



**CITY OF
PARRAMATTA**

SYDNEY WEST CENTRAL PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYW120_DA
DA Number	DA/523/2016
LGA	City of Parramatta
Proposed Development	Demolition of three (3) existing dwellings, tree removal and construction of a part 3 and part 4 storey Residential Flat Building with basement car parking.
Street Address	8 -12 Burbang Crescent, RYDALMERE NSW 2116, LOT 2 DP 31350
Applicant	Zhinar Architects Pty Ltd
Owner	Mr B Onorato and Mrs B Onorato
Date of DA lodgement	27 June 2016
Number of Submissions	One submission – Traffic generation and parking
Recommendation	Deferred Commencement Consent – Creation of a drainage easement
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Clause 6 (b) of Schedule 4A of the Environmental Planning and Assessment Act 1979, community facilities with a capital investment value of more than \$5 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulations 2000 • Water Management Act 2000 • SEPP (Building Sustainability Index: BASIX) 2004 • SEPP (Infrastructure) 2007 • SEPP (State and Regional Development) 2011 • SEPP (Sydney Harbour Catchment) 2005 • SEPP No. 55 (Remediation) • SEPP No. 65 (Design Quality of Residential Apartment Development) & Apartment Design Guide • Parramatta Local Environmental Plan 2011 • Parramatta Development Control Plan 2011
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Statement of Environmental Effects • Clause 4.6 Variation • SEPP 65 Verification Statement • Waste Management Plan • Finishes Schedule • Arborist Report • Traffic Management Report • Social Impact Assessment • Architectural Drawings • Landscape Plans • Stormwater Drawings • Email from Applicant consenting to draft conditions

Report prepared by	Deepa Randhawa Senior Planner, Development Services
Report date	19 April 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**

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)? **No**

Conditions

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

S79C ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

SUMMARY

DA No:	DA/523/2016
Property:	Lot 2 DP 31350, 8 Burbang Crescent, Rydalmere NSW 2116
Proposal:	Demolition of existing structures, tree removal and construction of a part 3 and part 4 storey Residential Flat Building with associated basement car parking and landscaping pursuant to SEPP ARH 2009.
Date of receipt:	23 June 2016
Applicant:	Zhinar Architects Pty Ltd
Owner:	Mr B Onorato and Mrs B Onorato
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:	One submission
Recommendation:	APPROVAL
Report author:	Deepa Randhawa

Legislative requirements

Zoning	R4 High Density Residential under PLEP 2011
Additional Legislation	None
Other relevant Environmental Planning Instruments (EPIs)	State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP), State Environmental Planning Policy–BASIX, State Environmental Planning Policy (Infrastructure) 2007, Sydney Harbour Catchment SREP, State Environmental Planning Policy No. 55- Remediation, State Environmental Planning Policy No. 65 and Apartment Design Guidelines.

PCC Planning Controls & Policy	Section 94A Contributions Plan, Parramatta Development Control Plan 2011(PDCP2011), 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
Crown development	No
Delegation	Sydney West Central Planning Panel.
Relevant site history	PL/15/2016 – Pre-lodgement meeting for a development proposing the construction of a 4 storey residential building comprising of 40 residential units over basement car parking.

SECTION 79C EVALUATION

EXECUTIVE SUMMARY

The proposal seeks approval for the demolition of three (3) existing dwellings, tree removal and construction of a part 3 and part 4 storey Residential Flat Building with basement car parking.

The subject site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed development is permissible as residential accommodation.

The application is made under State Environmental Planning Policy (Affordable Rental Housing) 2009 and has a capital investment value in excess of \$5 million and as such, the Sydney West Central Planning Panel has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties for a 21 day period between 6 July 2016 and 27 July 2016.

One (1) submission was received in relation to the proposal, primarily relating to a perceived issue of additional traffic being generated and requested two parking spaces to be provided per unit.

The proposed development is in accordance with the relevant provisions of the environmental planning instruments pertaining to the land. An assessment of the proposed development under the Environmental Planning and Assessment Act 1979 has been undertaken and the proposal has been found to be satisfactory.

A minor variation of 250mm is sought with respect to the height of the building, which on balance is considered acceptable. The proposed development is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

This report recommends that the application be approved subject to recommended conditions of consent.

PERMISSIBILITY

Parramatta Local Environmental Plan 2011

The site is zoned R4 High Density Residential under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a part 3 and part 4 storey residential flat building.

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

The subject site is located in an accessible area given it is approximately 30m walking distance from bus stops located on the northern and southern side of South Street, which provide regular bus services to Burwood, West Ryde, Ryde and Parramatta. The site is also 650m walking distance from Rydalmere Wharf which is also serviced by Sydney Ferries.

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

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

PROPOSAL IN DETAIL

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

- Demolition of 3 detached dwellings, ancillary structures and concrete paths.
- Removal of 10 trees.
- The construction of a part 3 and part 4 storey residential flat building comprising of 36 apartments with the following dwelling mix:
 - 9 x 1 bedroom units,
 - 23 x 2 bedroom units, and
 - 4 x 3 bedroom units.
- 18 apartments are nominated for purposes of affordable housing
- Fifty (50) car parking spaces are provided within basement level one and the lower ground level.
- It is noted that Strata Subdivision is not proposed under the subject application.

SITE & SURROUNDS

The site comprises of 3 allotments and once consolidation will result in an irregular shaped land with a frontage of 36.68m to Burbang Crescent and a total site area of 2448.17m². The topography of the land slopes towards the rear of the site. The land is of a north-south orientation and has a gradual fall of approximately 4m from the north-east (Burbang Crescent) to south west rear corner of the site.

The site falls within an area that is undergoing transition from low density development (detached dwellings) to high density residential flat buildings (RFB) with recent approvals including constructions of a 3 storey RFB on the site to the rear and on the adjacent site at No's 14-16 Burbang Crescent. The site is in close proximity to parks and local neighbourhood shops on Victoria Road. To the rear of South Street are industrial uses such as mechanical repairs and warehouses.



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

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 aims to promote the remediation of contaminated land for the purposes of reducing risk of harm to human health or any other aspect of the environment. The site is not identified in Council's records as being contaminated. The subject site has been continuously used for a dwelling site. There is no known previous industrial usage on the site, which would potentially contribute to land contamination or any history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated. Accordingly, no contamination report is required in this instance. Notwithstanding this, conditions will be applied to address any unexpected contamination finds that may occur during excavation and construction.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

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

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

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

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

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

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Burbang Crescent is less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

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

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

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

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

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

Requirement	Proposed	Compliance
<p>Clause 10 – Land to which Division applies</p> <p>Proposed building ‘type’ must be permissible in the zone.</p> <p>Land must be within an accessible area (ie. within 400m walking distance of a regularly serviced bus stop or within 800m of a ferry wharf or train station).</p>	<p>The proposed Residential Flat Building is permissible in the R4 zone applying to the site.</p> <p>The proposal is located in an accessible area given it is approximately 30m walking distance from bus stops located on the northern and southern side of South Street, which provide regular bus services to Burwood, West Ryde, Ryde and Parramatta. The site is also 650m walking distance from Rydalmere Wharf which is also serviced by Sydney Ferries.</p>	<p>Complies</p> <p>Complies</p>
<p>Clause 13 – Floor Space Ratio</p> <p>This clause provides an FSR bonus for ARH developments that provide more than 20% GFA as affordable rental housing</p> <p>47% of the proposed GFA is provided as ARH.</p> <p>A floor space bonus applies to infill ARH.</p> <p>The maximum floor space ratio applying to the site under LEP 2011 is 0.8:1</p> <p>For sites with a floor space ratio of less than 2.5:1, the bonus is calculated using the formula below:</p> <p>Bonus = ARH/1 00</p> <p>With ARH being the percentage GFA given over to ARH.</p>	<p>Permissible FSR=0.8:1 = GFA= 1958.53 1449.7² provided as ARH</p> <p>Based upon ARH bonus = 0.8:1 + 0.47:1 = 1958.53 + 1224.08 = 1.27:1 = 3182.6m²</p> <p>Proposed FSR = 3104.6m² = 1.26:1</p>	<p>Complies</p>
<p>Clause 14 – Standards that cannot be used to refuse consent.</p> <p>1.Site and solar access requirements</p>		

(b) Site Area: Min 550m ²	2448.17m ²	Complies
(c) Landscaped area: min 30% (734.45m ²) landscaped.	Total = 891m ²	Complies
(d) Deep soil zones: Min 15% site area (367.72m ²), 3m min dimension.	Total: 734m ² with specified dimensions.	Complies
(e) Solar Access: 70% of dwellings receive min 3 hours direct sunlight in mid-winter. 70% of dwellings = 25 dwellings)	28 out of 39 dwellings (71%) receive a min. of 3 hours direct sunlight	Complies
2. Parking SEPP (Affordable Rental Housing) 2009 – 14-2-(a) ➤ 0.5 spaces per 1 bedroom unit x 9 unit = 4.5 spaces ➤ 1 space per 2 bedroom unit x 23 unit = 23 spaces ➤ 1.5 spaces per 3 bedroom unit x 4 units = 6 spaces Total Residential = 33.5= 34 spaces <i>(a*The required car parking rate is calculated to the proposed development in its entirety.</i>	47resident car parking spaces and 3 visitor spaces. The development provides 50 spaces in total.	Complies
(b) Dwelling Size: 50m ² for 1 bedroom 70m ² for 2 bedroom 95m ² for 3 bedroom	1 bedroom 55.5m ² (min.) 2 bedroom 77.6m ² (min.) 3 bedroom 100.4m ² (min.)	Complies
Clause 16 – States that SEPP 65 applies to affordable housing RFB's.	SEPP 65 assessment is contained later in this report.	Complies
Clause 16A – Character of Local Area.	This clause requires Council to take into consideration whether the design of the development is compatible with the character of the local area. An assessment of the compatibility of the proposal with the locality is located at the end of this table.	Complies

<p>Clause 17 – Must be used for affordable housing for 10 years</p> <p>Consent cannot be granted unless conditions are imposed that will require the development to be used for 10 years from issue of Occupation Certificate.</p>	<p>A condition will be imposed on any consent issued requiring that the development be held as affordable rental housing for a period of 10 years from the issue date of the Occupation Certificate.</p>	<p>Condition</p>

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

Clause 16A - Character of local area:

The assessment below is a consideration of character within the terms defined in the Land and Environment Court planning principle established in consideration in the matter *Project Venture Developments Pty. Ltd. v Pittwater Council* [2005] NSW LEC 191.

