

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

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| JRPP No | JRPP Reference Number: 2015SYW050 |
| DA Number | DA/480/2014 |
| Local Government Area | Parramatta City Council |
| Proposed Development | Lot consolidation, demolition of existing structures and the construction of a 3 storey Residential Flat Building over a basement car park containing 30 units. Consent is sought under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. |
| Street Address | 85-87 Wentworth Avenue Wentworthville |
| Applicant | Idraft Group Pty. Ltd. |
| Owner | Mr David Azar and Mr Simon Azar |
| Number of Submissions | One |
| Regional Development Criteria (Schedule 4A of the Act) | The development includes affordable housing and has a value of over \$5 million (Private infrastructure and community facilities over \$5 million) |
| List of All Relevant s79C(1)(a) Matters | State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy 65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta LEP 2011, Parramatta Development Control Plan 2011 |
| Recommendation | Deferred Commencement |
| Report by | Liam Frayne, Senior Development Assessment Officer |

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

SUMMARY

Application details

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| DA No: | DA/480/2014 |
| Assessment Officer: | Liam Frayne |
| Property: | 85-87 Wentworth Avenue Wentworthville (Lot 1 DP 783820 and Lot 4 Sec 2 DP 976563) Arthur Phillip Ward |
| Proposal: | Lot consolidation, demolition and the construction of a three storey residential flat building containing 30 units over a basement car park. The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009 as 14 units are nominated as affordable rental housing for a period of 10 years once the building is complete. |
| Date of receipt: | 28 July 2014 |
| Applicant: | Idraft Group Pty. Ltd. |
| Owner: | Mr David Azar and Mr Simon Azar |
| Submissions received: | One |
| Property owned by a Council employee or Councillor: | The site is not known to be owned by a Council employee or Councillor |
| Political donations/gifts disclosed: | None disclosed on the application form |
| Key issues: | Nil |

Recommendation: Deferred Commencement

Legislative requirements

Zoning: R4 High Density Residential

Permissible under: Parramatta Local Environmental Plan 2011

Relevant legislation/policies: Parramatta Development Control Plan 2011
BASIX SEPP, Section 94A Plan, State Environmental Planning Policy (Affordable Rental Housing) 2009, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications

Variations: Common open space, landscaped open space

Integrated development: No

Crown development: No

The site

Site Area: 2109m²

Easements/rights of way: No – The site is not affected by easements

Heritage item: No

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: There is no site history relevant to the current application.

DA history

28 July 2014 Application lodged

13 August to 3 September 2014 Advertising Period

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|-------------------------|---|
| 10 September 2014 | Design Excellence Advisory Panel assessment |
| 26 December 2014 | Design Excellence Advisory Panel assessment |
| 29 April to 20 May 2015 | Second notification period |

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is a large rectangular allotment located on the northern side of Wentworth Avenue in Wentworthville, opposite Wentworthville Railway Station. The site has a frontage to Wentworth Avenue of 34.665m and a site area of 2109m².

Existing structures on the site consist of two single storey dwellings, a garage, and a car port. The site contains 10 trees.

Surrounding development is mixed. To the west, the site adjoins properties containing detached dwelling houses (noting however that a concurrent application has been submitted for a 3 storey residential flat building on the two sites immediately to the west), while to the east the site adjoins a shop premises next to which is the Wentworthville Police Station. To the north, the site adjoins a town house development and development is generally in the form of detached dwellings.

The site slopes from its south eastern to its north western corner by 780mm.



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



Figure 2: 85 Wentworth Avenue



Figure 3: 87 Wentworth Avenue

THE PROPOSAL

Consent is sought for the following:

- Consolidation of the two existing lots into one lot;
- Demolition of the existing buildings on the site;
- Removal of 9 trees;
- Construction of a three storey residential flat building containing 30 units over basement car parking;
- The application is made under SEPP Affordable Rental Housing and 14 of the 30 units are to be affordable rental housing for a period of 10 years following completion of the development.

PERMISSIBILITY

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal is located in an accessible area given it is adjacent to Wentworthville Railway Station.

The proposal is therefore permissible under the SEPP as it is also permissible in the R4 zone applying to the site.

Parramatta Local Environmental Plan 2011

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

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

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

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

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

REFERRALS

Development Engineer

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

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

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

It is proposed that the site will drain via an easement linking its north western corner to Hill Street. To facilitate creation of this easement, deferred commencement conditions are recommended requiring the easement be created prior to the consent becoming operative.

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

Landscape

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

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

In terms of tree removals, 9 trees are proposed for removal, and the removal of these trees has been deemed acceptable by Council's Landscape and Tree Management Officer. The assessment summary of the proposed tree removals is included below:

| Tree No. | Name | Common Name | Location | Reason |
|-----------------|---------------------------------------|--------------------|-----------------|---|
| 1 x | <i>Schefflera actinophylla</i> | Umbrella Tree | Front | Exempt species |
| 1 x | <i>Cupressus macrocarpa</i> | Monterey Cypress | Front | Poor form/condition |
| 1 x | <i>Archontophoenix cunninghamiana</i> | Bangalow Palm | Front | Low significance value |
| 1 x | <i>Acmena smithii</i> | Lilly Pilly | Front | Low significance value/building footprint |
| 1 x | <i>Cinnamomum camphora</i> | Camphor Laurel | Front | Undesirable species |
| 1 x | <i>Jacaranda mimosifolia</i> | Jacaranda | Rear | Low significance value/building footprint |
| 1 x | <i>Liquidambar styraciflua</i> | Liquidambar | Rear | Low significance value/building footprint |
| 1 x | <i>Callistemon viminalis</i> | Bottlebrush | Rear | Low significance value/building footprint |
| 1 x | <i>Cinnamomum camphora</i> | Camphor Laurel | Rear | Undesirable species |

One tree is to be retained, a Forest Red Gum at the rear of the property. The required tree protection zone of 7m is provided, and accordingly the proposal will not endanger the health of this tree.

Assessment of the proposed easement pathway identified one tree conflicting with the proposed pipe course, but an application has subsequently been lodged and approved granting consent for the removal of this tree.

Conditions were recommended by the Landscape and Tree Management Officer and these have been incorporated into the recommendation.

Traffic and Transport Investigations Engineer

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

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

In terms of traffic generation, it is estimated that the development will result in a net increase in vehicle trips during peak hour of 13.02 trips, an increase that the local road network is capable of accommodating.

The recommended conditions have been incorporated into the proposed conditions.

Design Excellence Advisory Panel and Urban Design

The proposal was considered by DEAP on 10 September 2014. The Panel recommended a number of modifications to the design scheme prior to further progression of the application.

