

COUNCIL ASSESSMENT REPORT

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| Panel Reference | 2016SYW094 |
| DA Number | DA/286/2016 |
| LGA | City of Parramatta |
| Proposed Development | Demolition of existing structures, removal of trees, consolidation of two lots and construction of a four storey Residential Flat Building comprising 26 units over basement parking. 13 Units are dedicated for affordable housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009. The application is to be determined by the Sydney West Central Planning Panel. |
| Street Address | 26 – 28 Lydbrook Street, Westmead NSW 2145 Lot 21 DP 12067 and Lot 22 DP 12067 |
| Applicant/Owner | Applicant: Haroutoonian Properties No. 2 Pty Ltd Owner: Mr J D Touma and Mrs B Touma |
| Date of DA lodgement | 2 May 2016 |
| Number of Submissions | No submissions |
| Recommendation | Approval, subject to conditions |
| Regional Development Criteria (Schedule 4A of the EP&A Act) | Pursuant to Schedule 4A Clause 6(b), the application has a capital investment value exceeding \$5 million and therefore the SWCPP is the determining authority. |
| List of all relevant s79C(1)(a) matters | <ul style="list-style-type: none"> • State Environmental Planning Policy (Affordable Rental Housing) 2009; • State Environmental Planning Policy No. 55 - Remediation of Land; • State Environmental Planning Policy (Infrastructure) 2007; • State Environmental Planning Policy BASIX • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development; • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; • Apartment Design Guide; • Parramatta Local Environmental Plan 2011; and • Parramatta Development Control Plan 2011. |
| List all documents submitted with this report for the Panel's consideration | All plans and documents listed within Condition 1 of the Recommendation section of the Assessment Report. |
| Report prepared by | Bertha Gunawan |
| Report date | 15 February 2017 |

Summary of S79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

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? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
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.



S79C ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

SUMMARY

DA No: DA/286/2016

Property: 26-28 Lydbrook Street, WESTMEAD NSW
2145
(LOT 21 & 22 of DP 12067)

Proposal: Demolition of existing structures, removal of trees, consolidation of two lots and construction of a four storey Residential Flat Building comprising 26 units over basement parking. 13 Units are dedicated for affordable housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Date of receipt: 2 May 2016

Applicant: Haroutoonian Properties No. 2 Pty Ltd.

Owner: Mr J D Touma and Mrs B Touma

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: Nil

Recommendation: Approval

Report author: Bertha Gunawan

Legislative requirements

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| Zoning: | R4 High Density Residential under Parramatta LEP 2011 |
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Additional Legislation State Environmental Planning Policy (Affordable Rental

Housing) 2009.

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| Other relevant Environmental Planning Instruments (EPIs) | BASIX SEPP, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65 and Apartment Design Guide. |
| 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 | SWCPP (Affordable Housing >\$5 million CIV) |
| Relevant site history | <ul style="list-style-type: none">• 25 April 2015 DA/807/2014 for the demolition of existing structures, tree removal and construction of a three storey Residential Flat Building comprising of nine units under the State Environmental Planning Policy (Affordable Rental Housing) 2009 on No. 28 Lydbrook Street was refused under Council's delegated authority.• 28 August 2015 Agreement between Council and applicant was reached under Section 34(3) of Land and Environment Court Act 1979 to approve amended plans to be lodged for a four storey residential flat building development at No. 28 Lydbrook Street. On 31 August 2015, the amended plans submitted were approved accordingly.• 8 January 2016 Council received a demolition notice which took place on 15 January 2016 at No. 28 Lydbrook Street. This property is currently vacant. |

SECTION 79C EVALUATION

PERMISSIBILITY

The proposal is for a residential flat building of four storeys. The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are permissible with consent.

13 Units of the total 26 units will be dedicated to affordable housing provisions under the SEPP (Affordable Rental Housing) 2009. The proposed development is considered an in-fill development and which is permissible under this SEPP.

PROPOSAL IN DETAIL

- Demolition of all existing dwelling houses and ancillary structures;
- Removal of six trees;
- Consolidation of two lots;
- Construction of a 4 storey Residential Flat Building containing 26 units over basement car parking (3 x studio, 2 x 1 bedroom, 21 x 2 bedroom);
- Nomination of 13 units for affordable housing;
- Site works and landscaping

SITE & SURROUNDS

The subject site is known as 26 and 28 Lydbrook Street, Westmead and is located on the eastern side of Lydbrook Street. The current property description is Lot 21 and Lot 22 DP 12067. The site area of the two allotments is 695.6m² each (total 1391.2m²) and the site will be a regular midblock allotment, after consolidation, with a 30.48m frontage to Lydbrook Street, a 30.28m rear boundary and northern and southern boundary of 45.72m.

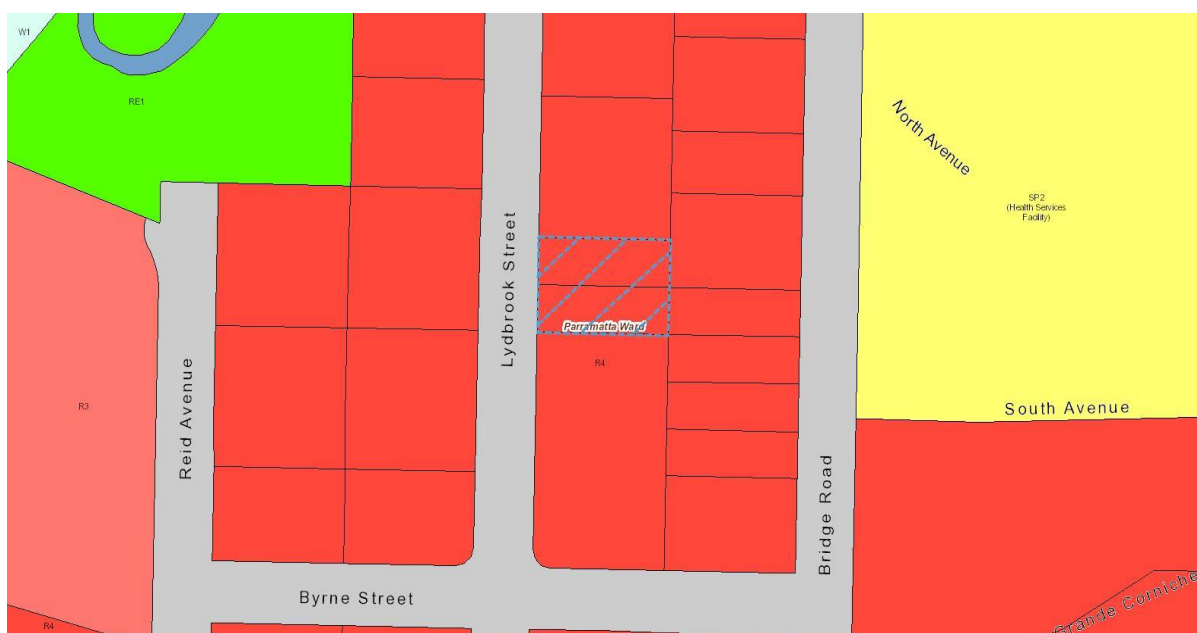


Figure 1 – Locality Map

The subject sites have a natural fall from east to west of approximately 1.2m and No. 26 Lydbrook Street (Lot 22) currently accommodates a single storey clad dwelling and detached garage. No. 28 Lydbrook Street (Lot 21) is a vacant site.