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

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

As assessment against each step is provided below:

Step 1 - Identify the local area

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



Figure 2: Local Area being the approximate visual catchment from the site.
NB: Red Border denotes area. Yellow border denotes subject site.

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

Present Character of the area

Burbang Crescent is currently undergoing a transition from low density. The development ranges from single storey detached dwellings on the northern side of Burbang Crescent and an attached dual occupancy development on 13-13A Burbang Crescent to recently constructed residential flat buildings are located at No. 20 Burbang Crescent (14 units) and No.22 Burbang Crescent (18 units). An application for a Residential Flat Buildings containing 32 residential units with basement car parking has been recently approved at No. 14 to 18 Burbang Crescent. A local park (Hannibal Macarthur Park) is located on the edge of the visual catchment along Burbang Crescent.

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

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

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

Future Character of the area

The future character of an area is best determined by consideration of the planning framework that applies to the site under the relevant Environmental Planning Instruments and Development Control Plans that are presently in force. In this area, the relevant controls

are PLEP 2011 and PDCP 2011. In terms of building envelope, PLEP 2011 defines the permitted building types, permitted uses, building heights, and maximum floor space ratio, while PDCP 2011 defines building setbacks and desired site design.

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

Zoning

Part 2 of PLEP 2011 defines the zoning that applies. As shown in the figures below, the zoning of sites around the subject property is R4 High Density Residential under PLEP 2011. This extends to the properties on the eastern side of Park Road, sites on the southern side of Elonera Street and the sites on the northern side of South Street. It is also noted that all the sites located within Burbang Crescent are also zoned R4 High Density Residential.

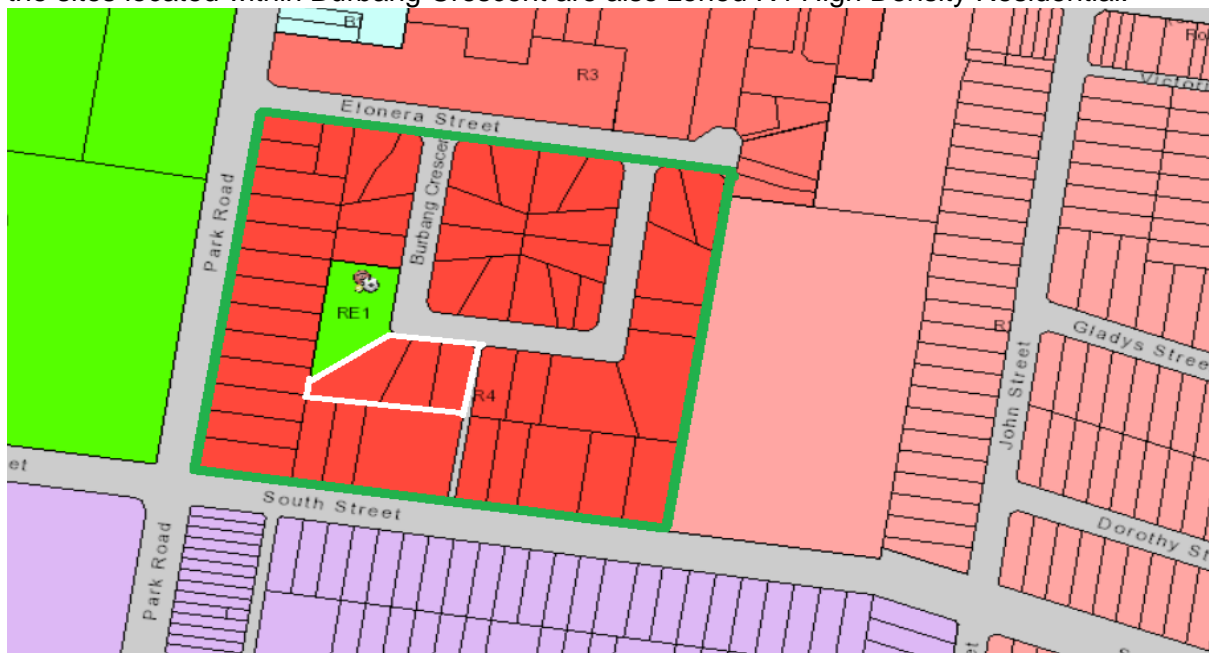


Figure 3: Zoning map extract of the site and surrounds. The darker red coloured zone is R4 High Density Residential. The purple is IN1 General Industrial, the green is RE1 Public Recreation, the lighter pink is R2 Low density Residential and the darker pink is R3 Medium density residential.

Maximum Height and Maximum Gross Floor Area controls

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

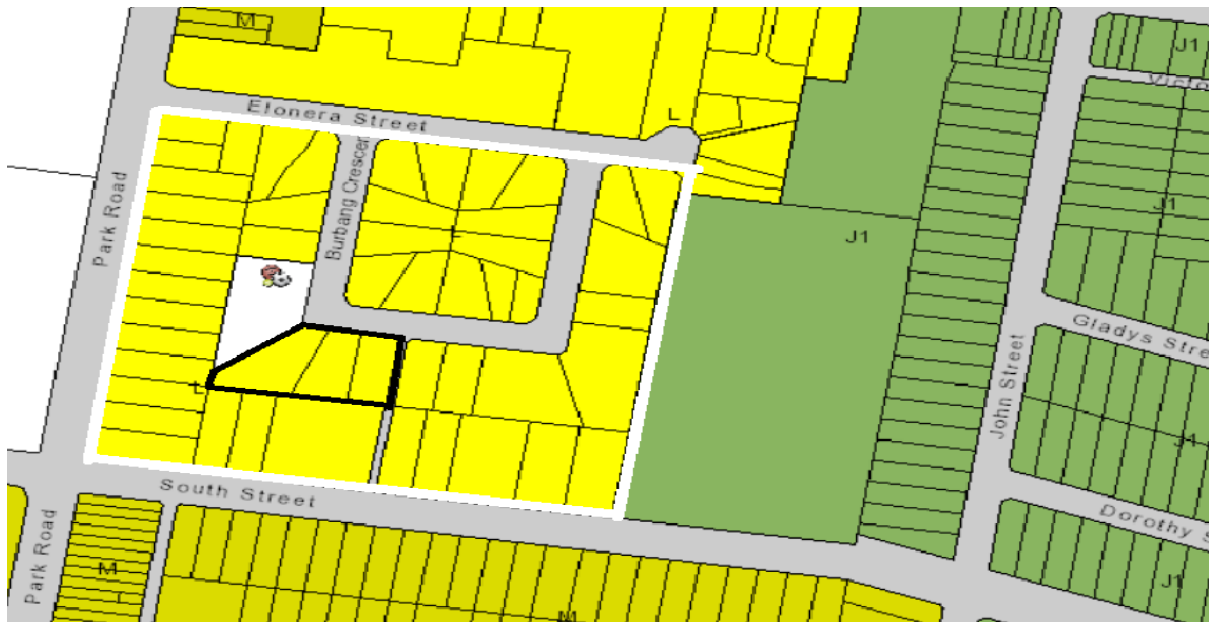


Figure 4: Height control map of the site. The green are the areas with a 9m height limit, and bright yellow an 11m height limit.

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

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

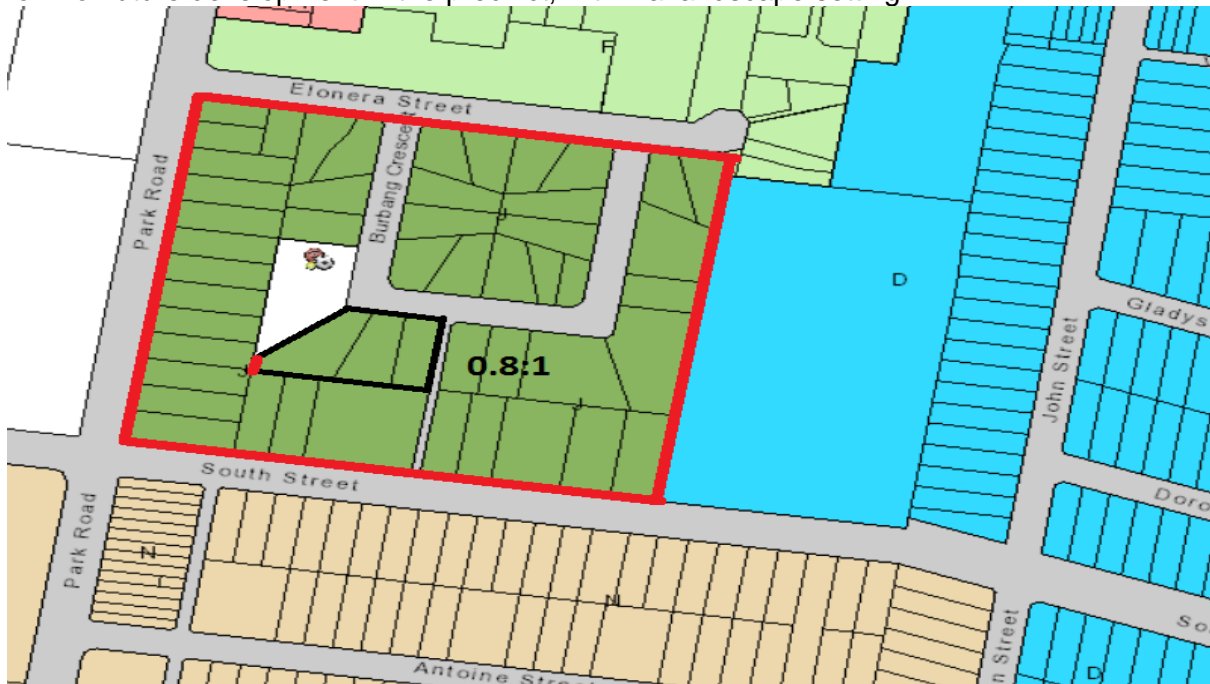


Figure 5: Maximum floor space ratio map of the site. The dark green sites have a maximum floor space ratio of 0.8:1, the blue sites have a FSR of 0.5:1 and the beige sites to the south of South Street have an FSR of 1:1.

