

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

<b>JRPP No</b>	2015SYW046 - <b>ADDENDUM TO ASSESSMENT REPORT</b>
<b>Date</b>	23 March 2016
<b>DA No.</b>	DA/127/2015
<b>LGA</b>	Parramatta
<b>Proposed development</b>	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.
<b>Street address</b>	2-6 Helen Street and 17 Park Avenue, Westmead
<b>Property Description</b>	Lot 51 DP 633455 and Lot 50 DP 633455
<b>Applicant</b>	Uniting Care Ageing
<b>Owner</b>	Uniting Care Ageing
<b>Recommendation</b>	Approval
<b>Report by</b>	Denise Fernandez, Senior Development Assessment Officer

### 1. Background

A report on this application was considered by the Sydney West Joint Regional Planning Panel (the Panel) on 25 February 2016. At that meeting, the Panel resolved to:

*“.....defer the determination of the matter until amended plans addressing non-compliance with height standard at Block D are provided.”*

The purpose of this report is to supplement the original assessment by addressing relevant matters arising from the submission of amended plans. See the original Section 79C Report for a detailed assessment on Blocks A, B, C and E.

## **2. Matters addressed in this report**

This report considers the following:

- Amended plans submitted to Council from the applicant dated 4 February 2016
- Assessment of the amended plans against the relevant provisions and controls under Seniors Living SEPP, SEPP 64, PLEP 2011 and PDCP 2011
- Public submissions made to Council in response to the re-notification of the amended plans

### **2.1 Submission of amended plans**

The applicant was forwarded the decision by the Panel on 25 February 2016 to defer the determination of the application until amended plans were submitted addressing the non-compliance with the maximum height for Block D on 26 February 2016. The applicant was advised that amended plans were to be submitted to Council within 21 days as per the Panel's comments.

In response, the applicant submitted amended plans on 9 March 2016. The amended plans show a reduction of height to Block D from 8 storeys to 7 storeys. As a result, the following changes to the application are proposed:

	<b>Original Proposal</b>	<b>Amended Plans</b>
Independent Living Units	230	227
Gross Floor Area (excluding on-site support services)	27,345.471m <sup>2</sup>	26,974.471m <sup>2</sup>
FSR	2.01:1	1.99:1
Height of Block D	Max. 26.3 metres	22 metres
Block D (height in storeys)	8 storeys	7 storeys
Unit Mix (for overall development)	70 x 1 bedroom (30.4%) 158 x 2 bedroom (68.9%) 2 x 3 bedroom (1%)	70 x 1 bedroom (30.8%) 155 x 2 bedroom (68.2%) 2 x 3 bedroom (1%)

It is noted that there are to be no changes to the number of parking spaces on site which remain at 287 spaces.

### **2.2 Assessment of Amended Plans**

The following assessment under the relevant planning instruments relate only to the provisions and controls which are affected by the amended plans.

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

### Part 3 – Design Requirements

Requirement	Proposal	Compliance
<p><b>Clause 35 - Solar access and design for climate</b></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><b><i>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,</i></b></p> <p>The proposal results in 69.16% of dwellings within the development receiving adequate sunlight to main living areas and private open space areas (ie 157 out of 227 units). Whilst this is a non-compliance against the requirement, it is considered to be minor and equates to a non-compliance of 2 units not meeting the solar access requirements. While this is a minor departure, all units retain adequate ventilation and access to daylight to adequately offset the non-compliance and is therefore acceptable in this regard.</p>	<p><b>No, but acceptable.</b></p>

### Part 6 – Development for Vertical Villages

Requirement	Proposal	Compliance
<p><b>Clause 45 – Vertical Villages</b></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 Standards) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.</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>Due to the deletion of 3 ILUs, the amended FSR is 1.99:1.</p>	<p>Yes</p>
<p>(6) A consent authority may only grant consent to a development application</p>	<p>The application provides 10% of ILUs as affordable (23 units).</p>	<p>Yes</p>

