



Report to Sydney Central City Planning Panel

SWCCP reference	PPSSCC-409
DA No.	DA/905/2022
Date of receipt	16 November 2022
Proposal	Alterations and additions to existing school building (Block H) and the provision of signage. The application will be determined by the Sydney Central City Planning Panel
Street address	36 Alice Street, Harris Park
Property Description	Lot 1 DP 215951
Applicant	Robinson Urban Planning Pty Ltd
Owner	Maronite College of the Holy Family – Parramatta
Submissions	Nil
Conciliation Conference Held	Not Required
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (Industry and Employment) 2021• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011• City of Parramatta Council (Outside CBD) Development Contributions Plan 2021 (Amendment 1)
Recommendation	Approval
Council Officer	Darren Wan

Summary of Section 4.15 matters

Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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 summarised, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions?	No
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1. EXECUTIVE SUMMARY

This report considers a proposal for upgrade works at Maronite College of the Holy Family, comprising 'Alterations and additions to existing school building (Block H) and the provision of signage'.

The site is currently already in use as an Educational Establishment, is not subject to any significant site constraints. The amenity impacts on adjoining and nearby properties are considered reasonable based on the presence of existing non-residential uses in the immediate vicinity of the subject site, including a Place of Public Worship, as well as the main campus of the school. No submissions were received during the advertising period.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve a 18% variation to the building height control in Parramatta Local Environment Plan 2011, via Clause 4.6 of that plan; and
- Approve a 49% variation to the floor space ratio control in Parramatta Local Environmental Plan 2011, via Clause 4.6 of that plan;
- Approve the application, subject to the recommended conditions.

2. KEY ISSUES

- Building Height – Exceedance of the 13m Building Height Development Standard by 18% for a height of 15.35m.
- Floor Space Ratio – Exceedance of the 0.8:1 Floor Space Ratio Development Standard by 49% for a gross floor area of 1,244m².
- Material and Finishes Schedule – Conditioned to be amended for more consistency with the 'Area of National Significance'.

3. SITE CONTEXT

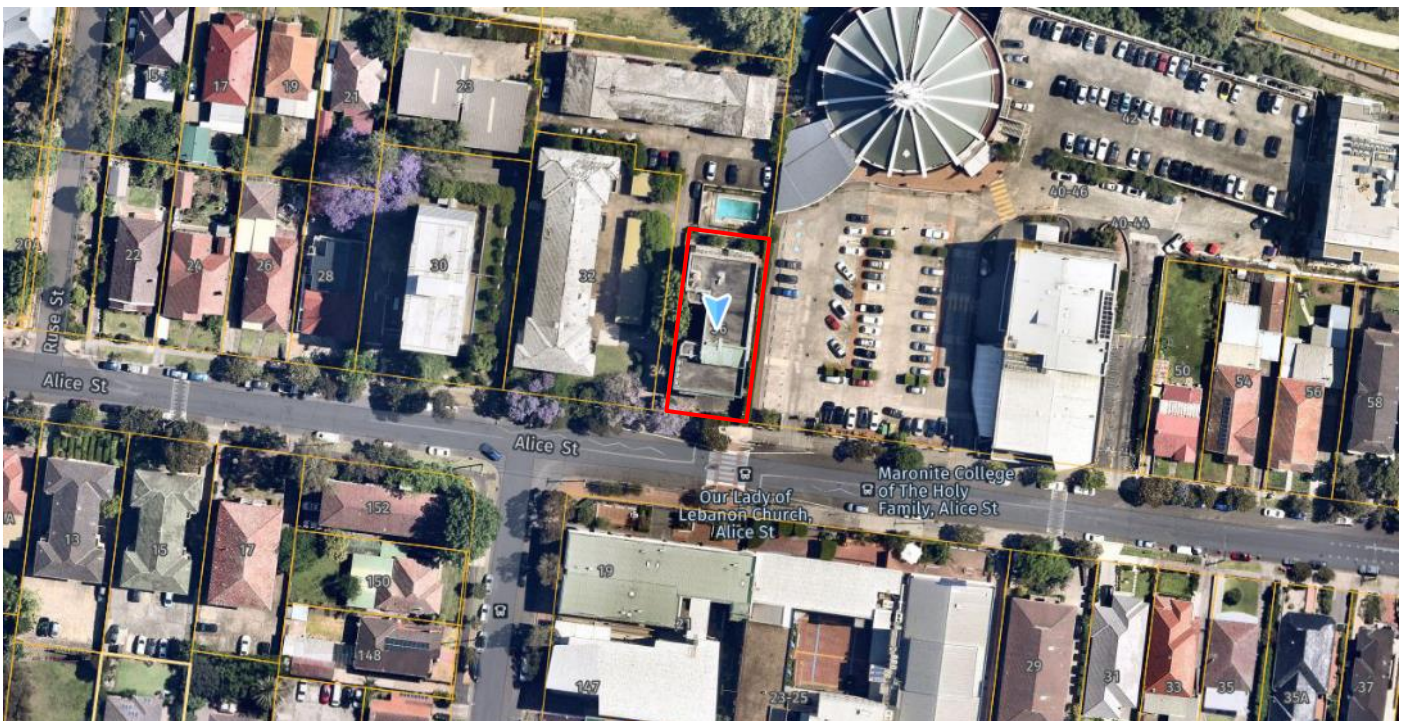


Figure 1: Aerial of the locality, with the subject site outlined in red.