Setbacks and other building envelope controls

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

- a maximum height of 3 storeys;
- a front setback of 5-9 metres depending on the existing street;
- side setbacks of 6m;
- A rear setback equivalent to 30% of the site length.

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

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

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

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

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

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

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

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

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

The above question is relatively subjective. To be compatible, a development should contain or at least respond to the essential elements that make up the character of the surrounding area. As previously indicated, the precinct in question has an established mix of low to high residential built form, and as such, the proposed development is considered to be consistent and conforms with the streetscape character of the immediate area surrounding the subject site.

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

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

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

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

DESIGN EXCELLENCE ADVISORY PANEL (DEAP)

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

Panel's Comments	Response
1. The affordable housing provisions and calculations should be checked to ensure compliance of proposed additional floor-space.	The proposal complies with the bonus FSR provisions pursuant to ARH SEPP.
2. The proponent argues that the proposed (non-compliant) fourth level is acceptable as the development is providing much needed affordable housing, and further that the potential bonus of up to FSR 0.5 means that an additional floor is required. Whilst DEAP acknowledges the challenge of trying to accommodate the additional floor-space within the prescribed envelope, it does not mean that compliance with other controls is somehow relieved. The precinct is undergoing rapid transformation, from low-density detached cottages to a relatively consistent new paradigm of three storey RFBs. Consequently, the Panel remains to be convinced that an additional storey is acceptable.	<p>The proposal has been amended to minimise the height exceedance, which has been substantially reduced as result of reducing the number of units from 39 units to 36 units.</p> <p>The amended application is for a part 3 and part 4 storey development to comply with the height standard with the exception of a minor variation to the roof above units 27 and 28 which are over the height limit by up to 250mm or (2.2%) at the highest point).</p>
3. Reduction in the visual impact of the proposed fourth storey from the public domain and ensuring that it does not add to over-shadowing of adjacent existing developments (particularly to the south) would be required if a fourth level is to be contemplated by Council.	The proposal has been amended to reduce the number of units from 39 to 36 units with the result that the overall bulk and visual impact of the development facing Burbang Crescent and Hannibal Macarthur Park is 3 storeys in height.
4. The eastern building facade and lower levels could be more visually and physically engaged with the existing pedestrian public laneway along the eastern boundary. The applicants for a new development	The eastern building facade has been visually engaged with the existing pedestrian public laneway along the eastern boundary by providing a pedestrian access from the laneway. The finished floor level of the lower

<p>across the laneway are considering provision of access to the laneway from some of their ground floor units. Unfortunately, the ground level units in this subject development are situated up to 1500mm below existing ground level, which would create access and privacy problems if a similar activation strategy to the laneway was to be adopted.</p>	<p>ground has been raised by 200mm and is maximum 800mm below the natural ground levels in a small part of the development. A 12m separation distance between the buildings is provided which is compliant with the requirements of the Apartment Design Guide.</p>
<p>5. The main entry has privacy conflicts with adjacent ground level unit POS (Public Open Space). The entry sequence from the street through to the lift and units is convoluted. The lift should be repositioned and a more direct pathway provided with views through the development into the courtyard. This may require the removal or redesign of units 5, 15 and 27. The removal of the units may also help to reduce overshadowing of the property to the south.</p>	<p>The main pedestrian entry has been amended to provide a direct pathway to the lift and the lobby area. The private open space to the units located along the access way have been redesigned to mitigate privacy impacts upon the future occupants of these units.</p> <p>The overall number of units has been reduced from 39 to 36. Unit No's 5, 15 and 27 have not been deleted; however the units at the topmost level, i.e. Unit No's 27 and 28 have been redesigned to provide increased setbacks resulting in a minimum setback of 11m to Unit 27 and a 14m setback to Unit 28 to the rear boundary.</p> <p>In addition shadow diagrams have been provided to demonstrate that the development will afford the required solar access to the communal open space of the adjoining property to the south.</p>
<p>6. The architects should re-check and substantiate compliance for AGD solar access, natural cross ventilation and maximum provision of south facing units. Note that the ARH solar access minimum requirement is for 3 hours mid-winter.</p>	<p>Shadow diagrams have been provided to demonstrate that the development complies with the requirement of 3 hours of solar access to 70% of the units as per the SEPP ARH requirement.</p>
<p>7. The main basement access ramp is steep and has a right-angle turn at its mid point with a sharp internal corner. This may create safety issues through a combination of reduced sight-lines and inadequate swept path clearances for vehicles meeting at this corner.</p>	<p>The development has been reviewed by Council's Traffic Engineer to be compliant with the sight lines as per AS 2890.1-2004.</p>
<p>8. The bedroom window in unit 08 facing the vehicle access ramp should be deleted.</p>	<p>The bedroom window in unit No. U8 facing the vehicle access ramp has been deleted.</p>

All the above listed raised by Panel have been satisfactorily addressed and the amended plans were not referred to DEAP for review. Council is satisfied that the requirements under SEPP 65 have been adequately addressed which also have the support of DEAP.

DESIGN QUALITY PRINCIPLES

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

ADG design quality principle	Response
1. Context	The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use is compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta LEP 2011 and PDCP 2011.
2. Built form and scale	The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.
3. Density	The proposal would result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable. The proposed density is considered to respond to the availability of infrastructure, public transport and community facilities while maintaining environmental quality.
4. Sustainability, resource, energy & water efficiency	A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.
5. Landscape	The landscaping solutions depicted in the architectural plans are considered to be of satisfactory quality.
6. Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.
7. Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy.
8. Social dimensions/housing affordability	The unit mix of the proposal provides acceptable housing choice within the area.
9. Aesthetics	The development provides an appropriate choice of colours, materials and textures that will complement the streetscape and locality.

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

APARTMENT DESIGN GUIDE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
PART 2 Building envelopes			
Separation - Building separation is measured from the outer face of building envelopes which includes balconies			
Separation	Up to 4 storeys (approximately 12m):	Between buildings - 12m.	
	• 12m between habitable rooms/balconies		
	• 9m between habitable and non-habitable rooms	East (side) – 6m setback provided, resulting in 12.3m to 12.8m separation	Yes
	• 6m between non-habitable rooms	South (rear) - 6.6m setback provided resulting in 11.1m to 12.6m	Yes
		West (side) –3.94m to the park	No, but acceptable, there will be no adverse impacts due to of the 3.94m setback to the public park. There are no overshadowing impacts upon the park.
PART 3 Siting the development			
Communal open space			
<ul style="list-style-type: none"> • COS should have a minimum dimension of 3m. • Where COS cannot be provided at ground level, it should be provided on a podium or roof. 			
Communal open space	Communal open space has a minimum area equal to 25% of the site or 612m ²	Provided – 805m ² = 32.88%	Yes
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours	Shadow diagrams demonstrates that 50% of COS receiving a min. 2 hours of direct sunlight	Yes

	between 9 am and 3 pm on 21 June (mid-winter)		
Deep Soil	>1,500m ² - minimum of 7%, 6m in width. Required -171.37m ²	Provided – 366m ² (14.94% of the site) is deep soil zone.	Yes
Visual privacy <ul style="list-style-type: none"> • Separation between windows and balconies is provided to ensure visual privacy is achieved. • Adjoining a different zone with a less density, add 3.0m. • Retail, office spaces and commercial balconies, use habitable room separation. • No separation is required between blank walls. 			
Visual privacy	Up to 4 storeys (approximately 12m): <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Between buildings - 12m. East (side) – 6m setback provided resulting in 12.3m to 12.8m separation West (side) –3.94m to the park South (rear) - 6.6m setback provided resulting in 11.1m to 12.6m	Yes The proposal provides for complaint building separation to adjoining developments.
Parking and Bicycle storage Note: The car parking needs for a development must be provided off street.			
Parking and bicycle storage	For development in the following locations: On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan Area; The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	See comments under “Parking” of the ARHSEPP section.	Yes
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.	25 out of 36 dwellings (70%) receive a min. of 2 hours direct sunlight.	Yes
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at	Four (11%) south facing single aspect apartments are proposed.	Yes

	mid-winter.		
Natural ventilation	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	24 out of 36 (66%) apartments are naturally cross ventilated.	Yes
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No unit exceeds 18m in overall depth when measured from glass line to glass line.	Yes
Ceiling Heights Note: Measured from finished floor level to finished ceiling level	Habitable rooms - 2.7m	Proposed – 2.7 metres	Yes
Apartment size and layout Note: The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.			
Apartment size and layout	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	1 bedroom 55.5m ² (min.) 2 bedroom 77.6m ² (min.) 3 bedroom 100.4m ² (min.)	Yes
	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.	Every habitable room has a window in an external wall with a minimum glass area of not less than 10% of the floor area of the room.	Yes
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Kitchens are not located as part of the main circulation space.	Yes
	Habitable room depths are limited to a maximum of 2.5 x ceiling height. 2.5 x 2.7 = 6.75m	The habitable room depths are considered to be adequate in this regard.	Yes
	In open plan layouts (where the living, dining and kitchen are combined) the maximum	The maximum room depth does not exceed 8 metres.	Yes

	habitable room depth is 8m from a window.	The main bedrooms have a minimum area of 10m ² and other bedrooms 9m ² . All bedrooms are provided with a minimum dimension of 3 metres. All min. dimensions provided.	Yes
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).		Yes
	Bedrooms have a minimum dimension of 3m.		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.		Yes
Private open Space and balconies Note: Storage areas on balconies is additional to the minimum balcony size.			
Private open space and balconies	1 Bedroom = 8m ² X 2m	All units are provided with balconies with an area compliant with this requirement with the minimum dimension.	Yes
	2 Bedroom = 10m ² X 2m		
	3 Bedroom = 12m ² X 2.4m		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	The units on the ground floor are all provided with a private courtyard of 15m ² with a minimum depth of 3m.	Yes
Storage Note: Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.			
Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: • 1 bedroom 6m ² • 2 bedroom 8m ² • 3 bedroom 10m ²	Storage areas are provided both within the units and the basement. All storage areas meet the requirements under the ADG's.	Yes
	At least 50% of the required storage is to be located within the apartment. Left over space such as under stairs is used for storage	At least 50% of the required storage is located within the units.	Yes
Common circulation and spaces	The maximum number of apartments off a circulation core on a single level is eight.	Max. 12 units accessed from the common lift core at Level 1 and 10 units at Level 2.	No, however acceptable as two set of stairs serve these units.

