

JOINT REGIONAL PLANNING PANEL
(SYDNEY WEST)

JRPP No	2015SYW046
DA Number	DA/27/2015
Local Government Area	Parramatta
Proposed Development	Staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a child care centre, ancillary services with associated basement car parking, drainage and landscaping works.
Street Address	2-6 Helen Street and 17 Park Avenue, WESTMEAD.
Applicant/Owner	Applicant - Uniting Care Ageing Owner - Uniting Care Ageing
Number of Submissions	<ul style="list-style-type: none"> • 1 submission in support of the application. • 14 submissions from individual households within the area. • 1 petition with 4 household signatures from the residents of the immediate area.
Regional Development Criteria (Sched 4A of the Act)	Schedule 4A – Clause 3 – General Development over \$20 Million.
List of All Relevant s79C(1)(a) Matters	BASIX SEPP, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP (Housing for Seniors or People with a Disability) 2004
Recommendation	Approval
Report by	Denise Fernandez, Senior Development Assessment Officer

Assessment Report and Recommendation Cover Sheet

File No:	DA/127/2015
----------	-------------

S79C ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/127/2015
Property:	Lot 51 DP 633455 and Lot 50 DP 633455 2-6 Helen Street and 17 Park Avenue, WESTMEAD.
Proposal:	Staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a child care centre, ancillary services with associated basement car parking, drainage and landscaping works.
Date of receipt:	10 March 2015
Applicant:	Uniting Care Ageing
Owner:	Uniting Care Ageing
Is the property known to be owned by a Council employee or Councillor?	No
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	<ul style="list-style-type: none"> • 1 submission in support of the application. • 14 submissions from individual households within the area. • 1 petition with 4 household signatures from the residents of the immediate area.
Recommendation:	APPROVAL
Report author:	Denise Fernandez
Issues:	Height – Clause 4.6 variation submitted

Legislative requirements

Zoning	R4 High Density Residential
--------	-----------------------------

Additional Legislation	None
Other relevant Environmental Planning Instruments (EPIs)	BASIX SEPP, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP (Housing for Seniors or People with a Disability) 2004
PCC Planning Controls & Policy	Section 94A Contributions Plan, Parramatta Development Control Plan 2011, Policy for the handling of unclear, insufficient and amended development applications
Heritage item?	No
Heritage Conservation Area?	No
Nearby item or Cons. area?	Yes – the site is opposite Parramatta Park.
Archaeological heritage	No
Integrated development	No
Designated development	No
Crown development	No
Delegation	JRPP
Relevant site history	Yes

PL/119/2014 – Pre-lodgement meeting for the redevelopment of an existing seniors living site (Mayflower) was undertaken on 15 October 2014.

SECTION 79C EVALUATION

PERMISSIBILITY

The site is zoned R4 High Density Residential under the provisions of PLEP 2011. The proposed development for the purposes of **seniors housing** is permissible under both PLEP 2011 and SEPP (Seniors Living).

Childcare centres and **neighbourhood shops** are also permitted with consent under the R4 High Density Residential zone pursuant to PLEP 2011.

PROPOSAL IN DETAIL

- Staged development as follows:

Stage 1

Demolition and construction of the southern part of the site. Once constructed, Stage 1 will include Block A and Block B with the basement level below.

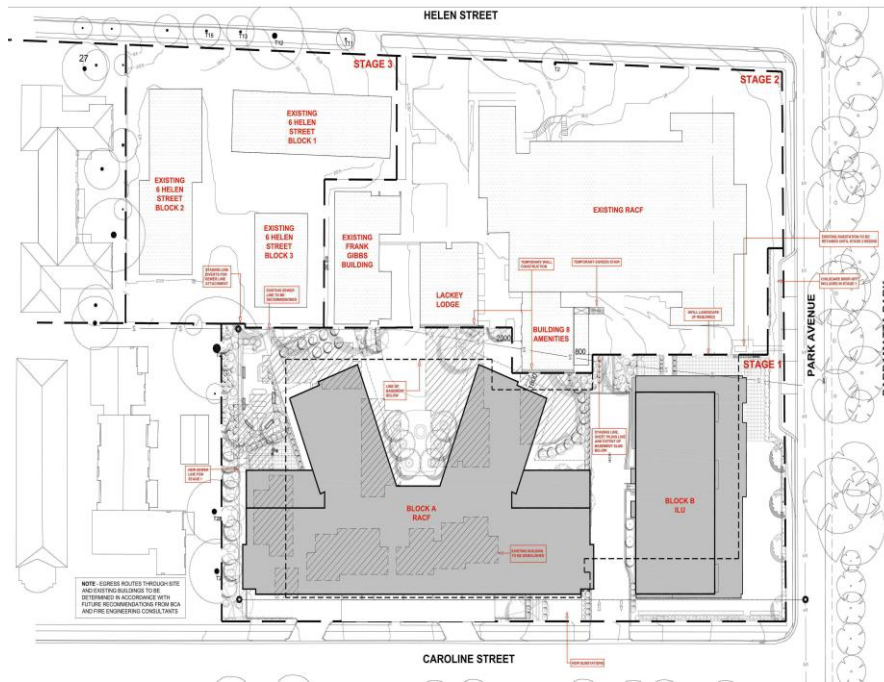


Figure 1: Stage 1 Details

Stage 2

Demolition and construction of the north-eastern part of the site. Once constructed Stage 2 will include Blocks C and D, with the basement level below which will be connected to the existing basement constructed as part of stage 1.

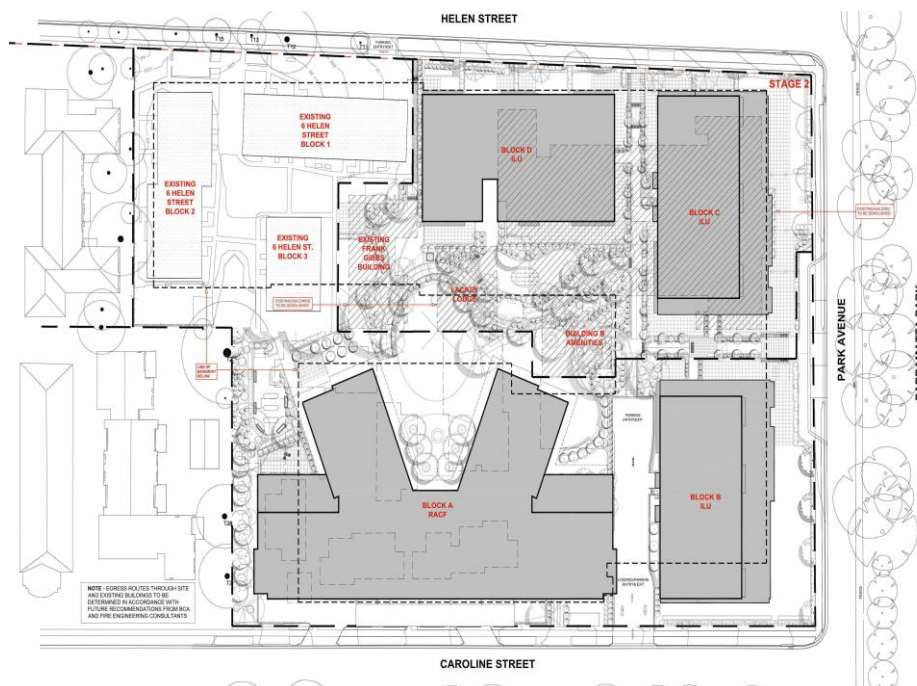


Figure 2: Stage 1 and 2 Details

Stage 3

Demolition and construction of the north-western part of the site. Once constructed, Stage 3 will include Block E, with the basement level below that is interconnected to the existing basement level constructed from previous stages.

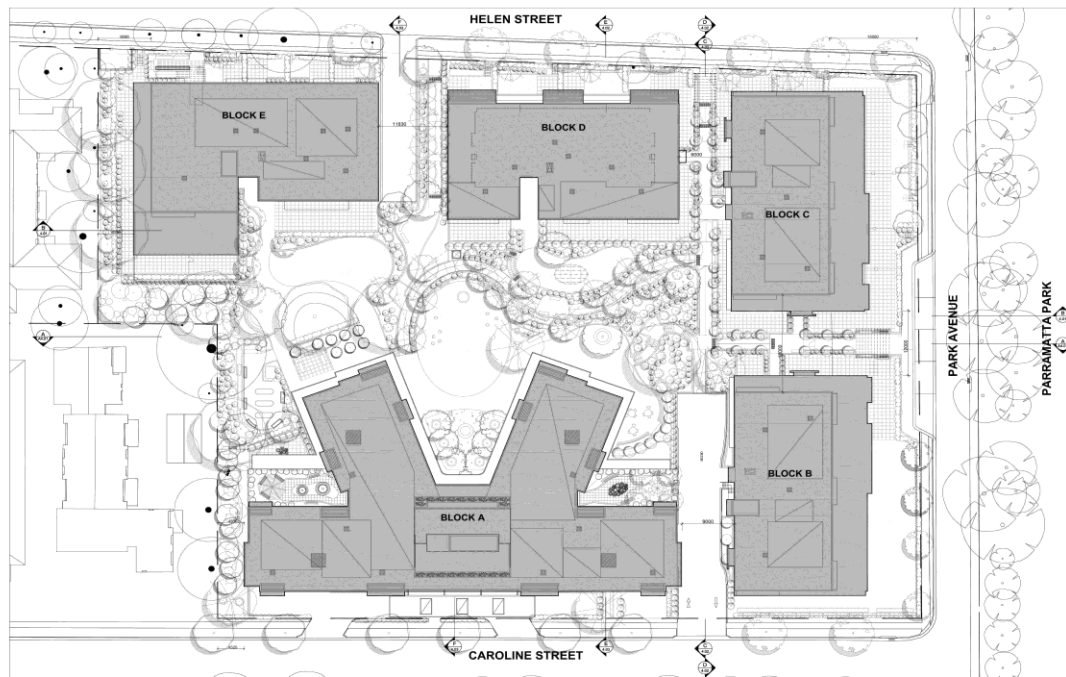


Figure 3: Stage 1, 2 and 3 Details

Details of the works are as follows:

- Demolition of all existing buildings and structures on the site
- Construction of 5 buildings comprising 230 Independent Living Units (ILU), 4 respite rooms and 114 Residential Aged Care Facility (RACF) beds
- Basement parking to include 282 spaces including 1 ambulance space, 1 village bus space, 16 accessible car parking spaces and 5 on-street spaces along Park Avenue.
- 23 Independent Living Units (ILU) is nominated as Affordable Housing.
- Removal of 48 trees, site works and perimeter landscaping.
- The application also seeks approval for on-site services such as a café, hairdresser, gym, dementia day care, chapel, day spa and a 53 place childcare centre.

With the exception of the childcare centre and café, the other services are for the exclusive use of the residents of the seniors living development. It is noted that the fit-out of the childcare centre and cafe will be subject to a separate application/s.

The application also provides for 3 auxiliary spaces located on the ground floor of Block B. The applicant notes that these spaces may be used for such purposes as a pharmacy, offices, hairdressers, shops and communal facilities. It is envisaged that these uses are to primarily cater for the needs of the residents of the facility. However, the uses will be dictated by the services and demands of the users of the facility. As such, these uses, once ascertained will be subject to further approval/s.

THE SITE

The subject site is known as Lots 50 and 51 in DP 633455. The site is an irregular shaped allotment with 3 street frontages. The frontage at Helen Street is 141.28 metres, the frontage at Park Avenue is 101.135 metres and the Caroline Street frontage is 121.43 metres. The site has an area of 1.35ha. The subject site has a fall of approximately 7 metres from the west to the east.

The site is currently occupied by several buildings used for the purposes of aged care housing. The site is accommodating 3 x 3 storey residential aged care facilities (RACF), with 96 high care beds and 48 low care beds. Other facilities on the site include 2 x 2 storey buildings containing 53 independent living units (ILU), a series of administration rooms that service the ILUs and RACFs, car parking and landscaping.

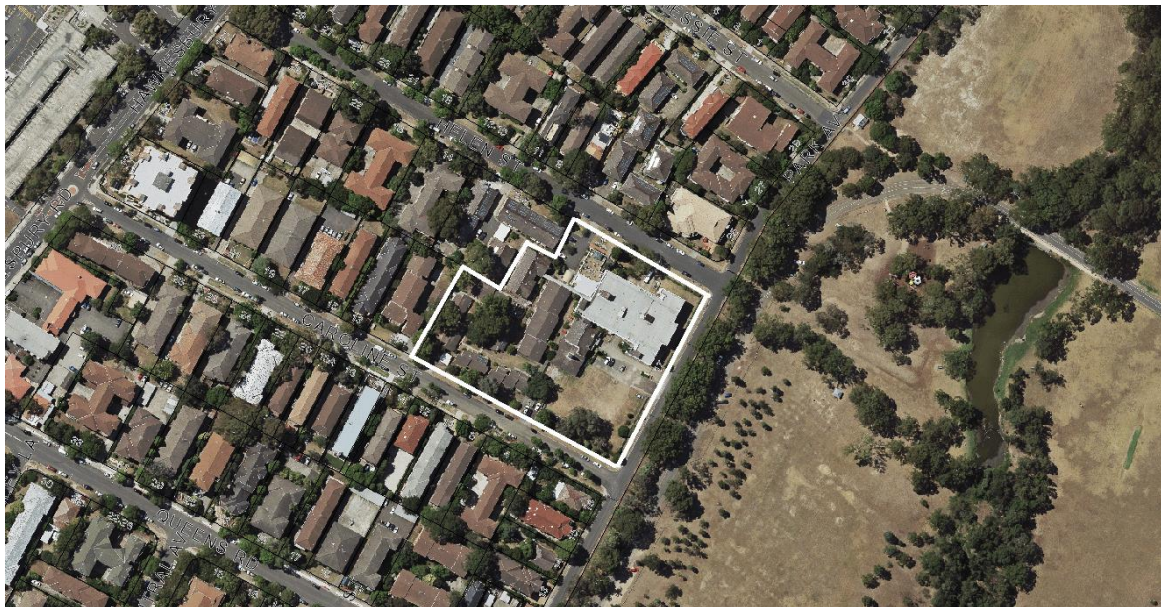


Figure 4: Aerial View

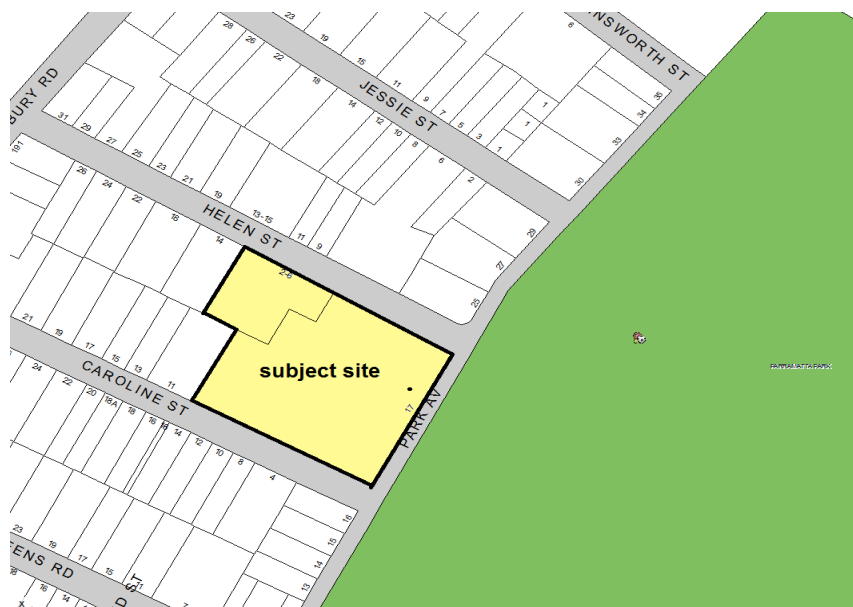


Figure 5: Locality Plan

The subject site and its immediate neighbouring lots to the north, south and west are zoned R4 High Density Residential. Parramatta Park to the east is zoned RE1 Public Recreation under Parramatta Local Environmental Plan 2011.