4. SITE DESCRIPTION AND LOCATION

The subject site is known as 36 Alice Street, Harris Park. The current property description is Lot 1 DP 215951.

The subject site has a total area of approximately 763m² and contains an existing building utilised as part of a larger school known as the Maronite College of the Holy Family. The main campus of the school is located on the southern side of Alice Street.

The school is directly adjoined by the Our Lady of Lebanon Church to the east, and the greater locality comprises a mixture of low-density and high-density residential developments. Elizabeth Farm Reserve is located to the east of the school.

5. THE PROPOSAL

The proposal seeks alterations and additions to an existing school building on the subject site. Works will comprise:

Ground Floor:

- Demolition of ground floor internal and external walls
- Create ground floor covered/uncovered play area
- New building reception area with meeting rooms and new amenities
- Demolish existing fire stairs and replace with compliant set
- Infill existing void by constructing new lift, accessible toilets and corridor/storage space

Level 1 - 2

- Internal alterations comprising removal of non-structural walls and refurbishment of existing teaching spaces
- Infill existing void by constructing new lift, accessible toilets and corridor/storage space at each level
- Demolish existing fire stairs and replace with compliant set

Level 3

- Internal alterations comprising removal of non-structural walls and refurbishment of existing teaching spaces
- Infill existing void by constructing new lift, accessible toilets and corridor/storage space at each level
- Demolish existing fire stairs and replace with compliant set
- Create new outdoor learning space on current non-trafficable roof space

Roof

- Relocate plant and air-conditioning units currently located on non-trafficable roof on Level 3 to the roof

External articulation works:

- New external building treatment such as cladding, box windows etc to create visual interest

Fencing and landscape works

- Make good existing boundary fencing
- New pedestrian entries into the site and walking paths
- New landscaping to the front and rear boundary setbacks

Signage

- New school signage to the east elevation, comprising:
 - School crest – prefabricated panel 950mm x 1340mm
 - School name – acrylic backlit 3D lettering 2000mm x 500mm + 2000mm x 140mm.

Note: The DA is for works only and there is no change proposed to the existing student and staff population or the current operating hours of the College.

6. PUBLIC NOTIFICATION

The notification period was between 25 November 2022 and 16 December 2022 in accordance with Council's Notification Procedures. No submissions were received during or after the notification period.

7. REFERRALS

Any matters arising from internal/external referrals not dealt with by conditions	No
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8. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	No
Are submission requirements within the Regulations satisfied?	Yes

9. CONSIDERATION OF SEPPS

Key issues arising from evaluation against SEPPs	None - A detailed assessment is provided at Attachment A .
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10. PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The following table is a summary assessment against PLEP2011. A detailed evaluation is provided at **Attachment A**.

Table 1: LEP compliance

Control	Comment
Zones	R4 High Density Residential
Definition	The proposal retains the use of the subject site as an <i>Educational Establishment</i> .
Permitted or prohibited development	'Educational Establishment' is permitted with consent within the R4 High Density Residential zone.
Principal development standards	Non-compliance - Building Height. The maximum building height development standard is 13m and the proposed development will result in a maximum height of 15.35m, an 18% departure from the development standard. Non-compliance – Floor space Ratio. The maximum floor space ratio development standard is 0.8:1 and the proposed development will retain the gross floor area of the existing building (1,244m ² or 1.63:1), a 49% departure from the development standard. A request under clause 4.6 has been provided for the variation of both development standards and is supported.
Miscellaneous provisions	All relevant provisions satisfied
Additional local provisions	All relevant provisions satisfied

11. PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

Table 2: DCP compliance

Control	Comment
3.4.2 Access for people with Disabilities	Consistent
4.3.2 Harris Park Strategic Precinct	Consistent
5.3 Other Provisions – Educational Establishments	Consistent

12. RESPONSE TO SWCPP BRIEFING MINUTES

The Panel was briefed on 23 February 2023. The following matters were raised and addressed below:

1. Variation to Development Standards. Clause 4.6 submitted.

The Clause 4.6 Variation Statements for both Building Height and Floor Space Ratio were assessed and deemed satisfactory. Details are provided under **Attachment A** below.

2. Council's Heritage Advisor questioned proximity of subject site to Heritage Items.

Council's Heritage Advisor acknowledges that the subject site is not identified as an item of Heritage significance nor is it located within a Heritage Conservation Area. However, PDCP2011 identifies the site as a 'Area of National Significance' precinct.

In that regard, Council's Heritage Advisor was satisfied with the proposed development subject to the imposition of a condition of consent requiring an amendment to the Material and Finishes Schedule to be consistent with the existing school located on the southern side of Alice Street.

3. Panel notes potential for incorporation of sustainability measures and initiatives.

The development has incorporated sustainability measures in accordance with Principle 2, provided under Schedule 8 of *SEPP (Transport and Infrastructure) 2021*. Details are provided under **Attachment A** below.

13. CONCLUSION

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

14. RECOMMENDATION

- A. That the Sydney Central City Planning Panel approve the variations to the Building Height control in Clause 4.3 and Floor Space Ratio control in Clause 4.4 of Parramatta LEP 2011, being satisfied that the applicants written request has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone; and
- B. That pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979 the Sydney Central City Planning Panel grant consent to Development Application DA/905/2022 subject to the conditions in **Attachment B**.