	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	The building is part 3 and part 4 storeys in height.	N/A
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PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 11 metres.	No	Proposal – 14.6 metres The roof above Unit 27 and 28 exceed the maximum building height permitted. The applicant has lodged a written request to vary the standard pursuant to Clause 4.6.
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 0.8:1.	No	The application is made under the ARHSEPP and is compliant. See FSR discussion under the ARHSEPP for assessment.
4.6 Exceptions to development standards	Yes	The application seeks approval to vary Clause 4.3 - Height. Refer to the discussion at the end of this table.
5.1 and 5.1A Development on land intended to be acquired for public purposes Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?	N/A	The site is not identified on this map.
5.6 Architectural roof features	N/A	An architectural roof feature is not proposed.
5.9 Preservation of trees	Yes	Tree removal is proposed. See 'Referrals' section for further discussion.
5.10 Heritage Conservation	Yes	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.
5.10.8 Aboriginal Places of Heritage Significance	Low	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.

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

EXCEPTIONS TO DEVELOPMENT STANDARDS WITHIN LEP 2011

Objectives of Clause 4.6 of the PLEP 2011

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

A request for an exception under clause 4.6(3) was lodged with the application as the proposed development exceeds the maximum height for the site permitted by Clause 4.3 of PLEP 2011.

The variation sought is as follows:

Maximum height under PLEP 2011	Proposed	Degree of variation and merit
11 metres	11.25m Small sections of the roof above units 27 and 28 are over the height limit by up to 250mm.	0.25m or 2.2% of the standard.



The area shown in grey in the roof is non-compliance with the height control.



Figure 6 Extent of variation sought.

Clause 4.6(1) of the LEP - Objectives of clause 4.6

The objectives of this clause are:

- (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.*

Clause 4.6(2) of the LEP - Operation of clause 4.6

The operation of clause 4.6 is not limited by the terms of clause 4.6(8) of this LEP, or otherwise by any other instrument.

Clause 4.6 (3) - The applicant's written request

Clause 4.6 (3)(a) -Is strict compliance unreasonable or unnecessary in the circumstances of the case

The applicant contends that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding noncompliance with the standard.

In summary, the proponent contends:

- Small portions of the roof above units 27 and 28 are over the height limit by up to 250mm or 2.2% at the highest point.
- The non-compliance to height control is a direct result of applying the Affordable Housing SEPP 2009 which permits greater FSR and in the process of accommodating additional floor space, the development marginally encroaches upon the prescribed height limit. However, considering that the majority of the building form is contained below the maximum permitted height control with the top level recessed

from neighbouring property to the south to minimise potential privacy and overshadowing impacts (as evident on the submitted shadow diagram), the variation is considered appropriate.

Clause 4.6 (3)(b) - Sufficient environmental planning grounds

The applicant contentions are summarised below:

- The proposal incorporates an Affordable Housing component of 50% which provides for a discernible public benefit and this additional floor space needs to be accommodated within the same building envelope of planning controls.
- The top level is pulled towards the street frontage to minimise overshadowing and potential privacy impacts to adjoining residential land parcels to the south.
- The proposal presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Parramatta LEP 2011.
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing a residential flat building that provides good address to Burbang Crescent whilst complying with key planning controls applying to the proposal.
- The development proposal has been designed to comply with key planning requirements, whilst providing an attractive building that addresses the context, streetscape whilst being consistent with the evolving high residential built form characters along the southern side of Burbang Crescent. The development provides a mix of dwellings that will contribute towards increasing housing choice, diversity and stock of the Parramatta LGA.

Clause 4.6 (4)(a)(i) of the LEP - Adequacy of submission

The applicant's written request is provided at Attachment C. It has adequately addressed the matters required to be demonstrated by subclause (3).

Clause 4.6 (4)(a)(ii) of the LEP - The public interest

The variation to the building height standard is in the public interest because the resulting built form will be consistent with:

- The objectives for height standard as prescribed by clause 4.3(1) and noted above; and
- The zone objectives, as provided at section 2.5 above.

Clause 4.6 (4)(b) - Concurrence of the Secretary

Concurrence to vary the height standard is assumed pursuant to Planning Circular, PS 08–003 - Variations to development standards issued by the NSW Department of Planning.

Conclusion

The request for a variation of the height control is supported for the following reasons:

- The variation is minor, and is limited to 250mm height exceedance to two units;
- No adverse built form or amenity impacts have been identified due to the height exceedance;
- Is an appropriate response to the topography of the site;
- Responds to the site and does so without adversely compromising relationships with adjoining developments;
- Does not unduly compromise other relevant controls with the proposed development encouraging ecologically sustainable development;
- The preconditions of Clause 4.6(4)(a), in relation to the adequacy of the applicant's written request and the public interest, are satisfied.

In reaching this conclusion regard has been had to the relevant Judgements of the LEC, including *Zhang v City of Ryde Council* (2016).

ZONE OBJECTIVES

ZONE OBJECTIVES

The objectives of the zone include:

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

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

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
2.4.1 Views and Vistas		
Preserve significant features and areas of high visibility	N/A	The site is not identified as containing significant views.
2.4.2.1 Flood affectation	N/A	The site is not identified in Councils database as being flood prone.
2.4.2.2 Protection of Waterways Does the site adjoin a waterway?	N/A	The site does not adjoin a waterway.
2.4.2.3 Protection of Groundwater Is a basement car park	Yes	Part one and part two level of basement parking is proposed. It is unlikely that the level

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
proposed?		of basement will result in any impacts to ground water, particularly as the site does not adjoin a waterway nor is there evidence that there is groundwater within proximity to the site.
2.4.3.1 Soil Management Are there adequate erosion control measures?	Yes	An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.
2.4.3.2 Acid sulfate soils	Yes	Refer to LEP table above.
2.4.3.3 Salinity Moderate, high or known salinity potential?	Yes	The site is of low salinity potential and accordingly salinity is unlikely to impact on the development. The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions.
2.4.4 Land Contamination	Yes	Refer to assessment under SEPP 55.
2.4.5 Air Quality Will demolition and construction contribute to increased air pollution?	Yes	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimized during construction.
2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site?	Yes	The site has a fall of approximately 4.5 metres from south western to the south eastern corner. The development responds to the slope of the site by ensure an appropriate building platform.
2.4.7 Biodiversity Is vegetation removal appropriate?	Yes	Council's Landscape Officer has not raised concerns with regards to the Landscape Plan subject to conditions. The landscape plan submitted with the application does not include provision for species nominated in Appendix 3 of the PDCP 2011. The site does not adjoin bushland.
2.4.7.2 Does the land abutt the E2 Environmental Protection zone or W1 Natural Waterways zone	Yes	The site does not adjoin land zoned E2 or W1.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
2.4.8 Public Domain Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements?	Yes	<p>The building has an appropriate address to Burbang Crescent with a distinguishable entry via a clear pedestrian pathway to ensure clear identification from the public domain.</p> <p>Balconies and windows of the units address the street frontage and the Hannibal Macarthur park promoting natural surveillance from within the units to the front and public domain. Windows also face the communal areas to the rear the communal area to the east of the site to provide surveillance to these areas.</p> <p>The design ensures that the ground units are provided with courtyard facing the pedestrian footpath that adjoins the site to the east.</p> <p>Standard conditions incorporated in the consent requiring the payment of a bond to ensure that the nature strip on street frontage is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages.</p>
3. Preliminary Building Envelope		
Frontage		
Minimum 24 metres	Yes	Burbang Crescent - 36.68m.
Height (refer also to LEP table) Does the proposal exceed the number of storeys outlined in the DCP height table?	No, however acceptable	Whilst the development breaches the maximum height for the site, the proposal maintains the part 3 storey built form to Burbang Street to maintain compliance with this control.
Front Setback		
Primary - 5m-9m Secondary – 3m	Yes	5m
Side Setback		
4.5m	No, however acceptable	Min. 3.94m The proposed side setback is provided to the western side adjacent to a park as there is no adverse impacts privacy or overshadowing impacts.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
Deep Soil 30% site area Required - 734.45m² Of which, at least 50% is to be located at the rear of the site, with minimum dimensions of 4m x 4m Provided 4mx4m= 470m² Landscaping 40% site area Required - 979.926m² Provided -891m²	 No No	 See ADG and ARHSEPP assessment See ARHSEPP assessment
3.2. Building Elements		
3.2.1 Building Form and Massing Height, scale and bulk consistent with existing or planned building patterns in the street?	Yes	The bulk of the building is consistent with the existing and desired future character of Burbang Crescent. It is considered that the proposed development subject to conditions of consent will not adversely impact on the existing streetscape as plans indicate satisfactory setbacks, deep soil zones and articulation, thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the adjoining properties.
3.2.2 Building Façade and Articulation Does the building exceed the building envelope by more than: <ul style="list-style-type: none"> •800mm for balconies and eaves: •600mm for Juliet balconies and bay windows Are the building facades modulated in plan and elevation to reduce building bulk? Are Multiple stair lift/cores provided to encourage multiple street entries?	Yes	The proposal provides appropriate setbacks and building articulation resulting in a reduced perception of bulk and scale. The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties. The application proposes balconies to the units which address the street frontage and the side boundaries and do not project more than 800mm beyond the building envelope. The proposal does not propose Juliet balconies

