

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	JRPP Reference Number: 2015SYW043
DA Number	DA/710/2014
Local Government Area	Parramatta City Council
Proposed Development	Demolition and the construction of a four storey residential flat building containing 31 units over a basement car park with strata subdivision. The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009 as 17 units are nominated as affordable rental housing for a period of 10 years once the building is complete.
Street Address	36 Railway Street, Wentworthville
Applicant	Mr J Nehme
Owner	R36 Pty Ltd
Number of Submissions	Submissions from 3 properties
Regional Development Criteria (Schedule 4A of the Act)	The development includes affordable housing and has a value of over \$5 million (Private infrastructure and community facilities over \$5 million)
List of All Relevant s79C(1)(a) Matters	State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy 65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta LEP 2011, Parramatta Development Control Plan 2011
Recommendation	Approval with Conditions
Report by	Liam Frayne, Senior Development Assessment Officer

ASSESSMENT REPORT – Residential Flat Building S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/710/2014
Assessment Officer:	Liam Frayne
Property:	LOT 10 SEC 2 DP 976563, 36 Railway Street, WENTWORTHVILLE NSW 2145
Proposal:	Demolition and the construction of a four storey residential flat building containing 31 units over a basement car park with strata subdivision. The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009 as 17 units are nominated as affordable rental housing for a period of 10 years once the building is complete.
Date of receipt:	21 October 2014
Applicant:	Mr J Nehme
Owner:	R36 Pty Ltd
Submissions received:	Three (including one addressed from an owners corporation)
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Key issues raised in submissions:	Parking, traffic, solar access, privacy, and streetscape
Recommendation:	Approval

Legislative requirements

Zoning:	R4 High Density Residential
Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Parramatta Development Control Plan 2011 BASIX SEPP, Section 94A Plan, State Environmental Planning Policy (Affordable Rental Housing) 2009, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications
Variations:	Height, number of storeys, side setback (south), and common open space.
Integrated development:	No
Crown development:	No

The site

Site Area:	2025m ²
Easements/rights of way:	No – The site is not affected by easements
Heritage item:	No
In the vicinity of a heritage item:	Yes – the site is in the vicinity of the group of heritage dwellings at 2-6 Short Street and 52 Railway Street.
Heritage conservation area:	No
Site History:	There is no site history relevant to the current application.

DA history

21 October 2014	Application lodged
5 - 26 November 2014	Advertising Period
26 November 2014	Design Excellence Advisory Panel assessment
8 January 2015	Additional information submitted
4 March to 25 March 2015	Second notification period

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is a large rectangular allotment located on the western side of Railway Street in Wentworthville. The site has a frontage to Railway Street of 30.48m and a site area of 2025m².

Existing structures on the site consist of a single storey brick and fibro house (C.1920), a garage, and an outbuilding. The site does not contain any significant trees.

Surrounding development is mixed. To the south, the site adjoins a town house development, to the north a row of detached dwelling houses, and across the street is a residential flat building, two houses and a child care centre. The site is located in proximity of, but not in the same visual field of, the listed heritage cottages at 2-6 Short Street.

The site slopes to Railway Street.



Figure 1: Aerial photograph of the site in context. The site is outlined in white.



Figure 2: The subject site

THE PROPOSAL

Consent is sought for the following:

- Demolition of the existing building on the site;
- Construction of a four storey residential flat building containing 31 units over basement car parking;
- Strata subdivision;
- The application is made under SEPP Affordable Rental Housing and 17 of the 31 units are to be affordable rental housing for 10 years after completion of the development.

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a residential flat building.

The definition of a 'residential flat building' is as follows:

Residential flat building means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.

The proposal is permissible under the Affordable Rental Housing SEPP and satisfies the locational requirements for such development under that SEPP.

Accordingly, the proposed residential flat building is considered to be permissible.

REFERRALS

Development Engineer

The development application was referred to the Development Engineer as the scope of the development requires provision of on-site detention and a stormwater drainage system.

The Development Engineer found that the proposed stormwater drainage design was acceptable as it accommodates the expected overland flows from up-stream properties as well as the expected stormwater flows for the site itself.

Given the size of the site, WSUD principles apply under DCP 2011, and have been incorporated into the proposed stormwater drainage design.

The Development Engineer recommended conditions to be incorporated into the consent to ensure that the stormwater system is appropriately carried out. These have been included in the recommendation.

Landscape

As the application is a type for which a landscape plan is required, the application was referred to Council's Landscape and Tree Management Officer for comment.

The Landscape and Tree Management Officer found the proposal to be satisfactory and has recommended conditions to ensure landscaping works are appropriately carried out.

It is noted that the soil depth at the front of the site provides only 400mm above the proposed OSD tank at that location. The Tree and Landscape Management Officer does not consider that this is adequate to provide the type of planting proposed at the front of the site. To address this, a condition will be imposed to ensure that at least 600mm soil depth be provided above the tank located in the front setback, given it is critical that appropriate landscaping is provided here to embed the development in its setting.

Traffic and Transport Investigations Engineer

The application was referred to Council's Traffic and Transport Investigations Engineer for comment as the development is a type for which details traffic assessment is required.

The proposal was found to be satisfactory subject to appropriate conditions and the provision of a compliant level of bicycle parking. The proposal provides the level of car parking required for a development of this type under the ARH SEPP (see table ARH SEPP below for details).

In terms of traffic generation, it is estimated that the development will result in a net increase in vehicle trips during peak hour by 8.2 trips, an increase that the local road network is capable of accommodating.

The recommended conditions have been incorporated into the proposed conditions.

Design Excellence Advisory Panel and Urban Design

The proposal was considered by DEAP during the pre-lodgment process on 27 August 2014. The Panel recommended a number of modifications to the design scheme prior to lodgment.

The development application was re-referred to the Design Excellence Advisory Panel on 26 November 2014. The Panel made the recommendations below with respect to design improvements.

The proposal compares to the following:

Panel Comment	Design Response
<ul style="list-style-type: none"> The Panel acknowledge that the proponent has addressed many of the issues raised at the previous meeting. 	Noted
<ul style="list-style-type: none"> Ensure there is adequate privacy to ground floor bedrooms adjacent to pathways. This should be achieved with a combination of landscape and screen elements. 	The front of the development has a 6m setback within which a significant amount of screening landscaping is proposed. It is considered that this concern of DEAP has been addressed.
<ul style="list-style-type: none"> The main pedestrian access and entry sequence is poorly resolved. The lifts are too close to the lobby door and the space in front of the lifts is too narrow. 	<p>The lobbies have been widened to improve the entry sequence. The additional width has sufficiently improved the design of the development to an acceptable level.</p> <p>It is noted that there is poor definition of the main entrance pathway linking the lobbies to the street. Conditions are included in the recommendation to improve the prominence of the main pedestrian entrance by relocation of the entrance of dwelling A02 to provide greater separation between the two entry points, and the installation of a landscape feature or element as a marker of the</p>

	main building entrance.
<ul style="list-style-type: none"> Apartment A01 and A02 (3-bedroom) are large but could be greatly improved with more considered space planning. For instance, there are large, over-sized dining areas and internal reconfiguration could create a small, secondary living area that would improve liveability. 	This design suggestion has been adopted with secondary living areas provided.
<ul style="list-style-type: none"> Apartment A02 is very dark and internal. The living area should be closer to the windows and street. 	The living area is now located adjacent to the front setback area.
<ul style="list-style-type: none"> Ensure that required solar access to living spaces is not blocked by solid building elements. 	The building elements have been repositioned to minimise instances of solar access being blocked by solid building elements.
<ul style="list-style-type: none"> Access to the penthouse level internal staircases is much too tight in both width and entry space. 	The stairs to the penthouses has been widened to address this requirement.
<ul style="list-style-type: none"> A general review of internal planning would be a very worthwhile exercise and recommended by Panel. Provided this is done and the above issues addressed, the Panel are supportive of this proposal. 	The internal planning has been reviewed and is now generally considered to achieve an acceptable level of design quality.

The Panel requested that the application be returned for their review. However given the improvements made to the scheme following on from the Panel meeting, it is considered that re-referral to the Panel is unnecessary.

One issue that remains unresolved relates to the prominence of the main residential entrance to the site. The main entrance lacks prominence and the proposed design lends itself to creating confusion with respect to the main access point to the site. This design problem may result in issues associated with unintended access and may confuse visitors to the site.

To address this requirement, conditions are included in the recommendation requiring that the path connecting unit AO2 be relocated to be approximately 4m north of its current location to clearly separate this path from the main entrance, for the main entrance path/ramp be widened to 3m for the first 4 metres from the front property boundary, and for an identifying feature (for example a small feature wall containing the name of the development or an entrance gateway or portal).

In addition to these measures, it is considered the location of the access control gate is not appropriate for a unit development of this size and a separate condition is included in the recommendation requiring that this be located just beyond the second residential lobby.

Subject to these conditions, the proposal satisfies the requirements of the Residential Flat Design code.