ATTACHMENT A – PLANNING ASSESSMENT

**SWCCP reference
DA No.**

PPSSCC-409
DA/905/2022

1. ENVIRONMENTAL PLANNING INSTRUMENTS

Compliance with the relevant instruments is addressed below:

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4: REMEDIATION OF LAND

- ☒ *A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;*
- ☒ *Historic aerial photographs were used to investigate the history of uses on the site;*
- ☒ *A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;*
- ☒ *A search of public authority databases did not include the property as contaminated;*
- ☒ *The Statement of Environmental Effects states that the property is not contaminated.*

The existing use of the subject site is an Educational Establishment. The applicant has provided a Hazardous Building Materials Survey, which recommended disposal procedures for the demolition waste. The application was referred to Council's Environmental Health Officer who raised no objection to the proposal subject to the imposition of conditions of consent.

Therefore, in accordance with Clause 4.6 of the SEPP, the subject site is suitable for the continued use as an Educational Establishment.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021 – CHAPTER 2: VEGETATION IN NON-RURAL AREAS

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal does not seek any tree removal; however, the application was assessed by Council's Tree and Landscape Officer who recommended the removal of a Jacaranda and a Hinoki Cypress tree to facilitate the development.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 – CHAPTER 3 ADVERTISING AND SIGNAGE

The provisions of State Environmental Planning Policy (Industry and Employment) apply to the site. As per Clause 3.4 of the SEPP, the provisions of this policy are considered to be relevant to this proposal.

The proposal includes 2 total signs. Both signs will be for school identification purposes only and will both be illuminated.

The proposed signage has been assessed against the provisions under Schedule 5 – Assessment Criteria of the SEPP and is considered to be satisfactory as shown below.

SCHEDULE 1 – ASSESSMENT CRITERIA	
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the desired future character of the area and will match the signage already existing at the main campus of the school.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	As discussed, the signage will match the signage already existing at the main campus of the school.
2 Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed scheme does not detract from the amenity or visual quality of the surrounding area.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No important views are obscured or compromised.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage will not dominate the skyline, with only 2 total signs proposed on the eastern and southern elevation of the building.
Does the proposal respect the viewing rights of other advertisers?	No viewing rights of other advertisers is compromised.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is of a scale and extent that maintains the character and amenity values of the area and is consistent with that of the main campus of the school.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The design, location and size of the proposed signage will complement the surrounding streetscape setting. The signage is consistent in terms of colour scheme with that of the school.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not replace any existing signage.
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any structures or tree canopies in the area or locality.
Does the proposal require ongoing vegetation management?	The signage will not require any ongoing vegetation maintenance.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is of a scale, compatible with the proposed building.
Does the proposal respect important features of the site or building, or both?	The design and display of the proposed signage is complementary to the site and overall design of the building.

Does the proposal show innovation and imagination in its relationship to the site or building, or both	The proposal will ensure effective identification of the building as a school.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Proposed lighting is discreet and integrated with the overall design of the sign.
7 Illumination	
Would illumination result in unacceptable glare?	The proposal will not result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination will not affect the safety of pedestrians, vehicles and aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination is generally east and south facing, with no illuminated signage proposed to the residential units to the west or north.
Can the intensity of illumination be adjusted, if necessary?	The proposed signage will be backlit and is not considered necessary to be adjusted.
Is the illumination subject to a curfew?	The proposed signage will be backlit and is not considered necessary to be subject to a curfew.
8 Safety	
Would the proposal reduce the safety for any public road?	Each proposed sign is located wholly on the subject site. Road safety will not be reduced.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal will not affect pedestrian or cyclist safety.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Each proposed sign is located wholly on the subject site. Sightlines from public areas will not be obscured.

Having regard to the aims and objectives, and Schedule 5 of the SEPP, the proposal can be supported as it has satisfied Clause 3.6 of the SEPP.

Based on the above assessment the proposed signage is considered to be satisfactory, having regard to the aims and objectives as well as the Assessment Criteria of SEPP (Industry and Employment) 2021 – Chapter 3.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 3: EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES

Part 3.4 – Schools – specific development controls	
Control	Compliance
3.35 Development for the Purpose of campus student accommodation (1) Despite section 3.34(2), development for the purposes of campus student accommodation may be carried out by a person with development consent on land within the boundaries of the school. (2) Development consent must not be granted if the development involves the subdivision of land. (3) Development consent must not be granted unless the consent authority has considered the design quality of the development, evaluated in accordance with the design quality principles set out in Schedule 8. (4) For the purposes of subsection (3), a reference in Schedule 8 to a school is taken to include a reference to campus student accommodation.	N/A – the proposal does not seek approval for any student accommodation.