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		<p>or bay windows.</p> <p>The building are provided with 2 entry points This is considered to be sufficient.</p>
3.2.3 Roof Design Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes	The development incorporates a flat roof which is not uncommon with the modern design for similar forms of development.
3.2.5 Streetscape Does the development respond to the existing or planned character of the street? Are garages and parking structures dominant? Are pedestrian or vehicular laneways activated? Are the mail boxes visually integrated within the built form and conveniently accessed?	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The existing character and urban context of the immediate neighbourhood is residential of low to high density.</p> <p>As previously stated in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the R4 High Density Residential and future streetscape character of the area.</p> <p>Basement carpark is provided to minimise the impact of parking structures on the building façade and the front setback.</p> <p>The site adjoins pedestrian link. Balconies and windows are provided facing the laneway.</p> <p>Mail boxes are located on the Bunbang Crescent frontage.</p>
3.2.6 Fences Front fence a maximum height of 1.2metres?	N/A	No front fences are proposed.
3.3 Environmental Amenity		
3.3.1 Landscaping Natural features retained and incorporated? Minimum soil depth of 1m provided above basement?	Yes	<p>The proposed works has the endorsement of Council's Landscape and Tree Management Officer subject to conditions of consent.</p> <p>The basement provides adequate deep soil areas for Residential Flat Buildings pursuant to the ADG and the ARHSEPP.</p>
3.3.2 Private Open Space Minimum of 10m² private open	No, but acceptable	See ADG assessment.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
space with minimum dimensions of 2.5m per unit?		
3.3.2 Common Open Space		
Min. of 10m ² of communal open space per dwelling is to be provided. Required - 360m ²	Yes	Provided - 805m 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?	Yes	The balconies and windows address the street, the pedestrian footpath and public domain to reduce overlooking opportunities to the adjoining eastern sites.
Is a minimum building separation of 12m provided between habitable rooms/ balconies?	Yes	
3.3.4 Acoustic Amenity		
Does the dwelling adjoin a noise-generating land use?	Yes	The subject site does not adjoin a noise-generating land use.
3.3.5 Solar Access (refer also to ADG section)		
Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?	Yes	See ARHSEPP assessment. Due to the north-south orientation of the site and setbacks, the adjoining sites to the east and west will receive a minimum of 3 hours of solar access during the winter solstice.
Cross Ventilation		
Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m)	Yes	Ground Floor = 2.7 metres Upper levels = 2.7 metres
Are 80% of dwellings naturally cross ventilated?		See previous ADG assessment.
Are single aspect apartments limited in depth to 8m from a window?		
Does the building have a maximum depth of 18m?		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3.3.6 Water Sensitive Urban Design On-site detention system appropriately designed?	Yes	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.
3.3.7 Waste Management		
Is the waste management plan satisfactory?	Yes	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.
Is the bin room appropriately sized for the number of bins required?		A garbage room is located within the lower level basement.
Will a private contractor be required to minimise bins on the street for pickup?		<p>The applicant has confirmed that a representative of the Owners Corporation will move the bins to either kerb side via the driveway ramp. The representative of the Owners Corporation will also return the bins to the garbage rooms in the basement upon collection.</p> <p>Whilst the waste management plan indicates that the development will use Council collection to service the site, Council's Waste Officer has imposed a condition of consent requiring that the development to be serviced by a private waste contractor.</p>
3.4 Social Amenity		
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	<p>As the application does not have a CIV of more than \$5,000,000.00 or:</p> <ul style="list-style-type: none"> - Is located within a local town centre - Zoned B2 Local Centre or B4 Mixed Use - Has a site area of over 5000m2 <p>An arts plan is not required.</p>
3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability?	Yes	The ground floor is provided with an accessible ramp to be accessed by people with disabilities. Access from the basement to the upper levels is via a lift.

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		It is noted that 4 units within the development is nominated as adaptable units.
3.4.4 Safety and Security Has the development been designed in accordance with crime prevention principles?	Yes	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The main entries face towards the street, promoting natural surveillance from within the units to the front setback and public domain. The ground floor units with address to the laneway have direct access to this area to activate the space and to increase surveillance.</p>
3.4.5 Housing Diversity and Choice Is the unit mix in accordance with the following: 3 bedroom 10% - 20% 2 bedroom 60% - 75% 1 bedroom 10% - 20% Adaptable dwelling provision Less than 10 units = 1 10-20 units =2 More than 20 units = 10%	Yes	<p>9 x 1 bedroom (25%) 23 x 2 bedroom (63.88%) 4 x 3 bedroom (11.12%)</p> <p>The unit mix in this regard is considered to be acceptable.</p> <p>Required – 4 units Provided – 4 units (Units U02, U5, U6 &U16).</p>
3.5 Heritage and Archaeology	Yes	<p>The site does not contain a heritage item.</p> <p>The site is not within a heritage conservation area.</p> <p>The site is not within proximity to heritage listed items.</p>
3.6.2 Sustainable Transport Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?	N/A	<p>The development does not contain more than 50 apartments. As such, a car share space is not required.</p>
3.6 Parking Provision As per ARHSEPP Is 1 bicycle parking space	Yes	<p>See ARHSEPP discussion.</p>

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
provided per 2 units?		
Required – 16 bicycle spaces	Yes	Provided - 16 spaces
3.6.3 Accessibility and Connectivity Is a 3m wide pedestrian through link required and provided?	N/A	The site is not considered to be of a size that would require a pedestrian through site link.
3.7.2 Site consolidation and isolation	Yes	The proposal does not result in the isolation of any adjoining properties.
4.1.4 Special Precinct – East Rydalmere		
Pedestrian Connections and Laneways	N/A	The subject site is not identified as requiring the provision of a pedestrian connection or laneway.
Setbacks	N/A	The subject is not identified as requiring setbacks beyond the setbacks under Section 3.1 of PDCP 2011.
Land Amalgamation	N/A	The subject site is not identified as a site requiring additional land amalgamations pursuant to Figure 4.1.4.2 of PDCP 2011.

REFERRALS

Internal referrals

Waste Officer

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

Landscape Officer

The development seeks approval for the removal of site trees and new perimeter landscaping. Due to the number of trees to be removed as well as the varying heights of the trees to be removed, an Arborist Report was submitted with the application. Council's Landscape Officer reviewed the proposal and the report and raised no objections to the tree removal as well as the new landscape design for the site.

Amended plans have now been submitted to demonstrate greater setbacks to the trees that must be retained. The stormwater redirection has been amended to provide a greater setback to the subject trees required for retention. Conditions applied will require a re-design to ensure safe sustainable retention of trees identified for retention.

Council's Landscape Officer recommended conditions be imposed on the consent with all tree removal must be undertaken by a qualified Arborist.

Traffic Engineer

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Burbang Crescent and the surrounding road network. The proposal can be supported on traffic and parking grounds provided that:

- The length of bicycle spaces is deficient 0.1m and is to be increased to 1.8m in order to comply with AS2890.3-2015.
- Bicycle parking is to be enclosed in secure rooms or cages, accessible to residents via key card, PIN or other such device in accordance with PDGP 2011 and AS2890.3-2015.
- Column locations are to be shown on plans submitted to the PCA with the construction certificate and are to be located in compliance with AS2890.1-2004.
- Where access to storage cages would be impeded by a parked car, said cages are to be allocated to the same unit that the parking space is allocated to.

The abovementioned requirements are reflected in the conditions of consent.

Development Engineer

The application submitted stormwater plans indicating the proposal of relocation of council RCC pipe that cross the property. The diversion is proposed to run along the front boundary (west to east) and then turn south along the eastern boundary.

Council's Development Engineer reviewed the application and raised no objections to the proposal subject Deferred Commencement consent for the construction of a 600mm diameter RCC pipeline and creation of drainage easement.

Social Outcomes

As the application proposes an affordable housing component, the application was referred to Council's Social Outcomes for review. The application was also accompanied by a Social Impact Assessment to assist with the assessment of the application. Upon review, it was considered that the provision of additional affordable housing in the area will support a diversity of residents and that the site is suitably located to transport, community services, infrastructure, education facilities and employment centres. As such, conditions are recommended for inclusion in the consent with regards to a covenant being registered on the title identifying the affordable rental housing component and that it must be used for such purposes to be managed by a registered community housing provider for a period of 10 years.

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 6 July 2016 and 27 July 2016. In response one (1) submission was received.

The issues raised in the submissions are as follows.

Issue	Comment
Increased traffic in the area	The application was reviewed by Council's Traffic Engineer whom also reviewed the submitted Parking and Traffic Report. Council's Traffic Engineer raised no objections to the proposal on the grounds of increased traffic within the locality.
Insufficient on-street parking and therefore two parking spaces should be provided for each unit.	Fifty (50) car parking spaces are provided which are in excess of the required (34) parking spaces under the AHRSEPP. All the parking spaces provided for the development is to be located wholly within the basement. As such, the development should not result in an increase demand for on-street parking.
Burbang Crescent should be made into a one way street.	The application was reviewed by Council's Traffic Engineer and advised that currently there are no plans to convert Burbang Crescent into a one way street. .

AMENDED PLANS SUBMITTED

YES

Summary of plan amendments:

- 1) Amended architectural plans submitted reducing the number of units from 39 to 36;
- 2) Reducing the proposed height from 13.4 to 11.25m.
- 3) Changes to architectural plans to reflect DEAP recommendations.

AMENDED PLANS RENOTIFIED?

Yes

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

PARRAMATTA s94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the cost of works for the proposal exceeds \$200,000 a Section 94A development contribution **1.0%** is required to be paid. A Detailed Cost Estimate prepared by a Quantity Surveyor was provided which detailed a likely cost of works of **\$8,844,091**.

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

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

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

BONDS

In accordance with Council's 2016/2017 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2000

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

SUMMARY & CONCLUSION

Social & Economic Impact

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

ESD & The Cumulative Impact

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

Waste Management

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

Suitability of the Site

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

Submissions & Public Interest

One submission was received in response to the advertisement/notification of the application. The issue raised within the submission are addressed elsewhere in this report.

The proposed development is not contrary to the public interest.