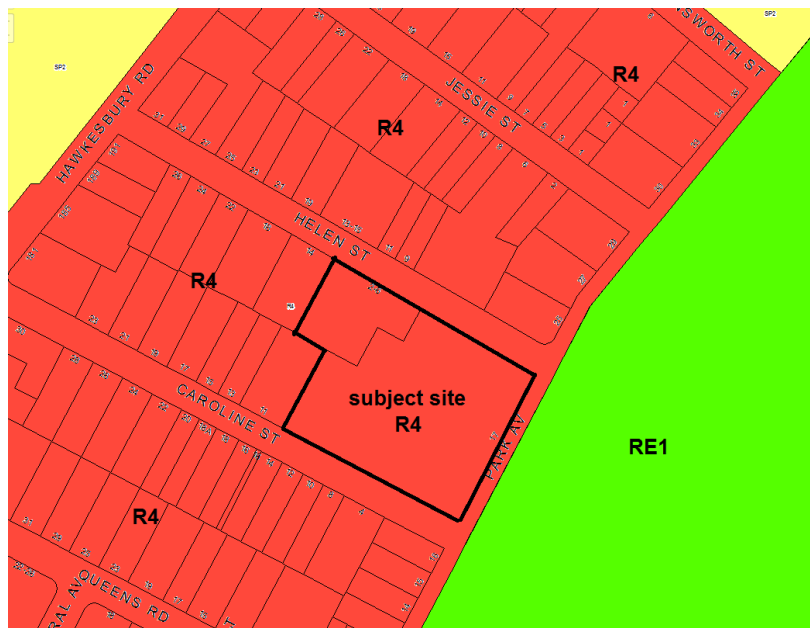


Figure 6: Zoning Context

SURROUNDING DEVELOPMENT

The properties opposite the site to the north are predominantly 2 or 3 storey residential flat buildings (RFB). A single storey dwelling is located directly opposite the site (to the south). The developments to the south are a mixture of 2, 3 and 4 storey residential flat buildings. The sites to the west are also a mixture of 3 and 4 storey RFB's. As mentioned previously, directly opposite the site to the east is Parramatta Park.

VARIATION TO HEIGHT

The proposal seeks approval to vary the maximum height for the site. The site is subject to 2 different maximum heights under the provisions of PLEP 2011. An 11 metre maximum height is imposed for developments that address Parramatta Park. The remaining development (towards the west of the site) is to be a maximum height of 20 metres. See image below.

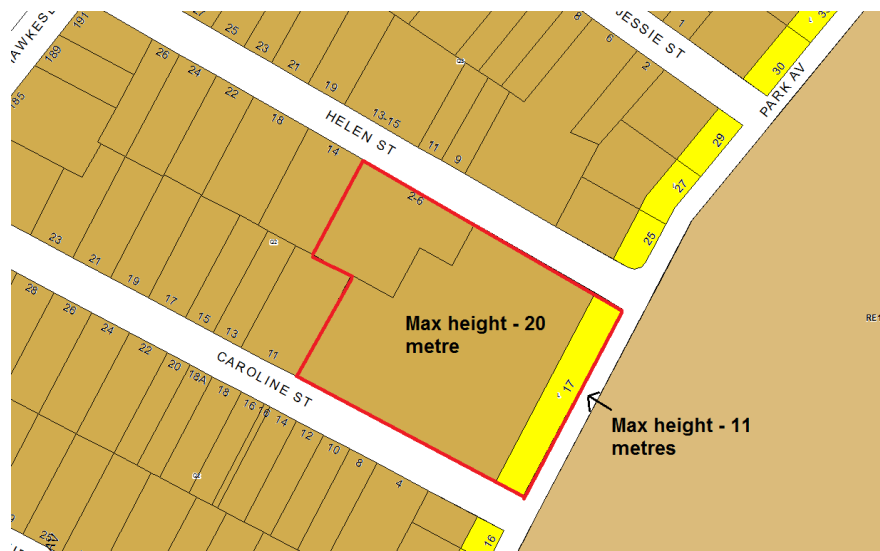


Figure 7: Height Map

The development proposes an overall maximum height of 26.3 metres. It is noted that the proposal maintains the maximum 11 metre height limit for the portion of the development that addresses Parramatta Park. The encroachment to the height is against the 20 metre maximum that is applicable to the remainder of the development to the west of the site.

The departure to the height is isolated to the lift overrun/stair core towards the centre of the development.

The encroachment on the overall height of the development is a result of the topography of the site which has a fall of approximately 7 metres from the west to the east.

The variation represents a 31.5% departure to the development standard. An assessment of this departure pursuant to Clause 4.6 of PLEP 2011 is found elsewhere in this report.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The site is currently occupied by several buildings used for the purposes of aged care housing.

As the application proposes a child care centre, a Phase 1 Environmental Site Assessment was submitted. The Assessment in its investigation detected asbestos within the soil and as such, a Phase 2 Detailed Site Assessment was required for additional testing with a focus on areas not subject to bulk excavation and to identify the extent of asbestos contamination at this location.

The Phase 2 Detailed Site Assessment was then submitted and reviewed by Council's Health Officer. The Phase 2 Assessment identified asbestos contamination fill in one of the borehole samples. Notwithstanding, the site can be made suitable for the proposed development subject to:

- the provision and implementation of a soil management plan that includes, sampling frequency in relation to ex situ waste classification and reuse of fill from the basement excavation;

- sampling in relation to filing to remain on the site;
- an unexpected finds protocol and contingency measures to manage issues may arise during basement excavation
- requirements for validating reporting.

It is noted that the applicant has provided Council with a Soil Management Plan and that this will be incorporated in the consent.

Further, Council's Health Officer has also recommended conditions to be imposed on the consent relating to asbestos management and handling.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. 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 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.

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 subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure. Whilst a written referral was not sent to the energy provider, the following condition will be imposed on the consent to ensure that the works do not impact on electricity services.

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.*

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 Helen Street, Park Avenue or Caroline Street is less than 40,000 vehicles.

The application is subject to clause 104 of the SEPP as the development proposes more than 200 vehicle spaces. The application was referred to the Roads and Maritime Services and in response, raised no objections to the proposal.

COMPLIANCE TABLE – STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

Refer to Appendix 1.

COMPLIANCE TABLE – STATE ENVIRONMENTAL PLANNING POLICY 65 (DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT)

Refer to Appendix 2.

COMPLIANCE TABLE – PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Refer to Appendix 3.

COMPLIANCE TABLE – PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Refer to Appendix 4.

REFERRALS

External referrals

No objections were raised by the Roads and Maritime Services (RMS).

Internal referrals

No objection (subject to conditions) was raised by the following internal Council sections – Heritage Adviser, Traffic section, Development Engineer, Tree Officer, Health (Waste, Acoustic, Food and Contamination) section, Alignment (Urban Design), Arts Plan Officer and Building Surveyor.

Referral comments are located under Appendix 5 of this report.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 25 March 2015 and 17 April 2015. In response, 14 submissions and 1 petition with 4 household signatures were received opposing the development. Council was also in receipt of 1 submission in support of the application.

As the application received more than 10 submissions, the application was also subject to an on-site meeting. The on-site meeting was held on 2 May 2015 attended by representatives for the applicant, owner, adjoining residents, Council Officers and Councillors.

The issues raised in the objections and at the on-site meeting are as follows.

Issue	Comment
Insufficient on-street parking	The development provides 282 car parking spaces located wholly within the site. This exceeds the requirements under the SEPP (Seniors Living) and PDCP 2011 by 187 spaces. The application was also accompanied by a Traffic and Parking Assessment Report prepared by a qualified Traffic Engineer. The application and the related documentation was reviewed by Council's Traffic Engineer whom raised no objections to the proposal on the basis that the development would reduce on-street parking particularly as the development provides a surplus of on-site parking spaces.
Increase in local crime	The development has been designed in accordance with CPTED principles. There is also no correlation between an increase in the

	development density and local crime. The application was submitted with an Operating Plan of Management that outlines security measures including the provision of security gates and keyless entry (ie swipe cards).
Reduce on-site parking	As previously mentioned, the application was submitted with a Traffic and Parking Assessment Report that concludes that proposed number of on-site car spaces will have no unreasonable traffic and / or parking impacts on the local road network. This documentation was reviewed by Council's Traffic Engineer whom raised no objections based on traffic and parking grounds. Given this, it would be unnecessary to reduce the on-site parking spaces provided.
Vehicle entry/exit should be relocated to Helen Street	The application proposes 2 vehicle entry/exit points – one on Helen Street and the other on Caroline Street. No objection was raised by Council's Traffic Engineer with regards to the proposed vehicle entry/exit located on either of these frontages.
Increase traffic in the area exacerbated by the adjoining narrow streets	Upon review of the proposal, Council's Traffic Engineer raised no concerns with regards to the capacity of the adjoining streets in accommodating the increase in vehicle movement as a result of the development.
Increase in pedestrian/vehicle accidents	There is no evidence to suggest that as a result of the development and the increase in traffic movement that this correlates to an increase in pedestrian/vehicle accidents. The development has been designed in accordance with the relevant Australian Standards to ensure traffic and vehicle safety. Motorists are also obligated by the general road rules to ensure the safety of pedestrians and motorists.
Loss of privacy and the need to increase new tree planting to improve protection of privacy.	<p>The nearest residential premises to the development is to the west of the site at 14-16 Helen Street. The development provides a minimum 9 metre building separation (up to Level 4) which increases to 11 metres (Level 5 to 6) and is considered to be acceptable in reducing the opportunities for overlooking to the adjacent properties from the subject site. It is noted that the site at 9-11 Caroline Street is provided with the required building separation of 12 metres to assist in ameliorating privacy impacts to and from the site.</p> <p>In addition, the Landscape Plan demonstrates that the western boundary will be heavily vegetated consisting of plants (Jacaranda and Little Spotty Gum trees) that grow to a mature height of 12 metres. This is considered to be sufficient in terms of new perimeter landscaping to protect privacy to and from the site.</p>
Loss of solar access and ventilation	Due to the orientation and the setbacks provided by the development, the residential premises to the west and south will retain the minimum 3 hours of solar access and therefore adequate ventilation during the winter solstice. The properties to the north, opposite the site, will not be affected by the proposal. It is noted that Parramatta Park will also not be impacted by the development.
Loss of views	The bulk of the development is maintained within the maximum height limit of 20 metres. The encroachment to the height is isolated to the lift overrun/stair core towards the centre of the

	<p>development. Given this, the development is unlikely to disrupt views as dictated by the prescribed height for the site which the development does not unreasonably exceed.</p> <p>A view impact statement was also submitted with the application. The view impact statement analysed the potential for any view loss due to the development from the Bath House Precinct (within Parramatta Park). The analysis concluded that the development did not in this case result in any loss of views from the Bath House Precinct.</p>
Inconsistent with character of the streetscape	A character analysis is undertaken as part of SEPP (Seniors Living) which maintains that the development is consistent with the character of the streetscape. This analysis is discussed elsewhere in this report.
Bulk and scale	The development seeks approval pursuant to the provisions of the SEPP. As the development meets certain requirements under the SEPP, the development benefits from an FSR bonus. Notwithstanding, the development consists of 5 separate buildings with each building being of a bulk and scale not that dissimilar from existing developments within the surrounding locale.
Insufficient building separation and setbacks	The development provides ample setbacks to ensure that amenity (solar, acoustic and privacy) is maintained within and external to the site. The setbacks and separation provided also allows for generous landscaping to provide a balance between hard and soft surfaces whilst ensuring adequate vegetation on site. Whilst the development does not comply numerically with the prescribed setbacks and building separation, what the development has provided is considered to be sufficient in achieving the objectives of the control.
Increase in residential (including noise from the rooftop) and traffic acoustics	The development meets the density controls in accordance with the SEPP (Seniors Living), as such it is considered that any residential and traffic acoustics as a result of the development is reasonable and envisaged by the planning controls.
Increase in acoustics from ancillary uses	The ancillary uses have not been ascertained under the subject application. Their use will be subject to a separate application which should be accompanied by an acoustic report for further assessment.
Insufficient local infrastructure	The site is zoned for high density residential development. The development maintains an appropriate density and is reflective of the desired form of development within this locality. As such, local infrastructure will be maintained to ensure that it has the capacity to accommodate the number of additional occupancies on the site.
Increase pollution	Standard conditions of consent will be imposed to reduce any air impurities as a result of demolition and / or construction works associated with the proposal.
Works will compromise structural integrity of adjoining developments	Conditions will be imposed on the consent requiring the submission of dilapidation reports pre and post construction to ensure structural instability does not occur to adjoining developments. Measures such as shoring during excavation works will also be imposed via a condition of consent to stabilise structures on adjacent sites.

Unacceptable impacts on heritage value of Parramatta Park	The application was reviewed by Council's Heritage Adviser whom raised no objections to the proposal as the development site is located within ample distance from Parramatta Park and that in this regard, will not adversely impact on the heritage value of the Park.
Loss of property values	This is not a matter of consideration under Section 79C of the EP&A Act.
Loss of landscaping along the streetscape	The application is submitted with a Landscape Plan and an alignment plan that provide street trees (on all street frontages) to improve the public domain.
Loss of existing trees should not be supported	The proposed tree removal is supported by Council's Landscape Officer. Notwithstanding, the Landscape Plan submitted with the application also shows that the removed trees will be replaced by additional vegetation to compliment the new development.
Loss of open space should not be supported	The application proposes several communal areas within the facility for the use of its occupants and visitors. There will be no loss of public open space areas as a result of the development.
Loss of nearby bus stop during demolition/construction works. Staging of the development would inconvenience local area	A bus zone is located on Caroline Street. In the event that the bus zone is required to be relocated, an application for its relocation is to be submitted to Council's Traffic Committee. Staging of the demolition and construction of the development will ensure that the current occupiers of the facility will not be displaced. Conditions of consent will be imposed to ensure that the various stages are appropriately managed with limited disruption to the local area.
Development will set an undesirable precedent in the area	The application is made under the provisions of the SEPP (Seniors Living). Any future application, unless it's for seniors living will be subject to the provisions under the PLEP 2011.
Development will be in the flight path of the emergency helicopters from Westmead Hospital	The maximum height of the development at 26.3 metres is unlikely to obstruct the flight path of any emergency transport.
Development does not meet objectives of PDGP 2011, in particular amenity, preservation of significant open space and unreasonable impacts on solar access and accessibility of open space areas.	The controls related to these objectives are assessed elsewhere in this report.

AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- 1.) Provision of Architectural Roof Features
- 2.) Amended landscaping and public domain plans
- 3.) Submission of an alignment plan.

4.) Amended OSD and stormwater plan

AMENDED PLANS RENOTIFIED?

No

In accordance with clause 5.5.9 of Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

PARRAMATTA s94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for development exceeds \$200,000 a Section 94A development contribution of **1.0%** is required to be paid. A Detailed Cost Estimate was provided which provided development cost of **\$143,822,258.00**.

A condition of consent will require payment of a contribution of **\$1,438,222.55** prior to issue of the Construction Certificate.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

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

SUMMARY & CONCLUSION

The likely impacts of the proposed development have been addressed within this report.

