

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW069
DA Number	DA/227/2016
LGA	Parramatta
Proposed Development	Demolition of 3 existing buildings, tree removal and construction of 2 x Residential Flat Buildings containing 32 residential units with basement car parking and associated landscaping and external works under the Affordable Rental Housing SEPP.
Street Address	14 -16 Burbang Crescent, RYDALMERE and 47 - 49 South Street, RYDALMERE
Applicant Owner	Applicant - Strong Development Pty Ltd Owner - Mr B D Muir and Mrs K A Muir
Date of DA lodgement	8 April 2016
Number of Submissions	Two
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Schedule 4A – Clause 6 – Private Infrastructure and community facilities over \$5 million.
List of all relevant s79C(1)(a) matters	ARHSEPP, BASIX SEPP, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65 and Apartment Design Guidelines
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects Clause 4.6 Variation SEPP 65 Verification Statement Waste Management Plan Access Report Acoustic report. Finishes Schedule BASIX Certificate No. 715909M Arborist Report Traffic Management Report Social Impact Assessment
Report prepared by	Denise Fernandez
Report date	27 October 2016

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Not Applicable

Conditions

Have draft conditions been provided to the applicant for comment?
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Yes

S79C ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/227/2016
Property:	LOT 5 DP 31350, LOT 6 DP 31350, LOT 13 DP 16517, Lot 14 DP 16517 14 -16 Burbang Crescent, RYDALMERE and 47 - 49 South Street, RYDALMERE
Proposal:	Demolition of 3 existing buildings, tree removal and construction of 2 x Residential Flat Buildings containing 32 residential units with basement car parking and associated landscaping and external works under the Affordable Rental Housing SEPP.
Date of receipt:	8 April 2016
Applicant:	Strong Development Pty Ltd
Owner:	Mr B D Muir and Mrs K A Muir
Is the property known to be owned by a Council employee or Councillor?	No
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Two submissions
Recommendation:	APPROVAL
Report author:	Denise Fernandez

Legislative requirements

Zoning	R4 High Density Residential under PLEP 2011
Additional Legislation	None
Other relevant Environmental Planning Instruments (EPIs)	ARHSEPP, BASIX SEPP, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65 and Apartment Design Guidelines
PCC Planning Controls & Policy	Section 94A Contributions Plan, Parramatta Development Control Plan 2011, Policy for the handling of unclear, insufficient and amended development applications

Heritage item?	No
Heritage Conservation Area?	No
Nearby item or Cons. area?	No
Archaeological heritage?	No
Integrated development	No
Designated development	No
Crown development	No
Delegation	JRPP
Relevant site history	PL/158/2015 – Pre-lodgement meeting for a development proposing the construction of a 3 storey residential building comprising of 37 residential units over basement car parking.

SECTION 79C EVALUATION

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of 2 x 3 storey residential flat buildings.

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.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The subject site is located in an accessible area given it is approximately 31m walking distance from bus stops located on the northern and southern side of South Street, which provide regular bus services to Burwood, West Ryde, Ryde and Parramatta. The site is also 650m walking distance from Rydalmere Wharf which is also serviced by Sydney Ferries.

In this regard, the proposal complies with Clause 10 of the SEPP (ARH) 2009 as the building type proposed is permitted within the zone, and the property is located within an accessible area.

The proposal is permissible under SEPP (Affordable Rental Housing) 2009, and satisfies the locational requirements for such development under that SEPP. The development also meets the definition of residential flat building, and is permissible with consent in the R4 zone under PLEP 2011.

PROPOSAL IN DETAIL

The application is made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal is for in-fill affordable housing which comprises of the following:

- Demolition of 3 detached dwellings, ancillary structures and concrete paths.
- Removal of 17 trees.
- The construction of 2 x 3 storey residential flat buildings comprising of 32 apartments with the following dwelling mix:
 - 4 x 1 bedroom units,
 - 24 x 2 bedroom units, and
 - 4 x 3 bedroom units.
 - 8 apartments are nominated for purposes of affordable housing
- Thirty seven (37) car parking spaces are provided within one basement level.
- It is noted that Strata Subdivision is not proposed under the subject application.

SITE & SURROUNDS

The site has a dual frontage to Burbang Crescent (31.09 metres) and South Street (29.62 metres) with a total site area of 2784.9m². The property is generally rectangular in shape with a lot depth of 86.41m. The topography of the land slopes towards South Street. The site is of a north-south orientation and has a gradual fall of approximately 5.5m from the Burbang Crescent to South Street.

Three of the four allotments are occupied by a single storey detached dwelling with paved concrete paths, and existing vegetation. The fourth allotment on South Street is currently used as an at grade parking lot.

Opposite the site on South Street are industrial uses such as mechanical repairs and warehouses. To the east and west on South Street are low density residential developments. Along Burbang Crescent is a mix of development from low density (detached dwellings) to high density (Residential Flat Buildings) developments. The site is in close proximity to parks and local neighbourhood shops on Victoria Road.



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

ENVIRONMENTAL PLANNING INSTRUMENTS

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. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

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

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

The development is consistent with the controls contained within 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.

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 South Street and Burbang Crescent is less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

The site is not identified as being within a precinct currently identified as being a candidate for renewal and revitalisation. Given this the provisions of the SEPP do not apply. It is however noted that this development will assist in renewing and revitalising the immediate precinct.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

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

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

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

Requirement	Proposed	Compliance
Clause 10 – Land to which Division applies Proposed building ‘type’ must be permissible in the zone. Land must be within an accessible area (ie. within 400m walking distance of a regularly serviced bus stop or within 800m of a ferry wharf or train station).	The proposed Residential Flat Building is permissible in the R4 zone applying to the site. The proposal is located in an accessible area given it is approximately 31m walking distance from bus stops located on the northern and southern side of South Street, which provide regular bus services to Burwood, West Ryde, Ryde and Parramatta. The site is also 650m walking distance from Rydalmere Wharf which is also serviced by Sydney Ferries.	Complies Complies
Clause 13 – Floor Space Ratio This clause provides an FSR bonus for ARH developments that provide more than 20% GFA as affordable rental housing 22% of the proposed GFA is provided as ARH. A floor space bonus applies to infill ARH. The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1 For sites with a floor space ratio of less than 2.5:1, the bonus is calculated using the formula below:	603.774m ² provided as ARH $(603.774/2784.9) \times 100 = 22\%$ Permitted FSR + Bonus = $0.8 + 0.22 = 1.02:1$ Total FSR = 2777.378m ² (1:1002)	Complies

<p>Bonus = ARH/100</p> <p>With ARH being the percentage of GFA given over to ARH.</p>		
<p>Clause 14 – Standards that cannot be used to refuse consent.</p> <p>1.Site and solar access requirements</p> <p>(b) Site Area: Min 450m²</p> <p>(c) Landscaped area: min 30% (208.68m²) landscaped.</p> <p>(d) Deep soil zones: Min 15% site area (417.735m²), 3m min dimension.</p> <p>(e) Solar Access: 70% of dwellings receive min 3 hours direct sunlight in mid-winter.</p> <p>70% of dwellings = 22.4 units (round up to 23 dwellings)</p> <p>2. General</p> <p>(a) Car Parking:</p> <p>1 bedroom – 0.5 space (= 2 spaces) 2 bedroom – 1 space (= 24 spaces) 3 bedroom – 1.5 spaces (= 6 spaces) TOTAL spaces required = 32 spaces</p> <p><i>*The required car parking rate is calculated to the proposed development in its entirety.</i></p>	<p>2784.9m²</p> <p>Rear: 151.344 m² Front: 32.523m² Southern side: 24.815 m²</p> <p>Total = 208.682m²</p> <p>Total: 462.44m² (33%) with specified dimensions.</p> <p>No single south facing dwellings are proposed.</p> <p>26 out of 32 dwellings (81%) receive a min. of 3 hours direct sunlight</p> <p>31 resident car parking spaces and 6 visitor spaces. The development provides 37 spaces in total.</p> <p>To ensure compliance with the requirements of the ARH, a condition will be imposed on the consent requiring the conversion of 1 visitor space into a residential space which results in the provision of 32 residential parking spaces.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Not compliant, but to be conditioned.</p>