The site was inspected on 11 May 2016.



Figure 2 – Photograph of development site from Lydbrook Street

The subject site is located within an established residential area characterised by three storey high residential flat developments as well as a mix of single dwellings and multi-unit developments. The subject site consists of the last two remaining sites to be developed along Lydbrook Street. Adjoining the subject property to the north is a three storey residential flat building, to the east is a four storey residential flat building, and to the south is a three storey residential flat building. Further, opposite the subject site is also a three storey residential flat building. Shannons Paddock and Milson Park are nearby within 210m north of the subject site.



Figure 3 – Photograph of development on the southern side of property



Figure 4 - Photograph of development opposite

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

Based on the above, the site does not require a Phase 1 site analysis under the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The requirements outlined in the BASIX certificate have been satisfied in the design of the amended proposal. A condition will be imposed to ensure the relevant BASIX commitments are fulfilled during the construction of the amended 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 with the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

The application is not subject to clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure.

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 Lydbrook Street is less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

It is noted that the subject application has been made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP).

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

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

| Requirement | Proposed | Yes/No |
|---|--|---------------|
| Clause 10 – Land to which Division applies Proposed building ‘type’ must be permissible in the zone | The proposed Residential Flat Building is permissible in the R4 zone applying to the site. | Yes |

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| Land does not contain a heritage item | The site does not contain a heritage item | Yes |
| Land must be within an accessible area (ie. within 400m walking distance of a regularly serviced bus stop or within 800m of a ferry wharf or train station) | The site is located within an accessible area, approximately 400m to a regularly serviced bus stop. | Yes |
| Clause 13 – Floor Space Ratio Clause 13(2)(a) provides an FSR bonus for ARH developments which have an applicable FSR which is less than 2.5:1 and provide more than 50% GFA as affordable rental housing As a floor space bonus applies to this proposal, the maximum floor space ratio applying to the site under the ARH SEPP is 1.3:1 or a gross floor area of 1808.6m ² | <i>Floors as shown on submitted plans:</i> Ground Floor = 450m ² First Floor = 485m ² Second Floor = 485m ² Third Floor = 380m ² Total = 1,800m ² (1.3:1) Units nominated as ARH = G02, G03 and G04 101, 102, 103, 105, 106, 107 202, 203, 206, 207 | Yes |
| Clause 14 – Standards that cannot be used to refuse consent | | |
| 1.Site and solar access requirements | | |
| (b) Site Area: Min 450m ² | 1391.2m ² | Yes |
| (c) Landscaped area: min 30% (417m ²) | 456.4m ² . | Yes |
| (d) Deep soil zones: 15% (208m ²) of the site area with min dimensions of 3m and preferably two-thirds (138.7m ²) located at the rear of the site | Proposed = 254m ² (18.25%) which is all located at the rear. The applicant proposes approximately 30.9m ² of soil area in the front yard. However, with the location of the proposed underground OSD, the proposed soil depth will be less than 1m and therefore cannot be considered deep soil. Notwithstanding, the proposed landscape plan demonstrates provision of | Yes – total amount proposed. No – distribution of deep soil throughout the site. |

| | | |
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| | <p>trees along the front yard, which will have the effect of softening the building appearance from the street.</p> <p>The streetscape appearance has an established narrow front yard (between the front boundary and the front building façade), and the proposal is not inconsistent with this established precedence within the street.</p> | |
| <p>(e) Solar Access: 70% of living areas and private open space to have 3 hours of direct solar access between 9am and 3pm in mid-winter</p> | <p>15%.</p> <p>The proposal however complies with the requirements under Apartment Design Guide where a minimum of 70% receives 2 hours of sunlight.</p> <p>As mentioned previously, this site is one of the last to be developed as a high density residential building within the area's context. Furthermore, measures have been included in the building design such as provision of high windows along the northern façade as well as provision of skylights to improve solar access.</p> <p>The development is considered appropriate for the site given solar access constraints as the result of the existing three storey residential flat building on the northern side.</p> | No |
| <p>2. General (a) Car Parking: 0.5 space per 1 bedroom 1 space per 2 bedroom 1.5 spaces per 3 bedroom</p> | | |

| | | |
|--|--|-----|
| The proposal contains 5 x 1 bedroom units = 2.5 spaces 21 x 2 bedroom units (21) = 24 spaces required | 24 spaces proposed | Yes |
| (b) Dwelling Size: 35m ² for studio 50m ² for 1 bedroom 70m ² for 2 bedroom | All units comply with the requirement. | Yes |
| Clause 16 – SEPP 65 applies to ARH residential flat buildings. | A SEPP 65 assessment is contained later in this report. | Yes |
| 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. | Yes |
| 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 is included in the recommendation requiring that the development be held as affordable rental housing for a period of 10 years. | Yes |
| Clause 18 Subdivision Subdivision is permissible with consent | Subdivision is not proposed as part of this application | N/A |

The proposal satisfies the relevant standards contained in the ARHSEPP.

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:

Consideration has been made in respect to character within the terms defined in the Land and Environment Court Planning Principle established in *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; and
- Step 3 – Determine if the development is compatible with the character of the local area.

An assessment against each step is provided below:

Step 1 - Identify the local area

The local area for the purposes of this application is outlined in the map below:

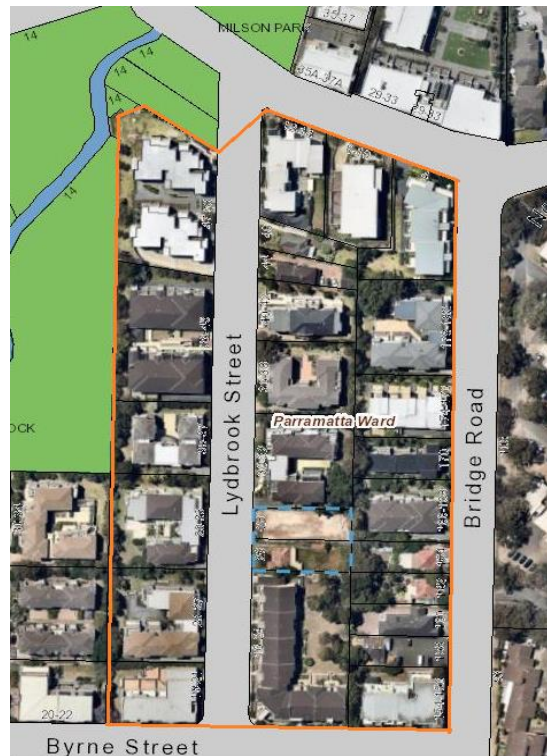


Figure 5 - The Local Area

Note: Red Border denotes local area. Blue border denotes subject site

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

Development Type:

The identified character area is zoned R4 High Density Residential and contains primarily high density residential developments on large blocks, with a multi-unit development to the north and three single dwellings to the south and south east (Bridge Road).