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

Fourteen individual submissions, 1 petition with 4 signatures and 1 submission of support for the application were received in response to the notification of the application. The issues raised within this submission have been discussed within this report.

The proposed development is not contrary to the public interest.

Conditional consent

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 application be approved subject to conditions.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979 that the Western Sydney Joint Regional Planning Panel as the consent authority is of the opinion that the following variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* are supportable:

- (i) Maximum height under Clause 4.3 of Parramatta Local Environmental Plan 2011

That the Western Sydney Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality.

AND

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variations under Clause 4.6 of *Parramatta Local Environmental Plan 2011* is supportable and that granting consent to Development Application DA/127/2015 is consistent with the aims of the LEP, for the staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a child care centre, ancillary services with associated basement car parking, drainage and landscaping works on land at 2-6 Helen Street and 17 Park Avenue, WESTMEAD NSW 2145 as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained in Appendix 6.

“Appendix 1” to Section 79C Assessment Report - DA/127/2015

COMPLIANCE TABLE – STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The relevant matters to be considered under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for the proposed development are outlined below.

Part 1A – Site Compatibility Certificates

Clause 24(1)(a)(i) of the Seniors SEPP outlines that a site compatibility certificate is required for land that adjoins land zoned primarily for urban purposes. A site compatibility statement is not required as the zoning of the site (R4 – High Density Residential) permits senior housing developments in accordance with PLEP 2011.

Part 2 – Site Related Requirements

Part 2 of the Seniors SEPP contains site related requirements. For ease of reference these requirements as compared to the proposal are tabulated below:

Requirement	Proposal	Complies / Comment
<p>Clause 26 – Location and access to facilities</p> <p>Residents to have access to identified services (banks, shops, service providers, etc) within 400 metres of the site or be within 400 metres from a public transport service.</p> <p>The average gradient pathway is no more than 1:14, although the following gradients are also acceptable:</p> <ul style="list-style-type: none">(i) A gradient no more than 1:12 (8.3%) for slopes for a max. of 15m at a time;(ii) A gradient no more than 1:10 for a max. of 5m at a time;(iii) A gradient no more than 1:8 for distances no more than 1.5m at a time.	<p>The site is within 400 metre walking distance of shops located on the corner of Hawkesbury Road and Queens Road. A medical centre, local shops and banking facilities are located within this area. It is also noted that the redevelopment of Mayflower also include services such as a hairdresser, cafe and gym.</p> <p>The closest bus stop is located on Caroline Street. This stop is serviced by the 708 Bus service to Constitution Hill and Parramatta.</p> <p>Suitable pathways for access by means of an electric wheelchair, motorised cart or the like, are provided to the bus stop from the subject site.</p> <p>The Caroline Street pathway is quite level with a gradual slope. The average gradients of this pathway do not exceed the acceptable maximum gradients.</p> <p>An Access Report was submitted with the application and consequently reviewed by Council's Building Surveyors whom raised no objections to the proposal subject to conditions of consent.</p> <p>An Alignment Plan was also submitted to ensure that the grades and levels of the public domain are appropriate. The plan was reviewed by Council's Civil Assets and Urban Designer whom also raised no objections subject to conditions.</p>	<p>Complies</p>
Clause 27- Bush fire prone land		

Consent must not be granted on bush fire prone land.	The site is not bush fire prone land.	Complies
Clause 28 – Water and sewer Consent not to be granted unless the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The site is located within the Sydney Water service area and will be required to be connected to the required services. Relevant conditions shall be imposed should approval be forthcoming. A Services Statement has been prepared which confirms that these services are available for connection to the site.	Complies
Clause 29 – Compatibility criteria Clause 29(2) requires certain criteria to be considered including compatibility with surrounding land uses having regard to: <ul style="list-style-type: none"> The natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development. The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision. The impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development. 	The development proposes tree removal however the application also proposes to replace these trees in accordance with the submitted landscape plan which has the endorsement of Councils' Landscape Officer. The application also proposes additional street tree planting on all frontages to enhance the public domain and the presentation of the development on the streetscape. The site is of a sufficient size to accommodate the proposed works and the development contains appropriate infrastructure to meet the needs of future occupants. Conditions of consent are to be imposed to ensure that the relevant utility providers are consulted. The proposed development provides appropriate setbacks between buildings and adjacent developments. The FSR of the development is below what is permitted on the site pursuant to the SEPP. The intensification of the site is considered to be consistent with the existing character of the area and maintains suitable amenity for occupants and adjoining properties. The development is of an appropriate bulk and scale as individual buildings when viewed from all street frontages. In addition, the proposal was reviewed by DEAP whom raised no objections to the bulk, scale or character of the development.	Complies

Part 3 – Design Requirements

Part 3 of the Seniors SEPP contains design requirements which are applicable to the subject development. For ease of reference these design requirements as compared to the proposal are tabulated below:

Requirement	Proposal	Compliance
Clause 30 – Site Analysis Consent not to be granted unless site analysis prepared by the applicant has been submitted	A site analysis diagram has been submitted with the documentation – DA 01.01, Revision	Complies

<p>frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours</p>	<p>proposed setbacks also reduce the perception of bulk and scale on a pedestrian level.</p>	
	<p>The site responds to the slope of the land.</p> <p>The prevailing development is predominantly 3 storey residential flat buildings. Notwithstanding, the development which ranges from 4 to 6 storeys is considered to be acceptable in this regard given the ample site area with generous landscaping. The development is also considered to be an 'anchor' development as it is located at the end of the street. It is also noted that the maximum height for the locality is similar to the proposed development and in this regard, the proposal and its contribution to the future character of this part of Westmead is envisaged by the planning controls.</p>	
<p>Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line.</p>	<p>The front setback from all street frontages is generally consistent with the prevailing setbacks of the neighbouring developments.</p>	<p>Complies.</p>
<p>Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape</p>	<p>Council's Landscape Officer has raised no objections to the proposed landscaping of the site and planting as viewed from the street.</p>	<p>Complies.</p>
<p>Retain, wherever reasonable, major existing trees.</p>	<p>The development involves the removal of trees located within the proximity of works. Council's Landscape Officer has reviewed the proposal and accompanying Arboriculture Assessment and Impact Report and raises no objections to the tree removal and Landscape Plan.</p>	<p>Complies.</p>
<p>Be designed so that no building is constructed in a riparian zone.</p>	<p>The development is not within a riparian zone.</p>	<p>Complies</p>
<p>Clause 34 – Visual and acoustic privacy</p> <p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The application contained an Acoustic Report confirming that the proposal is unlikely to result in adverse impacts for occupants of the proposal and those that occupy adjoining developments, provided that the recommendations of the report are adopted. The Report was also reviewed by Council's Health (Acoustic) Officer whom raised no objections to the proposal based on acoustic amenity.</p> <p>The proposal has been designed to consider location of windows and the use of privacy mitigation measures such as louvres. Appropriate separation was also considered in the design and location of windows and balconies to ensure that privacy within the development and those on adjoining properties are not compromised.</p>	<p>Complies</p>

<p>Clause 35 - Solar access and design for climate</p> <p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>Clause 50 of the Seniors SEPP states that the consent authority cannot refuse development consent for self-contained dwellings if it is able to achieve the following requirement with respect to solar access:</p> <p>solar access: <i>if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p> <p>The proposal results in 69% of dwellings within the development receiving adequate sunlight to main living areas and private open space areas. Whilst this is a non-compliance against the requirement, it is considered to be minor and is acceptable in this regard.</p>	<p>No, but acceptable.</p>
<p>Clause 36 – Stormwater</p> <p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>An on-site detention system is proposed to manage stormwater and drainage disposal for the development. Council's Development Engineer has reviewed the proposal including the nominated stormwater infrastructure and has not raised any objections, subject to the imposition of conditions.</p>	<p>Complies</p>
<p>Clause 37 – Crime prevention</p> <p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p> <p>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The development has been designed in accordance with CEPTD principles and has incorporated:</p> <ul style="list-style-type: none"> - Upper level balconies that address the street frontages and the central common area to provide passive surveillance within the front setback and the communal area. - The development, pathways and common areas will be internally lit - The development will be provided with security gates and cameras to monitor entry to the development. - Entries are distinguishable to allow for path-finding. 	<p>Complies</p>
<p>Clause 38 – Accessibility</p>		

<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The development provides for adequate footpaths to public transport and services.</p> <p>Pedestrians are able to access the site via pedestrian pathways, and vehicles have a separate access to the basement. Each building is provided with a lift from the ground floor. Lifts are also provided from the basement to the ground floor.</p> <p>As previously mentioned, an Alignment Plan was also submitted to ensure adequate levels are provided when transitioning from the site to the public domain.</p> <p>The location of car parking areas, vehicle access and pedestrian linkages has been integrated into the development to ensure the safe and convenient vehicular and pedestrian accessibility to, from and within the site is achieved.</p>	Complies
<p>Clause 39 – Waste management</p> <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>A main garbage room is located in the basement which will contain waste and recycling facilities. The application was also accompanied with a Waste Management Plan outlining the procedures for waste minimisation and management.</p> <p>Council's Waste Officer reviewed the proposal and raised no objections to the development subject to conditions of consent.</p>	Complies

Part 4 Development standards to be complied with

Part 4 of the Seniors SEPP development standards relating to minimum sizes and building height are to be complied with. For ease of reference these requirements as compared to the proposal are tabulated below:

Requirement	Proposal	Compliance
Division 1 General 40 Development standards—minimum sizes and building height		
(2) Site size The size of the site must be at least 1,000 square metres.	In accordance with subclause (5), as the application is made by a registered social housing provider (ie Uniting Care Ageing), subclauses (2), (3) and (4)(c) do not apply. As RFB developments are permissible on the site under the provisions of PLEP 2011, subclause (4) is not applicable.	N/A
(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.		
(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8		

metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape. (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.		
(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) the Department of Housing, (b) any other social housing provider.		
Division 2 Residential care facilities – standards concerning accessibility and useability A condition will be imposed on the consent requiring compliance with the relevant standards pursuant to Commonwealth aged care accreditation standards the BCA.		
Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability 41 Standards for hostels and self-contained dwelling		
(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development. <u>Comment</u> Refer to Schedule 3 assessment below.		

Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings

Schedule 3 of the Seniors SEPP contains standards which apply to self-contained dwellings. For ease of reference these standards as compared to the proposal are tabulated below:

Standard	Required	Proposed	Complies
Wheel Chair Access	If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road. (2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents. Note. For example, if 70% of the site has a gradient of less than 1:10, then 70% of the dwellings must have	The Access Report prepared by McKenzie Group confirms that the proposed development complies with this clause.	Yes

	wheelchair access as required by this subclause. If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is likely to be unable to meet these requirements.		
Common Areas	Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development	See above comment.	Yes
Security	Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.	See above comment.	Yes
Letter Boxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.	See above comment.	Yes
Private Car Accommodation	If car parking (not being car parking for employees) is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.	The Access Report prepared by McKenzie Group confirms that the proposed development complies with this clause. A total of 282 spaces are provided. In this regard, at least 14.1 (15) spaces shall have a width of 3.8m. 16 of these spaces are accessible spaces. All car parking is contained wholly within the basement.	Yes Yes N/A
Accessible Entry	Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	All entries are to comply with the requirement.	Complies
Interior - General	(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1. (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres. (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.	The proposal is to comply. This can be imposed as a condition of any consent granted.	Complies

Bedrooms	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a self-contained dwelling—a queen-size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200 millimetres wide at the foot of the bed, and</p> <p>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux.</p>	<p>A furniture plan has been provided that demonstrates that each dwelling can be furnished in accordance with this requirement.</p> <p>The Access Report prepared by McKenzie Group confirms that the proposed development complies with this clause.</p>	Yes
Bathrooms	<p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> <p>(2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.</p>	<p>All dwellings within the development are single level.</p> <p>The Access Report prepared by McKenzie Group confirms that the proposed development complies with this clause.</p>	Complies
Toilet	<p>A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	<p>All dwellings within the development are single level.</p> <p>The Access Report prepared by McKenzie Group confirms that the proposed development complies with this clause.</p>	Complies
Surface Finishes	<p>Balconies and external paved areas must have slip-resistant surfaces.</p> <p>Note. Advise regarding finishes may be obtained from AS 1428.1.</p>	<p>Specific requirements can be imposed as a condition of any consent granted.</p>	Complies

Door Hardware	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.	Specific requirements can be imposed as a condition of any consent granted.	Complies
Ancillary Items	Switches and power points must be provided in accordance with AS 4299.	Specific requirements can be imposed as a condition of any consent granted.	Complies
Living Room and Dining Room	(1) A living room in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and (b) a telephone adjacent to a general power outlet. (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.	Specific requirements can be imposed as a condition of any consent granted. The Access Report prepared by McKenzie Group confirms that the proposed development complies/capable of complying with this clause.	Complies
Kitchen	A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and (b) a circulation space at door approaches that complies with AS 1428.1, and (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and (e) general power outlets: (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.	The Access Report prepared by McKenzie Group confirms that the proposed development complies/capable of complying with this clause.	Complies
Access to Kitchen, main bedroom, bathroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	The Access Report prepared by McKenzie Group confirms that the proposed development complies/capable of complying with this clause.	Complies
Lifts in multi-storey buildings	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the <i>Building Code of Australia</i> .	All buildings are provided with a lift to the dwellings on the upper levels.	Complies
Laundry	A self-contained dwelling must have a laundry that has:	Laundries are provided for each dwelling.	Complies

	(a) a circulation space at door approaches that complies with AS 1428.1, and (b) provision for the installation of an automatic washing machine and a clothes dryer, and (c) a clear space in front of appliances of at least 1,300 millimetres, and (d) a slip-resistant floor surface, and (e) an accessible path of travel to any clothes line provided in relation to the dwelling.	Specific requirements can be imposed as a condition of any consent granted.	
Storage for linen	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	Specific requirements can be imposed as a condition of any consent granted.	Complies
Garbage Storage	A garbage storage area must be provided in an accessible location.	The garbage storage area is located in the basement which is accessible from all dwellings.	Complies

Part 5 – Development on land adjoining land zoned primarily for urban purposes

Requirement	Proposal	Compliance
Clause 42 – Serviced Self Care Housing (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have reasonable access to: (a) home delivered meals, and (b) personal care and home nursing, and (c) assistance with housework.	The SoEE submitted with the application states that on-site support services for the purposes of providing meals, personal care, home nursing visits and assistance with house work will be available to the residents of the ILU's if required.	Complies
(2) For the purposes of subclause (1), residents of a proposed development do not have reasonable access to the services referred to in subclause (1) if those services will be limited to services provided to residents under Government provided or funded community based care programs (such as the Home and Community Care Program administered by the Commonwealth and the State and the Community Aged Care and Extended Aged Care at Home programs administered by the Commonwealth).	See above comments	Complies
Clause 43 – Transport services to local centres (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of	The plans and the submitted documentation state that there will be provisions for 1 village bus. This service would allow for the drop off and pick up of residents to provide access to shops, services and medical centres.	Complies

<p>carrying at least 10 passengers will be provided to the residents of the proposed development:</p> <p>(a) that will drop off and pick up passengers at a local centre that provides residents with access to the following:</p> <ul style="list-style-type: none"> (i) shops, bank service providers and other retail and commercial services that residents may reasonably require, (ii) community services and recreation facilities, (iii) the practice of a general medical practitioner, and <p>(b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.</p> <p>(2) Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.</p> <p>(3) In this clause, bank service provider has the same meaning as in clause 26.</p>	<p>As this service is for the sole use of the development, it will be available when required.</p>	
<p>Clause 44 - Availability of facilities and services</p> <p>A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.</p>	<p>The services and facilities will be provided proportionally at each stage of demolition/construction.</p>	<p>Complies</p>