(b) Dwelling Size: 50m ² for 1 bedroom 70m ² for 2 bedroom 95m ² for 3 bedroom	1 bedroom 50m ² (min.) 2 bedroom 71m ² (min.) 3 bedroom 90m ² (min.)	Not compliant, but acceptable.
Planning Comment: The non-compliance with the requirement is only applicable to the 3 bedroom units. The development provides 4 x 3 bedroom units. The 5m ² departure from the requirement is considered to be minor and does not result in accessibility or amenity issues for the future occupant of the units. Notwithstanding the variation, it does not warrant refusal of the application on this basis.		
Clause 16 – States that SEPP 65 applies to affordable housing RFB's.	SEPP 65 assessment is contained later in this report.	Complies
Clause 16A – Character of Local Area.	This clause requires Council to take into consideration whether the design of the development is compatible with the character of the local area. An assessment of the compatibility of the proposal with the locality is located at the end of this table.	Complies
Clause 17 – Must be used for affordable housing for 10 years Consent cannot be granted unless conditions are imposed that will require the development to be used for 10 years from issue of Occupation Certificate.	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 from the issue date of the Occupation Certificate.	Condition

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 2: Local Area being the approximate visual catchment from the site (the lots located on the southern and northern side of Burbang Crescent and the sites on the northern side of South Street highlighted in red).

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

There is a mix of development located within Burbang Crescent. The development ranges from single storey detached dwellings on the northern side of Burbang Crescent as well as an attached dual occupancy development on 13-13A Burbang Crescent. Recently constructed residential flat buildings are located on 20 Burbang Crescent (14 units) and 22 Burbang Crescent (18 units). It is noted that a pre-lodgment meeting was undertaken for a potential 4 storey residential flat building on 12 Burbang Crescent (PL/15/2016). A local park (Hannibal Macarthur Park) is located on the edge of the visual catchment along Burbang Crescent.

Along South Street is also a mix of land uses. The northern side of South Street comprise of single storey detached dwellings and 3 storey Residential Flat Buildings. Opposite the subject site on South Street are industrial uses, comprising of mechanical repair stations and warehouses.

The visual catchment is predominantly zoned R4 High Density Residential with the only exception being the Hannibal Macarthur Park which is zoned RE1 Public Recreation. The sites on the southern side of South Street are zoned IN1 General Industrial. Further to the east of South Street are sites zoned R2 Low Density Residential.

The subject site is in close proximity to Rydalmere Wharf and bus services on Victoria Road and South Street.

As such, it is noted that the surrounding area is zoned R4 High Density Residential pursuant to PLEP 2011 and undergoing redevelopment.



Figure 3: Development opposite the subject site on Burbang Crescent.



Figure 4: Development under construction and new development to the east of the subject site on Burbang Crescent.



Figure 5: View west of the subject site on Burbang Crescent.



Figure 6: View east of the subject site on South Street.



Figure 7: View west of the subject site on South Street.

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 the relevant 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 PLEP 2011 defines the zoning that applies. As shown in the figures below, the zoning of sites around the subject property is R4 High Density Residential under PLEP 2011. This extends to the properties on the eastern side of Park Road, sites on the southern side of Eloneria Street and the sites on the northern side of South Street. It is also noted that all the sites located within Burbang Crescent are also zoned R4 High Density Residential.

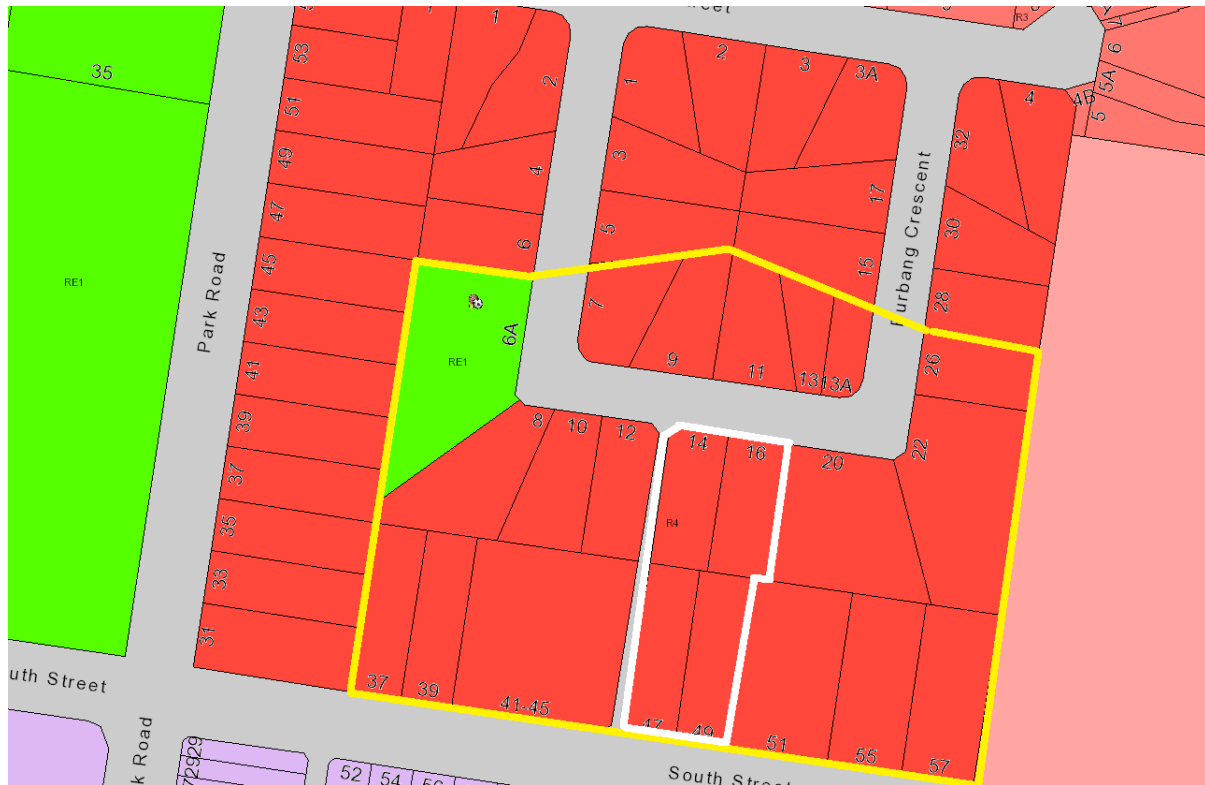


Figure 8: Zoning map extract of the site and surrounds. The darker red coloured zone is R4 High Density Residential. The purple is IN1 General Industrial, the green is RE1 Public Recreation, the lighter pink is R2 Low density Residential and the darker pink is R3 Medium density residential.

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 PLEP 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 PDCP 2011).