The dominant building form in the locality consists of mainly 3 storey buildings (RFB) with a small number of single storey (dwellings) and 2 storey (multi-unit) buildings.

Character is generally defined by bulk, scale, landscaping and the spatial settings of buildings (ie. setbacks). It is considered the present and future character of Lydbrook Street will remain consistent, being primarily large allotment 3 storey residential flat buildings due to the R4 High Density Residential zoning of the area.

The zoning map under LEP 2011 for the local area is shown below.



Figure 6 - Zoning map extract of the site. The darker red coloured zone is R4 High Density Residential

Maximum Height and Maximum FSR controls:

The key controls defining the permitted size of a building are the floor space ratio and gross floor area controls contained in Clause 4.3 and Clause 4.4 of Parramatta Local Environmental Plan 2011.

Land in the immediate area within R4 High Density Residential zone has a maximum building height of 11m (which equates to 3 storeys in a high density residential context) and a maximum FSR of 0.8:1, the same as the subject property.

The sites in the character area therefore share a consistent height limit and proportional FSR along Lydbrook and surrounding streets.

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 the Parramatta Development Control Plan 2011. For 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;
- minimum frontage of 24m;
- a minimum front setback of 5 metres depending on the existing street pattern;
- side setbacks of 4.5m
- a rear setback equivalent to 15% of the site length (6.85m).

The development form expected from the above criteria is in the form of large allotment residential flat buildings in a landscaped setting. The proposal does not comply with the maximum building height provision, proposing a 4 storey development. The proposed lot amalgamation will provide a minimum 30.48m frontage, and the proposed building envelope with a 6m front setback and a minimum 4.5m side setback as per DCP2011 comply with the DCP. However, a 6.1m rear setback is proposed which does not comply.

In this instance, the proposed building height and rear setback provisions do not comply with the Parramatta Local Environmental and Development Control Plans 2011. These aspects of the development will be discussed further below.

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

The predominant building types within the local area are residential flat buildings with a small number of low density dwelling houses and a multi-unit development.

The subject site is ideally located for a RFB in terms of the appropriate R4 High Density zoning and proximity to public transport. It is also acknowledged that the development form as a residential flat building would otherwise be typical and sympathetic with the current and future development pattern within the local area, for the following reasons:

- The scale of the development is similar to the scale of buildings contemplated for the local area.
- The proposed front and side setbacks comply with the minimum requirement. Whilst the proposed building will be four storey high, the overall building height does not protrude much higher than the other surrounding buildings (refer to the streetscape elevation plan), and together with the proposed compliant front and side setbacks, the proposal does not appear dominant to the streetscape. It is further noted that the existing RFBs along the eastern side of Lydbrook Street have a predominant front setback being 5m and a predominant rear setback being 6.9m. The proposed development is essentially of similar envelope as its front setback is 6m and its rear setback is 6.1m. In this consideration, any amenity impact including overshadowing to result from the proposed siting of the building is considered satisfactory as assessed under the ADG section of the report.

- The proposed landscape treatment and deep soil provisions provide the opportunities to balance the expected built form, therefore creating an appropriate density within the local area including the floor space ratio bonus prescribed in the ARHSEPP.

Due to the above reasons, the development is considered to be compatible with the local context. It demonstrates that it has been designed to consider the essential elements that make up the character of the surrounding development, being large allotment residential flat buildings in a landscaped setting.

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 residential units.

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

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

1. The common circulation lobbies and corridors must be included in the development GFA calculation, particularly as the proposal seeks to take full advantage of the ARHSEPP bonus. This will likely result in a reduction in the total unit yield of 2 units, and these should be removed by re-planning of the upper (fourth) level to minimise its visual impact to the street and any potential privacy or shadow impacts on neighbours.

Planner's comments: The proposal has been amended by rearranging the units' layout to eliminate the enclosed corridors. The proposal now fully complies with the maximum allowable FSR as specified by the ARH SEPP. Further, the fourth floor has been amended to contain 5 units instead of 6 in the original proposal, allowing for communal space areas on the rooftop.

2. The Panel considers that the stepping in the floor-plan is not effective in improving solar access, or desirable in its architectural massing and expression. It is recommended that the plan and built form be revised to provide;

- A stronger articulated form by introducing a negative recessed slot between the three elements, and
- The façade is positioned to a consistent 6m street setback.

Planner's comments: The current proposal provides 6m setback to the front and rear boundaries. The building façades has been improved by way of recessing the middle building and introducing studio units instead.

3. All bedrooms should provide opportunity for outlook, with window sills no higher than 1200mm.

Planner's comments: All bedrooms have a window for outlook, and additional highlight windows have been provided to those bedrooms with northern and southern facades to improve amenity including solar access.

4. The Panel acknowledges that provision of ADG communal open space to 25% of the site area is difficult on this site. It would be preferable to have a series of smaller, more useable areas in accessible, well-protected and sunny areas rather than one large area that is unlikely to be used by residents.

Planner's comments: The initial proposal provided only 13% of the site for communal open space. The amended current proposal now provides 20.5% which is considered an improved response. The proposed non-compliant communal open space area is considered satisfactory as demonstrated by the landscape plan, which is of high quality and which adds visual interest to the development.

5. To achieve this the Panel suggested rotating the central one-bedroom unit by 90 degrees to widen the northern gap and allow this space to become an intimate, sunny, well landscaped and furnished spot. Its value would be further increased by re-locating the main pedestrian entry to the northern side of the building. This will create a good, well-activated outdoor communal space opportunity, as well as allowing good solar access and light to the lift lobby on all floors.

Planner's comments: Following the above comment, the amended plans have relocated the main entrance to the northern side of the building, where the main communal space area is situated. The central 1 bedroom units have been converted into studios, therefore allowing greater setback from the northern boundary, providing larger space for a communal open space area. Sitting areas around planter boxes are provided in this area as well as on the common rooftop area.

6. Similarly, a small outdoor furnished gazebo with trellised walls could be positioned at the eastern end of the ground floor corridor: a spot to read a book or perhaps watch children in a small adjacent play-space. Privacy to adjacent ground-floor units must be considered in the detailed design of such elements however.

Planner's comments: The eastern side of the ground floor has been reserved for private open space areas for the ground floor units. The proposed communal open space areas are attractive and considered of high quality which is usable for future occupants.

7. The proposed wide main entry area is in fact a low under-croft, and is likely to be unpleasantly shady, windy and dark. The architect should investigate

moving the ground floor unit G-06 to the north and eliminating this space to free up some space for landscape around the top of the car-ramp.