Heritage Advisor

The application was referred to Council's Heritage Advisor given its proximity to a number of listed dwelling houses. Council's Heritage Advisor in response found that the separation of the site and 52 Railway Street, and the fact that the dwellings on Short Street are in a separate visual setting with respect to the development site meant that the proposal would not unduly impact on the heritage values of the listed items.

Given this, the heritage advisor had no objections to the proposal.

Waste Management

The application was referred to Council's Waste Management Officer. The Waste Management Officer advised that the proposed waste arrangements were unsatisfactory as the provided waste area cannot accommodate the required waste generation for the development.

The proposed waste area provides capacity for just 22 x 240L bins. Given the development has 31 units, it is expected that the development would require 31 x 240L general waste bins and 16 x 240L recycling bins if Council was to service the development (a total of 47 bins). There is simply insufficient room in the proposed waste storage area to accommodate this number of bins.

While it is acknowledged that private waste collection is required for a development of this size and that different waste arrangements could be arrived at, the bin area provided remains simply inadequate for its stated need. Accordingly, a condition is included in the recommendation requiring that a waste area capable of accommodating 47 bins be provided immediately adjacent to the second entry foyer of the development that is screened by landscaping and accessible to all residents.

A condition will also be included requiring that an amended waste management plan be submitted to the satisfaction of Council's Waste Management Officer prior to the release for any construction certificate for the site.

Environmental Health

The application was reviewed by Council's Environmental Health Officer who found that the proposal was satisfactory subject to the inclusion of consent conditions. The recommended conditions are incorporated as part of the recommendation.

Social Outcomes

In accordance with Council's resolution, as the application concerns a building proposing affordable rental housing, the application is accompanied by a Social Impact Statement. This statement was sent to Council's Social Outcomes team for comment.

The summary of the assessment of the proposal by the Social Outcomes team are provided below:

The report provides advice to Development Services (DS) only on the acceptability of the social impact of the proposed development at 36 Railway Street Wentworthville as provide in the SIA report by Planning Direction Pty. Ltd. dated 23 October 2014. The information provided in the SIA report for the site is an adequate social impact assessment with clear information on impact mitigation.

The potential positive benefits of the development include the provision of more affordable housing in the LGA, which supports a diversity of residents. It is also well located to transport, community services, infrastructure, education facilities and employment centres.

The issue of traffic flow is a concern as commuters who access the railway station use Railway Street, Hill Street, Wentworth Street and Station Street to park in and this reduces the parking that is available during the day and increases traffic flow into and out of Darcy Street. Traffic off Darcy Street in the peak hour times is heavy at present and the addition of this volume of residents is likely to add more stress to the traffic flow, especially during peak times. It is recommended that Council's traffic and transport planners review this DA.

A community housing provider has not yet been identified to manage the affordable housing dwellings.

Discussions with local community housing providers around the current context and demand for additional affordable housing in the area shows that the dwellings are predominantly being allocated to households who can pay 75% to 80% of the market rent. In response to this and in order to ensure that the allocation process meets the objectives of Parramatta Council's Affordable Housing Policy, Council staff should work in collaboration with the identified community housing provider to ensure that the dwellings are allocated in response to local need.

Conditions were recommended with respect to ensuring that the affordable housing provided is provided as outlined in the SEPP. These conditions have been incorporated into the recommendation.

PUBLIC CONSULTATION

In accordance with Appendix 5 of DCP 2011, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 5 November and 26 November 2014. In response 2 submissions were received from:

- 32-34 Railway Street Wentworthville (Strata body)

- 40 Railway Street Wentworthville

Issues raised in the submissions are addressed below:

Concern about the impact of the proposal on views to the south from 42 Railway Street Wentworthville

An assessment of the site and its surrounds was conducted during the inspection of the site. No significant views were identified. It is considered that the submission is most likely referring to views of the rear yard of the existing property.

Given the site presently contains a small house on a very large parcel of land, there is no reasonable means by which the 'open' nature of the existing site could be retained in the context of the R4 zoning that applies to the site.

Concern about the impact of the proposal on the privacy of adjoining properties

It is acknowledged that there will be some loss of perceived privacy by occupants of surrounding properties given the present form of development on the site. The proposal however provides 6m setbacks to habitable rooms and balconies. This level of separation is considered adequate in the context of residential flat development, and will prevent close and direct views from apartments into adjacent properties.

The side setback of 6m is greater than the 4.5m setback permitted by DCP 2011.

Concern about the impact of the proposal on on-street parking availability

The application is made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. Under this control, a parking rate is specified, and provided this parking is provided, the application cannot legally be refused on the basis of provided car parking. In this regards the ARHSEPP indicates that the development cannot be refused on parking grounds if 30 parking spaces are provided.

The application provides 32 spaces that slightly exceeds the rate specified by the SEPP. It is acknowledged that the parking rate provided is below that which is required under Council's DCP.

Concern about the impact of the proposal on acoustic privacy

Although the development will result in a substantial intensification of residential use on the site, units are required to be constructed to minimise noise intrusion within and without, and accordingly are not in normal circumstances a use that causes offensive noise for neighbours.

Concern about the potential shadow impact of the proposal on the town houses located south of the site

The proposal will overshadow the adjacent town-house development in the morning however the adjoining development will receive 3 hours solar access in the afternoon as per Council's solar access control.

Concern about the consistency of the proposal with the existing streetscape

There is no dominant or prevailing streetscape pattern in Railway Street south of Short Street. The proposed development is consistent with Council's planning controls noting that the site and surrounding properties are zoned R4 and R3 respectively, and the proposal is appropriately designed to provide an acceptable streetscape presence having regards to the likely future character of the area.

Concern about the impact of the proposal on local traffic

Council's Traffic and Transport Investigations Engineer has reviewed the proposal and confirmed that the local road network is capable of handling the additional traffic expected to be generated by the proposed development.

Concern about the impact of construction noise to adjoining properties

It is acknowledged that the construction period of any development is by necessity a disruptive one. To minimise the impact of construction works, standard conditions are included in the recommendation to control construction managing hours of work, dust generated and other construction impacts. These standard conditions are sufficient to manage impacts of construction works.

Amended Plan

Yes

Summary of amendments

- Widened residential lobbies
- Changes to internal planning
- Minor adjustments to the stormwater design

In accordance with Appendix 5 of DCP 2011, the modified application was renotified between 4 March and 25 March 2015. In response submissions from three properties were received (including two that previously raised objection to the proposal). New issues raised in the additional submissions are addressed below:

Concern that the variation to height proposed will result in an additional adverse building appearance in terms of bulk and scale

As the building benefits from additional bonus floor space provisions under State Environmental Planning Policy (Affordable Rental Housing) 2009, the additional floor space results in the need to vary Council's building envelope controls either with respect to setbacks – that is, the distance of the building walls from the site boundaries, or with respect to height. In this instance, it is considered that the proposed additional storey results in a better planning outcome than diminished setbacks.

It is noted that the area of additional height is contained within the centre of the building and is setback from the edges. It is not considered that this approach will result in an unacceptably bulky building.

Concern the proposal will overshadow properties to the west of the site as a result of the additional height

The proposal will cast minimal shadow to the west between 9.00a.m and 3.00p.m on June 21. This complies with the requirements of Council's Development Control Plan 2011.

Concern the proposal will impact on the privacy of dwellings to the west of the site

The west facing windows in the development are setback at least 10m from the rear boundary, and balconies at least 9.5m from the rear boundary. The fourth floor (level 3) is located 20m from the rear boundary.

Given the extent of this separation, it is not considered that the proposal will have an unreasonable privacy impact on its western neighbour by way of close or direct views.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The development application has been made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009, which applies to all land in the City of Parramatta and aims to facilitate the provision of affordable housing within New South Wales and particularly within the Sydney region.

The following provisions of the SEPP are relevant to this proposal:

Note: Affordable Rental Housing is shortened to ARH in the below table.