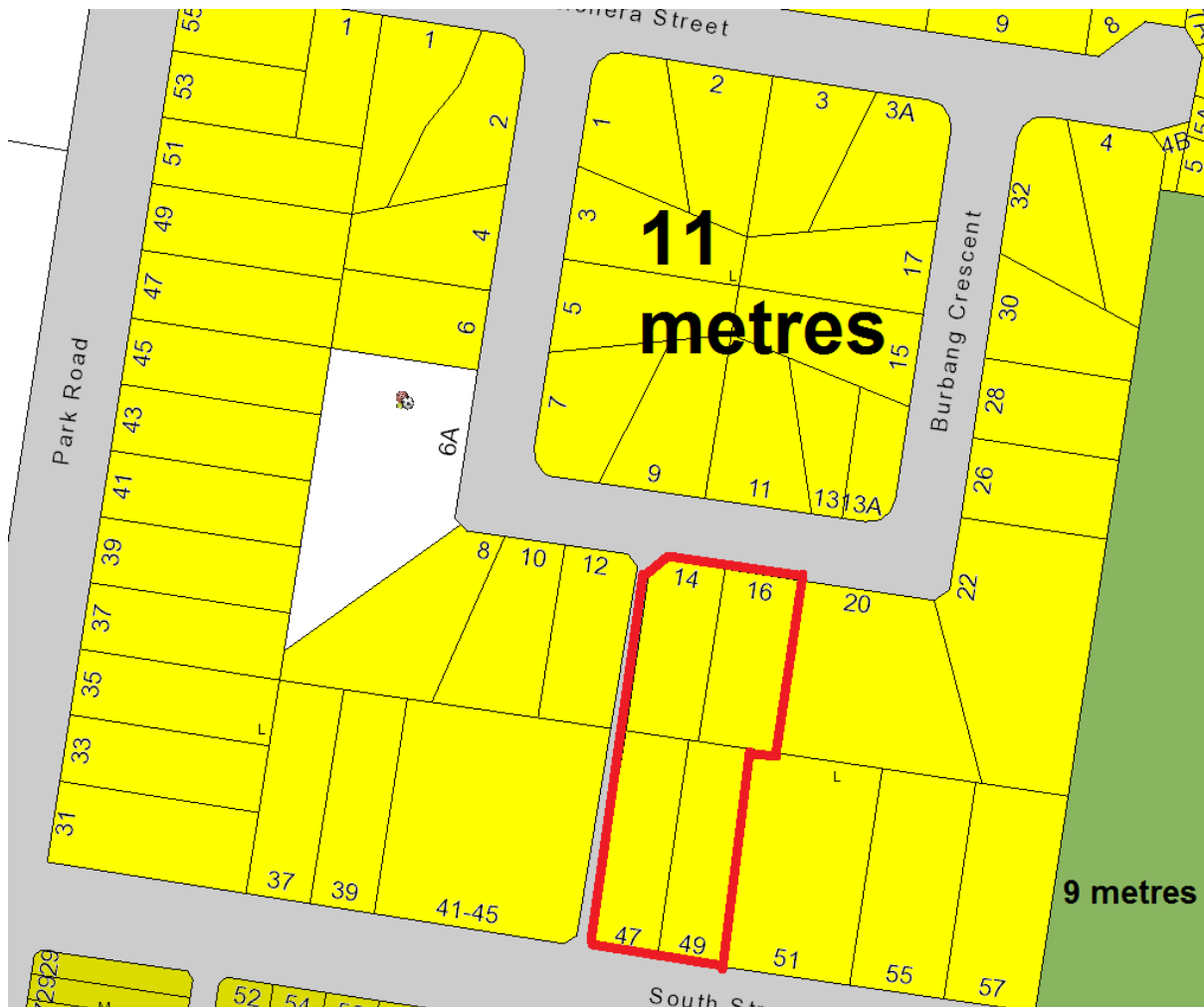


Figure 9: Height control map of the site. The green are the areas with a 9m height limit, and bright yellow an 11m height limit.

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 10: Maximum floor space ratio map of the site. The dark green sites have a maximum floor space ratio of 0.8:1, the blue sites have a FSR of 0.5:1 and the beige sites to the south of South Street have an FSR of 1:1.

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 6m;
- 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 PDOP 2011 - on the privacy or solar access achieved for surrounding residential allotments.

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

As discussed in the PLEP 2011 section of this report, the development will not unduly constrain development on any adjoining site, and the site and proposal are considered 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 established mix of low to high residential built form, and as such, the proposed development is considered to be consistent and conforms with the existing streetscape character of the immediate area surrounding the subject site.

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 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

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

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

The development application was considered by the Panel, who provided the following advice.

1. *The common circulation areas on typical floors are internal. These spaces should be provided with access to natural light (and ventilation if possible).*
2. *The Panel was unconvinced by the proposed design of the communal open space between the two buildings. This space should be at one level and separation between the two buildings maximised. One or two large trees should be provided in the deep soil areas between the buildings, perhaps deciduous for winter sun access in the mornings and afternoons.*
3. *There is an important and interesting opportunity to integrate the adjacent public pedestrian link into the scheme, by providing visual access from the adjacent units and possibly even physical access to the intermediate units and the building lobbies. This space should be conceived as a public 'mews' with good quality landscape,*

access, furnishing and lighting. Pedestrian safety must also be considered through CPTED analysis.

4. The Panel recommends that A/C compressor units are not located on private terraces, unless there is additional space over and above ADG prescribed minimum areas and the units are designed to be discreetly integrated so that the compressor and all pipework are not visible from the street. Ideally the units should be centrally located, either on the roof or in a discreet, dedicated area with access to fresh air on each floor.
5. The Panel recommends that all roof and balcony plumbing is integrated with the design of the building or that it is concealed from view.
6. The Panel recommends that all sliding door units to living rooms and balconies are either full room width or full height to the underside of the floor slab above, and preferably both.

In response, the applicant provided the following:

- Access to natural light and ventilation is via an atrium that provides light from the roof terrace through to Levels 1 and 2. Ground Floor Level has separate access to natural lighting and ventilation. Additional sections have been provided to illustrate the source of natural lighting proposed. This complies with the objectives of the Apartment Design Guide (ADG);
- The central communal open space has been enlarged and on one level to maximize the available space for communal activities and recreation. Amended landscape plans are submitted;
- Visual and physical access from the existing public pedestrian area is provided by integrating access paths from the pathway to the residential units and main entry points to the development;
- The placement of Air Conditioning equipment on the Roof Level or Ground Level is not practical and adversely impacts on adjacent residents. It is preferred that each unit is located on the balcony or courtyard of each unit.
- A/C equipment is then more efficiently located with direct access to the fan coil units with minimum loss of energy efficiency. A/C units will be appropriately concealed from view by being located away from the balcony edges;
- Roof and balcony plumbing will be integrated into the building and not be exposed to view;
- Sliding doors are to be full height to the underside of the slab floor above and full width where practical to increase natural lighting and ventilation to all units.

Planning comment on DEAP advice

As the issues raised by Panel have been satisfactorily addressed, the amended plans were not referred to DEAP for review. DEAP also noted that amended plans to address their concerns did not require consequent review. In this regard, Council is satisfied that the requirements under SEPP 65 have been adequately addressed which also have the support of DEAP.

DESIGN QUALITY PRINCIPLES

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

ADG design quality principle	Response
1. Context	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. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and DCP 2011.
2. Built form and scale	The design 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.
3. Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport and community facilities while maintaining environmental quality.
4. Sustainability, resource, energy & water efficiency	A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.
5. Landscape	The landscaping solutions depicted in the architectural plans are considered to be of satisfactory quality.
6. Amenity	The proposal 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. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
7. Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy.
8. Social dimensions/housing affordability	The unit mix of the proposal provides acceptable housing choice within the area.
9. Aesthetics	The development provides an appropriate choice of colours, materials and textures that will complement the streetscape and locality.