Planner's comments: As discussed under points 5 and 6, the proposed communal open space areas have been amended to avoid the issues as raised in point 7. Refer to the architectural plans. The proposed open space areas have direct access to sunlight.

8. The Panel has concerns for this and many other developments across the LGA that side boundary basement wall are being positioned with nil setback. The purpose of the ADG boundary separation requirements is to provide amenity between habitable spaces facing the boundary, and the provision of deep-soil for large mature trees is a critical consideration. In the Panel's view, there should be a shared deep-soil zone of 3 metres aggregate width alongside boundaries, necessitating that basement walls are setback from the boundary by a minimum of 1.5m and ideally 2m. In the case of this submission, the car-park planning could be made more efficient to achieve this. An additional basement level may be required, however this is more a consequence of the additional ARHSEPP yield.

Planner's comments: In the amended current plans, the proposed basement parking area is maintained with no setback to the southern boundary line. The required car parking spaces are provided within the single basement level. Excavation is deemed satisfactory subject to the imposition of the relevant conditions.

It is further noted that there is precedence for basements against side boundaries. There is also a precedence of limited deep soil areas within front yards throughout the neighbouring sites, and that planter boxes are provided along their front yards in lieu of deep soil areas.

The proposed landscape treatment in this case, will be adequate in softening the proposed building, and is deemed satisfactory by Council's Landscape Officer.

9. The architect needs to carefully consider how solar access is provided to each unit, bearing in mind privacy to neighbours. North-facing walls and off-sets should be used to bring sun into living spaces and terraces.

Planner's comments: The proposed development provides highlight windows along the northern facades, and all standard-sized windows and balconies are offset from the existing neighbouring windows at complying setbacks according to the ADG requirements. The proposed balconies for most units (except to the studio units) have direct access to sunlight.

10. The kitchen in Unit 201 requires direct access to natural light.

Planner's comments: The kitchen in Unit 201 has been redesigned to achieve 6.4m setback from a living area's window therefore the above concern is now addressed.

11. Swapping the vehicle access ramp to the (lower) north-west corner of the site is recommended, however the above recommendation to locate the main entry to this side is preferred.

Planner's comments: The vehicle ramp has been located on the southern side of the building and is adequate.

12. Storage should be shown on basement plans

Planner's comments: Storage areas have been shown on the basement plans.

13. The landscape gradation from footpath to the ground floor level should ensure that solid walls are no higher than 1m and the dominant visual character is of green planting, not masonry.

Planner's comments: External finishes have reduced the visibility of masonry walls by introducing timber gates and landscape provision around the perimeter of the entrance.

14. 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.

Planner's comments: The A/C compressor units have been located on the southern end of the hallway, to be screened with louvres and are not visible from the southern neighbours given the external façade wall as proposed.

15. The Panel recommends that all sliding door units to living rooms and balconies are either full room width or to the underside of the floor slab above, and preferably both.

Planner's comments: Addressed in the amended plans.

16. The panel recommends that all roof and balcony plumbing is integrated with the design of the building or that it is concealed from view.

Planner's comments: The applicant in the response letter dated 22 July 2016 indicates that *"the plumbing will be integrated within the built form at the construction stage"*. To reinforce this, a consent condition is included in the recommendation.

DESIGN QUALITY PRINCIPLES

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

| ADG design quality principle | Response |
|---|---|
| 1. Context | The building design provides a satisfactory response to the site and local area's context, having regard to the desired future qualities of the area as high residential density. |
| 2. Built form and scale | The proposed building scale and height is similar to the surrounding residential flat buildings of three-storeys high. The proposed development is four storeys high but distribution of the massing by way of breaking up of the buildings into small towers and by soft soil provisions and common space articulation, have rendered the proposal appropriate for the site's context. |
| 3. Density | The proposal achieves an acceptable level of amenity as demonstrated in the ADG compliance table. In particular, the proposed solar access, cross ventilation and the minimum bedroom and living area' dimensions to the residential units have been addressed. The proposal benefits from additional FSR given the SEPP ARH provisions however it has been designed to avoid density issues and is deemed satisfactory. |
| 4. Sustainability, resource, energy & water efficiency | A revised BASIX Certificate will be required given the proposed changes to the building design, to ensure that the proposed building will continue to meet the required energy and water efficiency targets. |
| 5. Landscape | The proposed landscaping throughout the site contributes positively to future amenity, providing the necessary shade and solar access along with the provision of communal open space to the northern elevation and on the rooftop. |
| 6. Amenity | The minimum bedroom and living area's dimensions are complied with. Solar access is enhanced by provision of skylights, highlight windows along the northern elevation, and by the siting of the communal open spaces on the northern side of the building and on the rooftop. The proposed communal areas will be landscaped accordingly which as demonstrated by the landscape plan, is of high quality and which adds visual interest to the development. Neighbours' privacy is maintained through provision of offset windows and balconies. |

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| 7. Safety & security | Windows and balconies have been provided along the western, southern and eastern facades, promoting passive surveillance within the property. Corridors and a lift are provided along the northern elevation, promoting passive surveillance to the ground floor communal open space area. |
| 8. Social dimensions/housing affordability | The unit mix of the proposal provides acceptable housing choice within the area dominated by a young workforce and families (based on the findings as highlighted in the SEE). 50% of the proposed units will be tenured for Affordable Rental Housing. |
| 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): <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms | 10.4m (north) 10.4m (north) 10.4m (north) Strict compliance to the required | No (between habitable rooms and balconies) |

| | | | |
|--|--|---|--|
| | | numerical separation between habitable rooms and balconies has not been complied with. However, any proposed window and balcony are offset from the existing adjoining buildings, otherwise if it cannot be achieved, highlight windows are provided. | |
| | At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m | N/A | |

PART 3 Siting the development

Communal open space

- 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.

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| Communal open space | Communal open space has a minimum area equal to 25% of the site or 347.8m ² | 285.45m ² (20.5%) The proposed COS provided will be along the northern side of the ground floor and on the roof top. Most of the open spaces along all other elevations have been dedicated for private | No |
|----------------------------|--|---|-----------|

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| | | <p>use (for 7 units on the ground floor) to improve privacy and provide choice in unit type. Under Parramatta Development Control Plan 2011, communal open space should be provided at a rate of 10m² per unit, and the proposal complies with this requirement. The proposed communal open space has adequately addressed with regards to the ADG design objectives, as follows:</p> <ul style="list-style-type: none"> - It is easily accessible and inviting to residents, - It is designed to allow a range of outdoor activities, - The front gate provides security and defines a sense of belonging, - It is visible from habitable rooms | |
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| | | <p>however maintaining the visual privacy for the adjoining units.</p> <p>- There is clear delineation between private and common open space areas.</p> | |
| | 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) | The communal space on the ground floor has a north orientation. The communal space on the rooftop will not suffer from overshadowing due to its location. | YES |
| Deep Soil | <p><650m² - minimum of 7%, no minimum width</p> <p>650m² – 1,500m² - minimum of 7%, 3m in width</p> <p>>1,500m² - minimum of 7%, 6m in width</p> | The proposed deep soil area has a minimum 3m width = 254m ² (18.25%) | YES |

Visual privacy

- 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.