3.36 School – Development permitted with consent (1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	Yes – the subject site is located within the R4 High Density Residential zone, which is a prescribed zone under Clause 3.34 of the SEPP.
3.36 School – Development permitted with consent (6) Before determining a development application for development of a kind referred to in subclause (1)..., the consent authority must take into consideration – a) The design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 8, and b) Whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.	Yes – Please refer to discussion below. School facility not proposed to be shared with the community.
<p>Principle 1 – Context, Built Form and Landscape Although not a heritage item itself, the school is located in an area identified as ‘Area of National Significance’. In that regard, the design of the building - whilst generally considered to complement the character of the surrounding locality - requires an amended Materials and Finishes Schedule to be consistent with the existing exposed brickwork. In addition, the condition requires that colours and materials remain subtle.</p> <p>Principle 2 – Sustainable, Efficient and Durable The sustainability and durability of the proposal has been ingrained in the following design principles:</p> <ul style="list-style-type: none"> • Waste management to ensure construction waste is recycled • Increased outside air rates for air conditioning, plus well-designed supply and return air locations and CO2 monitoring and control • Design to provide high levels of daylight and external views • Good acoustic design • Selection of materials with low toxicity (carpet, paint, adhesives, composite wood products) • Lighting design with appropriate light levels, well zoned, efficient external lighting and high frequency ballasts • Detailed energy and water sub-metering system • Sensors for all back of house areas • Low flow amenity fittings • Concrete and steel with high-recycled content from appropriate sources • Flooring, joinery, and loose furniture with good environmental attributes • Building fabric designed to be thermally efficient to reduce mechanical loads • Introduction of high performing glazing in accordance with requirements • Covered pathways provide shading and reduces heat loads to the classrooms <p>Principle 3 – Accessible and Inclusive The purpose of the proposed development is to upgrade the existing school to achieve better accessibility by incorporating the lift. The development includes the provision of new concrete footpaths that provide level access between the building and the street.</p> <p>An Access Report has been provided by the applicant which details the compliance of the development with the relevant requirements of the BCA and has been reviewed and endorsed by Council’s Accessibility Officer.</p> <p>Principle 4 – Health and Safety The new building has been designed to optimise supervision and will be managed in accordance with the existing school.</p> <p>Principle 5 – Amenity The proposal not only seeks to construct the building but will also improve upon the surrounding areas around the subject site. The proposal will upgrade landscaping and provide new areas for seating and gathering that are shaded and protected from the elements.</p>	

Principle 6 – Whole of Life, Flexible and Adaptive

The proposed building facilitates upgraded learning areas that are required by the school.

Principle 7 – Aesthetics

It is considered that the building has been well designed and is aesthetically pleasing. However, as discussed under Principle 1, a condition has been imposed to retain the exposed brick facade.

3.36 School – Development permitted with consent

(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.

Noted – The provisions of Parramatta DCP 2011 has not been applied to this development. This has been discussed in the table further on in this report.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

Development standard	Compliance
Height of Buildings Allowable = 13m Proposed = 15.35m	No, Variation Sought – Please refer to the Section 4.6 discussion below.
Floor Space Ratio Allowable = 0.8:1 (610m ²) Proposed = 1.63:1 (1,244m ²)	No, Variation Sought – Please refer to the Section 4.6 discussion below.
Development on land intended to be acquired for public purposes	The proposal is not identified on the map.
Architectural roof features	An architectural roof feature is not proposed.
Development below mean high water mark	The proposal is not for the development of land that is covered by tidal waters.
Heritage Conservation	<p>Yes – The site itself is not a Heritage Item, nor is it within a Heritage Conservation Area.</p> <p>However, the site is located within an area identified as an 'Area of National Significance' in the DCP that needs consideration of the development and its impact on the surround heritage values of the area.</p> <p>The application was referred to Council's Heritage Advisor who raised no objections, subject to imposition of a condition of consent.</p>
Acid sulphate soils	Yes – An Acid Sulphate Soils Management plan is not required to be prepared.
Flood planning	The site is not identified by Council as being flood prone.
Exceptions to development standards	Yes – The proposal seeks to vary Clause 4.3 and Clause 4.4 in regard to Building Height and Floor Space Ratio respectively. Please see discussion below.

Clause 4.6 Exceptions to Development Standards

Building Height

The proposal seeks to exceed the 13m Building Height development standard by 2.35m (18% variation).