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

APARTMENT DESIGN GUIDE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
PART 2 Building envelopes			
Separation - Building separation is measured from the outer face of building envelopes which includes balconies			
Separation	Up to 4 storeys (approximately 12m): • 12m between habitable	Between buildings - 12 metres. West – 12 metres and 12.2	No, but acceptable

	rooms/balconies <ul style="list-style-type: none"> 9m between habitable and non-habitable rooms 6m between non-habitable rooms 	metres East – 11.3 metres and 13 metres.	
Planning Comment: The variation in this case is only relevant to the building separation between the development (the southern building) and the property to the east being 51 South Street. The variation is 700mm at the narrowest point. The variation in this case is considered to be minor and does not result in unreasonable amenity nor privacy impacts to and from the subject site. Further, the perception of bulk and scale from the adjoining property to the east is negligible.			
PART 3 Siting the development Communal open space <ul style="list-style-type: none"> COS should have a minimum dimension of 3m. Where COS cannot be provided at ground level, it should be provided on a podium or roof. 			
Communal open space	Communal open space has a minimum area equal to 25% of the site or 696.225m ²	Provided - 608.124m ² (21.8%)	No, but acceptable
Planning Comment: The communal open space provided is located on the roof and is accessible to the occupiers and visitors of the development. The non-compliance is acceptable as the subject site is within walking distance to Hannibal Macarthur Park on Burbang Crescent as well as within close proximity to Rydalmere Park on Park Road.			
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Shadow diagrams do show 50% of COS receiving a min. 2 hours of direct sunlight	YES
Deep Soil	>1,500m ² - minimum of 7%, 6m in width. Required - 194.943m ²	Provided – 199.23m ² (7% of the site) is deep soil zone.	YES
Visual privacy <ul style="list-style-type: none"> Separation between windows and balconies is provided to ensure visual privacy is achieved. Adjoining a different zone with a less density, add 3.0m. Retail, office spaces and commercial balconies, use habitable room separation. No separation is required between blank walls. 			
Visual privacy	Up to 4 storeys (approximately 12m): <ul style="list-style-type: none"> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms 	See comments under 'Building Separation'	No, but acceptable.
Parking and Bicycle storage Note: The car parking needs for a development must be provided off street.			
Parking and bicycle storage	For development in the following locations: On sites that are within 800m	See comments under "Parking" of the ARHSEPP section.	YES

	of a railway station or light rail stop in the Sydney Metropolitan Area; The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.		
PART 4 Designing the building			
Solar and daylight access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area.	26 out of 32 dwellings (81%) receive a min. of 2 hours direct sunlight.	YES
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No south facing single aspect apartments are proposed.	YES
Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	27 out of 32 (84%) apartments are naturally cross ventilated.	YES
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No unit exceeds 18m in overall depth when measured from glass line to glass line.	YES
Ceiling Heights Note: Measured from finished floor level to finished ceiling level	Habitable rooms - 2.7m	Proposed – 2.7 metres	YES
Apartment size and layout Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.			
Apartment size and layout	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	1 bedroom 50m ² (min.) 2 bedroom 70m ² (min.) 3 bedroom 90m ² (min.)	No, see ARH SEPP assessment
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of	Every habitable room has a window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.	YES

	the floor area of the room.		
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry	Kitchens are not located as part of the main circulation space.	YES
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m	The habitable room depths are considered to be adequate in this regard.	YES
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	The maximum room depth does not exceed 8 metres.	YES
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	The main bedrooms have a minimum area of 10m ² and other bedrooms 9m ² .	YES
	Bedrooms have a minimum dimension of 3m.	All bedrooms are provided with a minimum dimension of 3 metres.	YES
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments. - 4m for 2 and 3 bedroom apartments.	All min. dimensions provided.	YES
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All cross-over / cross-through apartments are at least 4m.	YES
Private open Space and balconies			
Note: Storage areas on balconies is additional to the minimum balcony size.			
Private open space and balconies	1 Bedroom = 8m ² X 2m	All units are provided with balconies with an area compliant with this requirement with the minimum dimension.	YES
	2 Bedroom = 10m ² X 2m		
	3 Bedroom = 12m ² X 2.4m		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	<p>The units on the ground floor of the southern building are all provided with a private courtyard of 15m² with a minimum depth of 3m.</p> <p>However, some courtyards of the ground floor units on the northern building are provided with less than the minimum depth (ie. min. depth of 2m) required but provide more than 15m² in courtyard area.</p> <p>Notwithstanding, it is considered acceptable given the proximity of the site to Hannibal Macarthur Park and Rydalmere Park.</p>	No, but acceptable.

Storage Note: Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.			
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none"> • 1 bedroom 6m2 • 2 bedroom 8m2 • 3 bedroom 10m2 	Storage areas are provided both within the units and the basement. All storage areas meet the requirements under the ADG's.	YES
	At least 50% of the required storage is to be located within the apartment. Left over space such as under stairs is used for storage	At least 50% of the required storage is located within the units.	YES
Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	Max. 6 apartments accessed from the common lift core	YES
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The building is only 3 storeys in height.	N/A

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 11 metres.	NO	Proposal – 14.6 metres The lift over run exceeds the maximum building height permitted. The applicant has lodged a written request to vary the standard pursuant to Clause 4.6.
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 0.8:1.	NO	The application is made under the ARHSEPP and is compliant. See FSR discussion under the ARHSEPP for assessment.
4.6 Exceptions to development standards	Yes	The application seeks approval to vary Clause 4.3 - Height. Refer to the discussion at the end of this table.
5.1 and 5.1A Development on land intended to be acquired for public purposes Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?	N/A	The site is not identified on this map.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
5.6 Architectural roof features	N/A	An architectural roof feature is not proposed.
5.9 Preservation of trees	Yes	Tree removal is proposed. See 'Referrals' section for further discussion.
5.10 Heritage Conservation	Yes	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	Low	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. The proposal is not considered to impact an aboriginal place of heritage significance.
6.1 Acid sulfate soils Is an Acid Sulfate Soils Management Plan Required?	Class 5	The site is identified as containing Class 5 Acid Sulfate Soil and does not require an Acid Sulfate Soils Management Plan.
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory subject to conditions.
6.3 Flood planning Is the site flood prone?	N/A	The site is not identified as being flood prone.
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources –Biodiversity Map'?	N/A	The site is not identified on this map.
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	N/A	The site is not identified on this map.
6.6 Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	The site is not identified on this map.
6.7 Affected by a Foreshore Building Line	N/A	The site is not located in the foreshore area.

EXCEPTIONS TO DEVELOPMENT STANDARDS WITHIN LEP 2011

Objectives of Clause 4.6 of the PLEP 2011

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clause 4.3 of PLEP 2011.

The variation sought is as follows:

Maximum height under PLEP 2011	Proposed	Degree of variation and merit
11 metres	Building A – 13.04m	2.04 metres or 18.5% of the standard.
	Building B - 14.6 metres	3.6 metres or 32.7% of the standard.

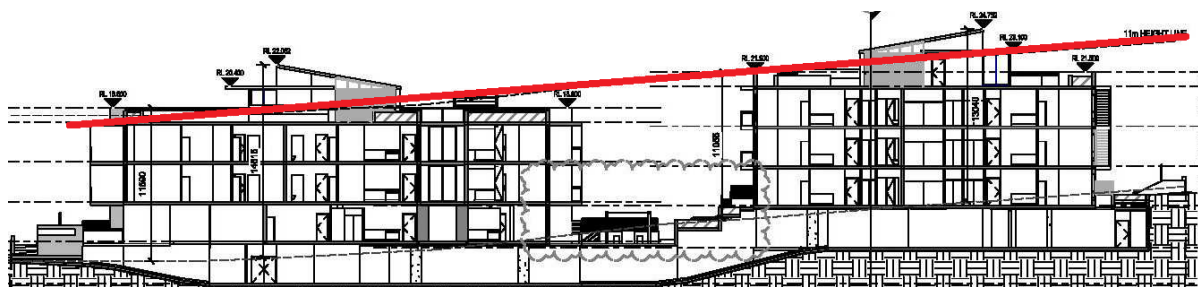


Figure 11: Extent of variation sought.

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clauses 4.3 - Height. The applicant has provided the following reasons for the variation.

- The proposed variation is a result of the topography of the site and the requirement to provide service lifts and shade structures within the roof top communal open space area on both buildings.
- No habitable area is located within the portion of the development that exceeds the maximum height. The bulk of the development is also located within the height limit for the site.
- The proposal provides a high quality urban form that relates well to the context of the site in terms of topography and adjoining developments.
- The proposal provides a public benefit by including an affordable housing component. In doing so, the development benefits from a FSR bonus which cannot be accommodated within the maximum height limit.
- The height, despite its departure from the standard does not in this case result in any unreasonable increase in amenity impacts to adjoining properties.