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| 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 | 10.4m (north) 10.4m (north) 10.4m (north) Satisfactory - any proposed window and balcony are offset from the existing adjoining buildings, highlight windows are otherwise provided, therefore diminishing any direct overlooking impact and privacy is maintained. | No (between habitable rooms and balconies) |
| | At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m | N/A | |

Parking and Bicycle storage

Note: The car parking needs for a development must be provided off street.

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| Parking and bicycle storage | For development in the following locations: | The proposal addresses the minimum parking requirements as set | YES |
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| | <p>On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area;</p> <p>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.</p> | out in SEPP ARH 2009. | |
| 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. | 19 of 26 units receive a minimum 2 hours of sunlight during mid-winter between 9am and 3pm = 73% | YES |
| | A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. | 3 of 26 units = 11.5% | YES |
| Natural ventilation | At least 60% of apartments are naturally cross ventilated in the first | 17 of 26 units are cross-ventilated = 65% | YES |

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| | <p>nine storeys of the building.</p> <p>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.</p> | | |
| | Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. | < 18m | YES |
| Ceiling Heights Note: Measured from finished floor level to finished ceiling level | Habitable rooms 2.7m | 2.7m provided | YES |
| | Non-habitable 2.4m | 2.7m provided | YES |
| | For 2 storey apartments 2.7 main living area, 2.4 second floor where it does not exceed 50% of the apartment. | 2.7m provided | |
| | Attic spaces 1.8m at edge of room with a 30 degree minimum ceiling slope. | N/A | |
| | Located in mixed use areas 3.3m for ground and first floor to promote future flexibility of | N/A | |

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| | use. | | |
| 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 | Studio 35m ² | 35.7m ² | YES |
| | 1 bedroom 50m ² | 51.95m ² | YES |
| | 2 bedroom 70m ² | 70m ² | YES |
| | 3 bedroom 95m ² | N/A | |
| | Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. | Addressed | YES |
| | Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry) | Addressed | YES |
| | Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m | Complies | YES |
| | In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window. | Complies | YES |
| | Master bedrooms have a minimum | Addressed | YES |

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| | area of 10m ² and other bedrooms 9m ² (excluding wardrobe space). | | |
| | Bedrooms have a minimum dimension of 3m. | Addressed | 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. | Complies | YES |
| | The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. | Addressed | YES |

Private open Space and balconies

Note: Storage areas on balconies is additional to the minimum balcony size.

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| Private open space and balconies | Studio = 4m ² | Minimum 5.9m ² | YES |
| | 1 Bedroom = 8m ² X 2m | Minimum 18.9m ² | YES |
| | 2 Bedroom = 10m ² X 2m | Minimum 10.5m ² | YES |
| | 3 Bedroom = 12m ² X 2.4m | N/A | |
| | For apartments at | Minimum 3m in | YES |

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| | 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. | depth with minimum area being 18.9m ² | |
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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.

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| Storage | <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> •Studio 4m² •1 bedroom 6m² •2 bedroom 8m² •3 bedroom 10m² | <p>9 units out of 26 fully comply with the minimum storage requirement. Storage is provided to other units but contained within a bedroom or kitchen area, in addition to the standard storage space in kitchens, bathrooms and bedrooms. These storage areas are near compliance to the minimum requirement as specified. As such, it is considered that the amenity of future occupants is unlikely to be detrimentally affected and the proposal is considered</p> | NO |
|----------------|--|---|-----------|

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| | | acceptable given the space constraints. | |
| | 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 | Yes | YES |
| Common circulation and spaces | The maximum number of apartments off a circulation core on a single level is eight. | Maximum 7 | YES |
| | For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. | N/A | |

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2007/2011

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 | The proposed building height is 13.6m, which is 2.6m higher than the maximum allowable standard of 11m. The breach represents 23.6% of the maximum building height standard specified for this property. Please see Clause 4.6 discussion below. |
| 4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 1.3:1 (with ARH FSR bonus). | Yes | The proposed FSR is 1.3:1. |
| 4.6 Exceptions to development standards | Yes | The application seeks approval to vary Clause 4.3 (Height of Buildings). 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. |
| 5.6 Architectural roof features | No | No architectural roof feature is proposed. However, a portion of the building is over the height, which does not satisfy Clause 5.6(3). The proposed non-compliance is discussed in Clause 4.6, which finds the roof feature to be satisfactory. |
| 5.9 Preservation of trees | N/A | Tree removal is proposed. Replacement planting is proposed as shown on the landscape plan (Revision F), along the front |

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| | | and rear boundaries and a few along both side boundaries. The proposal has considered the use of mature plantings in the appropriate locations and Council's Landscape Officer is satisfied with the proposal. |
| 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 | <p>The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.</p> <p>The proposal is not considered to impact an aboriginal place of heritage significance.</p> |
| 6.1 Acid sulfate soils Is an Acid Sulfate Soils Management Plan Required? | Class 5 | The site is identified as containing Class 5 Acid Sulfate Soil. |
| 6.2 Earthworks Are the earthworks associated with the development appropriate? | Yes | It is noted that the proposed excavation works will be approximately 4.6m deep (including slab) along the rear building line on the southern boundary. Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory subject to conditions to investigate the site further and document it in a geotechnical report to be submitted prior to any excavation work. |
| 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 | N/A | The site is not identified on this map. |

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| the 'Riparian Land and Waterways 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 the PLEP 2011.

The proposed building height is 13.6m, which is 2.6m higher than the maximum allowable standard of 11m. The breach represents 23.6% of the maximum building height standard specified for this property.

The variation sought is as follows:

| Maximum height under PLEP 2011 | Proposed | Degree of variation and merit |
|--------------------------------|----------|-------------------------------|
| 11m | 13.6m | 2.6m (23.6%) |

PCC assessment of the exception under clause 4.6:

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

1. Is the planning control a development standard?

Yes, Clause 4.3 (Height of Buildings) is a development standard.

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

The purpose of Clause 4.3 is to ensure that any development takes into consideration the relevant height transition between the established built scale and the newly proposed developments, addressing the local context of the area and which does not result in detrimental overshadowing and privacy impacts, view loss, and loss of heritage integrity of any nearby heritage item. Clause 4.3 specifically states the following objectives:

- (a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to require the height of future buildings to have regard to heritage sites and their settings,

- (d) to ensure the preservation of historic views,
- (e) to reinforce and respect the existing character and scale of low density residential areas,
- (f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.

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

The proposed development is sought under the provisions of SEPP ARH where an FSR bonus of 0.5:1 is given, allowing the maximum FSR of 1.3:1 on this site. In order to provide a suitable building envelope for the site and minimise bulk and scale impact from the street, an additional storey is proposed, which creates non-compliance to the maximum building height standard. The development has been designed to maintain a similar building height to the other surrounding residential flat buildings along the street. 50% of the proposed residential units will provide for affordable housing in the local area, consistent with the zoning objectives. Strict compliance with the development standard is considered unreasonable in this case as it will hinder housing opportunity in a residential area with high accessibility to public transport and community facilities, the Westmead Hospital, schools, Western Sydney University and Parramatta Park.