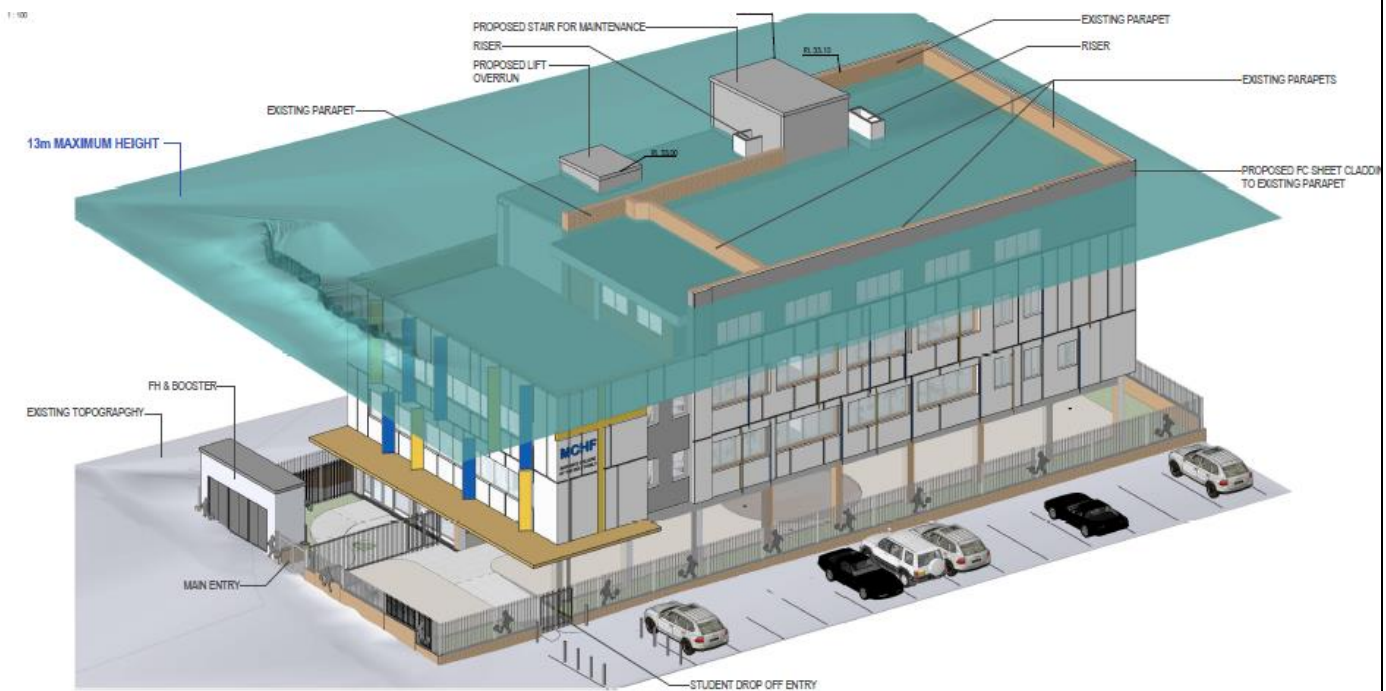


Figure 2: 3D Plane study of the proposed building, showing the extent of non-compliance. The grey areas are the new lift and stair overrun whilst the brown area show that the existing building has parapets already exceed the height control.

The applicant has submitted a written request seeking variation to the maximum building height prescribed by Clause 4.3, as required by Clause 4.6 of the PLEP2011. Clause 4.6(2) provides that in certain circumstances, consent ...*may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

The objectives of Clause 4.6 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.*

Clause 4.6(3) prescribes

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The written request from the applicant seeks a variation to the development for the following reasons:

- The proposal is consistent with the objectives of the development standard as provided in Clause 4.3 of PLEP2011.
- The proposal retains the height of the existing main roof form, with the further exceedance triggered by the lift overrun and the maintenance stairs.
- The height variation will not cause adverse impacts to the built environment given the centred nature of the exceedance.

- The proposed height variation is not out of character for the area, as there are existing and approved buildings within the surrounding locality that also exceed the building height control.

In consideration of the variation to Clause 4.3 of the PLEP2011, the following is noted:

- The non-compliant elements of the building are located away from the street elevation so it cannot be seen from public areas.
- The building height variation does not result in overshadowing or otherwise adverse impacts to surrounding neighbours or usable spaces within the school.
- It is acknowledged that the existing building is already in exceedance of the building height control.

Floor Space Ratio

The proposal seeks to exceed the 0.8:1 FSR development standard by 636.6m² (49% variation).

The applicant has submitted a written request seeking variation to the maximum FSR prescribed by Clause 4.4, as required by Clause 4.6 of the PLEP2011.

The written request from the applicant seeks a variation to the development for the following reasons:

- The proposal is consistent with the objectives of the development standard as provided in Clause 4.4 of PLEP2011.
- The proposed building will have the same gross floor area as the existing building. No further exceedance is proposed.
- The FSR variation will not cause adverse impacts to in regard to bulk and scale or streetscape impacts.

In consideration of the variation to Clause 4.4 of the PLEP2011, the following is noted:

- The FSR will largely be contained within the existing building footprint.
- The FSR variation does not facilitate a bulkier building which would not have adverse amenity impacts on adjoining neighbours.
- It is acknowledged that the existing building is already in exceedance of the FSR control.

Planner's Discussion

The Clause 4.6 statement and justification was considered against the following cases:

1. Wehbe v Pittwater Council [2007] NSW LEC 827

Wehbe requires that the applicant must argue, and the consent authority must be satisfied, that compliance with the development standard is unreasonable or unnecessary with the following test:

Compliance with the development standard is reasonable or unnecessary because

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- (b) the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
- (c) the underlying objective of purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
- (d) the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or
- (e) "the zoning or particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would be unreasonable or necessary"

The objectives of Clause 4.3 of PLEP2011 are:

- a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
- b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

- c) *to require the height of future buildings to have regard to heritage sites and their settings,*
- d) *to ensure the preservation of historic views,*
- e) *to reinforce and respect the existing character and scale of low density residential areas,*
- f) *to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

In consideration of objective (a) and (c), the proposal generally retains the existing built form presentation of the building to the street and is considered compatible in regard to the surrounding area and the heritage values of the 'Area of National Significance'.

In consideration of objective (b), the location of the non-compliance is central to the building and does not cause impacts to any adjoining properties in regard to overshadowing, loss of privacy, or visual impacts.

In consideration of objective (d), the non-compliance does not impact upon the historic views identified in Harris Park.

In consideration of objective (e), the subject site is located in land zoned R4 High Density Residential.

In consideration of objective (f), the subject site is not located in a commercial centre.

The objectives of Clause 4.4 of PLEP2011 are:

- a) *to regulate density of development and generation of vehicular and pedestrian traffic,*
- b) *to provide a transition in built form and land use intensity within the area covered by this Plan,*
- c) *to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- d) *to reinforce and respect the existing character and scale of low density residential areas.*

In consideration of objective (a), the proposal maintains the existing density on the subject site. The proposal also does not seek any intensification of the existing school use on the site.