- The portion of the development that breaches the height limit has been designed as a recessed element to reduce amenity impacts. In this regard, it is noted that it does not contribute to a bulky appearance, reduce solar access within or outside of the site, reduce any views or increase opportunities for overlooking.
- The proposed development will permit the site to develop to its potential whilst complementing the future vision envisioned for the site by providing a residential flat building that provides good address to both street frontage and complies with key planning controls applying to the proposal.
- The development proposal has been designed to comply with key planning requirements, whilst providing a building that addresses the context and streetscape whilst being consistent with the evolving high residential built form characters along the southern side of Burbang Crescent and the northern side of South Street. The development provides a mix of dwellings that will contribute towards increasing housing choice, diversity and stock of the Parramatta LGA.

PCC assessment of the exception under clause 4.6:

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

1. Is the planning control a development standard?

Yes, Clause 4.3 - Height is a development standard.

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

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

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

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

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

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

The proposed development responds to the site despite the non-compliances and does so without compromising relationships with adjoining developments. Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act

as the site will remain under-developed and would not promote the economic welfare of the community and a better environment.

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

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

It is considered that it would be unreasonable to require the development to comply with the maximum height in this instance as the proposal generally complies with the development requirements pertaining to RFB developments and that it also benefits from a FSR bonus as the development incorporates affordable housing components. The departure to the standard will not in this instance result in adverse impacts to adjoining sites with regard to acoustic, overshadowing and privacy. The breach in the height mostly relates to the lift overrun and shade structures required to access the roof top common space area and to increase its utility. The development in this regard maintains consistency with the objectives of the zone.

5. Is the exception well founded?

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

- Is an appropriate response to the topography of the site.
- Does not contain any habitable areas beyond the height limit.
- Only provides a lift core and shade structures to support the utility of the roof top common open space area beyond the height limit.
- Improves the amenity and design outcome of the development.
- The development has the support of DEAP.
- Responds to the site and does so without adversely compromising relationships with adjoining developments
- Does not unduly compromise other relevant controls with the proposed development encouraging ecologically sustainable development.

ZONE OBJECTIVES

ZONE OBJECTIVES

The objectives of the zone include:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*

- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

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

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
2.4.1 Views and Vistas		
Preserve significant features and areas of high visibility	N/A	The site is not identified as containing significant views.
2.4.2.1 Flood affectation	N/A	The site is not identified in Councils database as being flood prone.
2.4.2.2 Protection of Waterways Does the site adjoin a waterway?	N/A	The site does not adjoin a waterway.
2.4.2.3 Protection of Groundwater Is a basement car park proposed?	Yes	One level of basement parking is proposed. It is unlikely that the one level of basement will result in any impacts to ground water, particularly as the site does not adjoin a waterway nor is there evidence that there is groundwater within proximity to the site.
2.4.3.1 Soil Management Are there adequate erosion control measures?	Yes	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.
2.4.3.2 Acid sulfate soils	Yes	Refer to LEP table above.
2.4.3.3 Salinity Moderate, high or known salinity potential?	Yes	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development. The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions.
2.4.4 Land Contamination	Yes	Refer to assessment under SEPP 55.
2.4.5 Air Quality Will demolition and construction contribute to increased air pollution?	Yes	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.
2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site?	Yes	The site has a fall of approximately 5.5 metres from Burbang Crescent to South Street. The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.
2.4.6 Biodiversity Is vegetation removal appropriate?	Yes	Council's Landscape Officer has not raised concerns with regards to the Landscape Plan subject to conditions.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		<p>The landscape plan submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011.</p> <p>The site does not adjoin bushland.</p>
2.4.7.2 Does the land abutt the E2 Environmental Protection zone or W1 Natural Waterways zone	Yes	The site does not adjoin land zoned E2 or W1.
2.4.7 Public Domain Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements?	Yes	<p>The building has an appropriate address to both streets with a distinguishable entry via a clear pedestrian pathway to ensure clear identification from the public domain.</p> <p>Balconies and windows on the upper units address both street frontages promoting natural surveillance from within the units to the front and public domain. Windows also face the communal areas between the 2 buildings and the communal area to the east of the site to provide surveillance to these areas.</p> <p>Plans have also been amended to ensure that the ground units are provided with courtyard areas that have access to the pedestrian footpath that adjoins the site to the west. The amendments to access to individual units activate the pathway.</p> <p>Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip on both street frontages is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages.</p>
3. Preliminary Building Envelope		
Frontage		
Minimum 24 metres	Yes	Burbang Crescent - 31.09 metres South Street - 29.62 metres
Height (refer also to LEP table)		
Does the proposal exceed the number of storeys outlined in the DCP height table?	No, but acceptable	Whilst the development breaches the maximum height for the site, the proposal maintains the 3 storey built form to maintain compliance with this control.
Front Setback		
Primary - 5m-9m Secondary – 3m	Yes	Burbang Crescent – 5.3 South Street - 5m
Side Setback		
4.5m	Yes	Min. 4.5m

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Deep Soil		
30% site area Required - 835.47m² Of which, at least 50% is to be located at the rear of the site, with minimum dimensions of 4m x 4m	No	See ADG and ARHSEPP assessment
Landscaping 40% site area Required - 1113.96m²	No	See ARHSEPP assessment
3.2. Building Elements		
3.2.1 Building Form and Massing		
Height, scale and bulk consistent with existing or planned building patterns in the street?	Yes	<p>The bulk of the building is consistent with the existing and desired future character of Burbang Crescent and South Street.</p> <p>It is considered that the proposed development subject to conditions of consent will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks, deep soil zones and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the adjoining properties.</p>
3.2.2 Building Façade and Articulation		
Does the building exceed the building envelope by more than: <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows 	Yes	<p>The proposal provides appropriate setbacks and building articulation resulting in a reduced perception of bulk and scale.</p>
Are the building facades modulated in plan and elevation to reduce building bulk?		<p>The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p>
Are Multiple stair lift/cores provided to encourage multiple street entries?		<p>The application proposes balconies to the upper floors which address the street frontage and the side boundaries and do not project more than 800mm beyond the building envelope.</p> <p>The proposal does not propose Juliet balconies or bay windows.</p> <p>Both buildings are provided with 2 entry points each. This is considered to be sufficient.</p>
3.2.3 Roof Design		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes	The development incorporates a flat roof which is not uncommon with the modern design for similar forms of development. The flat roof also allows for a roof top common open space area on both buildings.
3.2.5 Streetscape		
Does the development respond to the existing or planned character of the street?	Yes	<p>The existing character and urban context of the immediate neighbourhood is residential of low to high density.</p> <p>As previously stated in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the R4 High Density Residential and future streetscape character of the area.</p>
Are garages and parking structures dominant?	Yes	Basement carpark is provided to minimise the impact of parking structures on the building façade and the front setback.
Are pedestrian or vehicular laneways activated?	Yes	The site adjoins pedestrian link. Plans were amended to ensure that the ground floor units that address the footpath have direct access to and from this laneway.
Are the mail boxes visually integrated within the built form and conveniently accessed?	Yes	Mail boxes are located on the South Street frontage.
3.2.6 Fences		
Front fence a maximum height of 1.2metres?	N/A	No front fences are proposed.
3.3 Environmental Amenity		
3.3.1 Landscaping		
Natural features retained and incorporated? Minimum soil depth of 1m provided above basement?	Yes	<p>The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.</p> <p>The basement extends beyond the building footprint. This does not however, hinder the development from providing adequate deep soil areas for Residential Flat Buildings pursuant to the ADG and the ARHSEPP.</p>
3.3.2 Private Open Space		
Minimum of 10m ² private open space with minimum dimensions of 2.5m per unit?	No, but acceptable	See ADG assessment.
3.3.2 Common Open Space		
Min. of 10m ² of communal open space per dwelling is to be provided. Required - 320m ²	Yes	Provided - 608.124m ²