Requirement	Proposed	Compliance
Clause 10 – Land to which Division applies		
Proposed building 'type' must be permissible in the zone.	The proposed Residential Flat Building is permissible in the R4 zone applying to the site.	Complies
Land must be within an accessible area (ie. within 400m walking distance of a regularly serviced bus stop or within 800m of a ferry wharf or train station).	The site is located 150 metres walking distance from Wentworthville Railway Station. The site is located within an accessible area.	Complies

<p>Clause 13 – Floor Space Ratio</p> <p>This clause provides an FSR bonus for ARH developments that provide more than 20% GFA as affordable rental housing</p> <p>50% of the proposed GFA is provided as ARH.</p> <p>50% x 1304.5m² (given GFA of 2609.005m²)</p> <p>A floor space bonus applies to infill ARH.</p> <p>The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1</p> <p>For sites with a floor space ratio of less than 2.5:1, the bonus is calculated using the formula below:</p> <p>Bonus = ARH/100</p> <p>With ARH being the percentage of GFA given over to ARH.</p>	<p>1304.5m² provided as ARH (1304.5/2609.005)x 100 = 50</p> <p>50/100 = 0.5 FSR Bonus.</p> <p>Total FSR = 0.5 + 0.8 = 1.3:1</p> <p>Applicable maximum floor space is 1.3:1. The proposal has a floor space ratio of 1.29:1</p>	<p>Complies</p>
<p>Clause 14 – Standards that cannot be used to refuse consent.</p> <p>1.Site and solar access requirements</p> <p>(b) Site Area: Min 450m²</p> <p>(c) Landscaped area: min 30% (607.5m²)</p>	<p>2025m²</p> <p>621.07m²</p>	<p>Complies</p> <p>Complies</p>

landscaped.		
(d) Deep soil zones: min 15% site area (303.75m ²), 3m min dimension and 66% (200m ²) located at rear of site if practicable.	402.06m ² with specified dimensions. 402.06m ² located at the rear.	Complies
(e) Solar Access: 70% of dwellings receive min 3 hours direct sunlight in mid-winter.	80% receive 3 hours direct solar access midwinter.	Complies
2. General	32 spaces proposed	
(a) Car Parking: 0.5 space for 1 bedroom 1 space for 2-bedroom 1.5 spaces for 3-bedroom The proposal contains 6 x 1 bedroom units (3) 21 x 2 bedroom units (21) 4 x 3 bedroom units (6) 30 spaces required		Complies
(b) Dwelling Size: 50m ² for 1 bedroom 70m ² for 2 bedroom 95m ² for 3 bedroom	All units comply with the requirement.	Complies
Clause 16 – States that SEPP 65 applies to affordable housing RFB's.	SEPP 65 assessment is contained later in this report.	See SEPP 65 assessment.
Clause 16A – Character of Local Area.	This clause requires Council to take into consideration whether the design of the development is compatible with the character of the local area.	An assessment of the compatibility of the proposal with the locality is located at the end of this table.
Clause 17 – Must be used for affordable housing for 10 years Consent cannot be granted unless conditions	A condition will be imposed on any consent issued requiring that the development be held as affordable rental housing for a period of 10 years.	Condition

are imposed that will require the development to be used for 10 years from issue of Occupation Certificate.		
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The proposal therefore satisfies the standards contained in SEPP 2009. The assessment of the proposal against the character of the local area as required by Clause 16A is contained below:

Clause 16A - Character of local area:

The below is a consideration of character within the terms defined in the Land and Environment Court planning principle established in consideration in the matter *Project Venture Developments Pty. Ltd. v Pittwater Council* [2005] NSW LEC 191.

As defined in the planning principle, merit assessment of character of the local area should consider the following 3 steps:

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

As assessment against each step is provided below:

Step 1 - Identify the local area

This assessment identifies the local area as primarily the visual catchment of the site (as viewed from within the site and directly adjacent to the site on the street) which is shown in the figure below:



Figure 3: Local Area being the approximate visual catchment from the site (the lots visible from the site). **NB:** Red Border denotes area. White border denotes subject site.

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

The local area is roughly divided into two halves. North of Short Street, development generally takes the form of single storey detached dwelling houses on relatively deep but narrow allotments. South of Short Street development is eclectic in character, with a mix of detached houses, townhouses, residential flat buildings, a converted shop, and the Wentworthville Police Station.

While a clear character of dwelling houses with large backyards emerges north of Short Street, the immediate location in which the site is situated could not be said to have a particularly strong unifying character.

Present Character of the area

The present character of development north of Short Street consists of smaller dwelling houses with deep rear yards. The character of development south of Short Street is eclectic and there is no particularly dominant built form or common characteristic between sites.



Figure 4: Image showing the eclectic form of development south of the site.



Figure 5: The form of development predominant north of the site.

Future Character of the area

The future character of an area is best determined by consideration of the planning framework that applies to the site under Environmental Planning Instruments and Development Control Plans that are presently in force. In this area, the relevant controls are PLEP 2011 and PDCP 2011. In terms of building envelope, PLEP 2011 defines the permitted building types, permitted uses, building heights, and maximum floor space ratio, while PDCP 2011 defines building setbacks and desired site design.

In terms of assessing the desired future character of an area, zoning, maximum height, floor space and setbacks are the most deterministic controls with respect to likely planning outcomes. Zoning defines the likely building typology, whereas height, floor space, and setbacks define the size and setting of buildings.

Zoning

Part 2 of LEP 2011 defines the zoning that applies. As shown in the figures below, the zoning of sites around the affected property to the south, west, and east is R4 High Density Residential under Parramatta LEP 2011. To the north properties (including that immediately adjoining the site to the north) are zoned R3 Medium Density Residential, a zoning that permits residential development up to town house development.

The zoning indicates that the area south of Short Street, and in the vicinity of Wentworthville Station, will contain residential flat buildings of a similar size to that proposed, while north of Short Street, the area will tend towards townhouse development (provided lot amalgamations can be achieved).

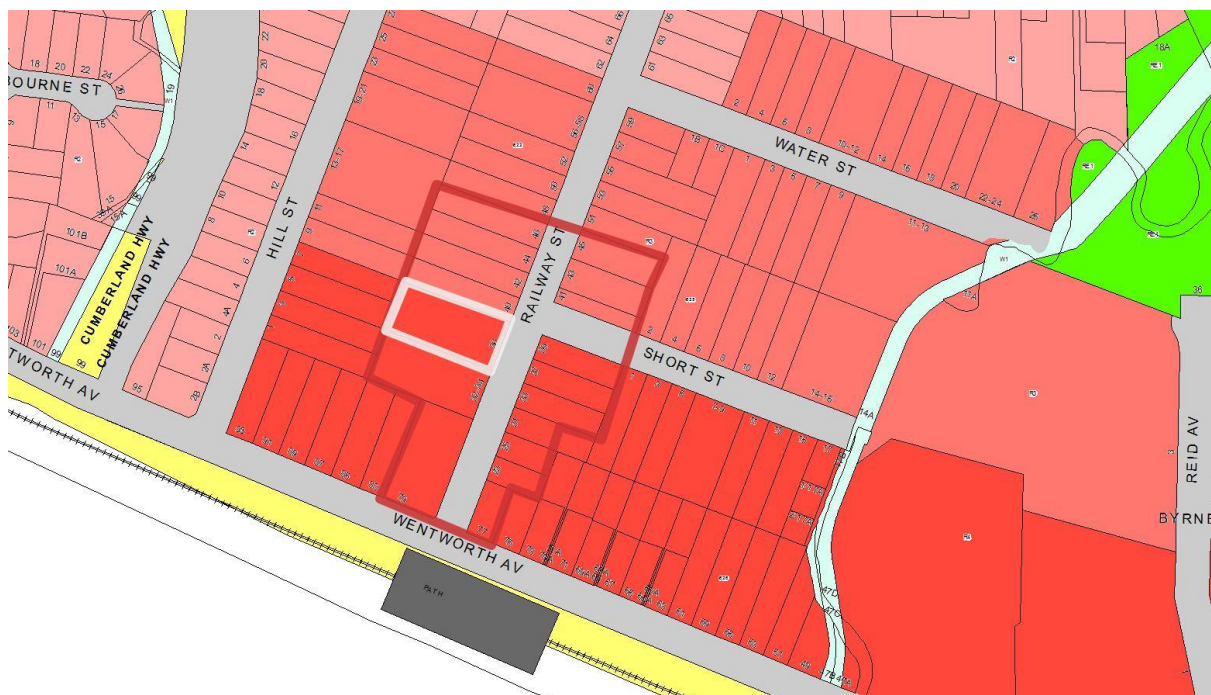


Figure 6: Zoning map extract of the site. The darker red coloured zone is R4 High Density Residential. The middle red is R3 Medium Density, and the lightest red is Low Density Residential. Green areas are parks and yellow areas are transport corridors. The map shows the site part of a block of land zoned high density in the locality.

Maximum Height and Maximum Gross Floor Area controls

The key controls defining the permitted size of a building are the floor space ratio and gross floor area controls contained in clauses 4.3 and 4.4 of LEP 2011. The sites in the R4 zoned area have a maximum building height of 11 metres (which equates to 3 storeys in the high density residential context and limited by DCP 2011).

All sites in the character area, regardless of zoning, share this height limit.



Figure 7: Height control map of the site. The green are the areas with a 9m height limit, and bright yellow an 11m height limit.

In terms of gross floor area, the sites in the R4 zone within which the site is situated have a maximum gross floor area of 0.8:1 – and this includes all sites zoned R4 generally located between Short Street and Wentworthville Station.

North of Short Street, in the R3 zone, a 0.6:1 maximum floor space ratio applies.

Under these controls, it would be anticipated that a 3 storey building would be the typical form of future development in the precinct, within a landscape setting.



Figure 8: Maximum floor space ratio map of the site. The light green sites are those with a 0.6:1 maximum gross floor area, the dark green sites have a maximum floor space ratio of 0.8:1.