4. Are there sufficient environmental planning grounds to justify contravening the development standard?

The relevant environmental planning grounds which justify contravening the development standard are solar access and overshadowing impacts, overlooking and general amenity impacts and bulk and scale of the proposed building height in comparison to the surrounding developments.

The applicant has provided the following responses in these regards:

- *The variation will not be perceptible from the public domain as the upper level is generously setback*
- *There will be no adverse amenity impacts on the surrounding properties*
- *The building is located centrally within the site and provides adequate building separations to the adjoining neighbours*

The proposal adequately demonstrates its capability to ensure that overshadowing impacts to the southern neighbours is minimal, that overlooking impacts are minimized by way of balcony location, offset windows and the provision of highlight windows. The proposed communal open space areas on the rooftop are limited in their trafficable area to prevent direct overlooking impact to the immediate adjoining neighbours.

A redesign of the development to achieve compliance with the maximum building height would render it unsatisfactory as it will not achieve the required setback provisions which would be detrimental to the streetscape, create overlooking impacts, visual dominance to the neighbours, and also create greater overshadowing impacts.

The proposed flat roof design and façade breaks minimise the building dominance from the street. Together with the proposed building setbacks on all boundaries and provision of the appropriate landscape treatment around the site, the proposal is consistent with the established scale of the area.

5. Is compliance with the development standard consistent with the objectives of the development standard and the relevant objectives of the land zone?

Compliance with the development standard is consistent with the R4 High Density Residential zone, for the following reasons:

- The building height of this scale does not result in view loss nor cause any detrimental disruption to the existing skyline,
- No detrimental amenity impact will be created to the neighbouring properties including overshadowing impacts,
- There is no immediate heritage item/heritage conservation area which would be impacted by the proposal, and
- The proposed building height is consistent with the established high density living and is appropriate within the local context of the area.

6. Will strict compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

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.

7. Is the exception well founded?

In accordance with the principles established in *Wehbe v Pittwater Council* the objection is considered well founded.

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 aims and objectives of the zone. It provides the relevant housing mix for the population demographics of the local area without compromising the general amenity of future occupants or the surrounding neighbouring properties. The development is considered appropriate for the proposed density (FSR and height) within close proximity to public transport, employment nodes and community facilities.

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 | The proposed excavation is not excessive and consequently it will not adversely impact the groundwater. |
| 2.4.3.1 Soil Management Are there adequate erosion control measures? | Yes | An erosion and sedimentation plan has been submitted with the application. |
| 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 heading. |
| 2.4.5 Air Quality Will demolition and construction contribute to increased air pollution? | Yes | Standard conditions of consent will be applied. |
| 2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site? | Yes | The design responds to the natural fall of the site, maintaining a finished ground level similar to the natural ground level of the site to most of the building footprint, except along the north-western side of the building. |

| DEVELOPMENT CONTROL | COMPLY? | DISCUSSION |
|---|---------|---|
| 2.4.6 Biodiversity Is vegetation removal appropriate? | Yes | The proposed landscape treatment is considered to enhance the site and provides adequate vegetation cover including mature trees. |
| 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 | Refer to the previous discussions. |
| 3. Preliminary Building Envelope | | |
| Frontage Minimum 18m if the development is more than 10 metres in height. | Yes | The site has a total frontage width of 30.48m. |
| Height (refer also to LEP table) Does the proposal exceed the number of storeys outlined in the DCP height table? | No | Refer to Clause 4.6 discussion. Acceptable in this case. |
| Front Setback Ground floor consistent with predominant street setback? Residential component to be set back an additional two metres. | Yes | The proposal integrates varied front facades between 6.6m – 10.2m and is consistent with the predominant street setback. |
| Side Setback Minimum 4.5m Dependent on amenity impacts on adjoining developments. | No | Proposed = 3m The proposed side setback of the front component of the development is 4.5m. The proposed setback of the rear component however is 3m, which does not comply with the DCP requirement. The proposed 3m setback should be considered on its merit, in the way that the proposed breach |

| DEVELOPMENT CONTROL | COMPLY? | DISCUSSION |
|--|---------|---|
| | | <p>applies to approximately 35% of the total building width only. It should also be noted that the central component of the development was required to be setback further away from the side setback, therefore providing the setback of 12m from the side boundaries. In turn, the residual bulk is integrated to the rear component of the development, creating a non-compliant setback.</p> <p>In this regard, the northern and southern elevation windows are designed as highlight windows, therefore diminishing any direct overlooking impact to the adjoining northern neighbours. The proposed rear balconies have the outlook of the northern neighbour's open space area. These balconies are accessed from bedrooms which are considered passive areas.</p> <p>Any visual impact of the development to the southern neighbours is also diminished given it adjoins this neighbour's communal open space.</p> <p>Given the above reasons, the proposed non-compliant setback is considered to be acceptable.</p> |
| <p>Deep Soil and Landscaping</p> <p>Required to the rear setback if the site adjoins residential development or otherwise on merit.</p> | No | <p>Refer to previous ADG assessment. Acceptable in this case.</p> |
| 3.2. Building Elements | | |
| <p>3.2.1 Building Form and Massing</p> <p>Height, scale and bulk</p> | Yes | <p>The proposed development integrates well with the established pattern of building form and</p> |

| DEVELOPMENT CONTROL | COMPLY? | DISCUSSION |
|--|---|--|
| access? Minimal solid walls used on the ground floor shop front. | Yes | |
| 3.2.6 Fences Front fence a maximum height of 1.2metres? | Yes | |
| 3.3 Environmental Amenity | | |
| 3.3.1 Landscaping Natural features retained and incorporated? Minimum soil depth of 1m provided above basement? | Yes | Consent conditions will be imposed to ensure adequate soil depth is provided and landscaping is maintained. |
| 3.3.2 Private Open Space Minimum of 10m ² private open space with minimum dimensions of 2.5m per unit? | No (not all units comply with the minimum 2.5m width) | All units however comply with the ADG requirements to provide the minimum 2m width. Refer to the previous discussion. Notwithstanding the proposed non-compliance under the PDCP 2011, it is considered that the provision of private open space to all the units will be useable and provides the required amenity to future occupants. |
| 3.3.2 Common Open Space (10m ² per dwelling) = 260m ² | Yes | 285.45m ² |
| 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? Is a minimum building separation of 12m provided between habitable rooms/balconies? | Yes (facing the street) Yes | |
| 3.3.4 Acoustic Amenity Does the dwelling adjoin a noise-generating land use? | N/A | The site does not adjoin a noise generating land use such as major road or rail line. |
| 3.3.5 Solar Access (refer also to | No | The northern elevation of the |