The development application was re-referred to the Design Excellence Advisory Panel on 10 December 2014. The Panel made the recommendations below with respect to design improvements with the response provided in the adjacent column.

| Panel Comment | Design Response |
|---|---|
| <ul style="list-style-type: none"> The Panel noted that the applicant had taken on board most of the recommendations from the previous Panel meeting which is to be commended and the proposal has improved substantially. However there were still a number of minor issues to deal with such as: <ul style="list-style-type: none"> Sun protection to western windows. | <p>A condition is incorporated in the recommendation requiring that sun protection devices be provided for all west facing windows.</p> |
| <ul style="list-style-type: none"> It was noted that the rear walls of a number of kitchens are in excess of 8 metres from the external walls and this should be adjusted. | <p>Only units 2, 12 and 22 are more than 8m from a window. Given that only 3 of 30 units are affected, it is considered that overall the positioning of kitchens is acceptable.</p> |
| <ul style="list-style-type: none"> It is recommended that additional landscaping greenery be placed on the private open space to unit 08 that will shield it from the carpark entry and the adjacent site. | <p>A condition is included in the recommendation requiring that additional screen landscaping be provided for this unit to ensure the amenity of its private open space area.</p> |

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| <ul style="list-style-type: none"> The garbage area could be modified so that it has less impact on the amenity and entry of unit 01. This could be achieved by deleting the western terrace of unit 10 and consolidating the garbage with this zone either side of the pedestrian access. | <p>The private open space and entry of Unit 1 are located opposite the bicycle storage area and only partly face the waste area on its southern edge. It is not therefore considered that this is a substantial concern.</p> |
| <ul style="list-style-type: none"> The Panel noted the potential for natural light and ventilation to both lobbies and foyers. This would potentially include a ventilating skylight over both stairwells and possibly a security gate rather than glazed front doors at both entrances. | <p>A condition is included in the recommendation requiring that security gates be provided for both lobbies.</p> <p>In terms of provision of a skylight above the lobbies, it is not considered that a significant amount of light would penetrate the ground floor of the building where it is most needed, and accordingly, this recommendation is not adopted.</p> |
| <ul style="list-style-type: none"> The carpark ramp could only be one way and therefore there needs to be clear indication of a passing space at the top of the ramp along with a security access provision. | <p>A passing space is provided at the top of the basement access ramp.</p> |

The panel noted that the application did not need to return for their review.

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

To address this requirement, conditions are included in the recommendation requiring that an identifying feature (for example a small feature wall containing the name of the development or an entrance gateway or portal) be provided at this location.

Subject to these conditions, the proposal will provide an acceptable level of amenity for future occupants and will exhibit design quality.

Waste Management

The application was referred to Council's Waste Management Officer. The Waste Management Officer found that the proposal was satisfactory subject to the imposition of conditions relating to waste management.

The conditions proposed are included in the recommendation.

Environmental Health

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

Social Outcomes

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

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

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

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

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

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

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

External Referrals

Transport – Sydney Trains

As the application proposes excavation works within 25m of the rail corridor, referral to Transport – Sydney Trains was required under Clause 86 of SEPP Infrastructure.

Transport – Sydney Trains requested that conditions be incorporated into the recommendation to ensure that the proposed works do not impact on the operation of the nearby rail corridor.

The conditions include a deferred commencement condition that requires the applicant to prepare and submit to Sydney Trains geotechnical and structural details to ensure that excavation works do not impact on the railway corridor.

These conditions have been incorporated into the recommendation.

PUBLIC CONSULTATION

In accordance with Appendix 5 of DCP 2011, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 13 August and 3 September 2014. In response no submissions were received.

Amended Plan

Yes

Summary of amendments

- Adjustment of the basement ramp to provide compliant gradients;
- Provision of planters along the footpath area to provide privacy to units;
- Increase in size of the clothes drying area at the rear;
- Increase in landscaped area in the eastern setback of the site;
- Dedication of the front setback to adjacent units;
- Rearrangement of Unit 8 to swap the living space and the bedrooms;
- Increase in the size of the secondary balconies of units 12, 13, 22 and 23;
- Change of roof design from butterfly roof depending on a central box gutter to a skillion roof;
- Change of brick tone use for the front stairwell on the eastern elevation;
- Removal of blade wall at the front of the development; and
- Introduction of parapet on the western side of the street elevation.

In accordance with Appendix 5 of DCP 2011, the modified application was renotified between 29 April and 20 May 2015. In response one submission was received. The issues identified in this submission are discussed below:

- Submission received from 42 Railway Street Wentworthville

Concern about view loss as a result of the height of the development

The only views to the south, beyond the general suburban landscape, are of Wentworthville Railway Station. The sites to the north are not noticeably or significantly elevated above the subject site, so any view obtained is achieved by looking over a number of neighbouring properties. Given no important or significant views are obtained, that the building complies with its maximum height control, and the views that are obtained are over a number of properties, it is not considered that any expectation of the retention of the existing view is reasonable.

Concern that the proposal provides inadequate car parking

Given the development application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009, the amount of parking Council can require for the development is limited by that legislation.

Under SEPP 2009, the applicant is required to provide 30 off-street car parking spaces, and 31 are provided. Although this does not comply with Council's parking requirements contained in DCP 2011, SEPP 2009 overrides the provisions of DCP 2011 and accordingly the application cannot be refused on the grounds of inadequate off-street car parking.

It is noted that sufficient off-street car parking is provided for one space to be provided per unit.

Concern that as the development will contain affordable rental housing surrounding land values will be impacted by the proposal

The proposal will have 14 rent controlled units for a period of 10 years following completion of the development. It is not considered that this arrangement will have any impact on local land values, nor is this a matter for consideration under Section 79C of the Act.

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| ENVIRONMENTAL PLANNING INSTRUMENTS |
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STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

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

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

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

| Requirement | Proposed | Compliance |
|--|---|---------------------------------|
| <p>Clause 10 – Land to which Division applies</p> <p>Proposed building ‘type’ must be permissible in the zone.</p> <p>Land must be within an accessible area (ie. within 400m walking distance of a regularly serviced bus stop or within 800m of a ferry wharf or train station).</p> | <p>The proposed Residential Flat Building is permissible in the R4 zone applying to the site. The site is located directly opposite Wentworthville Railway Station. The site is located within an accessible area.</p> | <p>Complies</p> <p>Complies</p> |
| <p>Clause 13 – Floor Space Ratio</p> <p>This clause provides an FSR bonus for ARH developments that provide more than 20% GFA as affordable rental housing</p> <p>44% of the proposed GFA is provided as ARH.</p> <p>A floor space bonus applies to infill ARH.</p> <p>The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1</p> <p>For sites with a floor space ratio of less than 2.5:1, the bonus is calculated using the formula below:</p> <p>Bonus = ARH/100</p> | <p>1069.1m² provided as ARH $(1069.1/2425.25) \times 100 = 44.17$</p> <p>$44/100 = 0.44:1$ FSR Bonus.</p> <p>Total FSR = $0.44 + 0.8 = 1.24:1$</p> <p>Applicable maximum floor space is 1.24:1. The proposal has a floor space ratio of 1.14:1</p> | <p>Complies</p> |