Setbacks and other building envelope controls

In terms of setbacks and the general building envelope controls applying to the site, these are defined principally by Clause 3.1.3 of DCP 2011. For the sites in the R4 zoned area, given that residential flat buildings would be the most likely development type in the future, the following controls would apply:

- a maximum height of 3 storeys;
- a front setback of 5-9 metres depending on the existing street;
- side setbacks of 4.5m
- A rear setback equivalent to 30% of the site length.

The development form expected from the above is in the form of a residential flat building in a landscape setting. There is no strong existing character.

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

In accordance with the Land and Environment Court's 'Planning Principle' and recent case law compatibility is best defined as 'capable of existing together in harmony'. In order to test compatibility two questions are to be considered. These questions as well as a response to each are provided below:

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

The above question is relatively objective. Physical impacts generally include privacy, overshadowing, visual bulk and compatibility in the streetscape.

As advised in this assessment report, the proposal, subject to the imposition of appropriate conditions, will not have undue impacts – that is – beyond the level anticipated by DCP 2011 - on the privacy or solar access achieved for surrounding residential allotments.

The proposal, while taller by one storey than would normally be anticipated under LEP 2011, is consistent in height and street presence to development that would be expected under that control.

It is noted that as the application benefits from bonuses to floor space under the Affordable Rental Housing SEPP, the additional height, which is carefully limited to the central part of the building envelope (and is not therefore overtly visible from the street), the additional storey makes possible side setbacks of at least 4.5m (to habitable areas).

This outcome enables the amenity of adjacent properties to be protected. This outcome would not be possible if the provided floor space was wholly condensed into three storeys.

As discussed in the LEP 2011 section of this report, the development will not unduly constrain development on any adjoining site, and the site and proposal are appropriate.

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

The above question is relatively subjective. To be compatible a development should contain or at least respond to the essential elements that make up the character of the surrounding area. As previously indicated, the precinct in question has an eclectic existing character and as such, there is no particular streetscape character for which the development is required to conform.

In terms of future development, notwithstanding the additional storey which is cleverly disguised, the proposal has setbacks and a footprint generally compatible with the likely future form of development in the locality.

In conclusion, although the proposal has an additional storey in comparison to likely future development around the site, the proposal manages to keep in harmony with the general streetscape and is suitably in character with the locality.

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is not identified in Council's records as being contaminated. Further, the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 (DEEMED SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

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

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

The site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the

SEPP as the average daily traffic volume of **Railway Street** is less than 40,000 vehicles.

The site is sufficiently distant from the Western Railway line so that Clause 86 and 87 of the SEPP do not apply to the proposal.

STATE ENVIRONMENTAL PLANNING POLICY 65 Design Quality of Residential Flat Development

SEPP 65 applies to the development as the building is 3 storeys or more. As discussed in the referral section of the report, the application was considered by Council's Design Excellence Advisory Panel who considered SEPP 65 and found the proposal to be satisfactory.

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted. The statement addresses each of the 10 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below.

Context

Generally, the design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area although its height is marginally greater than is intended under the future desired character outlined in the LEP. This DA meets the requirements of the LEP in terms of height, as well as being a permissible land use. The context of the building is appropriate for its location given the future desired character defined by LEP 2011.

Scale

The scale of the building in itself is considered suitable within the future desired character of its locality and given that it benefits from the provisions of the Affordable Rental Housing SEPP, with the building meeting envelope and footprint controls prescribed by the SEPP, and those that apply under the LEP with the exception of height.

The height variation, as discussed later in this report, is considered appropriate given it enables a reduced building footprint, providing for appropriate setbacks to protect the amenity of residents of the proposed buildings and of adjacent sites.

Built form

The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.

Density

While the proposal has a density slightly greater than the future desired character of the area, in terms of floor space yield, number of units and potential number of new

residents, this is acceptable given the proposal is made under the Affordable Rental Housing SEPP. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

A BASIX Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building. The construction certificate plans will need to address certain other requirements outlined in the BASIX Certificate.

Landscape

A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate. The ground level landscaping will provide suitable visual amenity for the future building's occupants.

Some adjustment of the proposal is considered appropriate with respect to the prominence of the main access path, and the soil depth over the OSD tank located in the front setback. Conditions have been incorporated into the recommendation to address these minor but important issues.

Amenity

Generally, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

It is noted that the present waste room is unlikely to be sufficient to meet the needs of residents. Accordingly, a condition has been incorporated into the recommendation requiring that an alternate waste storage area is to be provided at ground level.

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building architecturally addresses the street and activates the frontage visually.

Concern is raised with respect to the apparent prominence of the main residential entrance. Conditions are included in the recommendation to widen the threshold from the street and to provide some marker or feature that clearly identifies this as the main pedestrian entrance. The gateway located at the street boundary will also be required to be relocated so as to ensure that this area is clearly marked as the main entry point.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to potential employment opportunities.

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.

An assessment is now provided against the numerical requirements within the Residential Flat Design code referenced in SEPP 65

RESIDENTIAL FLAT DESIGN CODE

The proposal compares to the residential flat design code controls in the following manner:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	17m	Yes
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	All units provided with sufficient storage in unit or in the basement.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All primary balconies have a depth greater than 2m	Yes
Residential Ceiling heights	Minimum 2.7m	While not including a stated dimension, the submitted sections indicate that a minimum floor to ceiling height of 2.7m is provided. A condition is included in the recommendation to ensure that this is carried through to the final design.	Condition
Min. Apartment size	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	All units comply with the minimum size specified.	Yes

Open Space	The area of communal open space should be between 25-30% of the site area (506.25m ²)	621.07m ² - this is consistent with the ARH SEPP 2009 requirement.	Yes
Deep Soil	A minimum of 25% (506.25m ²) of the open space area should be a deep soil zone	402.06m ² which satisfies the SEPP 2009 requirement.	Yes – complies with ARH SEPP requirement.
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	No more than 5 units provided off double loaded corridors.	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice except in high density areas, where 2 hours solar access is acceptable.	70% of dwellings receive at least 2 hours solar access.	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	No single aspect south facing apartments proposed.	Yes
Natural ventilation	60% of units should be naturally cross ventilated	At least 60% of units will be naturally cross ventilated..	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	At least 25% of kitchens have access to natural ventilation.	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Kitchens are all within 8m of a window.	Yes
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Only building on the site. Separation not required. Side setbacks to habitable rooms of at least 4.5m are provided on the northern and southern sides of the development consistent with	Yes

		DCP 2011.	
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The proposal is therefore considered to achieve compliance with the provisions of the Residential Flat Design Code.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

COMPLIANCE TABLE		
Development standard	Yes/No	Discussion
Land Use Table – R4 High Density Residential Zone	Yes	Residential Flat Buildings are permissible in the R4 zone.
4.3 Height of Buildings Does the building comply with the maximum building height shown for the land on the Height of Buildings Map?	No	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 11m at highest above existing natural ground level with architectural roof features above.</p> <p>The proposal has a maximum height of 12.7m – although it is noted that the portion subject to the variation is located in the centre of the building floor plate. See Clause 4.6 discussion for further detail.</p> <p>In summary, the variation is considered to be acceptable as it enables the additional floor space that the proposal benefits from under the ARH SEPP to be accommodated in a way that produces minimal impacts on adjoining properties and future occupiers of the proposed development.</p>

<p>4.4 Floor Space Ratio</p> <p>Does the development comply with the maximum floor space ratio shown for the land on the Floor Space Ratio Map?</p> <p>The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1 (1620m²).</p>	<p>Yes – Complies With ARH SEPP requirement</p>	<p>GFA = 2609.05m² Site area = 2025m² FSR =1.29:1 The proposal exceeds LEP FSR by 989.05m²</p>
<p>As the proposal seeks to provide 17 units as affordable rental housing for a minimum period of 10 years, the application has the benefit of consideration against the clauses provided in State Environmental Planning Policy (2009) Affordable Rental Housing, and these include Clause 13 which provides a floor space bonus based on the amount of affordable rental housing proposed. Provided a development remains below that bonus clause, a consent authority may not refuse the application on the grounds of floor space.</p> <p>Detailed calculations of the bonus are contained in the SEPP 2009 assessment earlier in this report, but a summary is provided below: FSR applicable under SEPP 2009 = 1.3:1 Proposed FSR = 1.29:1</p> <p>Given the above, the proposal complies with the floor space contained in the SEPP, and therefore the application cannot be refused on the basis of the floor space non-compliance.</p>		
<p>5.9 Preservation of trees.</p>	<p>Yes</p>	<p>The site does not contain any significant trees.</p>
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p>	<p>N/A</p>	<p>According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.</p>
<p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site?</p>	<p>Low</p>	<p>The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an aboriginal place of heritage significance.</p>
<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p>	<p>Class 5</p>	<p>The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared.</p>

6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
6.3 Flood planning Is the site floodprone?	Yes	The site is not identified by council as being floodprone from main stream flooding.

The proposal therefore achieves compliance with LEP 2011. Assessment of the Clause 4.6 variation is included below:

4.6 Exceptions to development standards within LEP 2011

1. The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
2. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
3. Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
4. Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Director-General has been obtained.