| DEVELOPMENT CONTROL | COMPLY? | DISCUSSION |
|---|--|--|
| <p>RFDC 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?</p> | | <p>adjoining southern building does not have a window.</p> <p>Given the east-west orientation, the northern end of the communal open space of this neighbouring property will be overshadowed by midday onwards in mid-winter.</p> <p>This neighbouring property is an existing residential flat building containing 42 units at Nos. 16 – 24 Lydbrook Street. A few of the lower floors' east facing units on this neighbouring property may not receive sunlight access between 9am and 3pm during mid-winter.</p> <p>The Apartment Design Guide controls allow a maximum of 15% of total dwelling units (6 units) which may not receive sunlight during those hours, and given the existing layout, it is expected that overshadowing impact will not affect more than 6 units on this property.</p> <p>In this instance, overshadowing impact of the proposal to the existing buildings is acceptable.</p> |
| <p>Cross Ventilation Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m)</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p> <p>Does the building have a maximum depth of 18m?</p> | <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> | <p>All habitable floors = 2.7m</p> <p>See previous ADG assessment. Acceptable due to compliance with the ADG requirement.</p> <p>Maximum building depth is 12.2m</p> |

| DEVELOPMENT CONTROL | COMPLY? | DISCUSSION |
|--|----------------|---|
| 3.3.6 Water Sensitive Urban Design On-site detention system appropriately designed? | Yes | See Engineers comment in Referrals section. |
| 3.3.7 Waste Management Is the waste management plan satisfactory? Is the bin room appropriately sized for the number of bins required? Will a private contractor be required to minimise bins on the street for pickup? | Yes | Council's Waste Management Officer finds the submitted waste management plan satisfactory subject to conditions. |
| 3.4 Social Amenity | | |
| 3.4.1 Public Art – is an Arts Plan provided? (CIV of more than \$5,000,000.00, and located in CBD/town centre). | N/A | |
| 3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability? | Yes | An access ramp is provided from the pedestrian pathway to the main entrance of the building. The proposed adaptable units are on the ground floor and are to be constructed in compliance with disability provisions under the relevant Australian Standards. These units can easily access the ground floor communal open space, and a lift is also provided to promote access to the rooftop communal spaces. |
| 3.4.4 Safety and Security Has the development been designed in accordance with crime prevention principles? | Yes | Windows and balconies have been provided along the western, southern and eastern facades, promoting passive surveillance within the property. Corridors and lift are provided along the northern elevation, promoting passive surveillance to the ground floor communal open space area. |

REFERRALS

External referrals

No external referral is required.

Internal referrals

No objection (subject to conditions) was raised by the following internal Council sections –, Traffic section, Urban Designer, Development Engineer, Landscape Officer, Health (Waste) section, and Social Outcomes section.

Discussion

Fire stairs from basement

Concern was raised by Council's Urban Designer about streetscape appearance due to the location of fire stairs exiting to Lydbrook Street from the basement level. The fire stairs go below ground and will not be visible from the street and therefore the concern is not supported.

Provision of bicycle parking

Council's Traffic Investigations Engineer requires compliance for bicycle parking to be provided within the site, from 5 proposed spaces to 13 as required. This requirement will be re-iterated in the consent conditions, and it is noted that adequate space is available for this provision to be made on site.

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 11 May and 1 June 2016. In response no submissions were received.

AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- Storage areas in the basement level are shown on plans
- Provision of 1.1m setback to the basement from the northern boundary
- Provision of 2 additional car parking spaces within the basement level, to comply with the required provision under the SEPP ARH
- Provision of 8 bicycle spaces within the basement level
- Additional landscape and deep soil areas provided to bring a closer compliance to the minimum required provision under the SEPP ARH
- Rearrangement of communal open space area and provision of additional areas
- Justification for the exclusion of lobby and circulation hallways as gross floor area
- Layout of Unit 201 amended to allow direct solar access into the kitchen

- Reconfiguration of window location and size
- Provision of a 6m setback to the street
- Building reconfiguration to break up long walls
- Changes to the external facades of the building
- Revised Waste Management Plan
- Revised stormwater plans

AMENDED PLANS RENOTIFIED? Yes (10 to 31 August 2016 – 21 days)
No submissions received.

FINAL AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- Reconfiguration of units' layouts to eliminate the enclosed circulation hallways
- Provision of highlight windows to the eastern and northern elevations
- Changes to some standard-sized windows into highlight windows
- Changes to the external façades of the building

AMENDED PLANS RENOTIFIED? No – building height is unchanged, gross floor area is reduced, building envelope remains the same, no further amenity impact is proposed by the changes.

PARRAMATTA s94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for development exceeds \$200,000 a Section 94A development contribution of **1.0%** is required to be paid. A Detailed Cost Estimate was provided which provided a development cost of **\$5,610,000.00** and detailed **no** exemptions.

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.

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.

OTHER MATTERS AND CONCLUSION

Utilities/Infrastructure

The proposed use will not adversely impact existing utilities or public infrastructure.

Fire Safety

All building works must be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

Basement Ventilation

Ventilation for the basement level will be provided accordingly to the Australian Standards.

Provision of Letter Boxes

The letter boxes will be provided along the southern side of the walkway towards the main entry.

Provision of Substation

The application has considered a potential location for the substation, adjoining the fire stairs on the pedestrian level.

Impacts during Construction

There are no major building works proposed as part of the subject application. Conditions of consent are recommended to mitigate any potential impacts on the amenity of the surrounding environment.

Social & Economic Impact

It is considered the proposed use *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 adverse cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

Conditional consent

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

RECOMMENDATION APPROVAL SUBJECT TO CONDITIONS

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

- (a) **That** Council support the variation to Clause 4.3 of Parramatta Local Environmental Plan 2011 under the provisions of Clause 4.6 given the following reasons:
- The building height of this scale does not result in view loss nor cause any detrimental disruption to the existing skyline,
 - No detrimental amenity impact will be created to the neighbouring properties including overshadowing impacts,
 - There is no immediate heritage item/heritage conservation area which would be impacted by the proposal, and
 - The proposed building height is consistent with the established high density living and is appropriate within the local context of the area.
- (b) **That** Council as the consent authority grant development consent to DA/286/2016 for the demolition of existing structures, removal of trees, consolidation of two lots and construction of a four storey Residential Flat Building comprising 26 units over basement parking. 13 Units are dedicated for affordable housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009., for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to the following conditions:

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 |
|--|-------------------------|--------------|
| Basement Plan, Drawing No. A1200 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| Ground Floor Plan, Drawing No. A1201 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| First Floor Plan, Drawing No. A1202 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| Second Floor Plan, Drawing No. A1203 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| Third Floor Plan, Drawing No. | Ghazi Al Ali | 11/01/2017 |

| | | |
|---|------------------------------|------------|
| A1204 Issue D | Architects | |
| Affordable Housing Diagram, Drawing No. A1051 Issue C | Ghazi Al Ali Architects | 26/10/2016 |
| Roof Plan, Drawing No. A1205 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| North and West Elevation Plan, Drawing No. A1500 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| South and East Elevation Plan, Drawing No. A1500 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| Section Plan, Drawing No. A1700 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| Ramp Detail, Drawing No. A1701 Issue D | Ghazi Al Ali Architects | 11/01/2017 |
| Stormwater Plan, Drawing Nos. SW02 – SW08 Revision C inclusive (7 sheets) | SGC | 26/10/2016 |
| Landscape Plan, Drawing No. LPDA 16 – 394 Revision F | Conzept Landscape Architects | 02/11/2016 |

| Document(s) | Prepared By | Dated |
|---|-------------------------------|------------|
| Geotechnical Report No. 14/2469A | SMEC Testing Services | April 2016 |
| Waste Management Plan | Elephants Foot | 27/09/2016 |
| Finishes Schedule Drawing Nos A1600 and A1601 Issue D inclusive | Ghazi Al Ali Architects | 11/01/2017 |
| BASIX Certificate No. 719012M_02 | Sustainable Thermal Solutions | 15/02/2017 |

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 No. 26 Lydbrook Street, Westmead, 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 City of Parramatta 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 City of Parramatta 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 City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
 - (p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
 - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
 - (iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

6. 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.

Prior to the issue of a Construction Certificate

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

7. All roof water and surface water is to be designed in accordance with AS3500.3:2015. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

Reason: To ensure satisfactory stormwater disposal.

8. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

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

9. 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.

10. The basement stormwater pump-out system, must be designed and constructed to include the following:
 - (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
 - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - (i) The permissible site discharge (PSD) rate; or
 - (ii) The rate of inflow for the one hour, 5 year ARI storm event.

- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to the stormwater treatment inlet chamber before discharge to the street gutter.

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

Reason: To ensure satisfactory storm water disposal.

11. 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) ***"Stormwater Management Plan", Drawing No SW01 to SW08, Issue C***, dated 26.10.16, prepared by SGC Engineering Reference: 20140304.

- (b) A Site Storage Requirement of **470** m³/ha and a Permissible Site Discharge of **80** L/s/ha (when using 3rd edition of UPRCT's handbook)
- (c) 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.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (e) Provide overland flow path from the rear courtyards of the site to OSD tank to surface and roof water flows with adequate freeboard to the finished ground floor levels.

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

12. Any roof and balcony plumbing shall be integrated with the design of the building and concealed from view however possible. This requirement shall be demonstrated in the architectural plans to be submitted prior to the issue of a Construction Certificate.
Reason: To ensure this element of construction is considered properly before construction.
13. 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.
14. 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.
15. 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.
16. Provide a weir at the top water level of the OSD tank to the street capable of passing the entire discharge from a 100-year ARI storm event in accordance with Cause 4.2.10 of the Upper Parramatta River Catchment Trust Handbook Version 4. Amended details and calculations shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.
Reason: Provide adequate freeboard and avoid discharge onto adjoining properties during storms more severe than the design storm, or; for blockages in the system.
17. A copy of the signed contract between the proponent and the Community Housing Provider who will be managing the affordable housing dwellings shall be submitted to Council, prior to the issue of a Certification Certificate for the development.

- Reason:** To formalise the provision of affordable rental housing within the approved development.
18. An updated BASIX Certificate shall be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.
Reason: To ensure the approved development is capable to achieve the relevant energy efficiency measures as required by the BASIX policy.
19. 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.
20. 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.
21. 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.
22. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).
Reason: To comply with the Environmental Planning and Assessment Act 1979, as amended and the Environmental Planning and Assessment Regulation 2000.

23. 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.

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

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

Reason: To protect the visual amenity of the area.

25. 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 11 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.

26. 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.

27. 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.

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

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

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

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

29. 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.

30. 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.

31. 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/286/2016;
- (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:

\$20,000.00

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta 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.

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

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

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

Reason: To ensure appropriate vehicular manoeuvring is provided.

34. 13 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Details of the spaces and bicycle parking devices are to be illustrated on plans submitted with the construction certificate. **Note: 11 bicycle spaces may be accommodated within the basement (8 horizontal, 3 vertical, usage class B) and 2 spaces may be provided on the ground floor for visitor parking (horizontal, usage class C).**

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

35. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

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

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

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

Prior to Work Commencing

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

Reason: To ensure adequate toilet facilities are provided.

38. 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).

In addition, 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.

39. 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 or 1.5 times the excavation depth whichever depth is greater. 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.

- 40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

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.

During Work

50. 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.
51. 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.
52. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.
Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.
53. 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.
54. 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.

55. 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.

56. 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.

57. 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.

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

Reason: To ensure appropriate landscaping.

59. 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.

60. Trees to be removed are:

| Tree No. | Species | Common Name | Location |
|----------|------------------------------|----------------|------------|
| 2 x | <i>Callistemon viminalis</i> | Bottlebrush | Front |
| 1 x | <i>Cinnamomum camphora</i> | Camphor Laurel | South side |
| 2 x | <i>Morus nigra</i> | Mulberry | South side |
| 1 x | <i>Ligustrum lucidum</i> | Privet | Rear |
| 1 x | <i>Dead</i> | Dead | Rear |

Reason: To facilitate development.

61. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.
Reason: To ensure the trees planted within the site are able to reach their required potential.
62. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Safe Work Australia Guide to managing risks of tree trimming and removal work.
Reason: To ensure works are carried out in accordance the Safe Work Australia Guide to managing risks of tree trimming and removal work.
63. 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.
64. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.
Reason: To ensure maintenance of Council's assets.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

65. 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.
66. Proof of completion of footpath construction work shall be submitted to the satisfaction of Council prior to release of the Occupation Certificate.

Reason: To provide pedestrian passage.

67. 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) Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer

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.

68. 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 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

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

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

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

69. A restriction will be registered before the date of the issue of an Occupation Certificate against the title of the property in accordance with Section 88E of the Conveyancing Act 1919, requiring that 13 designated affordable rental units, shall for 10 years from the date of the issue of the Occupation Certificate, be used for the purposes of affordable housing, and will be managed by a registered community housing provider throughout the 10 year period.

Reason: To ensure the affordable rental units are recorded on the strata plan.

70. 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.

71. 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. 719012M_02, will be complied with prior to occupation

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

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

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

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

73. 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.

74. 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. DS1. 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.

75. Council shall be notified on the day that an occupancy certification is issued. This will be considered as the day that the affordable housing’s 10-year dedication period commences.

Reason: For record keeping.

76. 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.

77. 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.

78. 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.

79. 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 revised BASIX Certificate as required in the Construction Certificate, will be complied with prior to occupation

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

80. 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.

81. 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.

82. 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.

83. 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.

84. 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.

85. 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 the ramp and at the curve point.

Reason: To ensure safety of drivers.

The Use of the Site

86. 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.

87. Any external plant/air-conditioning system shall not be visible from the external façade of the building.

Reason: To minimise visual impact to the building design.

88. 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.

89. 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.

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

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

Reason: To protect the visual amenity of the area.