Part 6 – Development for Vertical Villages

Requirement	Proposal	Compliance
<p>Clause 45 – Vertical Villages</p> <p>(1) This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.</p>	<p>The site is zoned R4 High Density Residential. Residential Flat Buildings are permissible in accordance with the provisions of PLEP 2011 as such Clause 45 of the SEPP is applicable.</p>	<p>Yes</p>
<p>(2) Granting of consent with bonus floor space Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than State Environmental Planning Policy No 1—Development</p>	<p>Under the provisions of PLEP 2011, the maximum FSR for the site is 1.7:1.</p> <p>The FSR for the site inclusive of the bonus is 2.2:1.</p>	<p>Yes</p>

Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio. Note. For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.		
(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded. (5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.	Noted.	Noted.
(6) A consent authority may only grant consent to a development application as referred to in subclause (2) if: (a) the consent authority is satisfied, on written evidence, that: (i) the proposed development will deliver on-site support services for its residents, and (ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and (b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.	The application provides 10% of ILUs as affordable (23 units). The development also provides on-site services as previously mentioned. Total floor area for on-site care services (to be excluded from total FSR) = 852.737m ² The floor area of development = 27,345,471m ² (2.01:1)	Yes
(7) Grounds on which consent cannot be refused A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).	Noted	Noted

Part 7 – Development Standards that cannot be used as grounds to refuse consent

Part 7 of the Seniors SEPP contains development standards which cannot be used as grounds to refuse consent. For ease of reference these development standards as compared to the proposal are tabulated below:

Development Standard	Proposal	Complies / Comment
48 Standards that cannot be used to refuse development consent for residential care facilities		
A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:		
building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting	The maximum height of the development is 24.61 metres (Building A only which contains the RACF).	No, but acceptable

development to 2 storeys), or	As previously noted, RFB developments are permissible on the site. This requirement assumes developments located within low density residential zones.	
density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	Pursuant to Clause 45 (6) of the SEPP, the development benefits from a FSR bonus which increases the maximum FSR for the development to 2.1:1. The development proposes a maximum FSR of 2:01.	No, but acceptable
landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided	Required – 2,850m ² Provided – 3,137.651m ²	Complies
parking for residents and visitors: if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	Required = 8 spaces (for RACF beds), 3 spaces (dementia beds), 28 spaces (employees) Total = 39 spaces plus 1 ambulance space Provided = 282 car parking spaces provided with 1 ambulance space.	Complies
50 Standards that cannot be used to refuse development consent for self-contained dwelling A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:		
building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)	The maximum height of the development is 24.61 metres (Building A only which contains the RACF). As previously noted, RFB developments are permissible on the site. This requirement assumes developments located within low density residential zones.	No, but acceptable
density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.	Pursuant to Clause 45 (6) of the SEPP, the development benefits from a FSR bonus which increases the maximum FSR for the development to 2.1:1. The development proposes a maximum FSR of 2:01.	No, but acceptable
landscaped area: if: (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped	Required – 8,050m ² Proposed – 3,137.651m ² Notwithstanding the non-compliance, the amount of landscaped area provided is considered to be ample particularly as the landscaping scheme is an improvement on the current conditions for the facility.	No, but acceptable
Deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the	Required – 2031m ² Proposed – 1932.329m ² As per above commentary.	No, but acceptable

deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres		
solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	159 units (or 69% of the development) will receive the minimum 3 hours of solar access during mid-winter. Notwithstanding the non-compliance, the departure is considered to be minor. On this basis, the proposal is acceptable.	No, but acceptable
parking: if at least the following is provided: 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider	Required – 46 spaces Proposed – 282 car parking spaces	Complies

“Appendix 2” to Section 79C Assessment Report - DA/127/2015

STATE ENVIRONMENTAL PLANNING POLICY 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

SEPP 65 applies to the development as the building is more than 3 storeys in height and contains a residential component.

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

The application was reviewed by DEAP on 14 May 2015. In response to the abovementioned development proposal, DEAP provided the following advice.

- Panel had previously reviewed the application (during Pre-lodgement), and was generally supportive of the proposal.
- Panel raised concerns with regards to sufficient provision of soil depth for the landscape concept.
- The Panel raised no issues with regards to the architecture of the proposal in particular, the increase in height to Building D. However, the Panel did raise concerns with regards to the impact of the increase in height to one of the significant view corridors within Parramatta Park as identified in the planning controls as well as the Planisphere Technical Report.

In the event that the applicant addresses the abovementioned recommendations, DEAP noted that the amended application would not require DEAP reconsideration.

Planning Comment:

In response to the DEAP recommendations, the following amendments were made:

- The applicant noted that the landscape scheme incorporates a strategy for root spread where the soil depth was not extensive so that the landscaping is effective.
- The applicant submitted a view analysis which determined that the additional height of the development will not result in any loss to view corridors to and from Parramatta Park.

It is considered that the recommendations of DEAP have been satisfactorily addressed by the applicant.

DESIGN QUALITY PRINCIPLES

SEPP 65 sets design quality principles. The development has adequately addressed the design quality principle in the following way:

RFDC design quality principle	Response
1. Context	<p>The development responds and contributes to its context as it meets the FSR for the site and is a permissible land use.</p> <p>The development also responds to the topography of the site and its location opposite Parramatta Park.</p>
2. Built form and scale	<p>Notwithstanding the variation to the maximum height, the development is of suitable a scale given that it meets the building envelopes contained in the SEPP.</p>

	The design generally achieves an appropriate built form.
3. Density	The development provides 230 ILU's. The site is within proximity to public transport (on Caroline Street), Westmead Hospital and local shops. As such, the proposed density of the development pursuant to the SEPP is acceptable.
4. Sustainability, resource, energy & water efficiency	A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets
5. Landscape	A Landscape Plan was submitted with the proposal and considered adequate. The proposed landscaping will provide suitable visual amenity for the future building's occupants.
6. Amenity	The overall amenity of the development is satisfactory in terms of the internal layout, solar access, ventilation, visual and acoustic privacy, storage, outdoor space and service areas.
7. Safety & security	The units address both the internal courtyard area and the public domain on each of the frontages allowing for passive surveillance from within the units. The entries are identifiable with additional security measures such as gates to screen visitors to the site.
8. Social dimensions/housing affordability	The development for the purposes of seniors living is a necessary social benefit given its proximity to Westmead Hospital and in this regard, is considered satisfactory.
9. Aesthetics	The development provides an appropriate choice of colours, materials and textures that will complement the streetscape and locality.

Integral to SEPP 65 is the Residential Flat Design Code (RFDC), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development. The development's compliance with the RFDC is assessed below.

RESIDENTIAL FLAT DESIGN CODE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	<p>Ground Level to Level 3</p> <p>Balcony to Balcony – Min. 13.8 metres</p> <p>Habitable to Non-Habitable / Blank Wall – Min. 9 metres</p> <p>Non-habitable / Blank Wall to Non-habitable to Blank Wall - Min. 11.5 metres</p> <p>Level 4 to Level 6</p> <p>Habitable to Habitable – 12 metres</p> <p>Balcony to Balcony – Min. 12.54 metres</p> <p>Habitable to Non-Habitable / Blank Wall – Min. 9 metres</p>	No, but acceptable

		Non-habitable / Blank Wall to Non-habitable to Blank Wall - Min. 18 metres 14 – 16 Helen Street (3 storey RFB) – 9 metres 9 - 11 Caroline Street (3 storey RFB) - 12 metres	
Planning Comment <u>Within the Development</u> The non-compliance with the building separation within the development is applicable to levels 4 through to 6. Notwithstanding, the proposed separation is considered to be sufficient to protect the internal amenity (solar, acoustic and privacy) of occupants located within these upper floors. <u>External of the site</u> Similarly, the proposed building separation to adjoining properties to the south and west is also considered to be sufficient to maintain solar, acoustic and privacy impacts. It is also noted that the development, particularly along the western elevation is provided with fixed louvres to limit overlooking opportunities to and from the site. The development also proposes ample perimeter landscaping to increase natural privacy measures along boundaries. Also, upon review of the proposal, DEAP raised no significant concerns with regards to the proposed building separation with regards to adverse amenity impacts to adjoining properties. Given this, proposal is considered to be acceptable.			
Storage	1 bedroom 6m3 2 bedroom 8m3 3 bedroom 10m3	Storage cages with adequate volumes are provided in the basement. A condition will be imposed on the consent requiring that these cages meet the minimum requirements under the RFDC.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All units are provided with a minimum 2.2 metre wide balcony.	Yes
Residential Ceiling heights	Minimum 2.7m	Ground Floor – 3.5 metres Upper Levels – 2.7 metres	Yes
Min. Apartment size	1 bedroom 50m2 2 bedroom 70m2 3 bedroom 95m2	1 bedroom – 60m2 2 bedroom – 81m2 3 bedroom – 114m2	Yes
Open Space	The area of communal open space should be between 25-30% of the site area (25% = Min. 3385m2).	Provided: 2,174.45m2 (ground floor) 134.38m2 (roof top) Total = 2,308.83m2 (17% of the site)	No, but acceptable
Planning Comment The design of the development is a reflection of its site planning that locates a central communal open area of the 5 buildings on the site. This area, notwithstanding the non-compliance with the requirements, allows for passive outdoor recreation for the occupants and visitors to the facility. The development also provides for on-site services such as a gym for more active recreational opportunities. The site is also within walking distance of Parramatta Park for outdoor activities.			
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (Min required = 846.25m2)	Provided = 1,932.329m2 (57% of the common open space)	Yes

Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	A maximum of 10 apartments are accessed per core.	No, but acceptable
Planning Comment Irrespective of the non-compliance the individual buildings proposed achieves the desired streetscape character through appropriate articulation, fenestrations and carefully designed entries which address all street frontages. The development also provides for lobbies which achieves satisfactory levels of internal amenity. In addition, DEAP did not raise any objections with regards to this issue upon review of the proposal.			
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	159 units (or 69% of the development)	No, but acceptable
Planning Comment The proposal results in 69% of dwellings within the development receiving adequate sunlight to main living areas and private open space areas. Whilst this is a non-compliance against the requirement, it is considered to be minor and is acceptable in this regard.			
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	21 (9%) units of the 230 ILUs are single aspect with a SW-SE.	Yes
Natural ventilation	60% of units should be naturally cross ventilated	More than 60% of units will achieve natural cross ventilation.	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation The back of a kitchen should be no more than 8m from a window	More than 25% of kitchens are provided with natural ventilation. Some units contain kitchens more than 8 metres from a window.	No, but acceptable
Planning Comment Whilst some ILU's have kitchens that are more than 8 metres from a window, these units are also open floor plan in style and have multiple aspects. Given this, it is considered that adequate internal ventilation is achieved.			

“Appendix 3” to Section 79C Assessment Report - DA/127/2015

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings		
11 metres (site addressing Parramatta Park)	NO	10 metres – development fronting Parramatta Park
20 metres for remainder of the site.		26.3 metres – overall height of the development Clause 4.6 variation submitted.
4.4 Floor Space Ratio	NO	See SEPP (Seniors Living) for assessment.
Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 1.7:1.		
4.6 Exceptions to development standards	Yes	The application seeks approval to vary Clause 4.3 – Height. Refer to the discussion at the end of this table.
5.1 and 5.1A Development on land intended to be acquired for public purposes	N/A	The site is not identified on this map.
Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?		
5.4 Controls relating to miscellaneous permissible uses		
Neighbourhood shops – if development for the purposes of a neighbourhood shop is permitted, the retail floor area must not exceed 80m².	Yes	The café/village shop has a retail floor area of 72m ² .
5.6 Architectural roof features	Yes	The application has been amended to include an architectural roof feature for all lift overruns / stair cores. These features do not increase the overall height of the development.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
5.9 Preservation of trees	Yes	Tree removal is proposed and reviewed by Council's Landscape Officer whom raised no objections subject to conditions of consent.
5.10 Heritage Conservation	Yes	<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>The site is opposite Parramatta Park which is heritage listed. The application was reviewed by Council's Heritage Adviser whom raised no objections to the proposal subject to conditions of consent.</p>
5.10.8 Aboriginal Places of Heritage Significance	Low	<p>The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.</p> <p>The proposal is not considered to impact an aboriginal place of heritage significance.</p>
6.1 Acid sulfate soils		
Is an Acid Sulfate Soils Management Plan Required?	Class 5	The site is identified as containing Class 5 Acid Sulfate Soil. The site is not within 500 metres of sites containing Class 1, 2, 3 or 4 acid sulfate soil. As such, an Acid Sulfate Management Plan is not required.
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 subject to conditions.
6.3 Flood planning		
Is the site flood prone?	N/A	The site is not identified as being flood prone or affected by the PMF.
6.4 Biodiversity protection		
Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?	N/A	The site is not identified on this map.
6.5 Water protection		
Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	N/A	The site is not identified on this map.
6.6 Development on landslide risk land		
Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	The site is not identified on this map.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
6.7 Affected by a Foreshore Building Line	No	The site is not located in the foreshore area.

EXCEPTIONS TO DEVELOPMENT STANDARDS WITHIN LEP 2011

Objectives of Clause 4.6 of the PLEP 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.

The variation sought is as follows:

Maximum height under PLEP 2011	Proposed	Degree of variation and merit
20 metres	Max. 26.3 metres	Variation – 6.3 metres Departure of 31.5% from the development standard.



Figure 8: View along Helen Street of height encroachment

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clause 4.3 - Height. The applicant provides the following reasons to support the departure.

- The subject site has a fall of approximately 7 metres from the west to the east. The development in this regard has been designed in response to the topography of the site.
- The encroachment to the maximum height for the site relates only to the 20 metre control. The development height is maintained below the 11 metre maximum for development that addresses Parramatta Park.
- With the exception of Building D, the majority of the development that breaches the maximum height for the site relates to lift overruns and stair cores. These elements are located towards the centre of the roof area on each of the buildings which cannot be seen from the street level nor contribute to the perception of a bulky development.

- As per DEAP's recommendation, the applicant submitted a view analysis which demonstrated that notwithstanding the encroachment to the maximum height that it did not result in any adverse impacts to significant view corridors to and from Parramatta Park.
- Despite the departure to the maximum height, the development maintains a FSR below the maximum provisions under the SEPP.
- The strategic location of the additional storey (on Building D) allows for some transition in height within the development site.
- No residential amenity is affected by the proposed increase in building height with regards to overshadowing or loss of privacy particularly as the additional height containing habitable area only relates to Building B which is located central of the development site.

PCC assessment of the exception under clause 4.6:

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

1. Is the planning control a development standard?

Yes, Clause 4.3 – Height of PLEP 2011 is a development standard.

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

The objectives of Clause 4.3 of PLEP 2011 is to nominate heights that will provide a transition in built form and land use intensity whilst minimising visual impact, disruption to views, loss of privacy and solar access to existing development.

3. Is compliance with the development standard consistent with the aims of the Policy, 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?

Compliance with the development standard would be inconsistent with EPA Act which aims to provide planning controls that will encourage a sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability.

The development was informed by the topography of the site. Given this, enforcing compliance with the development standard on the site would restrict a reasonable development. The site is capable of being developed to the proposed intensity without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain compliance with the majority of controls within Parramatta Development Control Plan 2011 and SEPP 65.

The non-compliance to the standard is considered to be acceptable. The plans show that the variation does not in this case hinder compliance with setbacks and privacy requirements of the Parramatta Development Control Plan.

The proposed development responds to the site despite the non-compliances and does so without compromising relationships with adjoining developments. Strict

compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site will remain under-developed and would not promote the economic welfare of the community and a better environment.

The objection to the development standard will ensure that the site is able to be developed and result in better management of the site as well economic enhancement for the community.