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Swimming Pool proposed?	N/A	A swimming pool is not proposed.
3.3.3 Visual Privacy Do balconies face the street or another element of the public domain such as a park?	Yes	The balconies on the upper floors address the street, the pedestrian footpath and public domain to reduce overlooking opportunities to the adjoining eastern sites.
Is a minimum building separation of 12m provided between habitable rooms/ balconies?	No, but acceptable	See ADG assessment.
3.3.4 Acoustic Amenity Does the dwelling adjoin a noise-generating land use?	Yes	The site is opposite industrial uses on South Street. An Acoustic report was submitted with the applicant and consequently reviewed by Council's Health Officer. Upon review of the application and supporting documentation, Council's Health Officer raised no objections subject to conditions of consent.
3.3.5 Solar Access (refer also to ADG section) 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?	Yes	See ADG assessment. Due to the north-south orientation of the site and setbacks, the adjoining sites to the east and west will receive a minimum of 3 hours of solar access during the winter solstice.
Cross Ventilation Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m) Are 80% of dwellings naturally cross ventilated? Are single aspect apartments limited in depth to 8m from a window? Does the building have a maximum depth of 18m?	Yes	Ground Floor = 2.7 metres Upper levels = 2.7 metres See previous ADG assessment.
3.3.6 Water Sensitive Urban Design On-site detention system appropriately designed?	Yes	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.
3.3.7 Waste Management Is the waste management plan satisfactory?	Yes	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
<p>Is the bin room appropriately sized for the number of bins required?</p> <p>Will a private contractor be required to minimise bins on the street for pickup?</p>		<p>generated by the development and the methods of removal and disposal.</p> <p>Two garbage rooms are located within the basement.</p> <p>The applicant has confirmed that a representative of the Owners Corporation will move the bins to either kerb side via the driveway ramp. The representative of the Owners Corporation will also return the bins to the garbage rooms in the basement upon collection.</p> <p>Whilst the waste management plan indicates that the development will use Council collection to service the site, Council's Waste Officer has imposed a condition of consent requiring that the development to be serviced by a private waste contractor.</p>
3.4 Social Amenity		
<p>3.4.1 Public Art – is an Arts Plan provided? (CIV of more than \$5,000,000.00, and located in CBD/town centre).</p>	N/A	<p>As the application does not have a CIV of more than \$5,000,000.00 or:</p> <ul style="list-style-type: none"> - Is located within a local town centre - Zoned B2 Local Centre or B4 Mixed Use - Has a site area of over 5000m2 <p>An arts plan is not required.</p>
<p>3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability?</p>	Yes	<p>The ground floor is visitable and able to be accessed by people with disabilities. Access from the basement to the upper levels is via a lift. The application was also accompanied with an Access Report which will be incorporated in the consent to ensure equal access to and from the buildings.</p> <p>It is noted that 4 units within the development is nominated as adaptable units.</p>
<p>3.4.4 Safety and Security Has the development been designed in accordance with crime prevention principles?</p>	Yes	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The main entries face towards the street, promoting natural surveillance from within the units to the front setback and public domain. Plans have also been amended to ensure that the ground floor units with address to the laneway have direct access to this area to activate the space and to increase surveillance.</p>
<p>3.4.5 Housing Diversity and Choice Is the unit mix in accordance with the following:</p>	Yes	Provided -

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3 bedroom 10% - 20% 2 bedroom 60% - 75% 1 bedroom 10% - 20% Adaptable dwelling provision Less than 10 units = 1 10-20 units =2 More than 20 units = 10%		4 x 1 bedroom (12.5%) 24 x 2 bedroom (75%) 4 x 3 bedroom (12.5%) The unit mix in this regard is considered to be acceptable. Required – 4 units Provided – 4 units (Units A09, A15, B02 and B03).
3.5 Heritage and Archaeology	Yes	The site does not contain a heritage item. The site is not within a heritage conservation area. The site is not within proximity to heritage listed items.
3.6.2 Sustainable Transport Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?	N/A	The development does not contain more than 50 apartments. As such, a car share space is not required.
3.6 Parking Provision		
As per ARHSEPP	Yes	See ARHSEPP discussion.
Is 1 bicycle parking space provided per 2 units?		
Required – 16 bicycle spaces	Yes	Provided - 16 spaces
3.6.3 Accessibility and Connectivity Is a 3m wide pedestrian through link required and provided?	N/A	The site is not considered to be of a size that would require a pedestrian through site link.
3.7.2 Site consolidation and isolation	Yes	The proposal does not result in the isolation of any adjoining properties.
4.1.4 Special Precinct – East Rydalmere		
Pedestrian Connections and Laneways	N/A	The subject site is not identified as requiring the provision of a pedestrian connection or laneway.
Setbacks	N/A	The subject is not identified as requiring setbacks beyond the setbacks under Section 3.1 of PDCP 2011.
Land Amalgamation	N/A	The subject site is not identified as a site requiring additional land amalgamations pursuant to Figure 4.1.4.2 of PDCP 2011.

REFERRALS

Internal referrals

Waste Officer

Council's Waste Officer reviewed the proposal and upon review of the application raised no objections to the development subject to conditions of consent relating to the requirement for the site to be serviced a private waste contractor and that details are to be provided to Council.

Health (Acoustic)

As the subject site is opposite industrial uses on South Street, an Acoustic Report was submitted. Council's Health Officer reviewed the proposal as well as the accompanying report and upon review, raised no objections subject to conditions of consent.

Landscape Officer

The development seeks approval for the removal of site trees and new perimeter landscaping. Due to the number of trees to be removed as well as the varying heights of the trees to be removed, an Arborist Report was submitted with the application. Council's Landscape Officer reviewed the proposal and the report and raised no objections to the tree removal as well as the new landscape design for the site. Council's Landscape Officer recommended conditions be imposed on the consent with regards to the provision of details of the planter box prior to the issue of the Construction Certificate and that all tree removal must be undertaken by a qualified Arborist.

Traffic Engineer

As the development requires additional on-site parking spaces, the application along with the Traffic and Parking Report was reviewed by Council's Traffic Engineer. Upon review, Council's Traffic Engineer noted that the proposal is not expected to have a significant traffic impact on either Burbang Crescent nor South Street and the surrounding road network. As such, the proposal can be supported on traffic and parking grounds provided that:

- Bicycle facilities are provide in a secure cage room
- The internal ramp is amended to comply with AS2890.1-2004.
- Storage cages are to be allocated to the same unit that the parking space is allocated to.

The abovementioned requirements are reflected in the conditions of consent.

Social Outcomes

As the application proposes an affordable housing component, the application was referred to Council's Social Outcomes for review. The application was also accompanied by a Social Impact Assessment to assist with the assessment of the application. Upon review, it was considered that the provision of additional affordable housing in the area will support a diversity of residents and that the site is suitably located to transport, community services, infrastructure, education facilities and employment centres. As such, conditions are recommended for inclusion in the consent with regards to a covenant being registered on the

title identifying the affordable rental housing component and that it must be used for such purposes to be managed by a registered community housing provider for a period of 10 years.

Development Engineer

The application submitted stormwater plans indicating the proposal for an OSD. Council's Development Engineer reviewed the application and raised no objections to the proposal subject to the imposition of a condition modifying the WSUD chamber in Tank 2 to be identical to Tank 1.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011 owners and occupiers of surrounding properties were given notice of the application for a 21 day period between 20 April 2016 and 12 May 2016. In response 2 submissions were received.

The issues raised in the submissions are as follows.