<p>as referred to in subclause (2) if:</p> <p>(a) the consent authority is satisfied, on written evidence, that:</p> <p>(i) the proposed development will deliver on-site support services for its residents, and</p> <p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(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.</p>	<p>The development also provides on-site services as previously mentioned.</p> <p>Total floor area for on-site care services (to be excluded from total FSR) = 852.737m<sup>2</sup></p> <p>The floor area of development = 26,974.471m<sup>2</sup> (1.99:1).</p>	
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### Part 7 – Development Standards that cannot be used as grounds to refuse consent

Development Standard	Proposal	Complies / Comment
<b>50 Standards that cannot be used to refuse development consent for self-contained dwelling</b> <p>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:</p>		
<b>building height:</b> 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)	<p>The maximum height of the development is 23.085 metres (applicable to Building B which contains ILUs).</p> <p>It is noted that the amendments to Block D has reduced the height to 22 metres.</p> <p>As previously noted, RFB developments are permissible on the site. This requirement assumes developments located within low density residential zones.</p>	<b>No, but acceptable</b>
<b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.	<p>Pursuant to Clause 45 (6) of the SEPP, the development benefits from a FSR bonus which increases the maximum FSR for the development to 2.2:1.</p> <p>The development proposes a maximum FSR of 1.99:1.</p>	<b>No, but acceptable</b>
<b>solar access:</b> 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	<p>Refer to discussion under Part 3 above.</p>	<b>No, but acceptable</b>
<b>parking:</b> 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	<p>Required – 45.4 (46) spaces  Proposed – 282 car parking spaces</p>	Complies

## AMENDED COMPLIANCE TABLE – STATE ENVIRONMENTAL PLANNING POLICY 64 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

### RESIDENTIAL FLAT DESIGN CODE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	<b>Block D Levels 4 to 6</b>  Habitable to Habitable – 12 metres  Balcony to Balcony – Min. 12.54 metres  Habitable to Non-Habitable / Blank Wall – Min. 9 metres  Non-habitable / Blank Wall to Non-habitable to Blank Wall - Min. 18 metres	<b>No, but acceptable</b>
<b>Planning Comment</b>  <u>Within the Development</u>  The non-compliance with the building separation within the development is applicable to levels 4 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.			
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	Refer to discussion under Part 3 of SEPP Housing for Seniors.	<b>No, but acceptable</b>
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

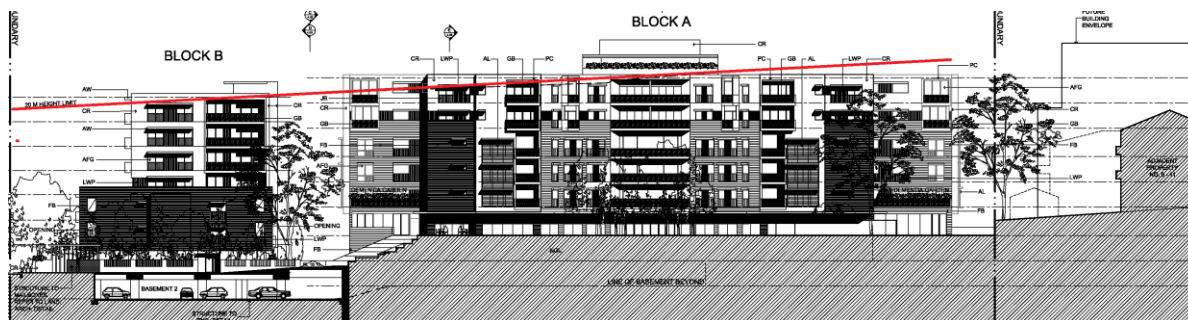
## AMENDED COMPLIANCE TABLE – PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
<b>4.3 Height of Buildings</b>		
<b>11 metres (site addressing Parramatta Park)</b>	<b>NO</b>	10 metres – development fronting Parramatta Park
<b>20 metres for remainder of the site.</b>		22 metres – Max. height of Block D (due to amendments)  Clause 4.6 variation submitted.
<b>4.4 Floor Space Ratio</b>	<b>NO</b>	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.		
<b>4.6 Exceptions to development standards</b>	Yes	The application seeks approval to vary Clause 4.3 – Height.  Refer to the discussion at the end of this table.
<b>5.6 Architectural roof features</b>	Yes	The application has been amended to include an architectural roof feature for all lift overruns / stair cores.