A request for exception under clause 4.6 was lodged as the proposed development exceeds the Maximum Height control defined in Clause 4.3 of the LEP by 15.5% (1.7m). This exception is considered to warrant Council's support and is discussed in further detail in the above table and below. The image below outlines the point of the variation:



Figure 9: Elevations outlining the encroachments to the maximum height control. The dotted red line across the top of the building represents the 11m height control.

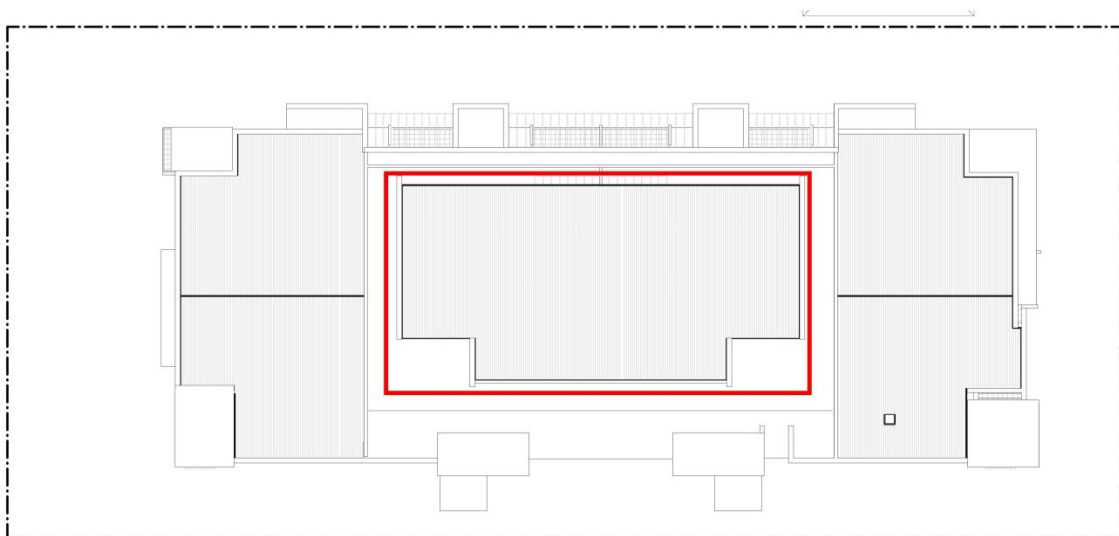


Figure 10: Roof plan. The portion of the roof, contained within the red box is the portion that exceeds the maximum height control. As evident from this plan, the portion is located in the centre of the building, is disguised from the street, and set back significantly from the side and rear boundaries.

The applicant addresses the requirements under part 3 outlined above in the following way:

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

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

Strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the site for the fundamental reason that strict compliance would compromise the standard of the development having regard to SEPP No 65 design principles and specifically matters relating to amenity, urban design, streetscape and neighbourhood character. The development achieves the objectives of SEPP 65 and thus presents 'good design'.

The proposed development will sit comfortably in its context in terms of scale, massing and form. The variation of the height control does not manifest in any significant adverse impacts having regard to privacy and overshadowing. Council can be satisfied that there are sufficient

environmental planning grounds to justify contravening the development standard in the circumstances of the proposed development.

In assessing an exception to vary a development standard, the following needs to be considered:

1. Is the planning control a development standard?

Clause 4.3 is a development standard.

2. What is the underlying object or purpose of the standard?

The relevant objects or purposes of Clause 4.3 are to:

- (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.

3. Is compliance with the development standard consistent with the aims of the Development Standard, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

The proposed variation will have minimal visual impact, will not disrupt any significant view, will not impact on the privacy of adjoining sites, and will not impact on the solar access received by adjoining sites. The site will be of consistent scale with surrounding future development (with the fourth storey not prominent from the street), and the building otherwise sits reasonably within its designated envelope. The proposal therefore is consistent with the aims of the development standard.

The proposed variation will pose no hindrance to the objectives in Section 5(a)(i) and (ii) of the EP & A Act being:

- the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, and
- the promotion and co-ordination of the orderly and economic use and development of land.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The proposed building fits reasonably within its designated setbacks and the breach of the height limit is proposed by a means of minimizing the bulk of the development while also minimizing impacts on the streetscape and adjoining properties. The variation relates to the central part of the roof, and therefore will not result in a building with an apparent height of four storeys.

As Council's building envelope controls were not designed to anticipate the overriding provisions of SEPP 2009, compliance with the height standard would inevitably result in a shorter, but bulkier building that would require substantial variation to the side setbacks under DCP 2011.

This would be a building that would have a greater impact on neighboring residences, on the amenity of future occupants, and on the streetscape.

The proposed additional height is part of a well-developed design scheme that seeks to accommodate the additional floor space permitted under the ARH SEPP in a manner that will have the least possible impact on surrounding sites and the environment generally.

It is therefore considered in this instance that compliance with the development standard would be unreasonable and unnecessary in this case.

5. Is the exception well founded?

It is considered that the exception proposed is well founded given the circumstances of the site and of the proposal.

Zone Objectives

The objectives of the R4 High Density Residential zone include:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.
- To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

The proposed development is consistent with the aims and objectives of the R4 High Density Residential zoning applying to the land as the proposed works are suitably located, and are of a bulk and scale that maintains suitable residential amenity for adjoining sites.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The proposal compares to the relevant provisions of DCP 2011 in the following manner:

Development Control	Proposal	Compliance
Site Considerations		
2.4.1 Views and Vistas Development is to preserve views of significant topographical features such as ridges and	The site is not identified as having views and vistas identified as being significant by either	Yes

natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas.	Appendix 2 nor is located in the Harris Park Conservation Area.	
<p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p> <p>If yes does the site require dewatering to facilitate this?</p>	The proposal includes a basement car park however there is no evidence that the site will require dewatering.	Yes
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.	Yes
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p>	The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions to ensure that appropriate construction techniques are utilised to ensure the structural integrity of building work is not compromised.	Yes
<p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.	Yes
<p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p>	The development response appropriately to the slope of the land.	Yes

<p>2.4.7 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p>	<p>Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not required.</p>	<p>Yes</p>
<p>2.4.8 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p>	<p>The development provides adequate address to the public domain, and will permit passive surveillance of the public domain, however it is considered that a better outcome would result if the pathway from dwelling A02 were relocated towards the centre of the development, and greater design prominence was given to the main pedestrian entrance.</p> <p>Young street trees occupy the road reserve in front of the site and conditions are contained in the consent requiring that these be retained.</p> <p>The footpath in front of the site is in acceptable condition and replacement is not required.</p>	<p>Yes - condition</p>
<p>3. Preliminary Building Envelope</p>		
<p>Frontage</p> <p>Minimum 24m?</p>	<p>The site has a street frontage of 30.48m</p>	<p>Yes</p>

<p>Height</p> <p>Does the proposal exceed the number of storeys outlined in the DCP height table?</p>	<p>The DCP Height table indicates that buildings' on this site should be 3 storeys in height. The building is 4 storeys in height.</p> <p>This height is acceptable in the context that the development benefits from a GFA bonus under the Affordable Rental Housing SEPP, and the additional storey accommodates this additional floor area in a way that preserves adequate side setbacks.</p>	<p>No – but acceptable</p>
<p>Front Setback</p> <p>Is the setback consistent with the prevailing setback along the street and within the range of 5-9m?</p>	<p>5.7m-6.5m</p>	<p>Yes</p>
<p>Side Setback</p> <p>Minimum 4.5m</p>	<p><u>North</u> 4.5m</p> <p><u>South</u> Generally 4.5m, although 3.11 to the lobbies and lift. This is considered an acceptable encroachment given the additional floor space under the ARH SEPP, and that these parts of the building are not habitable spaces.</p>	<p>Yes</p>
<p>Rear Setback</p> <p>Minimum 15% of the length of site. (9.9m)</p>	<p>10m</p>	<p>Yes</p>
<p>Deep Soil zone</p> <p>Minimum 30%, including at least 50% at the rear of the site and dimensions not less than 4m x 4m</p>	<p><i>Required</i> 607.5m²</p> <p><i>Provided</i> 402.06m²</p>	<p>Yes - complies with ARH SEPP minimum standard.</p>