Issue	Comment
Insufficient side setback	The development proposes a 4.5m side setback and is compliant with the minimum requirements under PDCP 2011.
Insufficient front setback	PDCP 2011 requires front setbacks for RFB developments to be a minimum of 5-9 metres to the primary frontage and 3 metres to the secondary frontage. The development provides a 5.3m front setback to Burbang Crescent and 5m to South Street.
Loss of solar access	Due to the north-south orientation of the site and setbacks, the adjoining sites to the east and west will receive a minimum of 3 hours of solar access during the winter solstice.
Loss of trees	A number of existing trees is to be removed to allow for the development of the RFB. However, the application has submitted a Landscape Plan that demonstrates a landscape design that replenishes and replaces the trees lost as a result of the development. The landscape plan was reviewed by Council's Landscape Officer whom considered the tree removal, tree replacement and landscape plan to be appropriate.
Increased traffic in the area	The application was reviewed by Council's Traffic Engineer whom also reviewed the submitted Parking and Traffic Report. Council's Traffic Engineer raised no objections to the proposal on the grounds of increased traffic within the locality.
Insufficient on-street parking	All the parking spaces provided for the development is to be located wholly within the basement. As such, the development should not result in an increase demand for on-street parking.
Loss of privacy	The development provides generally compliant building separation in accordance with the ADG's and PDCP 2011 requirements. The proposal is also of acceptable height and density to ensure that the privacy of adjoining properties is protected.

AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- 1) Amended architectural plans annotating storage volumes
- 2) Changes to architectural plans to reflect DEAP recommendations.

AMENDED PLANS RENOTIFIED?

No

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

PARRAMATTA s94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for 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 **\$8,310,782.00**.

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 2016/2017 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.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

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

SUMMARY & CONCLUSION

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.

Waste Management

The waste bin storage area is able to accommodate the required number of bins for the development. The bins can be easily wheeled to the kerb from its location in the basement. The bins can be accommodated at the kerb in front of the site at the South Street frontage.

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

Two submissions were received in response to the advertisement/notification of the application. The issues raised within the submission are addressed elsewhere in this report.

The proposed development is not contrary to the public interest

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATION A – APPROVAL SUBJECT TO CONDITIONS

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

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

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

AND

That the Joint Regional Planning Panel (Sydney West Region), as the consent authority, being satisfied that the variation under Clause 4.6 of Parramatta Local Environmental Plan 2011 is supportable and that it grants consent to Development Application DA/227/2016 for the demolition, tree removal and construction of a 2 x Residential Flat Buildings containing 32 residential units over basement car parking pursuant to SEPP Affordable Rental Housing 2009 on land at 14-16 Burbang Crescent and 47-49 South Street, RYDALMERE NSW 2116 as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions of consent.

General Matters

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

Drawing No.	Prepared By	Dated
Site Plan and Roof Plan. Job no. 2281. Drawing No. DA02. Issue B.	Architex	12 July 2016
Basement Level. Job no. 2281. Drawing No. DA03. Issue B.	Architex	12 July 2016
Ground Floor Plan, Job No. 2281. Drawing No. DA04. Issue B.	Architex	12 July 2016
Level 1 Floor Plan, Job No. 2281. Drawing No. DA05. Issue B.	Architex	12 July 2016
Level 2 Floor Plan, Job No. 2281. Drawing No. DA06. Issue B.	Architex	12 July 2016
Typical and Post Adaptable Layout Block A, Job No. 2281. Drawing No. DA10. Issue B.	Architex	12 July 2016
Typical and Post Adaptable Layout Block B, Job No. 2281. Drawing No. DA11. Issue B.	Architex	12 July 2016
Elevations Plan, Job no. 2281. Drawing No. DA07. Issue B.	Architex	12 July 2016
Elevations and Section Plan, Job no. 2281. Drawing No. DA08. Issue B.	Architex	12 July 2016
Stormwater Plan, Job No. 16NL064. Drawing No.D00. Issue A.	Loka Consulting Engineering.	1 April 2016
Basement Stormwater Plan – Part 1, Job No. 16NL064. Drawing No.D01. Issue A.	Loka Consulting Engineering.	1 April 2016
Basement Stormwater Plan – Part 2, Job No. 16NL064. Drawing No.D02. Issue A.	Loka Consulting Engineering.	1 April 2016
Basement Stormwater Details, Job No. 16NL064. Drawing No.D03. Issue A.	Loka Consulting Engineering.	1 April 2016
Ground Floor / Site Stormwater Drainage Plan – Part 1, Job No. 16NL064. Drawing No.D04. Issue A.	Loka Consulting Engineering.	1 April 2016
Ground Floor / Site Stormwater Drainage Plan – Part 2, Job No. 16NL064. Drawing No.D05. Issue A.	Loka Consulting Engineering.	1 April 2016
Stormwater Drainage Details, Job No. 16NL064. Drawing No.D06. Issue A.	Loka Consulting Engineering.	1 April 2016
Soil and Water Management Plan,	Loka Consulting	1 April 2016

Job No. 16NL064. Drawing No.D07. Issue A.	Engineering.	
Music and Result Details, Job No. 16NL064. Drawing No.D08. Issue A.	Loka Consulting Engineering.	1 April 2016
MusicLink Report, Job No. 16NL064. Drawing No.D09. Issue A.	Loka Consulting Engineering.	1 April 2016
Landscape Plan, Drawing No. 1314.L01. Issue A.	Greenland Design	4 April 2016
Landscape Plan - Area 2, Drawing No. 1314.L02. Issue A.	Greenland Design	4 April 2016
Landscape Details and Specification, Drawing No. 1314.L03. Issue A.	Greenland Design	4 April 2016

Document(s)	Prepared By	Dated
Waste Management Plan	Dickens Solutions	March 2016
Access Report	Vista Access	Undated
Acoustic report.	Acouras Consultancy	20 June 2016
Finishes Schedule (2 pages)	Arhcitex	Undated
BASIX Certificate No. 715909M	BASIX	31 March 2016
Arborist Report	Redgum Horticultural	16 March 2016
Traffic Management Report	Loka Consulting Engineers	4 April 2016
Social Impact Assessment	Think Planners	6 April 2016

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

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

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).
Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.
Reason: To ensure compliance with legislative requirements.
4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.
Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

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

Reason: To protect the amenity of the area.

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

Reason: To maintain the amenity of the area.

7. A covenant is to be registered on the title identifying the affordable rental housing component (units as identified in Condition 1), of the development and indicating that these dwelling units must be used for affordable rental housing and managed by a registered community housing provider for a period of 10 years.

Prior to the Issue of the Construction Certificate

9. Prior to the issue of the Construction Certificate, amended plans are to demonstrate that 1 visitor parking space is to be converted to a residential parking space to provide a total of 32 residential parking spaces.

Reason: To maintain compliance with the parking requirements under the ARH SEPP.

8. 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.
10. 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.
11. A monetary 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 8 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.

12. 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.

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

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

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

14. 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.

15. 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 227/2016;
- (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	\$ 5000

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.

16. 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.

17. 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.

18. 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.

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

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

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

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

21. 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.

22. A standard vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS8 and 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.

23. 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.

24. 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.

25. 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.

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

Reason: To comply with Australian Standards.

27. 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.

28. 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.

29. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

(a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.

(i) *Drainage plans Dwg No. D04 – D06 dated 1/04/16 prepared by Loka Consulting Engineers P/L*

- (b) A Site Storage Requirement of 235 m³/ha and a Permissible Site Discharge of 208 L/s/ha (when using 3rd edition of UPRCT's handbook).
- (c) The detailed drainage plan shall show all necessary surface and invert levels of the on-site detention tanks.
- (d) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (e) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (f) Calculation summary sheet is to be completed, signed and dated by the design engineer

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

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

Reason: To enable future upgrading of electricity services.

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

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

32. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall ensure that the following engineering issues are adequately addressed:

- Detailed longitudinal section of the proposed drainage pipe and pit in the road shall be submitted to Catchment Management Engineers section for approval.
- The arrangement of the WSUD chamber in Tank(2) is to be identical to the location in Tank(1), as shown on the approved Dwg plan (D08) in order to maintain the control discharge pit functioning as a high early discharge 'HED' pit in OSD Tank (2).