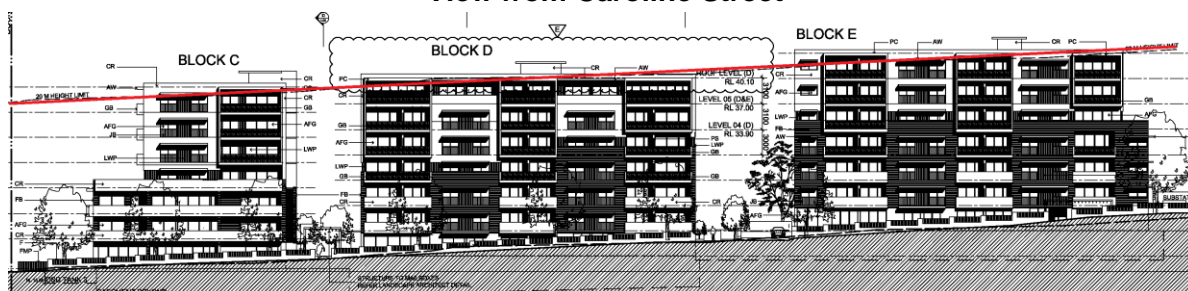
### EXCEPTIONS TO DEVELOPMENT STANDARDS WITHIN LEP 2011

The variation sought is as follows:

Maximum height under PLEP 2011	Proposed Building Height	Degree of variation and merit
<b>20 metres</b>	Block A – 24.85 metres	4.85 metres (or 24.25% from development standard)
	Block B – 23.085 metres	3.085 metres (or 15.4% from development standard)
	Block C – 23.05 metres	3.05 metres (or 15.2% from development standard)
	Block D – 22 metres	2 metres (or 10% from the development standard)
	Block E – 22.85 metres	2.85 metres (or 14.25% from the development standard)



**View from Caroline Street**



**View from Helen Street**

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

- The height departure across the site is a result of the sloping nature of the land. The bulk of the built form is below the height limits.
- The areas that exceed the height standard relate to roof servicing areas, lift overruns, as well as minor portions of the upper levels. However, no levels in its entirety are contained beyond the height limits.
- The areas that exceed the height limit have been appropriately setback from the building edges to ensure that these areas are not visually dominant on a pedestrian level.
- The encroachment on the height standard does not in this case result in any loss to views to and from the development site.
- The variation does not in this instance, does not result in any unreasonable impacts to the heritage value of Parramatta Park opposite the subject site.
- The proposal provides adequate building separation within the development as well as to adjoining properties to the north, south and west.
- The amended plans demonstrate that satisfactory solar access within and outside of the development can be achieved.
- Despite the departure to the maximum height, the development maintains a FSR below the maximum provisions under the SEPP.

#### **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 breach in the height mostly relate to the lift overrun and stair cores. 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 contain any habitable areas beyond the height limit.
- Only provides service areas and lift cores beyond the height limit.
- Does not result in any adverse heritage impacts to Parramatta Park.
- Improves the amenity and design outcome of the development.
- 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.