Minimum 40% Landscaped Area (including deep soil zone)	<i>Required</i> 810m ²	Yes - complies with ARH SEPP minimum standard.
Is the landscaped area in accordance with the definition contained in the DCP glossary?	<i>Provided</i> 621.07m ²	
Special Precincts?		
Is the site located within a town or neighbourhood centre where site specific controls contained in section 4.1 have been prepared?	The site is not located in an identified centre or precinct.	Yes
3.2. Building Elements		
3.2.1 Building Form and Massing Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	<p>The apparent building height, bulk and scale are compatible with the existing streetscape and the height is consistent with the future desired character of the area.</p> <p>As the scale and bulk are set by floor space which is varied by SEPP 2009 in this instance, the building is larger than might otherwise be anticipated by Council's controls, but remains generally compatible with the desired character.</p>	Yes – with exception of bulk and scale due to ARH SEPP floor space ratio.
3.2.2 Building Façade and Articulation Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?	The building is appropriately modulated in plan and elevation to minimize its appearance of bulk.	Yes
Are Multiple stair lift/cores provided to encourage multiple street entries?	Two entry cores and two separate individual entrances are provided.	Yes
3.2.3 Roof Design Does that roof form minimise the bulk and scale of the building? Does the roof form respond to the	The proposed roof design minimizes the sense of bulk and scale	Yes

local context, in particular scale and pitch?	projected by the building and responds suitably to its context.	
3.2.5 Streetscape Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale? Do Garages and parking structures dominate the building façade and front setback? Are the mail boxes visually integrated within the built form? Are mail boxes located for convenient access by residents and deliverers?	The development responds appropriately to the existing character in the locale. The basement entry is not prominent and does not dominate the building façade. The mail boxes are suitably located for the benefit of deliverers and residents, and are integrated into the form.	Yes
3.2.6 Fences Is the front fence a maximum height of 1.2metres?	Proposed fencing is less than 1.2m high.	Yes
3.3 Environmental Amenity		
3.3.1 Landscaping Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?	The site has no natural features that warrant retention.	N/A
3.3.2 Private Open Space Is a minimum of 10m ² of private open space with minimum dimensions of 2.5m?	All units have greater than 10m private open space. In accordance with SEPP 65, all units have a depth of 2m.	Yes
3.3.2 Common Open Space Is a minimum of 10m ² (310m ²) of COS provided per dwelling?	178.2m ² - this is considered satisfactory given the additional size of the building footprint due to ARH SEPP and that the units comply with individual private	No – but acceptable.

	open space requirements.	
<p>3.3.3 Visual Privacy</p> <p>Do balconies face the street or another element of the public domain such as a park?</p> <p>Is a minimum building separation of 12m provided between habitable rooms/ balconies?</p>	<p>Balconies are either oriented to face towards the public domain, or setback at least 6m (above ground floor) so as to ensure that at least 12m separation can be provided to adjoining properties provided the neighbouring development provides a similar setback. There are no close or direct views.</p> <p>It is noted that some windows and walls of the building encroach this separation distance, however where this occurs the provided windows are light slits or high-lite windows that are not operable and therefore will not create noise, privacy, or amenity issues as a result of the separation encroachment.</p>	Yes
<p>3.3.4 Acoustic Amenity</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p>	The site is not near any major noise generating land use.	Yes
<p>3.3.5 Solar Access</p> <p>Do all 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?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to</p>	<p>In accordance with the RFDC, 80% of units will receive 3 hours sunlight on June 21.</p> <p>The dwellings on the adjoining site to the</p>	Yes – Complies with ARH SEPP.

<p>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>south will receive 3 hours solar access to habitable rooms between 9.00a.m and 3.00p.m</p> <p>Living areas are located to the northern aspect where that is possible.</p>	<p>Yes</p> <p>Yes</p>
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p> <p>Des the building have a maximum depth of 18m?</p>	<p>The plans indicate 2.7m, but this is not notated. A condition will be imposed on the consent to require this.</p> <p>80% of units are naturally cross ventilated, all unit depths from windows comply, and the building depth complies.</p>	<p>Yes – condition to confirm.</p>
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p> <p>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p>	<p>Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p>	<p>Yes</p>
<p>3.3.7 Waste Management</p> <p>Is the waste management plan</p>	<p>The Waste Management Plan is satisfactory, detailing</p>	<p>Yes</p>

<p>satisfactory?</p> <p>Is the bin room appropriately sized for the number of bins required?</p>	<p>the types and amounts of waste that will be generated by the development and the methods of removal and disposal and is satisfactory. Waste storage is in the basement.</p>	
3.4 Social Amenity		
<p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p>	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The dwellings face towards the street or common open space areas, promoting natural surveillance from within the units to the public domain.</p> <p>It is noted that some minor rearrangement of the main entry path and the access for unit A02 is necessary to ensure the main entrance has appropriate visual prominence and is clearly identifiable as the main entrance from Railway Street.</p>	<p>Yes – conditions to improve legibility of space with respect to the main entrance.</p>
<p>3.4.5 Housing Diversity and Choice</p> <p>Is the unit mix in accordance with the following:</p> <p>The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 3 bedroom 10% - 20% <input type="checkbox"/> 2 bedroom 60% - 75% <input type="checkbox"/> 1 bedroom 10% - 20% <p>Have adaptable dwellings been provided in accordance with the following ratio:</p> <p>Total no. of dwellings in development No. of adaptable dwellings required Less than 10 =1</p>	<p>The provided unit mix is as follows:</p> <p>1 bedroom – 19% 2 bedroom -68% 3 bedroom –13%</p> <p>4 adaptable units are provided.</p>	<p>Yes</p> <p>Yes</p>

10-20 = 2 more than 20 = 10% (three required)		
3.6 Parking Provision		
<p>Is parking provided in a basement carpark at the following minimum rates?</p> <p>1 space per 1 bedroom unit 1.25 per 2 bedroom unit 1.5 spaces per 3 bedroom unit 2 spaces per 4 bedroom unit Plus 0.25 space per dwelling for visitor parking A car wash bay which may also be a visitor space</p> <p>Is 1 bicycle parking space provided per 2 units?</p>	<p>1 x 6 = 6 spaces 1 x 21 = 21 spaces 1.25 x 4 = 11.25 spaces 31 x 0.25 = 7.75 visitor Total = 46 required</p> <p>Proposed:</p> <p>32 car parking spaces</p> <p>15.5 bicycle spaces required and provided.</p>	<p>No however – complies with spaces required under the ARH SEPP that overrides this DCP control</p> <p>Yes</p> <p>Yes</p>

The proposal is therefore considered to achieve satisfactory compliance with the provisions of DCP 2011.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the proposal exceeds \$200,000 a Section 94A development contribution **1.0%** is required to be paid. A Detailed Cost Estimate prepared by a Quantity Surveyor was provided which detailed a likely cost of works of **\$6,340,588**.

It is noted, however, in accordance with Clause 25J of the Environmental Planning and Assessment Regulation (which defines instances where Section 94A Contributions apply) that affordable housing units are expressly excluded from Section 94A.

As the submitted Detailed Cost Estimate does not provide a breakdown of the cost of construction of the affordable and non-affordable units and therefore provide a means of assessing the amount of S94A owing on the proposal, a condition is included in the recommendation requiring that S94A contributions be paid in accordance with an amended report to be submitted to Council by a Quantity Surveyor that outlines the cost of works for the development in accordance with Clause 25J.

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

Bonds

In accordance with Council's Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

As the development has a value of works in excess of \$500,000.00 and relates to a Class 2-9 proposal with one street frontage, the applicant is required to pay a Security Bond of \$20,000.

A street tree bond is required for the three trees located in the front setback of the site.

The application will not require the installation of hoardings, and there is no street furniture located adjacent to the site.

A condition will be incorporated in the consent to this effect.

PLANNING AGREEMENTS

The proposed development is not subject to a planning agreement entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

REGULATIONS

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions, refer to Appendix 4.

LIKELY IMPACTS

Social & Economic Impact

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

ESD & The Cumulative Impact

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

3 submissions were received in response to the notification of the application. The issues raised in these submissions have been addressed in this report.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the proposed variation to Clause 4.3 of PLEP 2011 be supported, and 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

APPROVAL SUBJECT TO CONDITIONS

- (a) **That** Council support the variation to Clause 4.3 of the PLEP 2011 under the provisions of clause 4.6.
- (b) **That** Council as the consent authority grant development consent to Development Application No. DA/710/2014 for Residential flat building, 31 units (State Environmental Planning Policy (Affordable Rental Housing) 2009). at 36 Railway Street, WENTWORTHVILLE NSW 2145 LOT 10 SEC 2 DP 976563 (for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the following conditions:

DRAFT CONDITIONS OF CONSENT

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

Development Consent No.: DA/710/2014
Property Address: LOT 10 SEC 2 DP 976563
36 Railway Street, WENTWORTHVILLE
NSW 2145

General Matters

PA0001 # Approved plans and supporting documentation

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

Drawing No.	Prepared By	Dated
Site Plan, Job Number 8339 Drawing No DA03 issue B	Zhinar Architects	January 2015
Basement Plan, Job Number 8339 Drawing No. DA04 issue B	Zhinar Architects	January 2015
Ground Floor Plan, Job Number 8339 Drawing No. DA05 issue B	Zhinar Architects	January 2015
First Floor Plan, Job Number 8339 Drawing No. DA06 issue B	Zhinar Architects	January 2015
Second Floor Plan, Job Number 8339 Drawing No. DA07 issue B	Zhinar Architects	January 2015
Third Floor Plan, Job Number 8339 Drawing No. DA08 issue B	Zhinar Architects	January 2015
Roof Plan, Job Number 8339 Drawing No. DA09 issue B	Zhinar Architects	January 2015
Elevations, Job Number 8339 Drawing No. DA10 issue B	Zhinar Architects	January 2015
Sections, Job Number 8339 Drawing No. DA11 issue B	Zhinar Architects	January 2015
Calculation Area, Job Number 8339 Drawing No. SK01 issue B	Zhinar Architects	January 2015
Stormwater Plan, reference 1842-DA Drawing No. SW001 (Issue A), SW002 (Issue B), SW003 (Issue B) and SW004) Issue B)	HKMA Engineers	22 December 2014
Landscape Plan, Drawing No 14205 DA1 Revision A	Vision Dynamics Pty. Ltd	16 October 2014