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| With ARH being the percentage of GFA given over to ARH. | | |
| <p>Clause 14 – Standards that cannot be used to refuse consent.</p> <p>1.Site and solar access requirements</p> <p>(b) Site Area: Min 450m²</p> <p>(c) Landscaped area: min 30% (632.7m²) landscaped.</p> <p>(d) Deep soil zones: min 15% site area (316.35m²), 3m min dimension and 66% (208.79²) located at rear of site if practicable.</p> <p>(e) Solar Access: 70% of dwellings receive min 3 hours direct sunlight in mid-winter.</p> <p>2. General</p> <p>(a) Car Parking:</p> <p>0.5 space for 1 bedroom 1 space for 2-bedroom 1.5 spaces for 3-</p> | <p>2109m²</p> <p>614.12m²</p> <p>546.63m² with specified dimensions.</p> <p>326m² located at the rear.</p> <p>73% receive 3 hours direct solar access midwinter.</p> | <p>Complies</p> <p>Does not comply – however, to improve landscape provision a condition is included to provide 30m² landscaped open space in planter beds on the eastern edge of Unit 8's terrace. The development will therefore comply.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> |

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| <p>bedroom</p> <p>The proposal contains 3 x 1 bedroom units (1.5) 24 x 2 bedroom units (24) 3 x 3 bedroom units (4.5)</p> <p>30 spaces required (b) Dwelling Size: 50m² for 1 bedroom 70m² for 2 bedroom 95m² for 3 bedroom</p> | <p>31 spaces proposed All units comply with the requirement.</p> | <p>Complies</p> |
| <p>Clause 16 – States that SEPP 65 applies to affordable housing RFB's.</p> | <p>SEPP 65 assessment is contained later in this report.</p> | <p>See SEPP 65 assessment.</p> |
| <p>Clause 16A – Character of Local Area.</p> | <p>This clause requires Council to take into consideration whether the design of the development is compatible with the character of the local area.</p> | <p>An assessment of the compatibility of the proposal with the locality is located at the end of this table.</p> |
| <p>Clause 17 – Must be used for affordable housing for 10 years</p> <p>Consent cannot be granted unless conditions are imposed that will require the development to be used for 10 years from issue of Occupation Certificate.</p> | <p>A condition will be imposed on any consent issued requiring that the development be held as affordable rental housing for a period of 10 years.</p> | <p>Condition</p> |

The proposal therefore satisfies the standards contained in SEPP 2009. The assessment of the proposal against the character of the local area as required by Clause 16A is contained below:

Clause 16A - Character of local area:

The below is a consideration of character within the terms defined in the Land and Environment Court planning principle established in consideration in the

matter *Project Venture Developments Pty. Ltd. v Pittwater Council* [2005] NSW LEC 191.

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

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

As assessment against each step is provided below:

Step 1 - Identify the local area

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



Figure 4: Local Area being the approximate visual catchment from the site (the lots visible from the site). **NB:** Red Border denotes area. White border denotes subject site.

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

Present Character of the area

West of the site, current development takes the form of detached dwelling houses on deep allotments. East of the site development consists of a shop

premises, a police station, and another shop premises (across Railway Street).

North of the site is a town house development, north of which are detached dwelling houses. South of the site is the western railway line and station, which separates the locality from the Wentworthville Town Centre on the southern side of the railway line.

It is noted that a development application is under consideration for a residential flat buildings containing affordable rental housing at 89-93 Wentworth Avenue Wentworthville, and another has recently been approved at 36 Railway Street Wentworthville, with both sites being in close proximity to the subject property.



Figure 5: Image showing the eclectic form of development east of the site.



Figure 6: The form of development predominant west of the site.

Future Character of the area

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

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

Zoning

Part 2 of LEP 2011 defines the zoning that applies. As shown in the figures below, the zoning of sites around the affected property to the north, west, and east is R4 High Density Residential under Parramatta LEP 2011. This extends 2-3 properties north of the site, and to Hill Street, west of the site.

The zoning indicates that the area south of Short Street, and in the vicinity of Wentworthville Station, will contain residential flat buildings of a similar size to that proposed.

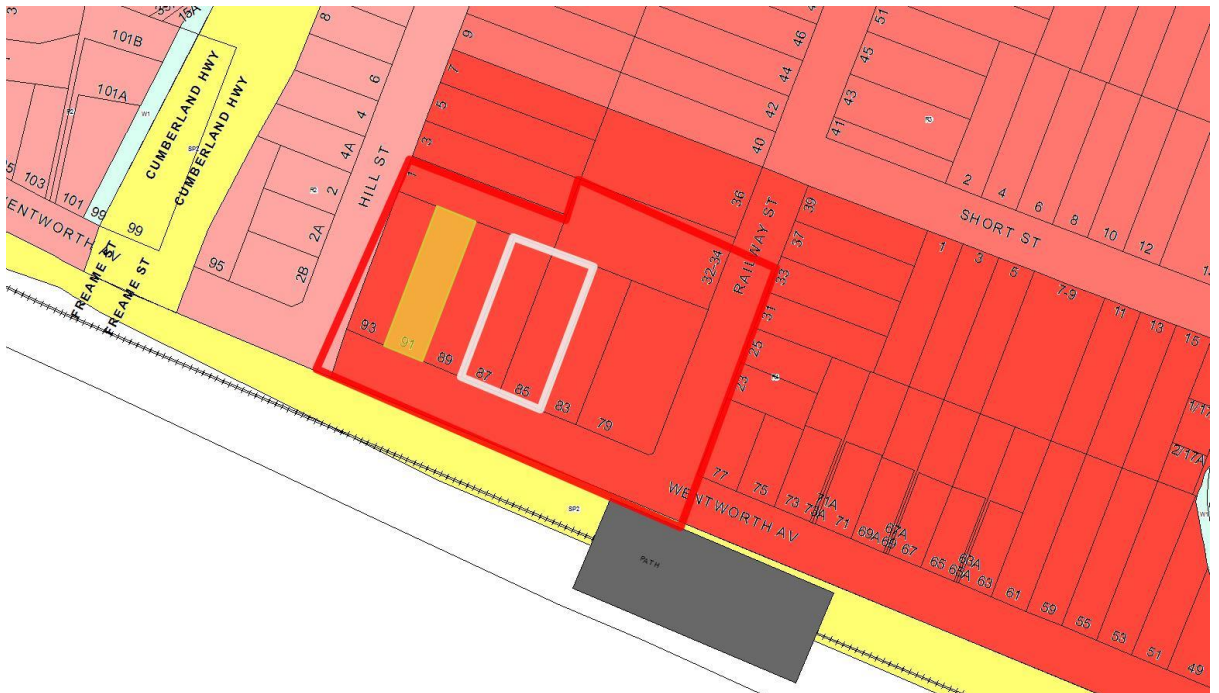


Figure 7: Zoning map extract of the site and surrounds. The darker red coloured zone is R4 High Density Residential. The middle red is R3 Medium Density, and the lightest red is Low Density Residential. Yellow areas are transport corridors. The map shows the site part of a block of land zoned high density in the locality. It is noted that the white area south of the railway is in Holroyd Council, and consists of land zoned for business purposes.