Conclusion

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

RECOMMENDATION A – APPROVAL SUBJECT TO CONDITIONS

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

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

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

AND

That the Sydney West Central Planning Panel (SWCPP), as the consent authority, being satisfied that the variation under Clause 4.6 of Parramatta Local Environmental Plan 2011 is supportable and that it grants consent to Development Application DA/523/2016 for the demolition of existing structures, tree removal and construction of a part 3 and part 4 storey Residential Flat Building with associated basement car parking and landscaping pursuant to SEPP Affordable Rental Housing 2009 at 8-12 Burbang Crescent, RYDALMERE NSW 2116 as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions of consent.

DRAFT DEFERRED COMMENCEMENT CONDITIONS

Upon the signature of the applicable delegate the deferred commencement conditions in this Appendix will form the conditions of development consent.

Development Consent No.: DA/523/2016
Property Address: LOT 2 DP 31350
8-12 Burbang Crescent, RYDALMERE NSW
2116

Deferred Commencement

Stg 1 - Deferred Commencement

Stage 1: Construction of 600mm dia RCC pipeline works and creation of drainage easement.

Schedule 1 (Deferred Commencement)

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

(a) DAA0002 Registration of Proposed Drainage Easement.

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

Submission to Council of copy of the registered document from the Department of Lands confirming the creation of an drainage easement to drain water **3.0 metres wide along the northern and eastern boundary over Lot 2 & 3 in DP31350 and Lot 1 in DP206856 (also known as 8, 10 and 12 Burbang Crescent) and north-eastern corner of Lot 25 in DP 1205179 (or SP89637 also known as 41-45 South Street)** benefiting the **Council**, has been registered with the NSW Land and Property Information Service.

Reason:To ensure creation of drainage easement and compliance with council's requirements.

(b) DAANSC01 Approval from Sydney water for Sewer line relocation

Submission of documents from Sydney water relating to the approval/ acceptance of the proposed method and layout for the relocation of existing sewer line running across the subject site. Further, the proposed method of sewer diversion/relocation shall not encroach the tree protection zone of the existing trees along the proposed

diversion route. Unless it can be demonstrated that the method will not adversely impact on the existing trees.

Reason:To ensure compliance with Sydney water requirements.

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

Upon compliance with the above requirements, a full Consent will be issued 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
Site Plan, Job No. 8466. Drawing No. DA100. Issue C.	Zhinar Architects	9 March 2017
Basement Level No.1, Job No. 8466. Drawing No. DA100. Issue C.	Zhinar Architects	9 March 2017
Lower Ground Floor Plan, Job No. 8466. Drawing No. DA102. Issue C.	Zhinar Architects	9 March 2017
Ground Floor Plan, Job No. 8466. Drawing No. DA103. Issue C.	Zhinar Architects	9 March 2017
Level 1 Floor Plan, Job No. 8466. Drawing No. DA104. Issue C.	Zhinar Architects	9 March 2017
Level 2 Floor Plan, Job No. 8466. Drawing No. DA105. Issue C.	Zhinar Architects	9 March 2017
Elevations Plan, Job No. 8466. Drawing No. DA200, Issue C.	Zhinar Architects	9 March 2017
Elevations Plan, Job No. 8466. Drawing No. DA201, Issue C.	Zhinar Architects	9 March 2017
Section Plan, Job No. 8466. Drawing No. DA202, Issue C.	Zhinar Architects	9 March 2017
Section Plan, Job No. 8466. Drawing No. DA203, Issue C.	Zhinar Architects	9 March 2017
Stormwater Disposal and Sediment Control Plans" Drawing ref 2981 S1 of 6:Ground floor Layout, -S2 of 6:Lower Ground floor,-S3 of	Consulting Design and Inspection Engineers Pty Ltd	1 March 2017

6:Basement Car park layout details, - S4 of 6:OSD Cross sectional Details, - S5 of 6:Roof Plan, -S6:Storm Filter details),Revision "E"		
Landscape Plan - Drawing No. 16/1865, Sheet 1-3, Issue B.	Paul Scrivener	14 March 2017.
Landscape Details and Specification, Drawing No. 1314.L03. Issue A.	Greenland Design	4 April 2016

Document(s)	Prepared By	Dated
Waste Management Plan	Zhinar Architects	10 June 2016
Access Report- Ref No. 16086	Vista Access	Undated
Colour & Material Schedule, Job No. 8466. Drawing No. DA402, Issue C.	Zhinar Architects	9 March 2017
BASIX Certificate No. 737842M (to be updated)	BASIX	21 June 2016
Arborist Report, Ref No. 1829.	Redgum Horticultural	12 June 2016
Traffic Management Report. Reference No. 16271	Varga Traffic Planning	17 June 2016
Social Impact Assessment	Think Planners	20 June 2016

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

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

2. All building work must be carried out in accordance with the current provisions of the Building Code of Australia (National Construction Code).

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

3. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation

accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

Reason: To ensure compliance with legislative requirements.

4. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

Reason: To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

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

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

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

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to 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. For a period of 10 years from the date of issue of the Occupation Certificate:
 18 units hereby approved shall be used for the purposes of affordable housing as defined by SEPP (Affordable Rental Housing) 2009;
 All accommodation that is used for affordable housing shall be managed by a registered community housing provider.
 Council shall be notified of the issue of the occupancy certificate on the date of issue.
Reason: To provide new affordable rental housing associated with the uptake on the site of a floor space ratio bonus.

7. The construction certificate to be issued shall relate to **Stage 1** only and include the only works associated with the construction of the new RCC pipeline within the proposed drainage easement along the property boundary (whole length of northern and eastern boundary). Any other works that is not associated with **stage 1** works, shall not be included under the stage 1 construction certificate.

Reason: To ensure compliance with work staging requirements.

8. Trees to be retained are:

Tree No.	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Arborist Report	900mm	9.7 metres
2	<i>Melaleuca linarifolia</i>	Snow in Summer	Refer to Arborist Report	300mm	3.2 metres
3	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Arborist Report	500mm	5.4 metres
4	<i>Eucalyptus paniculata</i>	Grey Ironbark	Refer to Arborist Report	500mm	5.4 metres
11	<i>Melaleuca quinquenervia</i>	Broad Leaved paperbark	Refer to Arborist Report	600mm	6.5 metres
15	<i>Bauhinia purpurea</i>	Butterfly Tree	Refer to Arborist Report	700mm	7.6 metres

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

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

Tree No.	Name	Common Name	Name of Street Frontage
17	<i>Callistemon citrinus</i>	Kings Park Bottlebrush	Burbang Crescent

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

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

Qty	Name	Common Name	Minimum Pot Size	Name of Street Frontage
3x	<i>Callistemon viminalis</i>	Weeping Bottlebrush	45L	Burbang Crescent

Note: All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection.

Reason: To ensure restoration of environmental amenity.

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.)

10. 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.

11. 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.

12. 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.

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

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

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

- (b) Should the cost summary report be submitted in advance of payment, the Levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
- (c) Evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than the applicable threshold.

Advisory Note

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

The cost of the development shall be determined by calculating the cost of the entire development minus the cost of providing the affordable housing component of the development. In this regard, the cost of providing 8 dwellings (being the affordable housing component) shall be deducted from the calculated cost of development. An itemised cost of the affordable housing component, compared to the remainder of the development is to be submitted to Council's satisfaction before the payment of the Section 94A cash contribution.

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

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

14. 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.

15. 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.

16. 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 523/2016;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.
Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows:

Bond Type	Amount
Nature Strip and Roadway	\$ 5000

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

17. The BASIX Certificate No.737842M is required to be updated to reflect the amended proposal (36 units) prior to the issue of a Construction Certificate.

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

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. The development must incorporate four (4) adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have

been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

24. A registered Community Housing Provider who will manage the affordable housing component of the development is to be identified to Council prior to the issue of a construction certificate. The Community Housing Provider is to demonstrate to the satisfaction of Council their familiarity with the local context of Parramatta.

Reason: To ensure that the development meets the provisions of the SEPP – Affordable Rental Housing 2009.

25. A copy of the signed contract between the developer and the Community Housing Provider who will manage the nominated affordable housing units shall be submitted to Council prior to the issue of a construction certificate for the development.

Reason: To ensure that a minimum of 18 units out of 36 units of the development will be used for affordable housing in accordance with the provisions of the Affordable Rental Housing SEPP 2009

26. 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.

27. At least 18 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-2015. Note: These spaces are to be 1.8m in length and provided within secure rooms or cage accessible to residents via a swipe card, key or other such device and protected from weather in accordance with PDGP 2011 and AS2890.3-2015. Details of the spaces and bicycle parking devices are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements.

28. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the car park not illustrated on the approved plans such as columns, garage doors, fire safety measures, driveway ramp access gradients and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. ***Note: Column locations are to be shown on plans in compliance with AS2890.1-2004. Furthermore where access to storage cages would be impeded by a parked car, said cages are to be allocated to the same unit that the parking space is allocated to.***

Reason: To ensure appropriate vehicular manoeuvring is provided

29. A splay extending 2m from the driveway edge along the property boundary and 2.5m from the boundary of the driveway is to be provided. This splay is to comply with Figure 3.3 of AS2890.1 and shall provide clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. Note: Any such materials may only be permitted if they are less than or equal to 900mm height above the driveway level.

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

Stage 1: Construction of 600mm dia RCC pipeline works and creation of drainage easement.

30. The proposed relocation of council's stormwater pipeline, which runs through middle of the subject site, into the proposed drainage easement along the full length of northern and eastern boundary) requires prior approval from council's Civil Infrastructure Unit. In this regard, the applicant shall liaise with the Civil Infrastructure Unit and the submit details of the relocation to the satisfaction of council's Civil Infrastructure Unit to obtain approval. The applicant shall comply with the following requirements.

- a. Stormwater layout plan showing the existing pipelines and the location and the proposed easement width and layout, proposed pipeline layout, size etc.
- b. The replacement pipe shall be at 600mm dia RCC pipe. Pit type and details shall be as required by Civil Infrastructure Unit (*Please contact council's Civil Infrastructure Unit for requirement details on pit type, connections requirements and the relevant standard plan number/drawing*).
- c. Long sectional profile of the proposed **pipeline** with the pipe material, size, class, gradient for each segments, with existing surface level, proposed surface level and invert levels at the upstream and downstream side of the pipe segments including the footway crossing and the driveway crossings.
- d. Cross-sections and Long section profile of the proposed **drainage easement** showing the footway crossing and the driveway crossings, with the natural existing ground levels (channel), finished ground levels and water level (overflow in 1:100 year's storm event as determined by the catchment analysis model).
- e. Supporting documents such as catchment analysis and the hydraulic analysis for proposed pipe sizing etc. to the satisfaction of Civil Infrastructure Unit.