In consideration of objective (b) and (c), the proposal generally retains the existing built form presentation of the building to the street and is considered compatible in regard to the surrounding area and the heritage values of the 'Area of National Significance'.

In consideration of objective (d), the subject site is located in land zoned R4 High Density Residential.

Therefore, Council considers that the development satisfies the objective of both Clause 4.3 and Clause 4.4 of PLEP2011.

2. Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245 and Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61

Al Maha provides that the consent authority (or Commission in that instance) "*had to be satisfied that there were proper planning grounds to warrant the grant of consent, and that the contravention was justified*" [21].

Baron elaborates on *Al Maha* in that "*the consent authority's consideration of the applicant's written request, required under cl 4.6(3), is to evaluate whether the request has demonstrated the achievement of the outcomes that are the matters in cl 4.6(3)(a) and (b). Only if the request does demonstrate the achievement of these outcomes will the request have "adequately addressed the matters required to be demonstrated" by cl. 4.6(3), being the requirement in cl. 4.6(4)(a)(i) about which the consent authority must be satisfied. The request cannot "adequately" address the matters required to be demonstrated by cl 4.6(3) if it does not in fact demonstrate the matter*" [78].

In this instance, Council is satisfied that applicant's Clause 4.6 Statement adequately addresses the matters in Clause 4.6(3) of the PLEP2011. It has provided a suitable argument as to why the standard is unreasonable and unnecessary in this case and demonstrates sufficient environmental planning grounds to justify contravening the Height of Building development standard and Floor Space Ratio development standard.

2. DEVELOPMENT CONTROL PLANS

In accordance with Clause 3.36(9) of *SEPP (Transport and Infrastructure) 2021 – Chapter 3: Educational Establishments and Child Care Facilities*, the provisions of the DCP specifically relating to schools are not applicable.

However, for assessment purposes, the general controls have been assessed below.

Control	Compliance	Discussion
3.4.2 Access for People with Disabilities	Yes	<p>The purpose of the proposed development is to upgrade the existing school to achieve better accessibility by incorporating the lift. The development also includes the provision of new concrete footpaths that provide level access between the building and the street.</p> <p>An Access Report has been provided by the applicant which details the compliance of the development with the relevant requirements of the BCA and has been reviewed and endorsed by Council's Accessibility Officer.</p>
4.3.2 Harris Park Strategic Precinct	Yes	<p>The provisions of the Harris Park Strategic Precinct generally apply to new buildings. As this proposal seeks alterations and additions to an existing building, many of the controls are not relevant.</p> <p>However, as discussed prior, the subject site is also located in the 'Area of National Significance'. In that regard, the finish of the building must not adversely affect the heritage significance of the area.</p> <p>A condition of consent has been imposed that requires an amended Materials and Finishes Schedule to be consistent with the existing exposed brickwork. In addition, the condition requires that colours and materials remain subtle.</p> <p>With the imposition of the condition, the development is considered to satisfy the requirements of the Area of National Significance.</p>
5.3 Other Provisions – Educational Establishments		
5.3.3.2 Bulk and Scale	Yes	The proposal seeks to alterations and additions to an existing building. Therefore, the bulk and scale of the building will generally remain consistent with the existing character.
5.3.3.3 Acoustic Privacy	Yes	The proposal is for works only and no changes to the existing and approved operation of the school is approved.
5.3.3.4 Open Space Areas	N/A	This control only relates to the development of new educational establishments.
5.3.3.5 Traffic, Parking and Access	Yes	The proposal does not generate additional traffic, as the existing number of student/staff will be retained. The application was reviewed by Council's Traffic Engineer with no objections raised.
5.3.3.6 Operational Plan of Management	Yes	The proposal is for works only and no changes to the existing and approved operation of the school is approved.

3. REFERRALS

Internal Referrals	Comment
Development Engineer	Supported subject to conditions
Traffic	Supported subject to conditions
Landscape	Supported subject to conditions.
EHO	Supported subject to conditions.
Access	Supported subject to conditions.
External Referrals	Comments
No External Referrals Required	

4. PUBLIC CONSULTATION

The application was notified in accordance with Council's notification procedures contained within the Parramatta Consolidated Notification Procedures. In response, no unique submissions were received.

Conciliation Conference

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Not Required

As the application received no unique submissions during the formal notification period, a Conciliation Conference was not required to be held.

5. DEVELOPMENT CONTRIBUTIONS

The development would not require the payment of contributions in accordance with *City of Parramatta (Outside CBD) Development Contributions Plan 2021 (Amendment No.1)*.

The calculation is based on the GFA of the development. As the proposed alterations and additions will retain the GFA of the existing building, there will be no net population increase.

The proposal is for works only and no additional students/staff are proposed. Therefore, a Contribution Fee is not required to be paid.