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

It is considered that it would be unreasonable to require the development to comply with the maximum height in this instance as the proposal generally complies with the development requirements pertaining to senior living developments. The departure to the standard will not in this instance result in adverse impacts to adjoining sites with regard to acoustic, overshadowing and privacy. The development in this regard maintains consistency with the objectives of the zone.

5. Is the exception well founded?

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

The Clause 4.6 exception to the development standard of Clause 4.3 – Height is considered to be well founded and worthy of support given that the proposed development:

- Is an appropriate response to the topography of the site.
- Does not result in any adverse heritage impacts to Parramatta Park.
- Improves the amenity and design outcome of the development.
- Has the support of DEAP.

- responds to the site and does so without adversely compromising relationships with adjoining developments
- does not unduly compromise other relevant controls with the proposed development encouraging ecologically sustainable development.

ZONE OBJECTIVES

ZONE OBJECTIVES

The objectives of the 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 aim and objective 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 amenity for adjoining sites while providing a residential development close to public transport and the Westmead Precinct.

“Appendix 4” to Section 79C Assessment Report - DA/127/2015

COMPLIANCE TABLE – PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
2.4.1 Views and Vistas		
Preserve significant features and areas of high visibility	Yes	A View Analysis was submitted which demonstrated that the proposed development, despite the variation to the maximum height for the site, does not result in any view loss to and from Parramatta Park.
2.4.2.1 Flood affectation	N/A	The site is not identified in Councils database as being flood prone, affected by PMF or located in a Grey Area.
2.4.2.2 Protection of Waterways		
Does the site adjoin a waterway?	N/A	The site does not adjoin a waterway.
2.4.2.3 Protection of Groundwater		
Is a basement car park proposed?	Yes	Basement parking is proposed. The Contamination report notes that the nearest registered groundwater bore hole to the site is identified as containing standing water to a depth of 4.3 metres below ground level. Notwithstanding, this bore hole is located approximately 1 km from the site. The site also does not adjoin a waterway, given this it is unlikely that the works related to the basement will have any adverse impacts to ground water.
2.4.3.1 Soil Management Are there adequate erosion control measures?	Yes	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.
2.4.3.2 Acid sulfate soils	Yes	Refer to LEP table above.
2.4.3.3 Salinity Moderate, high or known salinity potential?	Yes	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development. The landscaping is appropriate

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		for the salinity hazard and appropriate conditions have been included in the recommended conditions.
2.4.4 Land Contamination	Yes	Refer to assessment under SEPP 55.
2.4.5 Air Quality Will demolition and construction contribute to increased air pollution?	Yes	Standard conditions of consent will be applied.
2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site?	Yes	The subject site has a fall of approximately 7 metres from the west to the east. The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.
2.4.7 Biodiversity Is vegetation removal appropriate?	Yes	Council's Landscape Officer has not raised concerns with regards to the Landscape Plan subject to conditions. The landscape plan submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011. The site does not adjoin bushland.
2.4.7.2 Does the land abutt the E2 Environmental Protection zone or W1 Natural Waterways zone	Yes	The site does not adjoin land zoned E2 or W1.
2.4.8 Public Domain Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements?	Yes	The building has an appropriate address to all street frontages with distinguishable entries via a clear pedestrian pathway to ensure clear identification from the public domain. Balconies and windows on the upper units address the street frontage promoting natural surveillance from within the units to the front and public domain. Windows also face the central communal area to provide surveillance to this area. Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip is maintained and in the event that it is damaged due to the

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		works associated with the proposal that Council be reimbursed for the damages.
3. Preliminary Building Envelope		
Frontage		
Minimum 18m if the development is more than 10 metres in height.	Yes	Helen Street - 141.28 metres Park Avenue - 101.135 metres Caroline Street - 121.43 metres
Height (refer also to LEP table)		
Does the proposal exceed the number of storeys outlined in the DCP height table?	No, but acceptable	Refer to LEP table and Clause 4.6 assessment.
Front Setback		
Primary - Between 5 to 9 metres Secondary – Min. 3 metres	Yes	Helen Street – 5 metres Park Avenue – 9 metres Caroline Street – 5 metres
Side Setback		
Min. 4.5 metres	Yes	Minimum - 4.5metre Maximum - 6 metres
Deep Soil and Landscaping		
Deep Soil – Min. 30% of the site Landscaping - Min. 40% of the site	No, but acceptable	Refer to previous RFDC assessment.
3.2. Building Elements		
3.2.1 Building Form and Massing		
Height, scale and bulk consistent with existing or planned building patterns in the street?	Yes	It is considered that the proposed development (despite the variation to the height) subject to conditions of consent will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks, deep soil zones and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the adjoining properties.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3.2.2 Building Façade and Articulation Does the building exceed the building envelope by more than: <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows Are the building facades modulated in plan and elevation to reduce building bulk? Are Multiple stair lift/cores provided to encourage multiple street entries?	Yes	<p>The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> <p>The application proposes balconies to the upper floors which address all street frontages.</p> <p>Each building is provided with separate access to their respective street frontages.</p>
3.2.3 Roof Design Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes	<p>The development proposes a flat roof for all 5 buildings which is a common roof design of existing developments within the area.</p>
3.2.5 Streetscape Does the development respond to the existing or planned character of the street? Are garages and parking structures dominant? Are pedestrian or vehicular laneways activated? Are the mail boxes visually integrated within the built form and conveniently accessed?	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>The existing character and urban context of the immediate neighbourhood is predominantly 3 storey residential flat buildings. The maximum height for the site and its surrounds is 20 metres. Despite the breach to the height for the site, the proposal and the RFB is envisaged by the planning controls.</p> <p>One basement level is provided to reduce garage dominance on street.</p> <p>The site does not adjoin a vehicular or pedestrian laneway.</p> <p>A mailbox structure is located along the northern elevation (Helen Street).</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3.2.6 Fences Front fence a maximum height of 1.2metres?	Yes	A 1.2 metre front fence is proposed on all frontages.
3.3 Environmental Amenity		
3.3.1 Landscaping Natural features retained and incorporated?	Yes	The proposed works has the endorsement of Council's Landscape Officer subject to conditions of consent.
Minimum soil depth of 1m provided above basement?	No, but acceptable	See RFDC assessment.
3.3.2 Private Open Space Minimum of 10m ² private open space with minimum dimensions of 2.5m per unit?	No, but acceptable	See RFDC assessment.
3.3.2 Common Open Space	No, but acceptable	See RFDC assessment.
Swimming Pool proposed?	N/A	A swimming pool is not proposed.
3.3.3 Visual Privacy Do balconies face the street or another element of the public domain such as a park?	Yes	The balconies on the upper floors address all street frontages and the central communal open area. Balconies are also proposed along the south and western boundaries which address adjoining properties. Notwithstanding, the proposal provides satisfactory boundary setbacks and privacy measures to ensure that overlooking opportunities are limited.
Is a minimum building separation of 12m provided between habitable rooms/ balconies?	No, but acceptable	See RFDC assessment.
3.3.4 Acoustic Amenity Does the dwelling adjoin a noise-generating land use?	Yes	The site does not adjoin a noise generating land use.
3.3.5 Solar Access (refer also to RFDC section)	No, but acceptable	The design of the development which provides articulation and setbacks allow for a majority of the units within the development to achieve the

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?		<p>minimum 3 hours of solar access to habitable rooms. See Solar Access assessment under RFDC for further discussion.</p> <p>Due to the orientation and the setbacks provided by the development, the residential premises to the west and south will retain the minimum 3 hours of solar access and therefore adequate ventilation during the winter solstice. The properties to the north (opposite the site), will not be affected by the proposal. It is noted that Parramatta Park will also not be impacted by the development.</p>
Cross Ventilation Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m) Are 80% of dwellings naturally cross ventilated? Are single aspect apartments limited in depth to 8m from a window? Does the building have a maximum depth of 18m?	Yes	See RFDC assessment.
3.3.6 Water Sensitive Urban Design On-site detention system appropriately designed?	Yes	See Engineers comment in Referrals section (Appendix 5).
3.3.7 Waste Management Is the waste management plan satisfactory? Is the bin room appropriately sized for the number of bins required?	Yes Yes	<p>The Waste Management Plan (for the seniors living component, childcare centre and café) is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p> <p>The garbage room is located within the basement.</p> <p>The applicant has confirmed that the caretaker will move the bins to the garbage room loading area using a bin trolley and will also be responsible for returning the bins to the bin</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Will a private contractor be required to minimise bins on the street for pickup?	Yes	<p>area within the basement once collected.</p> <p>The Waste Management Plan indicates that a private contractor will collect the bins within the site to minimise bins on the street.</p>
3.4 Social Amenity		
3.4.1 Public Art – is an Arts Plan provided?		
(CIV of more than \$5,000,000.00, and located in CBD/town centre).	Yes	An Arts Plan was submitted with the application and reviewed by Council's Public Arts Officer. Upon review, no objections were raised with regards to the Arts Plan subject to conditions of consent.
3.4.2 Access for People with disabilities.		
Does the development contain adequate access for people with a disability?	Yes	<p>The ground floor (inclusive of the café and the childcare centre) is visitable and able to be accessed by people with disabilities.</p> <p>Access from the basement to the upper levels is via a lift.</p> <p>See SEPP (Seniors Living) for further discussion for access.</p>
3.4.4 Safety and Security		
Has the development been designed in accordance with crime prevention principles?	Yes	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur as the development has incorporated the following:</p> <ul style="list-style-type: none"> - Upper level balconies that address the street frontages and the central common area to provide passive surveillance within the front setback and the communal area. - The development, pathways and common areas will be internally lit - The development will be provided with security gates and cameras to monitor entry to the development. - Entries are distinguishable to allow for path-finding. <p>The non-residential uses on the ground floor will also assist in passive surveillance of the public domain and the communal open space.</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3.4.5 Housing Diversity and Choice Is the unit mix in accordance with the following: 3 bedroom 10% - 20% 2 bedroom 60% - 75% 1 bedroom 10% - 20%	No, but acceptable	Provided - Only applicable to the ILU 2 x 3 bedroom (1%) 158 x 2 bedroom (68%) 70 x 1 bedroom (30%) The departure is considered to be acceptable as the proposed unit mix allows for a range of units to suit diverse living circumstances.
3.5 Heritage and Archaeology	Yes	The site does not contain a heritage item. The site is not within a heritage conservation area. Excavation is proposed. The site is identified as being within an Archaeological Landscape Management Unit (2923). A condition will be imposed on the consent requiring the consent holder to approach the NSW State Heritage Office to obtain archaeological requirements for the site. The site is located within proximity to Parramatta Park which is a heritage listed site. The application was reviewed by Council's Heritage Adviser whom raised no objections to the proposal as it did not result in any significant adverse impacts to Parramatta Park.
3.6.2 Sustainable Transport Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?	No, but acceptable	The development contains more than 50 dwellings. As the development is for seniors living which provides ample parking spaces, car share spaces is not considered necessary.
3.6 Parking Provision Travel Plan A travel plan is required for proposals with a gross floor area of 5000m2 and within 800 metres of a railway	N/A	Whilst the development proposes a GFA of more than 5000m2 the site is not located within 800 metres of a railway station.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
station.		
Parking	No, but acceptable	See assessment under Part 7 of SEPP (Seniors Living).
Childcare – 1 space for every 4 places Café – 1 space per every 30m2 of gross floor area	Yes for childcare and cafe	Required: Childcare centre – 13.25 (14 spaces) Café – 2.4 (3 spaces) Provided - 282 spaces are provided within the basement as well as ample on-street parking along Caroline Street and Park Avenue. See childcare assessment for further discussion.
3.6.3 Accessibility and Connectivity Is a 3m wide pedestrian through link required and provided?	N/A	Notwithstanding the size of the site, a pedestrian site link is not necessary given the land use. However, private linkages are incorporated in the design of the development to allow pedestrian access from Caroline Street to Helen Street.
3.7.2 Site consolidation and isolation	Yes	The proposal does not result in the isolation of any adjoining properties.
4. Special Precinct 4.1.4 Special Precinct (Westmead) Precinct	N/A	Whilst the site is located within the Westmead Precinct, the development controls only relate to the UWS site. As such, all design controls are contained and addressed under Part 3.
5.2 Childcare Centre Preferred sites for Childcare Centres	Yes	The location of the childcare centre is considered to be appropriate as it: <ul style="list-style-type: none"> - Is safe and provides convenient vehicular and pedestrian access. - The location for the childcare centre provides appropriate land which has the capacity to provide access, circulation spaces and play areas. - The childcare centre is located within a seniors living facility to provide such a service for employees and those within proximity of the site. - The location of the childcare centre is within walking distance to public transport services. - The location of the childcare centre

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Site Size and shape (based on Best Practice Guidelines in Early Childhood Physical Environments)		<p>does not have a frontage to an arterial road.</p> <ul style="list-style-type: none"> - The childcare centre is not located within close proximity to an existing childcare centre.
Building Area – between 400m2 and 600m2	No, but acceptable	<p>Total Building Area = 391m2</p> <p>The Childcare Centre is located on the ground floor. The variation of 9m2 is considered to be minor and in this regard, is considered to be acceptable.</p>
Transition Area – Between 100m2 and 150m2	No, but acceptable	<p>Transitional Area – Nil</p> <p>It is noted that the Education and Care Services National Regulations does not require such facilities. However, the proposal provides for 116m2 of veranda area notwithstanding that it only has a width of 3 metres.</p>
Playground – Between 800m2 and 1,125m2	No, but acceptable	<p>Playground Area – 367m2 (does not include transitional area)</p> <p>Whilst the proposal does not comply with the minimum Playground Area, it is noted that these requirements are based on best practice guidelines and onerous as these requirements are for child placements ranging from 40 to 75. It is also noted that the child care centre will cater for up to 18 babies/ placements that will not require extensive play areas given their age.</p> <p>Accordingly, the playground area is considered to be acceptable with regards to the 53 child placements proposed under the subject application.</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Childcare Centres in Residential Zones		
<u>Building Siting and Design</u>		
Minimum side setback – 2m	N/A	The proposed childcare centre is incorporated with the Mayflower facility and is located on the corner of Caroline Street and Park Avenue. As such, a side setback is not required.
The design of the Childcare Centre is to appear as a dwelling and does not preclude the use of 'U' or 'L' shaped buildings.	No, but acceptable.	As above, the Childcare Centre is integrated within a larger development that has been designed to maintain compatibility with the R4 High Density zoning of the immediate locality.
The front setback area shall not be used for outdoor play space and shall not be included in the calculation of unencumbered outdoor space.	No, but acceptable.	Given the nature of the development (a service to be provided within the Mayflower facility), the use of the front setback as outdoor play area is considered to be acceptable.
<u>Minimum indoor and outdoor space and maximum number of child care spaces</u>		
The maximum number of childcare places to be provided in any childcare centre in a residential zone is 40.	No, but acceptable	The applicant has confirmed that 33% of the placements (ie. 18) will be for children under the age of 2.
Council will consider more than 40 places for a childcare centre in a residential zone where a minimum 33% of the places are provided for children under 2 years of age and it meets best practice standards for indoor and outdoor play areas.		<p>It is noted that the <i>'Best Practice Guidelines in early Childhood Physical Environments'</i> referenced in PDCP 2011 is no longer available as advised by the NSW Department of Education and Communities.</p> <p>The <i>Education and Care Services National Regulations</i> provides the legislative framework for child care services in NSW and regulated by the NSW Department of Education and Communities.</p> <p>The <i>National Regulations</i> require only 3.25m² per child for indoor play areas and 7m² per child for outdoor play areas. Given this, the development should provide a minimum 172.25m² of indoor play area and 371m² of outdoor play area.</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		<p>The proposed childcare centre provides a building area of 390m² and 464m² of outdoor area which is compliant with the requirements under the regulations.</p> <p>Given the above, the 53 childcare placements as proposed are considered appropriate in the R4 zone.</p>
Min. 4.5m ² of unencumbered indoor space per place	No, but acceptable.	<p>Required – 238.5m² Provided – the building area is 391m². No internal fitout is proposed as part of the subject application.</p> <p>The controls in this regard are onerous in that the National Regulations only require 3.25m² per place as discussed above. The minimum indoor space required under the regulations in this instance is 172.25m². This would allow for inclusion of the fitout of the childcare centre as required. Given this, the non-compliance with the control is considered acceptable.</p>
Min. 15m ² of unencumbered outdoor space per place.	No, but acceptable.	<p>Required – 795m² Provided – 464m²</p> <p>See above discussion.</p>
Hours of operation		
Limited between 7am and 7pm Monday to Friday	To be conditioned	<p>The application has not ascertained the hours of operation for the childcare centre as the childcare operators have not been confirmed. Notwithstanding, a condition will be imposed on the consent to operational hours of 7am and 7pm Monday to Friday.</p>
Landscaping		
A landscape setback abutting the street frontage within a minimum width of 2 metres shall be provided.	Yes	A landscape setback with a minimum width of 2 metres is provided.
Childcare Centres – Access and Parking		
1 space per 4 child care places.	No, but acceptable	Required – 13.25 (14) spaces and 5.3 (6) disabled spaces