Reason: To ensure that compliance with the council's requirements.

Stage 1: Construction of 600mm dia RCC pipeline works and creation of drainage easement.

31. In order to proceed with the proposed relocation of council's stormwater pipeline, into the proposed drainage easement along the whole length of northern and eastern boundary, the applicant shall comply with the followings:

- a. **Construction of new Junction pits (Pit3, Pit4 & Pit5).**
The new pits (**Pit3 Pit4 & Pit5**) that are proposed to be constructed at the change in direction (at the bend) of the pipeline shall be carried out in accordance with Council Standard Plan and requirements. (*Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing*).

- b. Construction of **600mm** dia RCC pipeline along (within) the proposed drainage easement as redirection of existing pipeline.
- c. **Connection and Modification of existing pits to suit the connection works.**
The proposed connections, from the new pit **Pit 3** and into the existing downstream pit (within the laneway) shall be in accordance with council's Standard Plan. In this regard, the modification of the existing pits to suit connections shall be carried out in accordance with Council Standard Plan and requirements. *(Please contact the council's civil Infrastructure Unit for requirement details on kerb inlet pit type, connections requirements and the relevant standard plan number/drawing)*
- d. Request for inspection by council's Civil Infrastructure Unit, of works during progression as required by Council's Civil Infrastructure Unit.
- e. Remediation of site upon completion of work to the satisfaction of Council's Civil Infrastructure Unit.
- f. Upon completion of works, the following documents shall be submitted tot council.
 - i. Work-As-Executed Stormwater plan (layout and long section profile) prepared on the copies if the approved plan with the variations marked in RED ink and duly certified by a registered surveyor.
 - ii. A certificate of compliance a qualified drainage/hydraulic engineer. The person issuing the compliance certificate shall ensure that all the works have been completed and comply with the approved plans and the council's requirements.
- g. Final inspection and satisfactory completion of the pipeline relocation works to the satisfaction of Council's Civil Infrastructure unit.

Reason: To ensure that the stormwater works comply with council's requirements.

The Stage 2 shall not be operative until all the conditions under stage 1 are complied with. No works under Stage 2 shall be carried out until stage 1 is completed.

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

The provision of retaining walls along common boundary lines shall not impact on neighbouring properties. If impact upon neighbouring properties (including fences) is anticipated then written approval from the affected neighbour shall be obtained and submitted to the certifying authority prior commencement of the works.

Structural details, certified by a practicing structural engineer, shall accompany the application for a Construction Certificate for assessment and approval by the certifying authority.

Reason: To minimise impact on adjoining properties.

33. 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.

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

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

35. 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) "The final drainage plans are consistent with the submitted Drainage Plans i.e. ***"Stormwater Disposal and Sediment Control Plans" (Drawing ref 2981- S1 of 6:Ground floor Layout, -S2 of 6:Lower Ground floor,-S3 of 6:Basement Car park layout details, -S4 of 6:OSD Cross-sectional Details, -S5 of 6:Roof Plan, -S6 of 6:Storm Filter details), Revision "E" dated 01/03/2017*** prepared by Consulting Design and Inspection Engineers Pty Ltd (6 sheets) together with the notes and rectification as required address the issues (if any).

Inconsistency between the stormwater plan and architectural plans.

- The inconsistency (if any) between the stormwater plan and other plans shall be eliminated. The amendments made on one plan shall be incorporated into other plans as well.

- (b) A Site Storage Requirement of **190 m³/ha** and a Permissible Site Discharge of **280L/s/ha** (when using **3rd edition** of UPRCT's handbook) with the minimum storage capacity as shown by the OSD design Calculation summary sheet.
- (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 design adequacy of the OSD tank structure against the loads/forces including buoyancy forces.
- (e) Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the approved landscaping require prior approval from the council.
- (f) The OSD Detailed Design Submission (Form B9) and OSD Detailed Calculation Summary Sheets (from B1) are to be submitted with the documentation accompanying the construction certificate application.

A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method is to be shown on the plan.

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

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

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

Reason: To ensure satisfactory storm water disposal.

37. All washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from

the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

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

Reason: To enable future upgrading of electricity services.

39. 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.

40. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing numbers DS9 and DS10. Details must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

A Vehicle Crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

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

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

42. 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.

43. 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.

44. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

45. Foundations adjacent to a drainage easement are to be constructed in accordance with Council's Code "Foundation Requirements for Structures Adjacent to Council Stormwater Drainage Easements – Parramatta City Council Code E-3". The engineering details are to form part of the Construction Certificate documentation.

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

46. The grades of the driveway, including transitions, must comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the underside of the vehicles scraping. Details are to be provided with the application for a Construction Certificate.

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

47. As a part accomplishment of Water Sensitive Urban Design principles under section 3.3.6.1 of Parramatta City Council Development Control Plan 2011, the following pollution reduction and stormwater quality improvement measures shall be implemented in accordance with the stormwater plan. Special consideration shall be given to the consistency in the Hydraulic Grade line (HGL) at various critical points of each component.

- (a) All the surface pits at the basement car park shall be fitted with the filtration/screening basket fitted with the oil & grease-trapping pad of Enviropod make or equivalent that are capable of capturing sediments and spilled hydrocarbon.
- (b) Filtration system consisting of **at least Seven (7) numbers of 690mm** dia StormFilter cartridges (**Stormwater360** make or equivalent with demonstrated performance) that provide water quality flow (Filtration) rate of **8l/s** in normal condition,
- (c) The filter media shall be "**Phosphosorb**", or similar perlite based media that has demonstrated performance characteristics equivalent or better.
- (d) Filtration chamber of at least **10.3m³ (5.2mx2m=10.4m² area)** holding capacity,
- (e) The hydraulic head drop (head difference between the inlet invert level and the outlet tail water level) of at least **930mm** shall be maintained at any time/event. The water quality flow (filtration) rate of the filtration system shall be no less than **8l/s**. If the head drop or water quality flow (filtration) rate cannot be maintained additional cartridges shall be provided proportionately to maintain the designated flow rate.
- (f) The construction and installation of the filtration system shall be in accordance with the manufacturer's specification and instruction.

Reason: To ensure that the water quality management measures are implemented.

48. The driveway within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath/ nature strip at the property boundary and that joints are smooth, and no part of the concrete protrudes out. To prevent street stormwater spilling into the property through the driveway, the driveway surface should be graded such that it rises upward from kerb & gutter with the crest across the driveway at the property line, which should be at least **150mm** higher than the top of kerb.

Reason: To provide suitable vehicle access and smooth junction.

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

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

50. 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.

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

Reason: To ensure the creation of functional gardens.

52. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied of the following so as not to impact on the trees required to be retained. In order to reduce the impact on the root structure:

- (a) the stormwater plan prepared by Consulting Design and Inspection Engineers Pty Ltd dwg no. S1 of S6 Issue E dated 1 March 2017 is amended. No excavation is permitted within the following radius of the nominated tree(s):

Tree No.	Name	Common Name	Radius from the trunk
3	<i>Jacaranda mimosifolia</i>	Jacaranda	3.2 metres

- (b) The redirected sewerline must be installed by horizontal directional drilling. Machine excavation including trenching will not be permitted within the following radius of the nominated trees: The horizontal directional drilling bore will be a minimum of 800mm in depth. The pipeline should be installed with a minimum coverage of 800mm between natural ground level and the top of pipe.

Tree No.	Name	Common Name	Radius from the trunk
1	<i>Jacaranda mimosifolia</i>	Jacaranda	9.7 metres

2	<i>Melaleuca linarifolia</i>	Snow in Summber	3.2 metres
3	<i>Jacaranda mimosifolia</i>	Jacaranda	5.4 metres
4	<i>Eucalyptus paniculata</i>	Grey Ironbark	5.4 metres

Plans submitted with the Construction Certificate application must reflect the above requirements.

Reason: To ensure adequate protection of existing trees.

53. Plans submitted with the construction certificate must illustrate that the approved landscape plan referenced in condition incorporates the following change in plant species. The following species must be replaced:
- (a) The replacement of 2 x *Corymbia maculata* (Spotted Gum) at the northern boundary must be replaced with 2x *Backhousia myrtifolia* (Grey Myrtle), provided in 45L containers.

Reason: To ensure the restoration of the environmental amenity of the area.

54. Any blast walls provided to the substation located in the front setback along Burbang Crescent is to be no more than 1.8m in height and should be designed to screen the substation without impeding pedestrian movements along the driveway/roadway.

This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To protect the amenity of residents.

55. Any fencing proposed to the front property boundary along Burbang Crescent is to be no more than 1.2m in height in accordance with Clause 3.2.6 of Parramatta Development Control Plan 2011. Where noise attenuation or protection of amenity is required to be provided, a landscape screening shall be provided at the back of the front fence. Landscape species chosen should be designed to screen the fence without impeding pedestrian movements along the driveway/roadway.

This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To comply with Parramatta DCP and protect the privacy of residents.

Prior to Work Commencing

56. 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.

- 57. 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.

- 58. 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.

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

Reason: To ensure adequate toilet facilities are provided.

- 60. 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.

61. 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.

62. 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.

Stg 2 Construction and Traffic Management Plan

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

(a) Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

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

(b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

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

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

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

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

Stg 2 Road Opening Permits-DA's involv. drainage wrk

64. 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.

Stg 2 Dilapidation survey & report

65. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report. A copy of the dilapidation report must be submitted to Council.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

Note: This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

Stg 2 Geotechnical report

66. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
 - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
 - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
 - (d) The impact on groundwater levels in relation to the basement structure.
 - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order to 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.

Stg 2 Erosion and Sediment Control measures

- 67. 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.

Stg 2 Site Maintenance

68. 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.

Stg 2 Shoring and adequacy of adjoining property

69. 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.