Document(s)	Prepared By	Dated
Access Compliance Report no 408511	Certified Building Specialists	16 October 2014
Waste Management Plan		
Material Schedule Job Number 8339 DA13 Issue B	Zhinar Architects	January 2015
BASIX Certificate No.582474M	Newpeake	16 October 2014
Quantity Surveyors Cost Report	QPC & C Pty. Ltd	8 October 2014
Social Impact Assessment	Planning Direction Pty. Ltd.	October 2014
SEPP 65 Design Verification Statement	Zhinar Architects	October 2014
Traffic and Parking Assessment Report	Varga Traffic Planning	16 October 2014

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if

applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

PA0003 Construction Certificate

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

Reason: To ensure compliance with legislative requirements.

PA0004 No encroachment on Council and/or Adjoining proper

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

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

PA0011 #Demolition of Buildings

4. Approval is granted for the demolition of 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. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (i) Demolition is to be completed within 5 days of commencement.
- (j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (n) Before demolition works begin, adequate toilet facilities are to be provided.
- (o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and

- (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

PA0002 Building work in compliance with BCA

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

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

LA0002 Demolition & tree removal

- 6. Trees greater than 5 metres in height must not be removed or damaged.

Reason: To preserve existing landscape features.

EWA0002 Amenity of waste storage areas

- 7. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.

Reason: To maintain the amenity of the area.

Prior to the issue of a Construction Certificate

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

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

- 8. The plans submitted for the Construction Certificate are to be modified in the following manner:
 - (a) The waste storage area is to be located to the Ground level, just west of the lobby and south of Unit B109. The waste area is to be appropriately screened by landscaping and is to be capable of accommodating 31 x 120 litre general waste bins, and 16 x 240 litre recycling bins to ensure the development can cater for its likely waste needs.
 - (b) The pathway connecting unit A02 to Railway Street is to be redesigned and realigned to connect 1m south of the dividing fence separating the front courtyard of Unit A01 and A02 to ensure that it is easily distinguishable from

the main entry of the development, and to ensure that the streetscape has appropriate address.

- (c) The main entrance path is to be widened to 3m for the first 5m from the property boundary, and the provided gate is to be relocated to behind the second lobby. In addition, a 1.2m high feature wall or a portal structure is to be provided to clearly delineate this as the main entrance to the site.
- (d) The soil depth of the planting area above the OSD tank located in the front setback is to be increased to a minimum of 600mm to ensure the viability of the proposed planting in the front setback.
- (e) The section plans of the proposal are to be modified to notate a clear 2.7m floor to ceiling height for all levels without increasing the height of the building.

Amended architectural, landscape and stormwater plans showing the above changes are to be submitted prior to the release of the Construction Certificate by the Principal Certifying Authority.

Reason: To ensure the development is appropriately designed.

DB0001 Stormwater Disposal

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

Reason: To ensure satisfactory stormwater disposal.

DB0002 Retaining walls

- 10. 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.

DB0003 Sydney Water Quick check

- 11. 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 and works commencing on site.

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.

DB0004 Dial Before you Dig Service

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

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

DB0007 Basement carpark and subsurface drainage

13. 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.

DB0009 Collect&discharge of dirty water from car wash bay

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

Reason: To ensure satisfactory storm water disposal.

DB0012 #On Site Detention

15. No work is to commence on the storm water system until the detailed final storm water plans have been approved by the Certifying Authority.

Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate must ensure:

- (a) The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: The reference Stormwater Drainage Plan ref: 1842-DA dwgs:SW001(issue'A'),SW002(issue'B'),SW003(issue'B') & SW004(issue'B') Issue'A' dated 16/10/2014 & Issue'B' dated 22/12/2014 by hkma Engineers concept plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan must be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- (c) The design achieves:

- (i) The design achieves a Site Storage Requirement of 470m³/ha and a Permissible Site Discharge of 80L/s/ha (as per 3rd edition of UPRCT's handbook
- (d) When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRDL of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300 m³/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455m³/ha.
- (e) All stormwater drainage infrastructure shall be located a minimum 3m from the trunk of existing trees within the neighbouring properties.
- (f) Ventilation points shall be provided to the stormwater drainage storage tanks. They shall be located to provide maximum ventilation and where located within garden beds/planter areas, they shall be raised above surface level sufficiently to prevent blockage.
- (g) Detailed drainage plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

DB0013 #Water treatment for stormwater

- 16. **Water Sensitive Urban Design** water quality treatment devices must be installed to manage surface runoff water to **Railway Street via an On-site Detention System** to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure appropriate water quality treatment measures are in place.

DB0015 Shoring for adjoining Council property

17. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

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

DB0017 Construction of a heavy duty vehicular crossing

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

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

Reason: To ensure appropriate vehicular access is provided.

DB0020 Security roller shutters for basement car parking

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

Reason: To ensure visitor carparking is accessible.

DB0021 Impact on Existing Utility Installations

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

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

DB0022 Support for Council Rds, footpath, drainage reserv.

21. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

DB0024 Proposed inlet pit

22. The proposed kerb inlet pit within Railway Street must be constructed in accordance with Council Standard Plan No. DS21. Details are to form part of the Construction Certificate documentation.

Application shall be made to Council's Civil Infrastructure Unit for the construction of the kerb inlet pit and connection to Council's drainage infrastructure. Written approval shall be received and submitted to the certifying authority prior to the issue of the Construction Certificate.

Reason: To ensure appropriate drainage.

DB0026 Driveway Grades

23. 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.

EWB0001 Appoint waste contractor

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

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

EWB0002 Separate waste bins for general & recycling waste

25. 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.

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

26. A waste management plan covering construction activities and the on-going use of the premises, and prepared in accordance with DCP 2011, is to be submitted to Council to the satisfaction of Council's Waste Management Officer prior to the release of the Construction Certificate by the Principal Certifying Authority.

Reason: To ensure that waste management is appropriately addressed.

PB0001 Home Warranty Insurance for RFB \$20,000 over

27. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

Reason: To comply with the Home Building Act 1989.

PB0002 Long Service Levy payment for Constr. over \$25,000

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

Reason: To ensure that the levy is paid.

PB0003 Building work in compliance with BCA

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

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

PB0008 No external service ducts for multi-unit develop

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

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

PB0012 Single master TV antenna

31. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A

connection is to be provided internally to each dwelling/unit within the development.

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

Reason: To protect the visual amenity of the area.

PB0020 #S94A Contribution – Outside the City Centre

32. A cash contribution comprising a percentage **1%** of the total cost of the development 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 cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate and is to be in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council's Chief Executive Officer prior to the issue of a construction certificate:
 - (i) Where the total development cost is less than \$750,000: **"Parramatta City Council Cost Summary Report"**; or,
 - (ii) Where the total development cost is \$750,000 or more: **"Parramatta City Council Registered Quantity Surveyor's Detailed Cost Report"**.

A copy of the required format for the cost reports may be obtained from Parramatta City Council's Offices or Council's web site, http://www.parracity.nsw.gov.au/development/policies_and_regulations/section_94_plans

- (b) Should the cost summary report be submitted in advance of payment, the Levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
- (c) Evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than the applicable threshold.

Advisory Note

- The cost of development is to be determined in accordance with Section 25J of the Environmental Planning and Assessment Regulation 2000.

The cost of the development shall be determined by calculating the cost of the entire development minus the cost of providing the affordable housing component of the development. In this regard,

the cost of providing 10 dwellings (being the affordable housing component) shall be deducted from the calculated cost of development. An itemised cost of the affordable housing component, compared to the remainder of the development is to be submitted to Council's satisfaction before the payment of the Section 94A cash contribution.

- The applicable thresholds are listed in Section 25K of the Environmental Planning and Assessment Regulation 2000 and in Part 3.7 of the Parramatta Section 94A Development Contributions Plan.

Reason: To comply with Parramatta Section 94A Development Contributions Plan.

PB0028 SEPP 65 verification

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

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

Reason: To comply with the requirements of SEPP 65.

PB0029 Environmental Enforcement Service Charge - All DAs

34. An Environmental Enforcement Service Charge must be paid to Council prior to the issue of a Construction Certificate. The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

PB0030 Infrastructure & Restoration Adm. fee for all DAs

35. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

PB0032 Constr. Noise Managt. Plan for townhouses & above

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area.