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
1 disabled space for every 10 child care spaces		Provided – Whilst only 13 parking spaces are dedicated for the childcare centre, users of the childcare centre has access to the parking spaces in the basement. The basement provides 282 spaces and was considered to be sufficient by Council's Traffic Engineers.
Vehicle Circulation		
Vehicle circulation and car parking areas are to be designed to allow for safe drop off and collection of children and the safe movement and parking of staff, parent, visitor and service vehicles.	Yes	Council's Traffic Engineer reviewed the proposal and raised no objections to the collection and drop off arrangement along Park Avenue.
Pedestrian Access design		
Access arrangements must ensure that safe and convenient access to the entry of the childcare centre is available to all persons.	Yes	Pedestrian access to the childcare centre is located via Park Avenue.
Acoustic Privacy		
The design of the childcare centre should aim to locate sleep rooms and play areas away from external noise sources.	Yes	<p>An acoustic report was prepared and submitted with the application. The report provided recommendations to ameliorate acoustic impacts to and from the childcare centre. The report was reviewed by Council's Health Officer whom raised no objections subject to conditions of consent.</p> <p>It is noted that the subject application does not propose any internal fit-outs and as such, the location of sleep rooms cannot be ascertained. This detail is to be assessed as part of any future application for the fit-out of the childcare centre.</p>
Visual Privacy		
The development design should incorporate measures to minimise overlooking. A landscape buffer with suitable	Yes	The childcare centre is located on the ground floor. The childcare centre has no address to the residential areas of the development. Given this, it is unlikely that the childcare centre will increase any opportunities for

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
screening plants is to be provided along the boundaries.		overlooking to neighbouring residential premises.
Indoor Areas	Yes	<p>With regards to the indoor areas, the childcare centre provides:</p> <ul style="list-style-type: none"> - appropriate pedestrian access and circulation within the building. - convenient access from indoor to outdoor areas - clean and unobstructed lines of sight to all areas within the facility <p>As the application only seeks approval for the use of the premises, any commentary regarding the internal floor area is subject to further assessment under a separate application.</p>
Outdoor Areas	No, but acceptable	<p>Despite the numerical non-compliance with this control, the development is compliant in the following way:</p> <ul style="list-style-type: none"> - The outdoor area is located away from the main entrance. - It is designed to allow the incorporation of natural elements. - It is designed with clear sight lines to all areas of the outdoor space - The outdoor areas are inaccessible from the street. - It is adequately fenced on all sides. - The area allows for ready egress in the case of emergency.
Fencing	Yes	Appropriate fencing is provided to ensure the safety of the children whilst ameliorating noise and reducing any privacy impacts.
Landscape Plan		
A detailed Landscape Plan is to be prepared by a suitably qualified landscape professional.	Yes	A landscape plan was prepare and reviewed by Council's Landscape Officer. Upon review, Council's Landscape Officer raised no objections subject to conditions of consent.
Waste Management		
Is a waste storage facility provided?	Yes	Waste storage facilities are located within the basement of the development.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Has a WMP been submitted?	Yes	A WMP has been submitted and consequently reviewed by Council's Waste Officer. Upon review, Council's Waste Officer raised no objections to the proposal subject to conditions of consent.
Is a private waste contractor used for the collection of waste at least twice a week?	Yes	The WMP states that a private waste contractor will be used for waste collection and will be collected regularly.

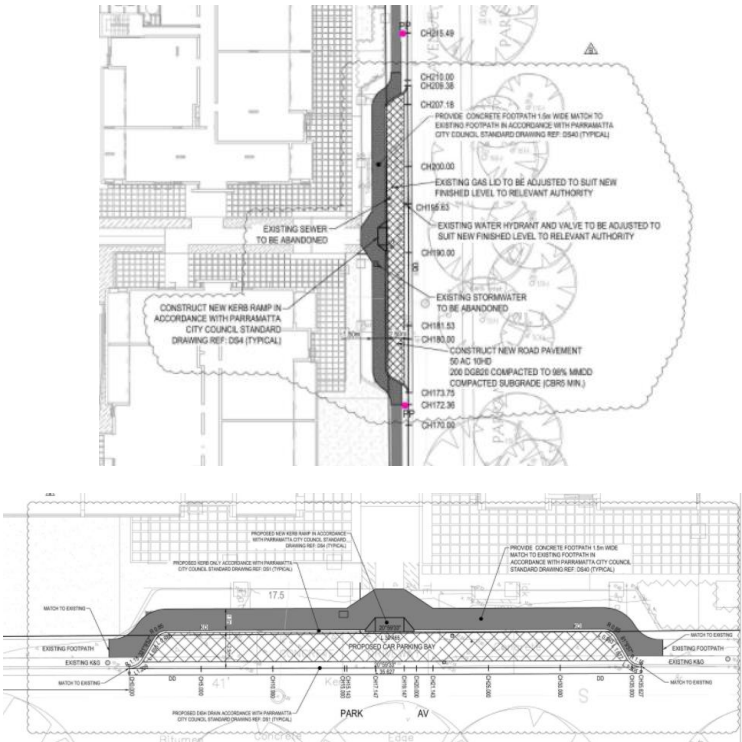
“Appendix 5” to Section 79C Assessment Report - DA/127/2015

REFERRALS

Referral	Referral Received	Comments
Roads and Maritime (RMS)	9 April 2015	No objections.
Building	29 May 2015	No objections, subject to conditions of consent.
Waste	12 March 2015	No objections, subject to conditions of consent.
Food	19 March 2015	No objections, subject to conditions of consent.
Acoustic	4 June 2015	No objections, subject to conditions of consent.
Contamination	9 February 2016	No objections, subject to conditions of consent.
Heritage	23 March 2015	<p>No objections.</p> <p><u>Comments:</u></p> <p>The site of proposed development is not of heritage interest in its own right, however, it is in the vicinity of the Parramatta Park, which comprises a number of listed item in the PLEP 2011, and one item listed in the State Heritage Register (the Old Government House).</p> <p>The Old Government House was built c.1799 and enlarged in 1815 to a design by Lieutenant John Watts. The building was associated with the administration of the colony from its early days until superseded by the 1845 Government House on the shores of Sydney Harbour. It was used by the King's School from 1910-1970 and has more recently been suitably restored. The aesthetic qualities of Old Government House illustrate the best of elegant colonial Georgian architecture of the period.</p> <p>The proposal is for Staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units.</p> <p>Given the separation between sites, the siting across the road, and the scale of the Park and the proposal, it is deemed that significant views will not be impacted. The area of primary importance (outside of the immediate curtilage of the site) is to the east, between the Park and the city, while the proposal is to the west of the Park, where no important visual links are found.</p> <p>The site has been identified in PCC studies as having low archaeological potential, and little Aboriginal sensitivity. In the unlikely case that any relics are found, these would not exceed local level of significance.</p> <p>It is noted that the submitted heritage report supports the proposal, however, it also recommends archival recording of the whole development site and reuse of part of the material. Conversely, as these elements are not heritage listed, archival recording and reuse measures are not formally required under the current Council's statutory instruments.</p> <p>In summary, based on the above, I have no objections to this proposal from heritage perspective.</p>

Arts Plan	11 June 2015	<p>No objections, subject to conditions of consent.</p> <p><u>Comments:</u></p> <p>Whilst the applicant has briefly acknowledged the possible inclusion of public artworks on page 8 of the Landscape Plan, the approach does not satisfy the principles and underlying intent of the control.</p> <p>The statement provided by the applicant on public artworks arrives at the proposed end product and does little to recognize the process of a full site analysis by an artist/planner. The development of appropriate public artworks is best developed by undertaking a considered approach through the development of a detailed site-specific Arts Plan.</p> <p>Whilst some treatments have been outlined including an interpretive narrative panel and a seat with interpretive elements at the Park Ave entrance, the level of detail in the document is sketchy and the development of an Arts Plan will ensure that the best available appraisal, themes, and potential treatments can be explored and integrated into the proposed development.</p> <p>The site is an important one, and the overlaying histories and local character offer a wide scope for historical/cultural interpretation and inclusion of site specific public artworks. There are several starting points for further elaboration or interpretation by artists. Potential exists for further integration of artwork into other elements, for instance: sculptures, lighting, paving, water features etc. Other opportunities exist with shade structures, plantings and retaining walls.</p> <p>A more comprehensive Arts Plan outlining the inclusion of public art needs to be undertaken and presented in line with the proposed development for this site. Therefore a condition along the following lines should applied to the development:</p> <p>"An Arts Plan shall be prepared for the site to the satisfaction of Council. The plan is to be submitted to, and approved by Council and implemented prior to occupation.</p> <p><i>Reason: To ensure an appropriate public artworks are provided for the site".</i></p>
Alignment (Urban Design)	24 November 2015	<p>No objections, subject to conditions of consent.</p> <p><u>Comments:</u></p> <ul style="list-style-type: none"> ○ Urban Design notes changes to the OSD tank, which satisfy requirements for improved deep soil at the site entrance. ○ Requested changes to the Alignment Plan (made 13th July 2015) have not been incorporated. Outstanding issues are: <ul style="list-style-type: none"> • On Caroline and Helen Streets, all footpaths to be 1.8m wide and adjacent to boundary; • On Park Avenue, footpath to be full width from boundary to kerb; • At all street corners, paving to be full width (boundary to kerb). Full width corner paving to align with tangent point of kerb radius; • Kerb ramps do not comply with Council standard; and • All vehicle crossings to be perpendicular to the kerb. <p>It is advised that the resolution of these issues prior to issue of consent is preferred. However I anticipate no major structural concerns with the proposed design.</p>
Landscape	2 June 2015	<p>No objections, subject to conditions of consent.</p> <p><u>Comments:</u></p> <p>ISSUES CONSIDERED</p>

		<ol style="list-style-type: none"> 1. Number of tree(s) to be removed? 44 2. Is a landscape plan assessment required?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3. Are the landscape plans appropriate?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 4. Are there any street trees affected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, what alternatives have been suggested?: specified tree protection 5. Are there any tree removal / protection issues?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 6. Are there impacts on adjoining trees?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 7. Are there any conflicts with the stormwater drainage plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, have any conflicts been discussed with the relevant referral officer?: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A 8. Are there any earthworks or cut / fill proposed?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 9. Are there any retaining walls proposed?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 10. List the date(s) a site visit was undertaken: 2 April 2015 11. Were any noxious weeds present on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 12. Have the BASIX requirements been met?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>DISCUSSION</p> <p>Consultation has been undertaken with the Urban Design Team and Open Space Team in relation to the proposed street tree planting along Helen and Caroline Streets.</p> <p>CONCLUSION</p> <p><i>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</i></p>
Traffic	31 August 2015	<p>No objections, subject to conditions.</p> <p><u>Comments:</u></p> <p><u>Previous Traffic Comments</u></p> <ol style="list-style-type: none"> 1. On 18 June 2015, traffic comments were provided regarding the proposed development and the following issues were noted: <p><i>The proposal can be supported on traffic and parking grounds provided that:</i></p> <ul style="list-style-type: none"> ➤ 1 more bicycle parking space is provided in the lower ground level car park for the childcare centre in accordance with PDGP 2011. ➤ The column between disabled space R019 and the shared space must be removed to ensure that the columns do not obstruct accessible vehicles. ➤ The width of Ramp 1 from the basement level to the lower ground level car park is to be increased at the curve in accordance with Clause 2.5.2 of AS 2890.1-2004. ➤ A transition gradient must be provided at the bottom end of

		<p><i>Ramp 1 and the gradients at the lower of Ramp 3 must be adjusted to avoid vehicles scraping against the pavement and in accordance with Clause 2.5.3 and 3.3 of AS2890.1-2004.</i></p> <p>➤ <i>Adequate sight distance shall be provided to pedestrians on Helen St and Caroline St in accordance with Clause 3.2.4 of AS 2890.1-2004.</i></p> <ol style="list-style-type: none"> The submitted plans (Dwg 04.05; 04.04 – Rev A – dated 8/5/2015) indicating the carpark ramp details along with the swept path plans prepared by the Traffic Consultant, Varga Traffic Planning, have not yet addressed the issues raised regarding the widening of the width of the curved Ramp 1 from the basement level to the lower ground level car park. The width of the ramp is to be increase to 6.5m minimum particularly within the curve section of the ramp 1 as vehicle manoeuvring along this ramp encroaches on the exit ramp as shown and stated on the submitted Traffic Report. Note that the above issues are included in the traffic related conditions below to be imposed and included in the DA Consent, should this DA be approved by Council. With regard to the proposed on-street parking, a response from the applicant dated 29 July 2015 indicated that Uniting Care Ageing agreed to a boundary re-alignment and that a suitable condition be included on the DA consent requiring the road boundary to be re-aligned accordingly. An amended alignment plan (Dwg MIE111 and MIE131- Rev B - dated 19/06/2015) was submitted as part of the applicant's response to Council dated 3 July 2015.  <ol style="list-style-type: none"> Detailed comments and calculation of parking spaces and bicycle spaces along with the layout of parking spaces and other traffic related issues have been assessed and addressed in the previous Traffic Comments dated 18 June 2015. Note that column locations vary within the carpark.
--	--	--