Stg 2 Special Permits

70. 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.

Stg 2 Driveway Crossing Application

71. 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.

Stg 2 01 Existing Damage to public infrastructure

72. Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Council of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters, drainage pits, pipes etc. A dilapidation survey of Council's

assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of works. Failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs

Reason: To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development.

Stg 2 02 Diversion of Sewer pipeline from basem

73. The existing sewer line, which crosses the subject site over the proposed basement and cause conflict, shall be relocated away from the basement by employing appropriate measures in compliance with the requirements of Sydney Water.

Reason: To ensure elimination of conflict and compliance with the Sydney Water requirements.

74. Prior to the commencement of any demolition, excavation or construction works, tree protection measures shall be installed in accordance with the Australian Qualifications Framework (AQF) Level 5 arborist recommendations as outlined in the Arborist Report prepared by Redgum Horticultural Ref 1829 dated 12 June 2016 and all relevant conditions of this consent.

Tree No.	Species	Common Name	Current Location	Protection Method
1	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Arborist Report	Refer to Arborist Report
2	<i>Melaleuca linarifolia</i>	Snow in Summer	Refer to Arborist Report	Refer to Arborist Report
3	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Arborist Report	Refer to Arborist Report
4	<i>Eucalyptus paniculata</i>	Grey Ironbark	Refer to Arborist Report	Refer to Arborist Report
11	<i>Melaleuca quinquenervia</i>	Broad Leaved paperbark	Refer to Arborist Report	Refer to Arborist Report
15	<i>Bauhinia purpurea</i>	Butterfly Tree	Refer to Arborist Report	Refer to Arborist Report

Reason: To ensure the protection of the existing trees on the site.

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

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

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

During Work

76. 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.

77. 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.

Stg 2 Erosion & sediment control measures

78. 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.

Stg 2 Grated drain at base of the Driveway Ramp.

79. A **300mm** wide grated channel/trench drain with a heavy-duty removable galvanised steel grate shall be provided to the full width **at the end of the basement access ramp** to collect driveway runoff. The **grated/channel** drain shall be connected to the **basement pump-out tank** and shall have an outlet of minimum diameter **150mm** to prevent blockage by silt and debris.

Reason: Stormwater control & runoff management

Stg 2 Damage to public infrastructure

80. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

Reason: To protect public safety.

Stg 2 Construction of a concrete footpath

81. 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.

Stg 2 Car parking & driveways

82. Car parking area and internal accessways must be constructed, marked and signposted in accordance with AS2890.1 –2004 'Off Street Car Parking Facilities' prior to an Occupation Certificate being issued.

Reason: To ensure appropriate car parking.

Stg 2 Vehicle egress signs

83. Appropriate signage must be erected at the vehicle egress points to compel all vehicles to stop before proceeding onto the public way.

Reason: To ensure pedestrian safety.

Stg 2 Nomination of Engineering Works Supervisor

84. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

Reason: To ensure Council's assets are appropriately constructed.

Stg 201 Provision of Channel for Overland floodway

85. Overland flood entering the site from upstream Catchment shall be managed by construction of overland floodway consisting of floodway channel of **at least 3m** wide in accordance with the revision "**E**" of Drawing 2981 S1 of S6 ("**Stormwater Layout plan and Overland flow**") dated 01/03/2017 prepared by Consulting Design and Inspection Engineers Pty Ltd (6 sheets). The overland flow channel shall be capable of carrying the local overland flood of **1:100 year's** flood event to the satisfaction of **council's Civil Infrastructure Unit** with the following requirements
- a. the flow capacity of the channel shall be sufficient enough to accommodate the 1:100 year's **overland flow** flood that exceeds the carrying capacity of the proposed pipe or as required by the civil infrastructure unit..
 - b. a free board of at least 300mm above the flood level within the channel for the entrance walkway and the driveway. There should be a clearance of at least 100mm from the flood water level in the channel to the underneath/soffit of the walkway/driveway to allow free flow of water under the walkway/driveway.
 - c. The last pit Pit5 shall have large enough inlet capacity that is capable of collecting the all the overland flow running down the overland channel constructed within the drainage easement.

Upon completion of the work, relevant Work-As-Executed plan with the compliance certificate from a qualified practicing engineer shall be submitted to the satisfaction of council's Civil Infrastructure unit.

Reason: To ensure provision of floodway/ flood-flow channel and safe conveyance of the floodwater.

86. 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.

87. 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.

88. 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.

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

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

Reason: To prevent pollution of waterways.

90. 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.

91. No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5m of the trunk of a tree or within the drip line of any tree.

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

92. No excavation is to occur within the distance specified below:

Tree No.	Species	Common Name	Location	Distance from trunk
1	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Arborist Report	3.2 metres
2	<i>Melaleuca linarifolia</i>	Snow in Summer	Refer to Arborist Report	2.0 metres
3	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to Arborist Report	2.5 metres
4	<i>Eucalyptus paniculata</i>	Grey Ironbark	Refer to Arborist Report	2.5 metres

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

93. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

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

94. Trees to be removed are:

Tree No.	Species	Common Name	Location
5	<i>Corymbia maculata</i>	Spotted Gum	Refer to Arborist Report
6	<i>Eucalyptus robusta</i>	Swamp Mahogany	Refer to Arborist Report
8	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Refer to Arborist Report
9	<i>Melaleuca quinquenervia</i>	Broad Leaved paperbark	Refer to Arborist Report
10	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Refer to Arborist Report
12	<i>Pittosporum undulatum</i>	Native Daphne	Refer to Arborist Report
13	<i>Populus nigra 'Italica'</i>	Lombardy Poplar	Refer to Arborist Report
14	<i>Schefflera arboricola</i>	Dwarf Umbrella Tree	Refer to Arborist Report
16	<i>Callistemon citrinus</i>	Kings Park Bottlebrush	Refer to Arborist Report
17	<i>Callistemon citrinus</i>	Kings Park Bottlebrush	Refer to Arborist Report

Reason: To facilitate development.

95. 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.

Prior to the issue of an Occupation Certificate/Subdivision Certificate

96. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

Reason: To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

97. 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.

98. 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.

99. 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.737842M (as updated), will be complied with prior to occupation

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

100. 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.

101. 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.

102. 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.

103. 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.

104. 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.

Stg 2 Lot consolidation

105. 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.

Stg 2 Reinstatement of laybacks etc

106. 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.

Stg 2 Construction of a concrete footpath

107. 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.

Stg 2 Section 73 Certificate

108. 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.

Stg 2 Work-as-Executed Plan

109. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater

drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted

- a. Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- b. 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.
- c. The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- d. The "As-built" On-Site Detention (OSD) storage volumes are to be presented in a tabular form using the pyramid volume and prismatic volume calculation method.
- e. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B. Refer to UPRCT Handbook).
- f. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- g. Approved versus installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- h. Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.

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

Stg 2 #OSD Positive Covenant/Restriction

110. 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.

Stg 2 Street Numbering

111. 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.

Stg 2 Driveway Crossover

112. Prior to the issue of any Occupation Certificate, an application is required to be obtained from Council for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment.

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

The application for a driveway crossing requires the completion of the relevant application form and be accompanied by detailed plans showing, grades/levels and specifications that demonstrate compliance with Council's standards, without conflict with all internal finished surface levels. The detailed plan must be submitted to Council's Civil Assets Team for approval prior to commencement of the driveway crossing works. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

Reason: Pedestrian and Vehicle safety.

Stg 2 03 Post-construction dilapidation report

113. 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, infrastructure and roads. The report is to be submitted to the PCA. In

ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- (a) compare the post-construction **dilapidation** report with the pre-construction **dilapidation** report, and
- (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.
- (d) Forward a copy of the dilapidation report with the PCA's comparison and assessment review report to Council.

Reason: To establish the condition of adjoining properties prior building work and ensure any damage as a result of the construction works have been rectified.

Stg 2 01 Pos.Cov to maintain WaterTreatmentDevice

114. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the Water Quality improvement Devices and facilities installed on the lot. The positive covenant shall be created only upon completion of the system and certification by a qualified practicing engineer to the satisfaction of the Principal Certifying Authority.

Note: *The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.*

Reason: To ensure maintenance of on-site detention facilities

Stg 2 02 Pos Cov & Restrict for overland Flood

115. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner(s) with the requirement to maintain the floodway channel constructed the lot. The positive covenant and Restriction on the use of land shall be created upon completion of the **channel system** and certification by a qualified practicing engineer to the satisfaction of the Principal Certifying Authority. The following shall be incorporated:

- a. The instrument shall accompany a plan as annexure showing the layout of the channel with dimensions in accordance with the requirements of the Land and property information services (Department of Lands).
- b. The application shall accompany the Certificate of compliance from a qualified engineer and the Work-As-executed plan of for the constructed overland floodway channel section.

Note: *The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the **Overland Floodway Channel** system according to*

the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction. A sample copy of the terms should be obtained from council.

Reason: To ensure maintenance of the floodway channel facilities.

116. Prior to issue of the occupation certificate, the applicant shall enter into a commercial contract for the collection of trade wastes and recyclable materials arising from business operations on site. A copy of all-waste contracts and receipts shall be kept on site and made available to Council officers on request.

Reason: To comply with the Requirements of the Protection of the Environment Operations Act 1997 and Regulations.

117. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

Reason: Adequate ventilation to the waste storage room to prevent odour.

118. 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 18 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 that 10 year period.

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

119. 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.

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

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

121. Adequate ventilation to the waste storage room shall be provided in accordance with the requirements of the Building Code of Australia. Certification that the system functions in accordance with Australian Standard AS 1668 is to be provided to the certifying authority prior to occupation of the premises.

Reason: Odour control.

The Use of the Site

122. 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.

123. 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.

124. Any 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

125. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

Reason: To ensure restoration of environmental amenity.

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

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet;
- (e) The room shall be adequately ventilated (either natural or mechanical) in accordance with the Building Code of Australia.

Reason: To ensure provision of adequate waste storage arrangements

127. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure provision of adequate waste disposal arrangements.

Date: 19 April 2017
Responsible Officer: Deepa Randhawa