Maximum Height and Maximum Gross Floor Area controls

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



Figure 8: Height control map of the site. The green are the areas with a 9m height limit, and bright yellow an 11m height limit.

In terms of gross floor area, the sites in the R4 zone within which the site is situated have a maximum gross floor area of 0.8:1.

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



Figure 9: Maximum floor space ratio map of the site. The light green sites are those with a 0.6:1 maximum gross floor area, the dark green sites have a maximum floor space ratio of 0.8:1.

Setbacks and other building envelope controls

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

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

The development form expected from the above is in the form of a residential flat building in a landscape setting.

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

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

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

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

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

The proposal is consistent in height and street presence to development that would be expected under that control.

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

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

The above question is relatively subjective. To be compatible a development should contain or at least respond to the essential elements

that make up the character of the surrounding area. As previously indicated, the precinct in question has an eclectic existing character and as such, there is no particular streetscape character for which the development is required to conform.

In terms of future development, the proposal has setbacks and a footprint generally compatible with the likely future form of development in the locality.

In conclusion, the proposal manages to keep in harmony with the general streetscape notwithstanding its bonus floor space and is suitably in character with the locality.

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

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

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

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

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

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

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

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

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Wentworth Avenue is less than 40,000 vehicles.

Clauses 86 and 87 apply to the proposal as the site is located opposite the western railway line and Wentworthville Station.

With respect to Clause 86, the site is within 25m of the rail corridor. Given this, referral to Transport – Sydney Trains was required. Transport – Sydney Trains have indicated that the proposal is satisfactory subject to a deferred commencement condition being included in the recommendation requiring geotechnical details be submitted to Transport – Sydney Trains to their satisfaction.

With respect to Clause 87, as the development is near a rail corridor and is for a residential land use, the applicant has submitted an acoustic assessment prepared in accordance with the relevant guidelines. The report makes recommendations as to the finishes of the building. Conditions are included in the recommendation to ensure that the development is constructed in accordance with the submitted acoustic report.

STATE ENVIRONMENTAL PLANNING POLICY 65 Design Quality of Residential Flat Development

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

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted. The statement addresses each of the 10 principles and an assessment of this is made below.

Council's assessing officer's comments in relation to the submission is outlined below.

Context

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

Scale

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

Built form

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

Density

While the proposal has a density slightly greater than the future desired character of the area, in terms of floor space yield, number of units and potential number of new residents, this is acceptable given the proposal is made under the Affordable Rental Housing SEPP. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

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

Landscape

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

Amenity

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

Safety and security

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

Concern is raised with respect to the apparent prominence of the main residential entrance. Conditions are included in the recommendation to provide some marker or feature that clearly identifies this as the main pedestrian entrance.

Social dimensions

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

Aesthetics

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

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

RESIDENTIAL FLAT DESIGN CODE

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

| PARAMETER | CONTROL | PROPOSAL | COMPLIANCE |
|------------------|--------------------------------|------------------------------------|-------------------|
| Building Depth | Depth should be between 10-18m | 17m | Yes |
| Storage | 1 bedroom 6m3 2 bedroom 8m3 | All units provided with sufficient | Yes |

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| | 3 bedroom 10m3 | storage in unit or in the basement. | |
| Balconies | Provide primary balconies for all apartments with a minimum depth of 2m. | All primary balconies have a depth greater than 2m | Yes |
| Residential Ceiling heights | Minimum 2.7m | 2.7m | Yes |
| Min. Apartment size | 1 bedroom 50m2 2 bedroom 70m2 3 bedroom 95m2 | All units comply with the minimum size specified. | Yes |
| Open Space | The area of open space should be between 25-30% of the site area (527.25m ²) | 579.12m ² | Yes |
| Deep Soil | A minimum of 25% (131.8m ²) of the open space area should be a deep soil zone | 384.34m ² | Yes |
| Internal circulation | A maximum of 8 units should be provided off a double loaded corridor | No more than 5 units provided off double loaded corridors. | Yes |
| Daylight Access | Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice except in high density areas, where 2 hours solar access is acceptable. | 73% of dwellings receive at least 3 hours solar access. | Yes |
| Daylight Access | Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units | No single aspect south facing apartments proposed. | Yes |
| Natural ventilation | 60% of units should be naturally cross ventilated | At least 60% of units will be naturally cross ventilated. | Yes |
| Natural ventilation | At least 25% of kitchens should have access to natural ventilation | At least 25% of kitchens have access to natural ventilation. | Yes |
| Natural ventilation | The back of a kitchen should be no more than 8m from a window | Kitchens for all units except 2, 12, and 22 are located | No |

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| | | within 8m of a unit. | |
| Separation | 12m between habitable rooms (up to 4 storeys) | 6m side setbacks are provided which will enable 12m separation to be provided where adjoining sites provide the same setback. | Yes |

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

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

| COMPLIANCE TABLE | | |
|--|--|---|
| Development standard | Yes/No | Discussion |
| Land Use Table – R4 High Density Residential Zone | Yes | Residential Flat Buildings are permissible in the R4 zone. |
| 4.3 Height of Buildings Does the building comply with the maximum building height shown for the land on the Height of Buildings Map? | Yes | The Height of buildings Map indicates that buildings on this site can be a maximum height of 11m at highest above existing natural ground level with architectural roof features above. The architectural roof feature consists of a parapet wall above the front of the development designed to provide an appropriate address to the street. |
| 4.4 Floor Space Ratio Does the development comply with the maximum floor space ratio shown for the land on the Floor Space Ratio Map? The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1 (1687.2m ²). | Yes – Complies With ARH SEPP requirement | GFA = 2420.25m ² Site area = 2109m ² FSR =1.14:1 The proposal exceeds LEP FSR by 733.05m ² |

As the proposal seeks to provide 14 units as affordable rental housing for a minimum period of 10 years, the application has the benefit of consideration against the clauses provided in State Environmental Planning Policy (2009) Affordable Rental Housing, and these include Clause 13 which provides a floor space bonus based on the amount of affordable rental housing proposed. Provided a development remains below that bonus clause, a consent authority may not refuse the application on the grounds of floor space.

Detailed calculations of the bonus are contained in the SEPP 2009 assessment earlier in this report, but a summary is provided below:

FSR applicable under SEPP 2009 = **1.24:1**

Proposed FSR = **1.14:1**

Given the above, the proposal complies with the floor space contained in the SEPP, and therefore the application cannot be refused on the basis of the floor space non-compliance.