Reason: to ensure a satisfactory stormwater discharge and preserve Council's asset.

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

Reason: To ensure the creation of functional gardens.

34. The final Landscape Plan must be consistent with plan prepared by Greenland Design Pty Ltd dwg no. 1314.L.01 Issue B dated 14 July 2016 together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

(a) Additional native Canopy Trees are to be planted as follows:

- Two (2) x native trees shall be planted within the deep soil zones located between the built form of Blocks A and B (Common Open Space) within the provision of suitable garden beds;
- A minimum of three (3) x native trees are to be planted along the eastern boundary deep soil zone (Common Open Space) adjacent Block A within the provision of suitable garden beds.

The tree(s) are required to be provided in a minimum 45 litre container and planted at minimum distances of one (1) metre from any boundary, drainage line and a minimum setback of 3m to the outside enclosing wall or edge of a legally constructed building or structure. Suitable native trees are to be selected from the approved Plant Schedule or from the following:

- *Acmena smithii* (Lilli Pilli)
- *Elaeocarpus reticulatus* (Blueberry Ash)
- *Tristanopsis laurina* 'Luscious' (Water Gum)
- *Ceratopetalum gummiferum* (NSW Christmas Bush)
- *Backhousia myrtifolia* (Grey Myrtle)
- *Angophora hispida* (Dwarf Apple)

(b) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

Reason: To ensure implementation of appropriate landscaping and tree replenishment and provision of suitable screening between properties.

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

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

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

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

37. A waste storage room is to be provided on the premises and shall be compliant 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;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

38. To minimise the impact of noise on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS3671-1989 (Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction), AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors), the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise and the Environmental Noise Control Manual (Sleep Disturbance).

A report from an appropriately qualified person that these acoustic and vibration design requirements will be met shall be provided to the satisfaction of the PCA prior to the issue of a Construction Certificate.

Reason: To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities.

39. The recommendations outlined in the acoustic report prepared by Accouras with reference number SYD2016-1058-R001B dated 01/09/2016 shall be incorporated into the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure a suitable level of residential amenity

40. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the building has been acoustically designed and capable of being constructed to meet the requirements of:

- (a) AS3671-1989 (Acoustics – Road Traffic Noise Intrusion - Building Siting and Construction), and
- (b) AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors); and
- (c) The NSW Road Noise Policy.

Certification is to be provided by a practising acoustic engineer certifying the construction plans have been prepared to satisfy the above criteria.

Reason: To ensure a suitable level of residential

40. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note: Where access to storage cages would be impeded by a parked car, said cages are to be allocated to the same unit that the parking space is allocated to in order to comply with the ADG.

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

41. 16 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Note: These spaces are to be provided within a secure room or cage accessible to residents via a swipe card, key or other such device. Details of the spaces and bicycle parking devices are to be illustrated on plans submitted with the construction certificate.
Reason: To comply with Council's parking requirements and Australian Standards
42. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the car park not illustrated on the approved plans such as columns, garage doors, fire safety measures, driveway ramp access gradients and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the 12.5% grade transition at the base of each ramp is to be lengthened from 2m to 2.45m to prevent scraping and 12.5% grade section at the summit of the ramp is to be shortened by a corresponding 0.025m to maintain the overall depth of the ramp.
Reason: To ensure appropriate vehicular manoeuvring is provided
43. A splay extending 2m from the driveway edge along the property boundary and 2.5m from the boundary of the driveway is to be provided. This splay is to comply with Figure 3.3 of AS2890.1 and shall provide 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. Note: Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.
Reason: To comply with Australian Standards and ensure pedestrian safety

Prior to the Issue of the Commencement of Work

44. 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.
45. 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.
46. 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.

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

Reason: To ensure adequate toilet facilities are provided.

48. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

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

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

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

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

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

49. 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.

50. 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.

51. 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.

52. 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.

- 53. 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.

54. 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.
55. 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.
56. 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.

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

Reason: To protect the environmental amenity of the area.

58. 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.

59. 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 City of Parramatta 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.

60. 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.

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

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

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

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

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

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

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

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

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

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

64. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

During Construction

65. 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.

66. 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.

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. 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).

79. 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.

80. 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.

81. 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.

82. 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.

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

Reason: Protection of existing environmental infrastructure and community assets.

84. 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 on site and replaced with appropriate indigenous or native species.

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

85. Trees to be removed are:

Existing trees numbered 1 to 13 as specified in the Arboricultural Impact Assessment Prepared by Redgum Horticultural Ref: 1769 dated 16 March 2016.

Tree No.	Species	Common Name	Location
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4x	<i>Macadamia integrifolia</i>	Macadamia	South st frontage- <i>identified but not specified in Arborist report</i>
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All other existing trees or vegetation located on the site that are identified as exempt species, below five (5) metres in height or are within three (3) metres to the outside enclosing wall or edge of a legally constructed building or structure are permitted for removal in accordance with Development Control Plan 2011 section 5.4 Preservation of Trees or Vegetation.

Reason: To facilitate development.

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

Reason: To ensure appropriate disposal of asbestos materials.

87. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

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

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

89. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: To prevent pollution of the environment.

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

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

91. Any site excavation areas must be kept free of accumulated water at all times. Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in: the pollution of waters, nuisance to neighbouring properties, or damage/potential damage to neighbouring land and/or property. A de-watering plan

is required to be included and submitted to Council for review prior to issue of a Construction Certificate.

Reason: To protect against subsidence, erosion and other nuisances.

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

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

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

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

Reason: To prevent pollution of waterways.

Prior to the issue of the Occupation Certificate

94. 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.

95. 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.

96. 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.

97. 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. 715909M, will be complied with prior to occupation

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

98. 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.

99. 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.

100. 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.

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

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

102. 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.

103. 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.

104. Works-As-Executed stormwater plans are to address the following:
- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
 - (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
 - (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
 - (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
 - (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
 - (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

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

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

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

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

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior

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

106. 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.

107. An application for street numbering must be lodged with Council for approval, prior to the issue of an Occupation Certificate.

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.

108. 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.
109. 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.
110. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS 2890.1-2004.
Reason: To comply with Australian Standards.
111. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
Reason: To comply with Australian Standards.
112. 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 Occupation Certificate to the satisfaction of the Certifying Authority.
Reason: To protect the visual amenity of the area.
113. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.
Reason: To ensure a waste collection service is commenced at the time of occupation of the development.
114. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.
115. Prior to the issue of the occupation certificate, convex mirrors are to be installed in accordance with approved plans, with their height and location adjusted to allow an exiting driver a full view of the driveway/circulation roadway in order to see if another vehicle is coming through. Convex mirrors are to be installed at both ends of each ramp and at each curve point.
Reason: To ensure safety of drivers
116. The affordable housing dwelling units should be identified on the floor plan prior to the occupation certificate being issued.

117. Council is to be notified on the day that an occupancy certificate is issued (this in turn will be considered as the day that the affordable housing 10 year dedication period commences).
118. Prior to the issue of the occupation certificate the proponent is to submit a copy of the signed contract between the registered community housing provider and the applicant to Council's Development Services unit and the Social Outcomes Team Manager.
- Note:** The consent holder is to identify the community housing provider who will manage the affordable housing component of the development. The community housing provider should demonstrate their familiarity with the local context of Parramatta.

Use of the Site

119. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions
Reason: To ensure restoration of environmental amenity.
120. 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.
121. 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.
122. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.
Reason: To ensure provision of adequate waste disposal arrangements.
123. All waste storage areas are to be maintained in a clean and tidy condition at all times.
Reason: To ensure the ongoing management of waste storage areas.
124. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
Reason: To ensure waste is adequately stored within the premises.
125. The roller shutter door to be provided at the entrance to the basement is to be operated via remote control.
Reason: To comply with Australian Standards