6. BONDS

In accordance with Council's Schedule of Fees and Charges for this financial year, 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. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

7. EP&A REGULATION 2021

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



**CITY OF
PARRAMATTA**

ATTACHMENT B – DRAFT CONDITIONS OF CONSENT

DRAFT CONDITIONS OF CONSENT

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

Development Consent No.: DA/905/2022
Property Address: LOT 1 DP 215951
36 Alice Street, HARRIS PARK NSW 2150

PART A – GENERAL CONDITIONS

PA0001 #Approved Plans & Support Doc(DIEP Mandatory Cond)

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings (Project No. 21082)

Drawing No.	Issue	Plan Title	Dated
001	H	Site Plan	03/11/2022
008	H	Demolition Plan – Ground Floor & Level 1	20/02/2023
009	H	Demolition Plan – Level 2 & Level 3	03/11/2022
010	C	Demolition – Roof Level	03/11/2022
100	J	Proposed Plan – Ground & Level 1	20/02/2023
101	I	Proposed Plan – Level 2 & Level 3	03/11/2022
102	I	Proposed Plan – Roof Level	03/11/2022
106	J	Proposed Elevations	20/02/2023
107	H	Proposed Sections	03/11/2022
115	D	Signage and Fence Details	20/02/2023

Civil Drawings/Stormwater (Project No. 22011)

Drawing No.	Issue	Plan Title	Dated
C01	A	Ground Floor Concept Stormwater Drainage Service	05/10/2022
C02	A	Level 1 Concept Stormwater Drainage Service	05/10/2022
C03	A	Level 2 Concept Stormwater Drainage Service	05/10/2022
C04	A	Level 3 Concept Stormwater Drainage Service	05/10/2022
C05	A	Roof Concept Stormwater Drainage Service	05/10/2022

Landscape Drawings (Project No. 2522058)

Page No.	Issue	Plan Title	Dated
3	01	Site Analysis	Oct 22
4	01	Ground Floor Plan	Oct 22
5	01	Ground Floor Ceiling Plan – Future Works	Oct 22
6-7	01	Planting Plan	Oct 22
8	01	Planting Schedule	Oct 22
9	01	Planting Palette	Oct 22
10	01	Character Images	Oct 22

11-12	01	Typical Details	Oct 22
13-14	01	Maintenance Plan	Oct 22

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Statement of Environmental Effects	22011	-	Robinson Urban Planning Pty Ltd	17/10/2022
Section J Report	22848	2	Partners Energy Pty Ltd	28/09/2022
Hazmat Survey	212475.00	0	Douglas Partners Pty Ltd	02/06/2022
Access Report	22123-DA	1	Access-I Pty Ltd	27/06/2022
BCA Report	11887	3	AE&D Group Pty Ltd	17/10/2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

Note: An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

PA0003 Construction Certificate

2. 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.

PA0004 No encroachment on Council and/or Adjoining proper

3. 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.

PA0011 #Demolition of Buildings

4. Approval is granted for the partial demolition of the existing 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 469 of the Work Health and Safety Regulation 2017.
- (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) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste.
- (i) 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".
- (j) Demolition is to be completed within 5 days of commencement.
- (k) 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.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) 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.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) 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.
- (q) 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.

PA0013 LSL Payment Const> \$250,000 (DIEP Mandatory Cond)

5. Before the issue of a Construction Certificate, the applicant is to ensure that the person liable pays the Long Service Levy of 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST) or as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the Certifier.

Note: The Long Service Levy is to be paid directly to the **Long Service Corporation** at www.longservice.nsw.gov.au. For more information, please contact the Levy support team on 13 14 41.

Reason: To ensure that the Long Service Levy is paid.

PA0014 #Payment of Security deposits(DIEP Mandatory Cond)

6. Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the certifier:

Bond Type	Amount
Nature Strip and Roadway:	\$25,750.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

Note: 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/905/2022
- (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.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and 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.

EPA0062 Soil and Water Management – Stockpiles

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

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

EPA0063 Nuisance Lighting

8. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light

overspill. All lighting shall comply with the Interim Australian Standard DR AS/NZS 4282:2018 The Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of the surrounding neighbourhood from the emission of light.

EPA0068 Erosion and Sediment Control Measures

9. 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.

EPA0069 Erosion and Sediment Control - Run Off

10. 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.

LA0002#Demolition & tree removal (Delete N/A Councils)

11. Trees equal to or greater than five (5) metres in height, which are protected under City of Parramatta Council Development Control Plan 2011 (Part 5.4 Preservation of Trees or Vegetation), must not be removed or damaged without Council consent.

Reason: To preserve existing landscape features.

PART B – BEFORE 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.)

PB0030Infrastructure & Restoration Adm. fee for all DAs

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

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

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

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

PB0053Construct. Site Manage. Plan (DIEP Mandatory Cond)

13. Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:
- location and materials for protective fencing and hoardings to the perimeter on the site
 - provisions for public safety
 - pedestrian and vehicular site access points and construction activity zones
 - details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
 - protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
 - details of any bulk earthworks to be carried out
 - location of site storage areas and sheds
 - equipment used to carry out all works
 - a garbage container with a tight-fitting lid
 - dust, noise and vibration control measures

- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction

PB0055Waste Management Plan (DIEP Mandatory Cond)

14. Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:
- (a) Council's Waste Management Development Control Plan
 - OR**
 - (b) Details the following:
 - the contact details of the person(s) removing the waste
 - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

Reason: To ensure resource recovery is promoted and local amenity protected during construction.

PBNSC Non-standard - Prior to the issue of a CC

15. Prior to the issue of the Construction Certificate, an amended Materials and Finishes Schedule is to be provided to the satisfaction of Council, showing the building being predominantly exposed brick, with the exception of articulations such as blades and awnings.

The selection of colours and materials must remain subtle.

Reason: To ensure compliance with the requirements of the Area of National Significance.

DB0001 Stormwater Disposal

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

Reason: To ensure satisfactory stormwater disposal.

DB0003 Sydney Water Quick check

17. 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.

DB0004 Dial Before you Dig Service

18. 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.