PB0033 Energy Provider requirements for Substations

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

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

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

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

PB0038 #Security Bonds

38. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for 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/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/710/2014;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

Bond Type	Amount
Nature Strip and Roadway -	\$20,000
Street Trees -	\$6,000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s.

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

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

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

39. The development must incorporate 4 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

TB0001 Carparking condition

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

Reason: To ensure appropriate vehicular manoeuvring is provided.

TB0002 #Bicycle condition

41. 16 bicycle spaces/racks are to be provided on-site and used accordingly.

Reason: To comply with Council's parking requirements.

TB0007 Column locations - Australians Standards

42. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.

Reason: To comply with Australian Standards.

TB0009 Traffic facilities to be installed - AS

43. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS 2890.1-2004.

Reason: To comply with Australian Standards.

TB0012 Minimum available headroom clearance - AS

44. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.

Reason: To comply with Australian Standards.

TB0013 A convex mirror is to be installed within the ramp

45. Prior to the issue of the occupation certificate, a convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an existing driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers.

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

1. 32 Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note parking spaces 1 and 2 shall be extended by 300mm clearance in accordance to Clause 2.4.2 of AS 2890.1-2004.

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

Prior to Work Commencing

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

DC0001 Construction and Traffic Management Plan

47. 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) Location of any proposed crane standing areas,
 - (iv) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,

- (v) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - (vi) The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - (vii) 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.
 - (viii) A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) 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.
- (c) 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.

DC0002 Road Opening Permits - DA's involving drainage wrk

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

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

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

DC0003 Dilapidation survey & report for private properties

49. 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. A copy of the dilapidation report must be submitted to Council.

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

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

Reason: Management of records.

DC0004 Geotechnical report

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

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

- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

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

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

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.

- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

DC0006 Erosion and Sediment Control measures

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

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

DC0007 Site Maintenance

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

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

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

DC0008 Shoring and adequacy of adjoining property

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

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

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

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

DC0009 Special Permits

54. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following

activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

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

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

Reason: Proper management of public land.

DC0010 Driveway Crossing Application

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

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

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

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

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

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

LC0004 Protective fencing

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

Reason: To protect the environmental amenity of the area.

LC0005 Tree Protection Signage

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

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

PC0001 Appointment of PCA

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

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

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

Reason: To comply with legislative requirements.

PC0002 Enclosure of the site

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

Reason: To ensure public safety.

PC0003 Site Sign

60. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Principal Certifying Authority;
 - (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried.

Reason: Statutory requirement.

PC0005 Public liability insurance

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

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

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

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

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

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

PC0007 Footings and walls near boundaries

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

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

During Work

DD0002 #Stormwater must be connected to the kerb & gutter

63. Stormwater must be connected to Council's drainage infrastructure within the property frontage of **Railway Street**.

Reason: To ensure satisfactory storm water disposal.

DD0003 #Grated drain at garage

64. A 300mm wide grated drain, incorporating a heavy duty removable galvanised grate is to be located within the site at the foot of the driveway/ramp to collect all surface water flowing down the driveway/ramp and entering the basement. The drainage line from the grated drain shall be connected to the basement pump out system and shall connected to the drainage system discharging to the street.

Reason: Stormwater control.

DD0005 Erosion & sediment control measures

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

Reason: To ensure no adverse impacts on neighbouring properties.

DD0006 Damage to public infrastructure

66. 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.

DD0007 Construction of a concrete footpath

67. A footpath is to be constructed in accordance with Council Standard Drawing DS3 in front of the site within the road reserve. Details of the proposed footpath works shall be submitted to and approved by Council's Civil Asset Team prior to commencement of footpath works. All costs are to be borne by the applicant.

Reason: To provide pedestrian passage.

DD0009 Car parking & driveways

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

Reason: To ensure appropriate car parking.

DD0010 Vehicle egress signs

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

Reason: To ensure pedestrian safety.

DD0011 Nomination of Engineering Works Supervisor

70. 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.

LD0001 No removal of trees on public property

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

Reason: Protection of existing environmental infrastructure and community assets.

LD0004 Material storage and trees

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

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

LD0008 No attachments to trees

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

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

LD0009 Planting Requirements

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

Reason: To ensure appropriate landscaping.

LD0010 Advanced tree planting

75. All trees supplied above a 25L container size must be grown and planted in accordance with:

(a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.

(b) Natspec Guide No.2.

Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

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

LD0012 Trees with adequate root volume

76. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

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

LD0013 Removal of trees by an arborist

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

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

PD0001 Copy of development consent

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

Reason: To ensure compliance with this consent.

PD0003 Dust Control

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

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

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

Reason: To ensure pedestrian access.

PD0006 #Hours of work and noise

81. All work (excluding demolition which has separate days and hours outlined below) including building, 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 of tools, machinery 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.

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.

Reason: To protect the amenity of the area.

PD0007 Complaints register

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

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

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

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

PD0008 Noise

83. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To protect the amenity of the area.

PD0010 Survey Report

84. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

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

TD0001 Occupat. of any part of footpath/road - Ensure Mge

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

Reason: To ensure proper management of Council assets.

TD0002 Oversize vehicles using local roads

86. 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.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

BE0001 Record of inspections carried out

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

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

Reason: To comply with stator requirements.

DE0003 Work-as-Executed Plan

88. Works-As-Executed stormwater plans are to address the following:

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

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 is available for Council to update the Upper Parramatta River Catchment Trust.

DE0005 #OSD Positive Covenant/Restriction

89. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain:

- the on-site stormwater detention facilities on the lot.
- the basement car parking pump out facility.
- the W.S.U.D. stormwater filter system.

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and shall include a maintenance schedule for the basement pump system and the WSUD filtration system in accordance with the manufacture's recommendations and to Council's satisfaction.

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

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

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

DE0006 Section 73 Certificate

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

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

DE0007 Street Numbering

91. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate or Subdivision Certificate whichever occurs first.

Note: Notification of all relevant authorities of the approved street numbers must be carried out by Council.

Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

DE0008 Compliance with Development Consent

92. The subdivision certificate will not be issued until a final Occupation Certificate has been submitted to Council.

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

DE0009 Request for a Subdivision Certificate

93. A separate application must be made for a subdivision certificate. The application is to be accompanied by a final Occupation Certificate.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

DE0015 Driveway Crossover

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

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

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

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

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

Reason: Pedestrian and Vehicle safety.

DE0018 Reinstatement of laybacks etc

95. 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.

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

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

Reason: To ensure restoration of environmental amenity.

LE0003 Landscaping shall be completed prior to occupation

97. The landscaping must be completed in accordance with the consent and approved plans, prior to occupation/use of the premises.

Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.

PE0001 Occupation Certificate

98. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

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

PE0006 Street Number when site readily visible location

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

Reason: To ensure a visible house number is provided.

PE0007 #BASIX Compliance

100. 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. 582474M, will be complied with prior to occupation

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

PE0009 Provision of Endeavour Energy services

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

Reason: To ensure appropriate electricity services are provided.

PE0024 The Release of Bond(s)

102. A written application to Council's Civil Assets Team for the release of a bond must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

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

PE0025 SEPP 65 verification statement OC stage

103. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State

Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

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

104. Certification must be provided prior to the issue of an occupation certificate that the 4 required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

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

PE0027 Post Construction Private Property Dilapidation Re

105. 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 and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and
A copy of this report is to be forwarded to Council.

Reason: To establish any damage caused as a result of the building works.

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

105. A Community Housing Provider (as defined in the Housing Act 2001) is to be nominated in written correspondence to Council and the PCA, and is to be contracted to manage the units nominated as affordable rental housing (units A01, A101, A102, A204, A105, B101, B102, B103, B104, B105, A203, A205, B202, B203, B204, and B205) on the approved plans) prior to the release of any Occupation Certificate. A copy of the signed agreement between the owner and the community housing provider is to be submitted to Council at this time.

Reason: To ensure that a community housing provider has been nominated to manage the affordable rental housing units.

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

106. A Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 is to be registered against the title of the property and each relevant individual strata allotment burdening the owner with the requirement to ensure that the use of units A01, A101 A102, A104, A105, B101, B102, B103, B104, B105, A203, A205, B202, B203, B204, and B205 (as shown on the approved DA plans) is limited to affordable rental housing managed through a community housing provider as defined in the Housing Act 2001 for a period of 10 years from the date of the earliest of any Occupation Certificate. This restriction is to be made prior to the release of any Occupation Certificate.

Reason: To ensure that affordable rental housing is provided as defined in this DA.

The Use of the Site

EWF0003 Remove putrescible waste at sufficient frequency

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

Reason: To ensure provision of adequate waste disposal arrangements.

EWF0006 Storage of bins between collection periods

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

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

LF0001 Landscape maintenance

109. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.

PF0004 External Plant/Air-conditioning noise levels

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

Reason: To minimise noise impact of mechanical equipment.

PF0049 Graffiti Management

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

Reason: To ensure the removal of graffiti.

Date: 18 February 2015

Responsible Officer: Liam Frayne