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| 5.9 Preservation of trees. | Yes | The site contains 10 trees. Removal of 9 of these trees is sought as part of this application. Council's landscape and tree management officer considers that the proposed removals are appropriate. The tree to be retained is adequately located with buildings appropriately setback to ensure retention. |
| 5.10 Heritage Conservation Does the site contain or is it near a heritage item? | N/A | According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area. |
| 5.10.8 Aboriginal Places of Heritage significance What is the identified Aboriginal significance of the site? | Low | The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an aboriginal place of heritage significance. |
| 6.1 Acid sulfate soils What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains? Is an Acid Sulfate Soils Management Plan Required? | Class 5 | The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared. |

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

The proposal therefore achieves compliance with LEP 2011.

Zone Objectives

The objectives of the R4 High Density Residential zone include:

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

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

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

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

| Development Control | Proposal | Compliance |
|--|---|------------|
| Site Considerations | | |
| 2.4.1 Views and Vistas Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas. | The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area. | Yes |

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| <p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p> <p>If yes does the site require dewatering to facilitate this?</p> | <p>The proposal includes a basement car park however there is no evidence that the site will require dewatering.</p> | <p>Yes</p> |
| <p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p> | <p>An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p> | <p>Yes</p> |
| <p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p> | <p>The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions to ensure that appropriate construction techniques are utilised to ensure the structural integrity of building work is not compromised.</p> | <p>Yes</p> |
| <p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p> | <p>Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.</p> | <p>Yes</p> |
| <p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p> | <p>The development response appropriately to the slope of the land.</p> | <p>Yes</p> |
| <p>2.4.7 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix</p> | <p>Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is</p> | <p>Yes</p> |

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| 3? | appropriate and that a Statement of Flora/ Fauna Impact is not required. | |
| <p>2.4.8 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p> | <p>The development provides adequate address to the public domain, and will permit passive surveillance of the public domain. It is considered, however, that the development would benefit from greater design prominence being given to the main pedestrian entrance. A condition has been included to address this issue.</p> <p>There are presently no trees in the road reserve adjacent to the site. A condition has been included requiring the planting of 4 new street trees in this location.</p> <p>Replacement of the footprint in front of the site is required.</p> | Yes - condition |
| 3. Preliminary Building Envelope | | |
| <p>Frontage</p> <p>Minimum 24m?</p> | The site has a street frontage of 34.67m | Yes |
| <p>Height</p> <p>Does the proposal exceed the number of storeys outlined in the DCP height table?</p> | The DCP Height table indicates that buildings' on this site should be 3 storeys in height. The building is 3 storeys in height. | Yes |
| <p>Front Setback</p> <p>Is the setback consistent with the prevailing setback along the street and within the range of 5-9m?</p> | 5.19m. This is consistent with the prevailing streetscape. | Yes |

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| Side Setback Minimum 4.5m | <u>East</u> 6m <u>West</u> 6m | Yes |
| Rear Setback Minimum 15% of the length of site. (9.084m-9.2m) | 9.055-9.26m The setback responds as required to the rear boundary alignment. | Yes |
| Deep Soil zone Minimum 30%, including at least 50% at the rear of the site and dimensions not less than 4m x 4m | <i>Required</i> 632.7m ² <i>Provided</i> 546.63m ² | Yes - complies with ARH SEPP minimum standard. |
| Minimum 40% Landscaped Area | <i>Required</i> 843.6m ² <i>Provided</i> 614.12m ² | No |
| Special Precincts? Is the site located within a town or neighbourhood centre where site specific controls contained in section 4.1 have been prepared? | The site is not located in an identified centre or precinct. | Yes |
| 3.2. Building Elements | | |
| 3.2.1 Building Form and Massing Are the height, bulk and scale of the proposed building consistent with the building patterns in the street? | The apparent building height, bulk and scale are compatible with the existing streetscape and the height is consistent with the future desired character of the area. As the scale and bulk are set by floor space which is varied by SEPP 2009 in this instance, the building is larger than might otherwise be anticipated by Council's controls, but remains generally compatible with the desired character. | Yes – with exception of bulk and scale due to ARH SEPP floor space ratio. |

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| <p>3.2.2 Building Façade and Articulation</p> <p>Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> | <p>The building is appropriately modulated in plan and elevation to minimize its appearance of bulk.</p> | <p>Yes</p> |
| <p>Are Multiple stair lift/cores provided to encourage multiple street entries?</p> | <p>Two entry cores and two separate individual entrances are provided.</p> | <p>Yes</p> |
| <p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p> | <p>The proposed roof design minimizes the sense of bulk and scale projected by the building and responds suitably to its context.</p> | <p>Yes</p> |
| <p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p> <p>Do Garages and parking structures dominate the building façade and front setback?</p> <p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and deliverers?</p> | <p>The development responds appropriately to the existing character in the locale.</p> <p>The basement entry is not prominent and does not dominate the building façade.</p> <p>The mail boxes are suitably located for the benefit of deliverers and residents, and are integrated into the form.</p> | <p>Yes</p> |
| <p>3.2.6 Fences</p> <p>Is the front fence a maximum height of 1.2metres?</p> | <p>Proposed fencing is 1.2m high.</p> | <p>Yes</p> |
| <p>3.3 Environmental Amenity</p> | | |
| <p>3.3.1 Landscaping</p> <p>Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and</p> | <p>The retention of one existing tree on the site is warranted.</p> | <p>N/A</p> |

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| incorporated into the design of the development? | | |
| <p>3.3.2 Private Open Space</p> <p>Is a minimum of 10m² of private open space with minimum dimensions of 2.5m?</p> | <p>All units have greater than 10m private open space.</p> <p>In accordance with SEPP 65, all units have a depth of 2m.</p> | Yes |
| <p>3.3.2 Common Open Space</p> <p>Is a minimum of 10m² (300m²) of COS provided per dwelling?</p> | <p>196.45m² - this is considered satisfactory given the additional size of the building footprint due to ARH SEPP and that the units comply with individual private open space requirements.</p> | No – but acceptable. |
| <p>3.3.3 Visual Privacy</p> <p>Do balconies face the street or another element of the public domain such as a park?</p> <p>Is a minimum building separation of 12m provided between habitable rooms/ balconies?</p> | <p>Balconies are either oriented to face towards the public domain, or setback at least 6m so as to ensure that at least 12m separation can be provided to adjoining properties provided the neighbouring development provides a similar setback. There are no close or direct views.</p> <p>The proposal provides 6m setbacks at its side boundaries which will enable adequate separation to surrounding properties.</p> | <p>Yes</p> <p>Yes</p> |
| <p>3.3.4 Acoustic Amenity</p> <p>Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?</p> | <p>The site is opposite the western railway line. The application is accompanied by an acoustic report which demonstrates the development can deliver appropriate acoustic</p> | Yes |