#### **AMENDED COMPLIANCE TABLE – PARRAMATTA DEVELOPMENT CONTROL PLAN 2011**

<b>DEVELOPMENT CONTROL</b>	<b>COMPLY</b>	<b>DISCUSSION</b>
<b>2.4.1 Views and Vistas</b>		
<b>Preserve significant features and areas of high visibility</b>	Yes	Due to the reduction in the maximum height, any views to and from the site will continue to be maintained. A View Analysis was submitted which assessed the development prior to the reduction in height and concluded that the development is unlikely to result in any view loss to and from Parramatta Park. That analysis is concurred with. As such, the reduction to the maximum number of storeys will improve views.
<b>2.4.6 Development on Sloping Land. Does the design of the development appropriately</b>	Yes	The subject site has a fall of approximately 7 metres from the west to the east.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
respond to the slope of the site?		The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform. The development has also been amended by reducing the height of Block D and as a result, the response to the sloping nature of the site improves.
<b>3. Preliminary Building Envelope</b>		
<b>Height (refer also to LEP table)</b>		
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.
<b>3.2. Building Elements</b>		
<b>3.2.1 Building Form and Massing</b>		
Height, scale and bulk consistent with existing or planned building patterns in the street?	Yes	Due to the reduction to the height of Block D, the form and mass of this building has improved. In addition, the building maintains satisfactory setbacks, deep soil zones and articulation, thereby, further reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the adjoining properties
<b>3.2.3 Roof Design</b>		
Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes	The amended roof on Block D is a flat roof and is consistent with the other buildings on the site as well as being a common roof form of existing developments within the area.
<b>3.3 Environmental Amenity</b>		
<b>3.3.3 Visual Privacy</b>		
Do balconies face the street or another element of the public domain such as a park?	Yes	The reduction to the height of Block D deletes 3 units from the top level of this building. In doing so, 3 balconies were removed. No other changes were made to the other buildings with respect to balconies and how they currently address the public domain communal areas.
Is a minimum building separation of 12m provided between habitable rooms/balconies?	No, but acceptable	See RFDC assessment.
<b>3.3.5 Solar Access (refer also to RFDC section)</b>		
	No, but acceptable	The design of the amended development which provides articulation and setbacks allow for a majority of the units within 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>development to achieve the 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 adversely impacted by the development.</p>
<b>3.4 Social Amenity</b>		
<b>3.4.5 Housing Diversity and Choice</b>		
Is the unit mix in accordance with the following:	No, but acceptable	<p><b>Provided -</b></p> <p>Only applicable to the ILUs</p> <p>70 x 1 bedroom (30.8%) 155 x 2 bedroom(68.2%) 2 x 3 bedroom (1%)</p> <p>The departure is considered to be acceptable as the proposed unit mix allows for a range of units to suit diverse living circumstances.</p>
3 bedroom 10% - 20%		
2 bedroom 60% - 75%		
1 bedroom 10% - 20%		

### **2.3. Public submissions made to Council in response to the re-notification of the amended plans**

The amended plans were re-notified for a period of 14 days between 18 March 2016 and 4 April 2016. In response, three submissions were received. A majority of the issues raised in the submission have been addressed in the original Section 79C Assessment Report. The additional issues raised in the submission are as follows.

Issue	Comment
<b>Streets are too narrow which results in difficulty in parking</b>	<p>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 well as any issues with impacts to on-street / on-site parking for adjoining sites.</p> <p>It is noted that a condition will be imposed on the consent requiring the preparation of a Traffic Management Plan during works related with the development to ensure that traffic and parking on Park Avenue, Helen Street and Caroline Street are not unreasonably burdened or disrupted.</p>
<b>The development will</b>	The development provides for adequate on-site parking. As such,