		<p>Columns are to be located at a minimum distance of 750mm from the parking aisle or 3650mm from end of the parking space in accordance with Clause 5.2 and Figure 5.1 of AS 2890.1-2004.</p> <p><u>Conclusion</u></p> <p>Based on the analysis and amended information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Caroline Street, Helen Street and the surrounding road network. The proposal can be supported.</p>
Engineer	7 September 2015	<p>No objections, subject to conditions of consent.</p> <p><u>Comments:</u></p> <p>ISSUES CONSIDERED</p> <ul style="list-style-type: none"> • Are there any catchment management issues?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Is the site located on a main road?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Are there any public assets / utility services in the road reserve of the site frontage (Drainage pit, power poles, bus stop etc.): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No In ground services including water, telco etc to all street frontages. Helen Street: Australia Post mail box. Park Avenue: 2 x power poles • Is the site flood prone?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Is the site within a Grey Area?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Does the site slope to the rear or the front?: <input type="checkbox"/> Rear <input type="checkbox"/> Front <input type="checkbox"/> N/A • If to the rear, is an easement required?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Site slopes generally in an easterly direction toward Park Avenue. • Is the site affected by overland flow from an upstream catchment area?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Is the stormwater disposal through absorption trenches?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Is the stormwater disposal to the street? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Is the stormwater disposal through the existing drainage system to the street or on-site?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Are there any earthworks or cut / fill proposed?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Excavation to provide for basement car-parking over high proportion of the site. • Are there any retaining walls proposed?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Are any other easements required or existing within the site or adjoining the site for stormwater drainage?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Are there any site stability issues?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Do WSUD principles apply to the site (>2000m²): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Has a Traffic referral been sent?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Council's Traffic Unit. • Are there any Traffic related issues to be assessed if no referral has been completed?: <input type="checkbox"/> Yes <input type="checkbox"/> No Council's Traffic Unit has assessed and conditioned proposal. • Are there any conflicts with the landscape plan or trees on-site?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • If so, has this been discussed with the relevant officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Landscape Officer has conditioned the required deep soil area required between the boundary line and the OSD tank 3 in the vicinity of the Park Avenue recessed parking area. • Has an OSD calculation sheet been submitted?: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • Can the application be considered as a deferred commencement?: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Is the rock anchor condition required (basements in CBD): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No • List the date(s) a site visit was undertaken: 20/03/2015 <p>DISCUSSION</p>

		<p>A boundary adjustment shall be conditioned as a result of Council's Traffic Engineers below comments. This should be effected at the appropriate stage of the development prior to any public access.</p> <p><i>"Note that, due to the indented parking spaces, the footpath on Park Avenue will divert into what is currently private land. Thus, it is recommended that the road boundary be realigned with the indented parking spaces so that the footpath remains"</i></p> <p>The site is generally regular in shape and consists of two allotments namely 18 Park Avenue (lot 51 DP633455) and 6 Helen Street (lot 50 DP633455). The site has a total area of approximately 13,545m² and has three frontages, to Helen Street, Caroline Street and Park Avenue.</p> <p>The site consists of multiple buildings from several phases of construction from the mid 1970s to the early 1980s. A three storey residential aged care facility, known as Mayflower Aged Care, is located on site and is located in the north eastern corner of the site. The remainder of the site accommodates Mayflower Village which generally comprises of independent living units, administration rooms, car parking and landscaping.</p> <p>The site slopes from the west to the east with an approximate difference in height of 6.5m.</p> <p>The application seeks:</p> <ul style="list-style-type: none"> • Approval for the staged demolition of all existing buildings and structures on the site, including demolition as early works ahead of any stages Construction Certificate. • Construction of a common basement level car park beneath all five proposed buildings. • Staged construction of five buildings. • Site improvement, including drainage (incorporating on-site detention systems) and landscaping works. <p>An on-site detention system based on the Upper Parramatta Catchment Trust handbooks edition three or edition four is required to form part of the development. In this regard an on-site detention system based on edition four handbook is provided as the proposed stormwater drainage system.</p> <p>The stormwater drainage proposal divides the site area into three catchment areas, each catchment area includes its own on-site detention system, independent of other systems.</p> <p>Discharge from the OSD systems is directly to Council's drainage infrastructure located in Park Avenue and Helen Street.</p> <p>Works are proposed within the public domain, including pavement construction, K&G, laybacks and crossings etc. These proposed works are to be referred to Council's Civil Assets Unit for comments.</p> <p>Council's landscape officer has commented on conflict between landscaping and detention storage tank in one location. This has been discussed between the landscape officer and the author resulting in landscaping conditions being applied to address this conflict.</p> <p>A geotechnical investigation report was carried out by Douglas Partners. It is recommended that the findings and proposals within the report be adopted and relied upon regarding the geotechnical aspects of the development.</p> <p>The Civil Engineering Design report address the water quality issues of the site and the requirements as presented within Council's DCP 2011 part 3. Music modelling was used to determine the water quality method used to achieve or exceed the target requirements as set out within Council's DCP.</p>
--	--	--

		<p>A condition will be placed upon the development to consolidate the existing lots namely lot 50 DP633455 and lot 51 DP633455 into one lot. The condition will require the consolidation to be carried out prior to the issue of the occupation certificate.</p> <p>An existing sewer main traversing the site is proposed to be relocated to accommodate the proposed development. These works shall be carried out under Sydney Water's jurisdiction.</p> <p>A request for additional information was issued seeking additional stormwater drainage information for the basement car parking. Phone conversations and emails requesting this information no response.</p> <p>Post Script: A written response was received from Meinhardt dated 7/10/2015 in which it was requested that the requested information be provided to Council for assessment prior to the issue of a Construction Certificate. This is considered satisfactory and will be conditioned accordingly including within the condition that this does not relieve the certifying authority of the requirement for proper assessment and approval.</p> <p>REASONS SUPPORTED</p> <p><i>The proposal satisfies the requirements of Council's controls upon application of the nominated conditions.</i></p> <p>CONCLUSION</p> <p>The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and/or special conditions of consent.</p>
--	--	--

“Appendix 6” to Section 79C Assessment Report - DA/127/2015

CONDITIONS

Conditions are in accordance with the following table and correlates with the relevant conditions further in this document.

Stage	Details	Conditions
Stage 1	Demolition and construction of the southern part of the site. Once constructed, Stage 1 will include Block A and Block B with the basement level below.	1-124, 126 – 139, 141 – 170.
Stage 2	Demolition and construction of the north-eastern part of the site. Once constructed Stage 2 will include Blocks C and D, with the basement level below which will be connected to the existing basement constructed as part of stage 1.	1-18, 22-24, 26 – 28, 30 – 62, 64 – 124, 126 – 139, 141 – 165.
Stage 3	Demolition and construction of the north-western part of the site. Once constructed, Stage 3 will include Block E, with the basement level below that is interconnected to the existing basement level constructed from previous stages.	1 – 18, 22 – 24, 26 – 28, 30 – 62, 64 – 125, 126 – 140, 141 – 165.

General Matters

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

Drawing No.	Prepared By	Dated
Site Analysis Plan, Drawing No. DA 01.01. Revision B.	Marchese Partners	27 February 2015
Site Plan, Drawing No. DA 01.02. Revision B.	Marchese Partners	27 February 2015
Staging Plan – Stage 1 and 2, Drawing No. DA 01.03 - B. Revision B.	Marchese Partners	27 February 2015
Staging Plan – Stage 1, 2 and 3, Drawing No. DA 01.03 - C. Revision B.	Marchese Partners	27 February 2015

Staging Plan – Stage 1. Drawing No. DA 01.03 - A. Revision B.	Marchese Partners	27 February 2015
Roof Plan. Drawing No. DA 02.10. Revision C.	Marchese Partners	24 June 2015
Level Ground Plan. Drawing No. DA 02.03. Revision D.	Marchese Partners	9 November 2015
East and South Elevation. Drawing No. DA 03.01. Revision D.	Marchese Partners	6 November 2015
North and West Elevation. Drawing No. DA 03.02. Revision D.	Marchese Partners	6 November 2015
CC&DD Sections. Drawing No. DA 04.02. Revision C.	Marchese Partners	24 June 2015
EE&FF Sections. Drawing No. DA 04.03. Revision C.	Marchese Partners	24 June 2015
AA&BB Sections. Drawing No. DA 04.01. Revision D.	Marchese Partners	6 November 2015
Landscape Planting Plan. Drawing No. LA06. Revision D.	Taylor Brammer	6 November 2015
Landscape Concept Plan. Drawing No. LA01. Revision A.	Taylor Brammer	23 February 2015
Landscape Tree Retention and Removal Plan. Drawing No. LA05. Revision A.	Taylor Brammer	23 February 2015
Arts and Cultural Plan. Drawing No. LA08. Revision A.	Taylor Brammer	23 February 2015
Level 1 and Level 6 Roof Plan. Drawing No. LA02. Revision A.	Taylor Brammer	23 February 2015
Detail Civil Plan. Drawing No. MIE101. Revision E.	Meinhardt	5 November 2015
OSD Plan and Details. Drawing No. MIE201. Revision E.	Meinhardt	10 November 2015
OSD Plan and Details – Sheet 2. Drawing No. MIE202. Revision K.	Meinhardt	10 November 2015
Public Domain Detail Plan. Drawing No. MIE111. Revision C.	Meinhardt	10 November 2015
Public Domain – Proposed Car bay Plan. Drawing No. MIE131. Revision C.	Meinhardt	10 November 2015
Level Basement 2 Plan. Drawing No. DA 02.01. Revision C.	Marchese Partners	8 May 2015
Lower Ground Floor Plan. Drawing No. DA 02.02. Revision C.	Marchese Partners	8 May 2015
Level Ground Plan. Drawing No. DA 02.03. Revision C.	Marchese Partners	6 November 2015
Car Park Ramp Details. Drawing No. DA 04.04. Revision A.	Marchese Partners	8 May 2015
Car Park Ramp Details. Drawing No. DA 04.05. Revision A.	Marchese Partners	8 May 2015
Schedule of Materials. Drawing No. DA 06.01. Revision B.	Marchese Partners	Undated

Lower Ground Plan – residential only. Drawing No. DA 02.02. Revision B.	Marchese Partners	27 February 2015
Level Ground Plan – residential only. Drawing No. DA 02.03. Revision B.	Marchese Partners	27 February 2015
Level 1 Plan. Drawing No. DA 02.04. Revision B.	Marchese Partners	27 February 2015
Level 2 Plan. Drawing No. DA 02.05. Revision B.	Marchese Partners	27 February 2015
Level 3 Plan. Drawing No. DA 02.06. Revision B.	Marchese Partners	27 February 2015
Level 4 Plan. Drawing No. DA 02.07. Revision B.	Marchese Partners	27 February 2015
Level 5 Plan. Drawing No. DA 02.08. Revision B.	Marchese Partners	27 February 2015
Level 6 Plan. Drawing No. DA 02.09. Revision C.	Marchese Partners	24 June 2015
Erosion and Sediment Control Details. Drawing No. MIE020. Revision C.	Meinhardt	23 February 2015
Erosion and Sediment Control Plan – Stage 1 Works. Drawing No. MIE021. Revision C.	Meinhardt	23 February 2015
Erosion and Sediment Control – Stage 2 Works. Drawing No. MIE022. Revision C.	Meinhardt	23 February 2015
Erosion and Sediment Control – Stage 3 Works. Drawing No. MIE023. Revision C.	Meinhardt	23 February 2015
Standard Detail Sheet. Drawing No. MIE501. Revision C.	Meinhardt	23 February 2015

Document(s)	Prepared By	Dated
Soil Management Plan	Douglas Partners	February 2016
Detailed Site Investigation	Douglas Partners	January 2016
Phase 1 – Contamination Report	Douglas Partners	July 2012
Operating Plan of Management	Uniting Care Ageing	February 2015
Civil Engineering Design Report	Meinhardt	February 2015
Arborist Report	Tree IQ	17 February 2015
Heritage Report	City Plan Heritage	February 2015
Flora and Fauna Report	Cumberland Ecology	10 February 2015
Services Statement	Umow Lai	2 March 2015
Traffic Report	Varga Traffic Planning	2 March 2015
ESD Report	Cundall	February 2015
BASIX Certificate No. 458268M_02	BASIX	2 March 2015
BCA Report	Steve Watson and Partners	February 2015

Accessibility Review	Mckenzie Group	19 February 2015
Waste Management Plan	Waste Audit	February 2015
Geotechnical Report	Douglas Partners	July 2012

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.

2. 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.

3. 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.

4. 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.

5. Approval is granted for the demolition as per the approved plans, 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
- (q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.

- (r) 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.

6. Trees to be retained are:

Tree No.	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
A	Eucalyptus botryoides	Bangalay	Neighbour's property	450	5.4
B	Eucalyptus elata	River Peppermint	Neighbour's property	200/250	3.6
C	Eucalyptus cladocalyx	Sugar Gum	Neighbour's property	150	2.0
D	Jacaranda mimosifolia	Jacaranda	Neighbour's property	300	3.6
E	Eucalyptus cladocalyx	Sugar Gum	Neighbour's property	400	4.8
F	Hymenosporum flavum	Native Frangipani	Neighbour's property	150	2.0
G	Corymbia maculata	Spotted Gum	Neighbour's property	850	10.2
H	Livistona australis	Cabbage Palm	Neighbour's property	400	3.0
I	Corymbia maculata	Spotted Gum	Neighbour's property	500	6.0
J	Syagrus romanzoffiana	Cocos Palm	Neighbour's property	200	4.0
K	Corymbia sp	Gum Tree	Neighbour's property	450	5.4
L	Brachychiton acerifolius	Illawarra Flame Tree	Neighbour's property	150	2.2
M	Corymbia maculata	Spotted Gum	Neighbour's property	450	5.4
N	Corymbia maculata	Spotted Gum	Neighbour's property	500	6.0

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

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

Reason: To preserve existing landscape features.

8. A minimum Australian Qualification Framework Level 3 arboriculture service provider is to remove the following street trees:

Tree No.	Name	Common Name	Name of Street Frontage
1x	<i>Eucalyptus nicholii</i>	Narrow Leaved Peppermint Gum	Helen Street
3x	<i>Jacaranda mimosifolia</i>	Jacaranda	Helen Street

Note: All approved tree removal works must conform to the Tree Work Draft Code of Practice 2007.

The following street trees shall be planted within the road reserve;

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
8x	<i>Eucalyptus sclerophylla</i>	Scribbly Gum	75L	Caroline Street
6x	<i>Eucalyptus sclerophylla</i>	Scribbly Gum	75L	Helen Street
3x	<i>Jacaranda mimosifolia</i>	Jacaranda mimosifolia	75L	Helen Street

Note: All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection, locations and pot sizes are to be approved and/or confirmed by Council's Supervisor for Open Space and Natural Reserves Team prior to installation.

Reason: To ensure restoration of environmental amenity.

9. A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.

Reason: To ensure proper disposal of waste water.

10. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

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

11. 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.

12. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and

- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

13. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

Reason: To ensure that the land is suitable for its proposed sensitive use and poses no risk to the environment and human health.

14. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works

Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

15. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

16. The development is to comply with the relevant standards pursuant to the Commonwealth Aged Card Accreditation Standards.

Reason: To ensure compliance with legislative requirements.

17. The development is to comply with the relevant requirements of Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Reason: To ensure compliance with legislative requirements.

Prior to the Issue of the Construction Certificate

18. The volume of the storage cages are to be in accordance with the requirements under the Residential Flat Design Code.

Reason: To comply with the requirements of the RFDC.

19. Prior to the issue of a Construction Certificate, an Alignment Plan in accordance with Parramatta City Council's Public Domain Guidelines and Design Standards is to be submitted to the approval of Council. The Alignment Plan is to clearly document levels for footpaths, kerbs, gutters, walls, fences, stairs, ramps, vehicle crossings, new roads, awnings, basements and OSD tanks in or contiguous with the public domain.
20. The Alignment Plan is to include location and type of all elements located within the public domain, including but not limited to: trees/tree pits; garden beds; verge planting; pit lids; kerb ramps; vehicular crossings; and lighting/signage poles. Longitudinal, cross and street sections must accompany the Alignments Plan. Contact Council's Urban Design team for full requirements.
Reason: To ensure public access and amenity of the surrounding environment.
21. Prior the issue of the Construction Certificate, a Public Domain Plan in accordance with Parramatta City Council's Public Domain Guidelines and Design Standards is to be submitted to the approval of Council. This plan is to comply with the approved Alignment Plan and is to show materials, finishes and planting for all elements in or contiguous with the public domain.
The Public Domain Plan is include construction plans and details for: paving materials, finishes and detailed layouts; plant species, spacing and pot size; kerb ramps and TGSIs; street furniture layout and models; and other elements as required to meet site-specific design.
Reason: To improve the public domain and confirm the final details of the proposed design.
22. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:

- a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- b) Food Safety Standards
Standard 3.2.2 Food Safety Practices and General Requirements
Standard 3.2.3 Food Premises and Equipment
- c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- d) No approval is granted for any remote storage area.
- e) The business being registered with NSW Food Authority.
- f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

Note: Copies of AS 4764 may be obtained from Standards Australia
Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

Reason: To ensure design of the premises meets relevant public health standards.