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| | amenity subject to the use of appropriate materials. Conditions have been imposed in this regard. | |
| <p>3.3.5 Solar Access</p> <p>Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p> | <p>In accordance with the RFDC, 73% of units will receive 3 hours sunlight on June 21.</p> <p>The dwellings on the adjoining site to the south will receive 3 hours solar access to habitable rooms between 9.00a.m and 3.00p.m. 50% of the private open space areas of adjoining properties will receive 3 hours solar access.</p> <p>Living areas are located to the northern aspect where that is possible.</p> | <p>Yes – Complies with ARH SEPP.</p> <p>Yes</p> <p>Yes</p> |
| <p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p> <p>Des the building have a maximum depth of 18m?</p> | <p>The plans indicate 2.7m, but this is not notated. A condition will be imposed on the consent to require this.</p> <p>80% of units are naturally cross ventilated, all unit depths from windows comply, and the building depth complies.</p> | <p>Yes – condition to confirm.</p> |
| 3.3.6 Water Sensitive Urban Design | Council's Development | Yes |

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| <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p> <p>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p> | <p>Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p> | |
| <p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p> <p>Is the bin room appropriately sized for the number of bins required?</p> | <p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal and is satisfactory. Waste storage is in the basement.</p> | <p>Yes</p> |
| <p>3.4 Social Amenity</p> | | |
| <p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p> | <p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The dwellings face towards the street or common open space areas, promoting natural surveillance from within the units to the public domain.</p> <p>The common entry point requires some additional prominence. A condition</p> | <p>Yes – conditions to improve legibility of space with respect to the main entrance.</p> |

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| | will be imposed requiring an entry arch or similar marker to improve the legibility of the entrance. | |
| <p>3.4.5 Housing Diversity and Choice</p> <p>Is the unit mix in accordance with the following:</p> <p>The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <p><input type="checkbox"/> 3 bedroom 10% - 20%</p> <p><input type="checkbox"/> 2 bedroom 60% - 75%</p> <p><input type="checkbox"/> 1 bedroom 10% - 20%</p> <p>Have adaptable dwellings been provided in accordance with the following ratio:</p> <p>Total no. of dwellings in development No. of adaptable dwellings required</p> <p>Less than 10 =1</p> <p>10-20 = 2</p> <p>more than 20 = 10% (three required)</p> | <p>The provided unit mix is as follows:</p> <p>1 bedroom – 10%</p> <p>2 bedroom -80%</p> <p>3 bedroom –10%</p> <p>3 adaptable units are provided.</p> | <p>Yes</p> <p>Yes</p> |
| 3.6 Parking Provision | | |
| <p>Is parking provided in a basement carpark at the following minimum rates?</p> <p>1 space per 1 or 2 bedroom unit</p> <p>1.2 spaces per 3 bedroom unit</p> <p>2 spaces per 4 bedroom unit</p> <p>Plus 0.25 space per dwelling for visitor parking</p> <p>A car wash bay which may also be a visitor space</p> <p>Is 1 bicycle parking space provided per 2 units?</p> | <p>1 x 27 = 27 spaces</p> <p>1.2 x 3 = 3.6 spaces</p> <p>0.25 x 30 = 7.5 visitor</p> <p>Total = 38.1 required</p> <p>Proposed:</p> <p>31 car parking spaces</p> <p>15 bicycle spaces required and provided.</p> | <p>No however – complies with spaces required under the ARH SEPP that overrides this DCP control</p> <p>Yes</p> |

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

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the proposal exceeds \$200,000 a Section 94A development contribution **1.0%** is required to be paid. A Detailed Cost Estimate prepared by a Quantity Surveyor was provided which detailed a likely cost of works of **\$5,486,706**.

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

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

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

Bonds

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

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

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

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

PLANNING AGREEMENTS

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

REGULATIONS

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

LIKELY IMPACTS

Social & Economic Impact

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

ESD & The Cumulative Impact

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

One submission was received in response to the notification of the application. The issues raised in this submission are addressed earlier in this report.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest, subject to an appropriate method of excavation being agreed with Transport – Sydney Trains, and subject to the creation of a drainage easement linking the site to Hill Street. Therefore, it is recommended that the application be granted deferred commencement consent subject to the imposition of appropriate conditions.

Recommendation

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

DEFERRED COMMENCEMENT

That the Sydney West Joint Regional Planning Panel as the consent authority determine Development Application No. DA/480/2014 for demolition of all existing structures on the site, consolidation of the site into one allotment, and the construction of a 3 storey Residential flat building containing 30 units under the provisions of State Environmental Planning Policy (Affordable

Rental Housing) 2009) at 85-87 Wentworth Avenue, WENTWORTHVILLE NSW 2145 (Lot 1 DP 783820 and Lot 4 Sec 2 DP 976563) by granting a “deferred commencement” consent under Section 80(3) of the Environmental Planning and Assessment Act.

DRAFT CONDITIONS OF CONSENT

1. Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

(1) Submission to Council of suitable documentary evidence issued by the Department of Lands confirming the creation of an easement to drain water 1.2 metres wide over a downstream property (1 Hill Street) has been registered with the NSW Land and Property Information Service.

(2) The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

The above requirement(s) must be satisfied within 24 months of this determination or the consent will lapse.

Advisory Note: Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

General Matters

2. Trees to be retained are:

| Tree No. | Name | Common Name | Location | DBH Diameter at breast height (mm) | Tree Protection Zone (m) |
|-----------------|--------------------------------|--------------------|-----------------|---|---------------------------------|
| 1 x | <i>Eucalyptus tereticornis</i> | Forest Red Gum | Rear | 700 | 7.0 |

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

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

| Drawing No. | Prepared By | Dated |
|---|--------------------|-----------------|
| Job 28142 drawing titled Calculations drawing number 0002 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled BASIX Commitments drawing number 0003 issue A | Idraft Architects | 23 July 2014 |
| Job 28142 drawing titled Site Analysis drawing number 0004 issue A | Idraft Architects | 23 July 2014 |
| Job 28142 drawing titled Demolition Plan drawing number 0005 issue A | Idraft Architects | 23 July 2014 |
| Job 28142 drawing titled Sedimentation Control Plan drawing number 0006 issue A | Idraft Architects | 23 July 2014 |
| Job 28142 drawing titled Basement Plan drawing number 1001 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled Ground Floor Plan drawing number | Idraft Architects | 30 October 2014 |