<b>encourage illegal parking as there is insufficient on-street parking.</b>	<p>this should not warrant an unreasonable increase in the demand for on-street parking.</p> <p>In the event that there is a high demand for on-street parking, illegal parking of vehicles that results in the restriction of access to adjoining sites should be reported to Council's regulatory officers or NSW Police.</p>
<b>The commercial uses incorporated in the proposal will generate noise, traffic and undue impacts to amenity.</b>	<p>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. Notwithstanding, whilst it is available to the public, the majority of the users of the childcare centre and café will benefit visitors and residents of the facility. In addition, the operating hours of the child care centre is limited to 7am to 7pm, Monday to Friday. In this regard, these uses are unlikely to create undue amenity and traffic impacts on adjoining properties.</p>
<b>Excessive height and further height restrictions on the buildings that immediately adjoin properties to the west.</b>	<p>It is acknowledged that the development is the first of its kind proposed at the height envisaged by the local planning instruments in this area of Westmead. However, 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 development and in this instance does not result in a 'bulky' development. The amended proposal (which reduced the maximum height from 8 to 7 storeys) also does unduly impact on views to and from the site.</p> <p>It would be unreasonable to further reduce the height of the buildings closest to the adjoining properties to the west (ie Block E and A) so that the service cores, terraces and lift overruns are within the maximum height. These elements do not contain habitable areas and are centrally located within the roof top so as not result in any amenity impacts to adjoining properties. These elements also do not contribute to a bulky development form.</p>
<b>Reduced visual impact on the immediate surroundings</b>	<p>The proposal was amended to ensure that the bulk of the development is within the maximum height limit. As the height limits are set by the relevant planning instrument, it is considered that the visual impacts as a result of these heights were envisioned. Further, the development provides adequate building separation, landscaping, articulation and building materials to reduce undue visual impacts on the immediate surroundings.</p>

### 3 Summary and conclusion

The applicant has demonstrated compliance with the Panel's recommendations to reduce the height of Block D to maintain compliance with the maximum height for the site being 20 metres.

The amended plans were assessed against the relevant planning controls which improved compliance and overall design outcome for the site. Whilst the development still seeks a departure to the maximum height, the areas which are beyond the height limit relate to lift overruns and stair cores. The bulk of the building remains below the 20 metre height limit.

As a result of the re-notification of amended plans, three submissions were received. The additional issues raised relate to narrow streets and parking accessibility and excessive height.

As the development has been amended to reduce overall height of the development, Council recommends support of the variations sought and approval of the amended development subject to conditions of consent.

## **RECOMMENDATION - DEFERRED COMMENCEMENT APPROVAL**

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* and *State Environmental Planning Policy No. 1* are supportable:

- (i) Maximum height under Clause 4.3 of Parramatta Local Environmental Plan 2011
- (ii) Number of accessible car parking spaces under Clause 41(1) and Subclause 5(a) of Schedule 3 of SEPP Seniors Housing.

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* *SEPP Seniors Housing* is supportable and that granting consent to Development Application DA/127/2015 is consistent with the aims of the LEP and the SEPP, 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 below.

## **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.	1-18, 22-24, 26 – 28, 30 – 62, 64 – 124, 126 – 139, 141 – 165.

	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.	
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:

<b>Drawing No.</b>	<b>Prepared By</b>	<b>Dated</b>
Site Analysis Plan, Drawing No. DA 01.01. Revision B.	Marchese Partners	27 February 2015
Site Plan, Drawing No. DA 01.02. Revision C.	Marchese Partners	4 March 2016
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 D.	Marchese Partners	4 March 2016
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 E.	Marchese Partners	4 March 2016
CC&DD Sections. Drawing No. DA 04.02. Revision D.	Marchese Partners	4 March 2016
EE&FF Sections. Drawing No. DA 04.03. Revision D.	Marchese Partners	4 March 2016
AA&BB Sections. Drawing No. DA 04.01. Revision D.	Marchese Partners	4 March 2016
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.	Taylor Brammer	23 February 2015

Revision A.		
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 D.	Marchese Partners	4 March 2016
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 D.	Marchese Partners	4 March 2016
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.	Meinhardt	23 February 2015

MIE022. Revision C.		
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	Spotted Gum	Neighbour's	500	6.0

	maculata		property		
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 **\$9904.90** 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](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 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.

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](http://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 to 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 470m<sup>3</sup>/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 300m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455m<sup>3</sup>/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**:

- 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:** To ensure appropriate amenity is achieved.

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:

- In any internal area of the building other than non-habitable (ie hallway, kitchen, bathroom): 40dB(A) at any time
- In any bedroom in the building: 35dB(A) between 10pm – 7am

**Reason:** To ensure appropriate amenity is achieved.

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 are being undertaken.

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

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

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

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

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 TreelQ 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](http://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 provided 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](http://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.