23. 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.

24. 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.

25. A monetary contribution comprising **\$1,438,222.55** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 2). Payment must be by EFTPOS, bank cheque or credit card only.

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

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

Parramatta Section 94A Development Contributions Plan (Amendment No. 2) can be viewed on Council's website at:

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

Reason: To comply with legislative requirements.

26. 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.

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

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

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

28. 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.

29. 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 127/2015;
- (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 (3 street frontages)	\$ 60,000

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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

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.

40. 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.

41. Construction details showing substrate depth, drainage, waterproofing etc., for ground floor and roof top planter boxes are to be provided with an application for a Construction Certificate.

Reason: To ensure the creation of functional gardens.

42. 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.

43. 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.

44. The final Landscape Plan must be consistent with Landscape Planting Plan by Taylor Brammer dwg no. LA06 Revision C dated 24 June 2015.together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

(a) Specified trees along the Park Avenue frontage are to be relocated to ensure adequate root volume is provided and future impacts to boundary or public domain infrastructure is minimised as follows:

- i) 3 x *Corymbia maculata* are to be planted with a minimum setback of two (2) metres from the Park Street boundary; and

- ii) 4 x *Eleaocarpus reticulatus* are to be planted with a minimum setback of 600mm from the Park Street boundary.

All surrounding proposed surfaces are to be adjusted accordingly to facilitate the new tree locations.

- (b) Any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level.
- (c) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure that appropriate landscaping is implemented.

45. A Methodology Statement, prepared by a suitably qualified arboriculture's (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered TC, TG, TK, TM and TN, as specified in the Arboricultural Impact Assessment Report and Tree Protection Specification by treeIQ Revision A dated 17 February 2015, during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:

- (a) Excavation;
- (b) Canopy trunk and tree root protection;
- (c) Construction of any retaining wall;
- (d) Installation of services (i.e. bridging of roots); and
- (e) Back filling

Reason: To ensure adequate protection of existing trees.

46. 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.
- (g) The pump-out system design shall make provision for the collection of all subsoil drainage.

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.

Plans including the layout of subsoil drainage, basement drainage, sump pit and discharge system shall be submitted to Parramatta Council.

A written notice issued by Council indicating the completion of a satisfactory assessment shall be provided to the applicant and shall be issued to the certifying authority prior to the issue of a Construction Certificate.

Council's assessment is not a substitute for the certifying authority's assessment and approval of the stormwater drainage system.

Reason: To ensure satisfactory storm water disposal.

47. 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.

48. 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 Plans (see Condition 1) prepared by Meinhardt Infrastructure & Environment 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). Or

- (ii) 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 300m³/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455m³/ha as per the submitted OSD calculation.

- (d) 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.

49. Water Sensitive Urban Design (WSUD) water quality treatment devices must be installed to manage surface runoff water to Council's drainage infrastructure within Park Avenue and Caroline Street 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.
50. 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.
51. Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on **residential buildings** from rail corridors and/or busy roads:
- In any bedroom in the building: 35dB(A) between 10pm – 7am
 - Anywhere else in the building (other than a garage, hallway, kitchen or bathroom: 40dB(A) at any time.
- Reason:** Compliance with relevant noise amenity criteria in Infrastructure SEPP.
52. Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on **child-care centres** from rail corridors and/or busy roads:
- In any area: 40dB(A) at any time
- Reason:** Compliance with relevant noise amenity criteria in Infrastructure SEPP.
53. 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.
Reason: To comply with Council's parking requirements and Australian Standards.
54. 3 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-1993. Details are to be illustrated on plans submitted with the construction certificate.
Reason: To comply with Council's parking requirements.

55. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. **Note that the column on the shared area between parking spaces R018 and R019 is to be relocated at a minimum distance of 750mm from the parking aisle in accordance with Clause 5.2 and Figure 5.1 of AS 2890.1-2004 for safety of accessible vehicles.**
Reason: To ensure appropriate vehicular manoeuvring is provided.
56. The Park Avenue boundary is to be re-aligned around the indented parking spaces so that the footpath remains within the road reserve and is to be consistent with the alignment.
Reason: To ensure pedestrian safety and compliance of the boundary re-alignment.
57. A grade transition is to be provided between the large gradient (25%) and the basement level for Ramp 1 and the transition grade provided for Ramp 3 is to be modified in accordance with Clause 2.5.3 of AS2890.1-2004, to ensure vehicles do not scrape on the pavement.
Reason: To comply with Australian Standards and for vehicle safety.
58. The width of the ramp is to be increase to 6.5m minimum particularly within the curve section of Ramp 1 as vehicle manoeuvring along this ramp encroaches on the exit ramp as shown and stated on the submitted Traffic Report.
Reason: To ensure appropriate vehicular manoeuvring is provided.
59. Five (5) indented on-street parking spaces along Park Avenue frontage of the site are to be marked and signposted as such for the child care centre pick-up/drop-off area. All costs associated with the supply and installation of the appropriate signage is to be paid for by the applicant at no cost to Council. The installation of the signs require approval processes through the Parramatta Traffic Committee under Delegated Authority.
Reason: To ensure adequate parking signs are provided.
60. The applicant shall submit an application to Council's Service Manager – Traffic and Transport regarding the installation of the appropriate parking restriction signs at least 4 months prior to the final occupation of the building. This matter is to be referred to Council's Parramatta Traffic Committee under Delegated Authority for consideration and approval by Council prior to installation of the signs.
Reason: To ensure adequate implementation of parking restrictions.
61. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveways in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site from Helen Street and Caroline Street. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.
Reason: To comply with Australian Standards and ensure pedestrian safety.

62. Prior to the commencement of any work, including bulk earthworks and construction works the applicant/developer is to approach the NSW State Heritage Office to satisfy any archaeological requirements for the site. This may include a preliminary archaeological assessment or a request for an exemption permit.

A copy of the written correspondence from the Heritage Office confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure that the requirements of the Heritage Office are met and any European archaeological items are appropriately managed.

Prior to the Commencement of Work

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

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

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

64. 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.

65. 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.

66. 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.

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

Reason: To ensure adequate toilet facilities are provided.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. 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.

79. The trees identified for protection as specified in the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreeIQ Revision A dated 17 February 2015 shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above.

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

80. 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:

- (d) The Tree Protection Zone is a 'No-Go Zone';
- (e) 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
- (f) The name, address, and telephone number of the developer and site Arborist.

Reason: To protect existing trees during the construction phase.

81. Consent from Council must be obtained prior to any pruning works being undertaken on any tree on site, or any trees located in adjoining properties.

All approved pruning works must be supervised by an Australian Qualifications Framework (AQF) Level 3 certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

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

Reason: To ensure trees are protected during construction.

83. The design and construction of any food / beverage preparation facilities and waste storage areas associated with this activity shall satisfy the requirements of food safety standards prescribed under the Food Act 2003, as well as Australian Standard AS 4674 – 2004: 'Design, Construction and Fit-out of Food Premises'. Final design drawings for these areas are to be submitted to the principal certifying authority prior to commencement of work.

Reason: To ensure design of the premises meets relevant public health standards.

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

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

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

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

86. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

87. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

During Construction

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

93. 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.

94. 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.

95. 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.

96. 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.

97. 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.

98. 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.

99. 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.

100. 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.

101. 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).

102. 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.

103. 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.

104. 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.

105. 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.

106. 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.

107. All pruning must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and confirm to the provisions of AS4373-2007 "Pruning Amenity Trees", and the NSW Workcover Tree Work Draft Code of Practice 2007.

Reason: To ensure the pruning will not adversely affect the tree(s).

108. 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.

109. A root barrier is to be installed to the property side edge of the public footway along Park Street to reduce the future impacts from the proposed tree plantings within the site. The nature, extent and depth of the root barrier must be determined by a qualified arborist having regard to the on-site conditions and tree species.

Following the installation of the root barrier, a plan showing its location accompanied by photographic evidence must be forwarded to the Principal Certifying Authority by the supervising Arborist.

Reason: To protect roadway infrastructure.

110. All excavation within the nominated radius of the Structural Root Zones of the following trees, as referenced in the Arboricultural Impact Assessment Report and Tree Protection Specification by treeIQ Revision A dated 17 February 2015, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist:

Tree No.	Name	Common Name	Location	Structural Root Zone (m)
C	Eucalyptus cladocalyx	Sugar Gum	Neighbour's property	1.5
G	Corymbia maculata	Spotted Gum	Neighbour's property	3.1
K	Corymbia sp	Gum Tree	Neighbour's property	2.4
M	Corymbia maculata	Spotted Gum	Neighbour's property	2.4
N	Corymbia maculata	Spotted Gum	Neighbour's property	2.5

Once the work is completed a written report detailing the remedial work undertaken is to be forwarded to the Principal Certifying Authority.

Reason: To provide adequate protection of trees.

111. 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.

112. Trees to be removed are:

Numbered: **T1-11, T14, T16-19A, T21-T26, T29-T50** as specified in the Arboricultural Impact Assessment Report and Tree Protection Specification by treeIQ Revision A dated 17 February 2015.

Reason: To facilitate development.

113. 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.

114. Stormwater must be connected to Council's drainage infrastructure within the property frontage of Park Avenue and Caroline Street.

Reason: To ensure satisfactory storm water disposal.

115. 200mm wide grated drains, incorporating heavy duty removable galvanised grates are to be located within the site on the driveway ramps accessing the basement car parking. They shall be generally located at the basement entrance and shall collect all

surface water flowing down the driveway. The drainage line from the grated drains shall be connected to the basement pump-out system.

Reason: Stormwater control.

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

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

117. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

Reason: To ensure that building materials are not washed into stormwater drains.

118. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To prevent pollution of waterways

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

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

Prior to the issue of the Occupation Certificate

120. 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.

121. 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.

122. 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.

123. 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. 458268M_02, will be complied with prior to occupation

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

124. 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.

125. 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.

126. 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.

127. 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.

128. 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.

129. 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.

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

The terms of the instruments are to be generally in accordance with Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" 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

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

131. 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.

132. 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.

133. 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.

134. 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.

135. 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.

136. 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.

137. 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.

138. All individual parcels of land holding a separate title within the development site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the Conveyancing Act 1919.

139. Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:

Acoustic Report No. 20120321.15/1305A/R6/GW, dated 13/5/2015, prepared by Acoustic Logic

Reason: To demonstrate compliance with submitted reports.

140. An Arts Plan shall be prepared for the site to the satisfaction of Council. The plan is to be submitted to, and approved by Council and implemented prior to occupation.

Reason: To ensure an appropriate public artworks are provided for the site

141. Certification to be provided to the Principal Certifying Authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food standards prescribed under the Food Act 2003, and the requirements of the Australian Standard AS 4674-2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

Reason: To ensure construction and fit-out of the premises meets relevant public health standards.

142. Prior to the use commencing, a multi-stage air filtration unit be incorporated in the mechanical exhaust ventilation system due to topography of the land, the prevailing weather conditions and the proximity of the structure in relation to other buildings adjacent to the site.

- The design, construction and installation of all duct work to be in accordance with the requirements of Clause 7.5 of Australian Standard AS 1668.2-2012 (Fire and Smoke Control - Kitchen Hood Exhaust Systems).
- The design, manufacture and installation of exhaust hoods to be in accordance with the requirements of Appendix E of Australian Standard AS 1668.2- 2012 (Kitchen Exhaust Hoods).

The air filtration system is to retain a minimum of 90 per cent of total smoke and a minimum of 95 per cent of oil and fat discharged by the cooking process. In this

regard, details of filtration data, including details of the efficiency of each stage of the filtration system and fan unit details are to be documented and kept on site;

The multi stage air filtration unit must be fitted with a self-actuating by-pass in the odour absorption filter stage and be provided with air filters, differential pressure gauges as well as electrical interlocks to prevent use of the system unless all filter stages are in place.

Reason: To control offensive emissions and ensure the protection of the environment.

143. Notification of the food business is to be made to the NSW Food Authority before any food handling operations are commenced at the premises.

Reason: To comply with requirements of the Food Act.

144. 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 exiting driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers.

145. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

Reason: To ensure a waste collection service is commenced at the time of occupation of the development.

Use of the Site

146. 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.

147. 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.

148. 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.

149. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual,

Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

150. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

Reason: To reduce noise levels.

151. There are to be no external speakers at the premises.

Reason: To prevent loss of amenity to the area.

152. The air conditioner/s must not:

(a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(ii) before 7.00am and after 10.00pm on any other day. And

(b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) above, and which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as LAeq 15 minute.

Reason: To prevent loss of amenity to the area.

153. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2010 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

154. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;

b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;

c) The walls being cement rendered to a smooth, even surface and coved at all intersections;

d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

Reason: To ensure provision of adequate waste storage arrangements

155. 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.

156. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.
Reason: To prevent loss of amenity to the area.
157. The use of the premises not giving rise to:
- (c) transmission of unacceptable vibration to any place of different occupancy,
 - (d) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.
- Reason:** To prevent loss of amenity to the area.
158. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
159. Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with AS 1940 –2004 'The storage and handling of flammable and combustible liquids' before commencement of use.
Reason: to ensure that waste liquids are correctly contained.
160. All Dangerous Goods shall be stored in accordance with:
- AS 1940-2004 : The Storage and Handling of Flammable and Combustible Liquids and
 - Work Health and Safety Act 2011
 - National Code of Practice for the Storage and Handling of Workplace Dangerous Goods (2001)
- Reason:** To ensure that the dangerous goods are correctly contained.
161. All aboveground storages of hazardous materials, oils and chemicals are to be bunded. The bund is to be made of any impervious material and should be roofed and large enough to hold the contents of the largest container plus 10%.
Reason: To ensure that hazardous materials are correctly contained.
162. To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) must be held at the facility for all hazardous materials. These can be obtained free of charge from the supplier.
Reason: To ensure compliance with the Occupational Health & Safety Act 2000 & Regulations
163. All waste storage areas are to be maintained in a clean and tidy condition at all times.

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

164. The roller shutter door to be provided at the driveway entry and exit from Caroline Street may be operated by a security access card reader which must be installed in accordance with Clause Nos. 3.3(b) of AS 2890.1-2004. The security card reader, if installed, is to be provided on the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

Reason: To comply with Australian Standards.

165. 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.

166. This consent does not authorise the use or operation of the premises as a child care centre, except where the operator and all employees are in possession of a current valid license from the NSW Department of Community Services (DOCS).

167. No advertisement/signage shall be erected on or in conjunction with the development without prior development consent unless the advertisement is 'exempt development' in accordance with the relevant planning instruments.

Reason: To comply with legislative controls.

168. The days and hours of operation for the childcare centre are restricted to 7am and 7pm Monday to Friday. Any alterations to the above will require further development approval.

Reason: To minimise the impact on the amenity of the area.

169. The maximum number of children attending the centre at any one time shall be as follows.

- 0-2 year olds: 18
- 3 + year olds: 35

Reason: To ensure the appropriate capacity for the premises at any one time.

170. The days and hours of operation for the cafe are restricted to 7am and 7pm Monday to Sunday. Any alterations to the above will require further development approval.

Reason: To minimise the impact on the amenity of the area.