| | | |
|---|---|-----------------|
| 1002 issue B | | |
| Job 28142 drawing titled Level 1 Floor Plan drawing number 1003 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled Level 2 Floor Plan drawing number 1004 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled Roof Plan drawing number 1005 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled South and West Elevations drawing number 2001 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled North and East Elevations drawing number 2002 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled Sections drawing number 3001 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 drawing titled Adaptation Details drawing number 4001 issue B | Idraft Architects | 30 October 2014 |
| Job 28142 Drawing titled Garbage Bay and Fence Details drawing number 4002 issue A | Idraft Architects (condition to modify fence details to include individual gates) | 23 July 2014 |
| Landscape Plan L-01 issue A project number 3569a | Rga Landscape Architects | 17 July 2014 |
| Stormwater Concept Plan Ground Level project number UMB14062.HYD.DA drawing 102 issue B | Umbrella Civil Consulting Engineers | 3 November 2014 |
| Private easement and concept roof plan project number UMB14062.HYD.DA drawing 103 issue B | Umbrella Civil Consulting Engineers | 3 November 2014 |
| On-Site Detention Tank and Miscellaneous Details project number UMB14062.HYD.DA drawing 104 issue B | Umbrella Civil Consulting Engineers | 3 November 2014 |
| Sediment and Erosion Control Plan and Details project number UMB14062.HYD.DA drawing 105 issue B | Umbrella Civil Consulting Engineers | 3 November 2014 |

| Document(s) | Prepared By | Dated |
|--|---------------------|---------------|
| Water Sensitive Urban Design Report, Issue A | Umbrella Consulting | November 2014 |

| | | |
|---|----------------------------------|--------------|
| Waste Management Plan | Simon Azar | 24 July 2014 |
| Statement of Compliance Access for People with a Disability | Accessible Building Solutions | 4 June 2014 |
| Rail Noise and Vibration Assessment revision 1 report 13477 | Rodney Stevens Acoustics | June 2014 |
| BASIX Certificate No. 553956M | Taylor Smith Consulting | 23 July 2014 |
| Design Verification Statement | Idraft Group/ Adriaan Winton | July 2014 |
| Statement of Environmental Effects | Think Planners | 4 July 2014 |

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

4. 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.

5. 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.

6. 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.

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

- (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

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

Reason: To protect the amenity of the area.

Prior to the issue of a Construction Certificate

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

8. All areas coloured in green on the ground floor plan (Drawing 1002 Issue B) are to be either landscaped in accordance with the approved landscape plan or are to be turfed where no landscape treatment is shown on the landscape plan. Details are to be provided on an amended landscape plan submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure adequate provision of landscaping.

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

Reason: To ensure satisfactory stormwater disposal.

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

Reason: To minimise impact on adjoining properties.

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

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

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

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

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

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

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

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

Reason: To ensure satisfactory storm water disposal.

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

Reason: To ensure satisfactory storm water disposal.

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

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

- (a) The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.:
 - a. Stormwater Layout Plan Basement Level, Drawing No. 101, Issue B, dated 03/11/2014, prepared by Umbrella Civil Consulting Engineers.
 - b. Stormwater Concept Plan Ground Level, Drawing No. 102, Issue B, dated 03/11/2014, prepared by Umbrella Civil Consulting Engineers.

- c. Private Easement and Concept Roof Plan, Drawing No. 103, Issue B, dated 03/11/2014, prepared by Umbrella Civil Consulting Engineers.
- d. On-Site Detention Tank and Miscellaneous Details, Drawing No. 104, Issue B, dated 13/11/2014, prepared by Umbrella Civil Consulting Engineers.
- e. Sediment and Erosion Control Plan Details, Drawing No. 105, Issue B, dated 03/11/2014, prepared by Umbrella Civil Consulting Engineers.

Note: The reference 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 Emergency Overflow facilities are appropriately provided for the OSD tank, to ensure the surcharge of storage water from the OSD tank can be guided towards the drainage easement.
- (d) Detailed drainage plan with full cross sectional details of OSD Tank and Pump holding tank, in relation to the buildings, pits, connections etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet for the detention system are submitted. All access covers to the OSD Tank and the basement pump holding tank are hinged and secured with non-corrosive child proof locking devices.
- (e) Structural details and a Certificate of Structural Compliance for the proposed OSD Tank and the basement pump holding tank, cover slabs, as well as any structural retaining walls involved with the development are included with the final drawings submitted with the Construction Certificate application. The OSD Tank, the Basement Pump holding tank & Slabs and the retaining walls are designed by a qualified practicing Structural Engineer certifying that the walls, slab and its foundations are structurally adequate.
- (f) The final drainage plans submitted for Construction Certificate Application are based on the above details and in accordance with the Architectural drawings & layouts approved by Council with the Development Application.

Reason: To minimise the quantity of storm water run-off from the site, surcharge from the drainage system and to manage downstream flooding. To ensure the OSD tank, pump holding tank, Rainwater Tank, associated cover slabs, walls and retaining walls associated with the

development are structurally adequate. Also to ensure the overflow from the OSD tank is appropriately

16. 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.

17. All mechanical exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1 - 1998 – 'The use of ventilation and air conditioning in buildings' – 'Fire and smoke control in multi-compartmented buildings'. Details showing compliance are to accompany an application for a Construction Certificate.

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

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

Reason: To ensure visitor carparking is accessible.

19. 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.

20. 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.

21. 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.

22. In terms of the potential ground water inflows within the basement areas, and to manage any on going seepages, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Principal Certifying Authority, with the Construction Certificate application.

Reason: To ensure adequate dewatering system is in place to manage any on going seepage at the basement floors.

23. All tree removal work associated with TA/42/2015 (1 Hill St, Wentworthville) must be completed prior to the issuing of the Construction Certificate for DA/480/2014.

Reason: To allow the construction of the easement requirements for the development.

24. 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.

25. 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.

26. 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.

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

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

Reason: To protect the visual amenity of the area.

28. A cash contribution comprising a percentage **1%** of the total cost of the development is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate and is to be in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council's Chief Executive Officer prior to the issue of a construction certificate prepared in accordance with the document titled "**Parramatta City Council Registered Quantity Surveyor's Detailed Cost Report**".

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

- (b) Should the cost summary report be submitted in advance of payment, the Levy will be indexed quarterly in accordance with

movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

- (c) Evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than the applicable threshold.

Advisory Note

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

The cost of the development shall be determined by calculating the cost of the entire development minus the cost of providing the affordable housing component of the development. In this regard, the cost of providing 14 dwellings (being the affordable housing component) shall be deducted from the calculated cost of development. An itemised cost of the affordable housing component, compared to the remainder of the development is to be submitted to Council's satisfaction before the payment of the Section 94A cash contribution.

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

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

29. 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.

30. 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.

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

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

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

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

32. 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.

33. 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.

34. 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 480/2014;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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

Bonds shall be provided as follows:

| Bond Type | Amount |
|---------------------------------|-----------------|
| Nature Strip and Roadway | \$20,000 |

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.

35. The development must incorporate 3 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

36. The following requirements are to be met prior to the release of a Construction Certificate:
- An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".

- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

Reason: Comply with Transport – Sydney Trains requirements.

37. The following modifications are to be shown on the architectural plans prior to the release of the Construction Certificate:
- (a) Sun control devices are to be installed above all west facing windows;
 - (b) Screen landscaping is to be applied to the private open space area adjacent to Unit 08 to screen the car park entrance. Additionally, 30m² landscaped area is to be provided in a planter for this units private open space. This may include the screen planted area;
 - (c) Security gates are to be provided for both lobbies rather than doorways;
 - (d) A marker feature, in the form of an open pergola, is to be provided across the entrance to the site for the first 2 metres from the front boundary.
 - (e) The front fence detail (drawing 4002 Issue A) is to be modified to include the pergola fences and the individual gates for each street fronting unit.

Reason: To improve the design of the development.

38. 5 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.

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

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

Prior to Work Commencing

40. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

Reason: To comply with Transport – Sydney Trains requirements

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

Reason: To ensure adequate toilet facilities are provided.

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

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

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

once a written request to remove the restriction is received by Council.

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

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

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

- 43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. The required Tree Protection Zones (TPZ) are to be established and in place prior to any works commencing according to the schedule below.

The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chainmesh. The area enclosed is to be a designated "No-Go Zone" and is to be kept weed and grass free for the entire duration of works. The enclosed area is to be mulched with 100mm of leaf mulch to minimise disturbance to existing ground conditions for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

| Tre No. | Species | Common Name | Location | Radius from Trunk for TPZ |
|--------------------|-------------------------|------------------------|-----------------|--|
| 1 x | Eucalyptus tereticornis | Forest Red Gum | Rear | 5.0 metres |

Reason: To protect the tree/s to be retained on the site during construction works.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. Prior to the commencement of work, the a registered surveyor is to undertake a set out survey to identify the location of all footings, slabs, posts and walls adjacent to a boundary This is to ensure the development when complete, will be constructed wholly within the confines of the subject allotment. This set out survey showing the location of the development relative to the boundaries of the site, is to be

forwarded to the Principal Certifying Authority prior to pouring of any footings or slabs and/or the construction of any walls/posts.

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

During Work

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed from the site – *Ligustrum lucidum* (Large Leaf Privet) and *Ipomoea cairica* (Morning Glory).

Reason: To ensure the compliance with the Noxious Weeds Act 1993.

65. 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.

66. 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).

67. 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.

68. 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.

69. Trees to be removed are:

| Tree No. | Species | Common Name | Location |
|----------|---------------------------------------|------------------|----------|
| 1 x | <i>Schefflera actinophylla</i> | Umbrella Tree | Front |
| 1 x | <i>Cupressus macrocarpa</i> | Monterey Cypress | Front |
| 1 x | <i>Archontophoenix cunninghamiana</i> | Bangalow Palm | Front |
| 1 x | <i>Acmena smithii</i> | Lilly Pilly | Front |
| 1 x | <i>Cinnamomum camphora</i> | Camphor Laurel | Front |
| 1 x | <i>Jacaranda mimosifolia</i> | Jacaranda | Rear |
| 1 x | <i>Liquidambar styraciflua</i> | Liquidambar | Rear |
| 1 x | <i>Callistemon viminalis</i> | Bottlebrush | Rear |
| 1 x | <i>Cinnamomum camphora</i> | Camphor Laurel | Rear |

Reason: To facilitate development.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. 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.

79. 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.

80. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

81. 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.

82. Reconstruction of the existing footpath with 1.2 m wide by 80 mm thick concrete footpath across the Wentworth Avenue property frontage within the road reserve. All disused vehicular crossings shall be removed and replaced with integral concrete kerb and gutters. The existing pram / wheelchair ramp outside the development site shall not be disturbed and integrated with the footpath works. Details of the proposed footpath works and the kerb & gutter works (Drawings) shall be submitted to and approved by Council's Infrastructure Division prior to commencement of any works in the public area. Proof of completion of construction work shall be submitted to the satisfaction of Council, prior to release of the occupation certificate. All costs are to be borne by the applicant.

Proof of completion of footpath reconstruction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

83. 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) A Certificate of Structural Adequacy and Compliance for the OSD tank and the pump holding tank cover slabs are submitted from a suitably qualified Structural Engineer. The certificate shall also include any structural retaining walls constructed within the development site.
- (g) Approved versus 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.

84. 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. An additional clause shall be included with the Positive Covenant, for the maintenance of the basement pump system.

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

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

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

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

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

86. 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.

87. 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.

88. 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 Council's 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.

89. 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.

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

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

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

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

Reason: To ensure water quality maintenance

91. A Community Housing Provider (as defined in the Housing Act 2001) is to be nominated in written correspondence to Council and the PCA, and is to be contracted to manage the units nominated as affordable rental housing (units 2, 3, 4, 6, 12, 15, 17, 19, 20, 22, 23, 25, 27, and 29) on the approved plans) prior to the release of any Occupation Certificate. A copy of the signed agreement between the owner and the community housing provider is to be submitted to Council prior to the issue of any Occupation Certificate.

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

92. A Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 is to be registered against the title of the property and (if future subdivision occurs) each relevant individual strata allotment burdening the owner with the requirement to ensure that the use of units 2, 3, 4, 6, 12, 15, 17, 19, 20, 22, 23, 25, 27, and 29 (as shown on the approved DA plans) is limited to affordable rental housing managed through a community housing provider as defined in the Housing Act 2001 for a period of 10 years from the date of the earliest of any Occupation Certificate. This restriction is to be made prior to the release of the Subdivision Certificate.

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

93. Prior to the release of any Occupation Certificate for the site, certification is to be obtained from an acoustic consulting that the measures outlined in the acoustic report forming part of this application have been employed in the finished development.

Reason: To ensure noise attenuation has been carried out.

94. 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.

95. 4 new trees (*Callistemon viminalis* – Bottlebrush) are to be planted in the road reserve in front of the property. The trees are to be provided in 45 litre containers and to be setback 3m from any driveway. The trees are to have a minimum height of 1.5m at planting and are to be maintained at all times.

All trees are to be planted and grown in accordance with Natspec – Clarke R, Specifying Trees: A guide to the assessment of tree quality, 2003.

The trees are to be planted prior to the release of any Occupation Certificate by the Principal Certifying Authority.

Reason: To ensure the environmental amenity of the area is preserved.

96. 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.

97. 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.

98. 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. 553956M, will be complied with prior to occupation

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

99. 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.

100. 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.

101. 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.

102. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwellings have achieved a class C design in accordance with the requirements of AS 4299 -1995.

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

103. 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.

104. 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 full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure safety of drivers.

The Use of the Site

105. 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.

106. All putrescible waste shall be removed from the site weekly to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

107. 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.

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

Reason: To ensure the removal of graffiti.

Date: 12 May 2015

Responsible Officer: Liam Frayne