DB0008 Certification of existing drainage system

19. A registered plumber is to certify the condition and functionality of the existing stormwater system as outlined in AS 3500.3 – Stormwater Drainage - 2003.

Reason: To ensure satisfactory storm water disposal.

DB0021 Impact on Existing Utility Installations

20. Where work is likely to disturb or impact upon 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.

LB0003#Tree Retention

21. Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied the footings of the proposed structure will be designed so as not to impact on the trees required to be retained. In order to reduce the impact on the root structure, isolated piers or pier and beam construction is to be used within the following radius of the nominated tree(s):

Tree No.	Name	Common Name	Radius from the trunk
3-6	<i>Syzygium spp</i>	Lilly Pilly	2.0m

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

Reason: To ensure adequate protection of existing trees.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

BC0001 Toilet facilities on site

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

Reason: To ensure adequate toilet facilities are provided.

PC0001 #Appointment of PCA

23. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- 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
- 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.

PC0002 Enclosure of the site

24. 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.

PC0003 Site Sign

25. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2021 detailing:

- Unauthorised entry of the work site is prohibited;
- The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- The name, address and telephone number of the Principal Certifying Authority;
- The development consent approved construction hours;

- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

PC0005 Public liability insurance

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

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

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

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

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

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

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

DC0002 Road Opening Permits - DA's involving drainage wrk

27. 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.

DC0006 Erosion and Sediment Control measures

28. 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.

DC0007 Site Maintenance

29. 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.

DC0009 Special Permits

30. 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.

LC0004 Protective fencing

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

Reason: To protect the environmental amenity of the area.

LC0006 Pruning/works on tree(s)

32. 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.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

PD0001 Copy of development consent

33. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

Reason: To ensure compliance with this consent.

PD0003 Dust Control

34. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

PD0004 Materials on footpath

35. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath,

nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

Reason: To ensure pedestrian access.

PD0006 Hours of work and noise (DPIE Mandatory Condition)

36. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 5pm on Monday to Friday
- 8am to 5pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

Reason: To protect the amenity of the surrounding area.

PD0007 Complaints register

37. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

Reason: To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

PD0008 Construction Noise (DPIE Mandatory Cond)

38. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

PD0010 Survey Report

39. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

- (a) All footings/ foundations
- (b) At other stages of construction – any marks that are required by the principal certifier

Reason: To ensure buildings are sited and positioned in the approved location.

PD0020 Building Work Compliance BCA (DIEP Mandatory Cond)

40. 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.

PD0022 Uncover Relics/Aboriginal Obj(DPIE Mandatory Cond)

41. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

DD0001 Drainage to existing system

42. Stormwater from all new impervious areas, and subsoil drainage systems, must be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

Reason: To ensure satisfactory stormwater disposal.

DD0005 Erosion & sediment control measures

43. 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.

DD0006 Damage to public infrastructure

44. 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.

EPD0001 Dust Control

45. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

EWD0003 Waste data file maintained

46. 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.

EWD0004 Hazardous/intractable waste disposed of in accor.

47. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework 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; NSW EPA Waste Classification Guidelines.

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.

EWD0005 General requirements for liquid and solid waste

48. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

Reason: To prevent pollution of the environment.

LD0004 Material storage and trees

49. 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.

LD0006#Excavation to be supervised by arborist

50. All excavation within 2.0 m of *Syzygium spp* (Lilly Pilly), located at neighbouring property, left side boundary line is to be supervised by an Australian Qualifications Framework (AQF) Level 3 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist.

Once the work is completed a written report detailing the remedial work undertaken is to be forwarded to the Principal Certifying Authority.

Reason: To provided adequate protection of trees.

LD0009 Planting Requirements

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

Reason: To ensure appropriate landscaping.

LD0011 Tree Removal

52. Trees to be removed are:

Tree No.	Species	Common Name	Location
1	<i>Jacaranda mimosifolia</i>	Jacaranda	Front left corner
2	<i>Chamaecyparis obtusa</i>	Hinoki Cypress	Front left corner

Reason: To facilitate development.

LD0013 Removal of trees by an arborist

53. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and undertaken in accordance with the Code of Practice for Amenity Tree Industry 1998.

Reason: To ensure tree works are carried out safely.

TD0001 Road Occupancy Permit

54. 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.

TD0002 Oversize vehicles using local roads

55. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal) prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**BE0001 Record of inspections carried out**

56. 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 statutory requirements.

PE0001 Occupation Certificate

57. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

LE0002 Cert.Auth.Arrange Qualified Landscape Arch.(multi)

58. 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.

PART F – OCCUPATION AND ONGOING USE**EWF0003 Remove putrescible waste at sufficient frequency**

59. 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.

EWF0005 Management of waste storage facilities

60. All waste storage areas are to be maintained in a clean and tidy condition at all times.

Reason: To ensure the ongoing management of waste storage areas.

EWF0006 Storage of bins between collection periods

61. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

Reason: To ensure waste is adequately stored within the premises.

PF0004 External Plant/Air-conditioning noise levels

62. 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.

PF0049 Graffiti Management

63. 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.

PF0054 Release of Securities/Bonds (DIEP Mandatory Cond)

64. When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held in accordance with City of Parramatta Schedule of Fees and Charges 2022/2023.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.



**CITY OF
PARRAMATTA**

ATTACHMENT C – CLAUSE 4.6 VARIATION STATEMENT