Note 1: This development consent is for works wholly within the property. Development consent does not imply approval of works outside of the property regardless of whether the information is shown on the development application plans.

Reason: To ensure the protection of existing public infrastructure and adjoining properties.

25. 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 - 1998 – '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.

26. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc.) written confirmation from the affected utility provider that they have agreed to the proposed

works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.

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

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

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

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent **DA/601/2013**;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Nature strip and roadway \$ 20,000

Street Trees \$16,000

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.

28. A monetary contribution comprising \$499,074 is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan. Payment must be by EFTPOS, bank cheque or credit card only. The contributions are to be paid to Council as follows (only if Construction Certificates are staged):

- \$179,735.68 is to be paid to Council prior to the issue of a Construction Certificate for Stage A (Buildings A & B and associated community lot works at part Lot 1 DP 270605).
- \$319,339.83 is to be paid to Council prior to the issue of a Construction Certificate for Stage B (Buildings C & D and remaining community lot works at part Lot 1 DP 270605).

The contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

Parramatta Section 94A Development Contributions Plan can be viewed on Council's website at:

http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions

Note: Stage A and Stage B are referenced for naming purposes in accordance with the approved Drawing No. DA1.07 'Staging Plan', and does not necessarily dictate the order of actual staging and associated payment.

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

Reason: To ensure appropriate vehicular access is provided.

30. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

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

31. Prior to issue of a construction certificate, approval is to be obtained from the property owner for any anchors that may be proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

If the use of permanent or temporary rock anchors is required extending into the road reserve then approval must be obtained from Council and/or the Roads and Maritime Services in accordance with Section 138 of the Roads Act 1993 prior to issue of a construction certificate. A fee is payable for this approval.

Note: If works impact a Council designated road, the consent holder is to contact Council's Property Services Officer to seek approval for rock anchors under Section 138 of the Roads Act 1993.

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

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

Reason: To ensure appropriate safeguards against salinity.

33. All basement storage areas must have a minimum storage of 6 cubic metres for studio and one bedroom apartments, 8 cubic metres for two bedroom apartments, and 10 cubic metres for all three bedroom and greater. Details are to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To meet the requirements of SEPP 65.

34. Prior to the release of the Construction Certificate design verification must be submitted from a registered architect to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65, Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

Prior to Commencement of works

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

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

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

Reason: To manage demolition works.

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

- (a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:
 - (i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - (ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - (iii) The locations of any 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 any proposed 'Works Zone' restriction in the egress frontage of the development site.

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

- (c) Traffic Control Plan(s) for the site:
- (i) All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - (ii) Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- (i) Evidence of RTA 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.

37. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a 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.

38. 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.

39. 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.

40. 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.

During Construction or Works

- 41. 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.

- 42. 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.

- 43. A 1.5m wide by 80mm thick concrete footpath across the Mobbs lane property frontage within the road reserve is to be constructed. Details of the proposed footpath works shall be submitted to and approved by Council's infra-structure unit prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

- 44. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

Reason: To provide satisfactory drainage.

- 45. 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.

46. 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.

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

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

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

Reason: Statutory requirement.

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

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

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

50. A Tree Protection Zone (TPZ) is to be established prior to any works commencing around the street trees that are to be retained. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chain-wire link or welded mesh fence. The area enclosed shall be a designated a "No-Go Zone" and is required to be kept weed and grass free for the entire duration of works. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

Reason: To protect the street trees to be retained on the site during tree protection signage construction works.

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

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

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

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

Reason: To prevent any damage to underground utility services.

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

- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
- (b) 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.

54. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are

to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

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

Reason: To protect public safety.

56. All trees supplied above a 25 L container size for the site must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer. **NOTE:** All tree planting shall be located a minimum of two (2) metres to any boundary or underground services and shall have a minimum container size of 45 litres.

Reason: To minimise plant failure rate and ensure quality of stock utilised

57. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) 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 comply with Council requirements.

58. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site shall be staked or supported at the time of planting.

Reason: To ensure the trees are planted within the site area able to reach their required potential.

59. No materials (including waste and soil), equipment, structures or good of any type shall be stored, kept or placed within five (5) metres from the trunk or within the drip line of any tree on or adjacent to the site.

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

60. All excavation within three (3) metres from the tree identified to be retained on site shall be supervised by an AQF Level 3 arborist, who shall undertake any remedial work, including the pruning of roots, if necessary.

Reason: To provided adequate protection of trees

61. No service, structure, conduit or the like shall be fixed or, attached to any tree.

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

62. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

63. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

Reason: To ensure compliance with this consent.

64. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

65. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC) including the interim noise manual. Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

66. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Reason: To ensure public safety and amenity on public land.

67. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring tools etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

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

- Reason:** To ensure the development is being built as per the approved plans.
69. 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.
70. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
- Reason:** To ensure maintenance of Council's assets.
71. No trees on public property (footpaths, roads, reserves, etc.) shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.
- Reason:** Protection of existing environmental infrastructure and community assets.
72. 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 600 mm in height or within 900 mm of any property boundary.
- Reason:** To minimise impact on adjoining properties.
73. All stormwater drainage shall comply with AS3500.3. The installation of new stormwater drainage components must be completed by a licensed contractor in accordance with AS3500.3 and the Building Code of Australia.
- Reason:** To protect the environment.
74. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.
- Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
75. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.
- Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

Prior to the release of an Occupation Certificate

76. Proof of completion of footpath construction, bus stop, road widening, and kerb & gutter construction works shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage & satisfactory drainage.

77. Works-As-Executed plans of the stormwater drainage network, road works and footpath works are to be submitted to the Principal Certifying Authority **and to the Council** addressing the following:

- The Work-As-Executed plans are prepared on the copies of the approved plans issued with the Construction Certificate with the variations marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of pipe diameters, levels, dimensions and locations etc.
- The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

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

78. 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.

79. Prior to the issue of the occupation certificate, 2 convex mirrors are to be installed within each of the ramp access driveways off Mobbs Lane and Birchgrove Crescent (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers.

80. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

81. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.

Reason: To ensure adequate drainage.

82. The Principal Certifying Authority shall ensure that:

- There will be no damage or overhang as a result of this proposed development over the existing easements to drain water throughout the site.
- The overland flow from upstream catchment running above the surface of these easements to the street shall not be blocked by any solid structure such as a wall or a wall etc.

Reason: To ensure satisfactory stormwater disposal.

83. Prior to issue of the Occupation Certificate a certificate shall be submitted to the PCA. This certificate shall be prepared by a suitably qualified engineer with experience in structural design stating that the OSD tanks have been inspected and constructed in accordance with the approved structural details.

Reason: To ensure structural adequacy of the OSD system.

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

Reason: To ensure the works are completed.

85. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Reason: To ensure the works are completed.

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

Reason: To comply with legislative requirements.

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

- The record must include details of:
- the development application and Construction Certificate number;
- the address of the property at which the inspection was carried out;
- the type of inspection;
- the date on which it was carried out;
- the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

Reason: To comply with legislative requirements.

88. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with the NBN Co have been made where relevant and implemented at no cost to Council for the provision of broadband access to the development.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

- NOTE: For more information contact NBN Co. Development Liaison Team, call 1800 881 816; Email newdevelopments@nbnco.com.au; Web www.nbnco.com.au/NewDevelopments.

Reason: To ensure provision of adequate infrastructure.

89. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

Reason: To ensure restoration of environmental amenity.

90. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

Reason: To ensure a visible apartment building number is provided.

91. 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. 493860M_02, will be complied with prior to occupation.

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

92. An Operational Management and Maintenance Report is required to be lodged with the Occupation Certificate application as a separable section of the Stormwater Drainage Plan to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. As a guide the maintenance report is required to cover all aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:

- aims and objectives (including water quality and filter media parameters);
- a plan showing the location of the individual components of the system
- manufacturer's data and product information sheets for any proprietary products
- location of inspection and monitoring points shown clearly on the plan
- describe inspection/maintenance techniques and the associated rectification procedures
- A schedule or timetable for the proposed regular inspection and monitoring of the devices, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm
- record keeping and reporting requirements
- review and update requirements

The report is required to be prepared by a suitably qualified and experienced professional to the satisfaction of Council and utilise the maintenance checklists located in the 'Product Design Manual' or (in the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland).

In this regard, the approved report is required to be implemented in perpetuity to the satisfaction of Council. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

Reason: To ensure adequate maintenance of the stormwater system.

93. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
 - have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - A copy of this report is to be forwarded to Council.

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

94. Excluding the community title lots, all land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the *Conveyancing Act 1919*.

95. Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.

Reason: To ensure appropriate electricity services are provided.

96. A shared waste storage room is to be provided to each building constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:
- The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
 - 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;
 - The walls being cement rendered to a smooth, even surface and coved at all intersections;
 - Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

Reason: To ensure provision of adequate waste storage arrangements

97. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/601/2013** has been submitted to Principal Certifying Authority.

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

Prior to the Subdivision Certificate

98. A separate application must be made for a subdivision certificate. The subdivision certificate will not be issued until a final Occupation Certificate for the development has been submitted to the Council.

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

99. The linen plan of subdivision shall conform with Council's Development Consent DA/601/2013 and all relevant conditions there under.

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

The Use of the Site

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

Reason: To ensure the removal of graffiti.

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

Reason: To minimise noise impact of mechanical equipment.

102. Separate waste bins are to be provided on site for recyclable waste.

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

103. 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.

104. 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

105. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for each building and not affixed to balconies or walls of individual units, and shall not be visible from the Weston Street frontage.

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

106. All landscape works shall be maintained for a minimum period of two (2) years after the final completion, in accordance with the approved landscape plan and conditions.

Reason: To ensure restoration of environmental amenity.
