

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC- 415
<b>DA Number</b>	<b>127/2015/C</b> PAN-290665
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	<p>Section 4.55(2) Modification to DA/127/2015 for staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a childcare centre, ancillary services with associated basement car parking, drainage and landscaping works.</p> <p>The modification seeks to amend the unit mix and layout of the Independent Living Units within Buildings C, D and E including associated amendments to the facades, additional basement level, landscaping and building height. The modification also proposes a pool to be located centrally within the site. The application also seeks to amend the staging of the development, with approved Stages 2 and 3 consolidated into a single stage.</p>
<b>Street Address</b>	1 Caroline Street, Westmead
<b>Property Description</b>	Lot 10 DP 1264860
<b>Applicant Owner</b>	Uniting (NSW.ACT) The Uniting Church in Australia Property Trust
<b>Date of Lodgement</b>	11 January 2023
<b>Number of Submissions</b>	2 unique submissions
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	General Development >\$30 million Section 4.55 (2) – Modifications with a further increase to a development standard.
<b>List of All Relevant s4.15 Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment (EP&amp;A) Act 1979</li> <li>• EP&amp;A Regulations 2021</li> <li>• State Environmental Planning Policy (BASIX) 2004</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2007</li> <li>• State Environmental Planning Policy (State Regional Development) 2011</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• SEPP (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) (2021)</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide (ADG)</li> <li>• State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004 (Repealed)</li> <li>• Parramatta Local Environmental Plan 2011</li> <li>• Parramatta Development Control Plan 2023</li> </ul>
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Attachment A – Assessment Report</li> <li>• Attachment B – Modified Conditions of Consent</li> </ul>

<b>Clause 4.6 Requests</b>	N/A
<b>Report Prepared By</b>	Denise Fernandez, Senior Development Assessment Officer
<b>Report Date</b>	7 August 2023

#### **Summary of S4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### **Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

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

#### **Clause 4.6 Exceptions to development standards**

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

#### **Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### **Conditions**

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

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

# EXECUTIVE SUMMARY

## 1. Summary

This report considers a modification to an approved development for a staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units, a childcare centre, ancillary services with associated basement car parking, drainage and landscaping works.

The modification seeks to amend the unit mix and layout of the Independent Living Units within Buildings C, D and E including associated amendments to the facades, additional basement level, landscaping and building height. The modification also proposes a pool to be located centrally within the site. The application also seeks to amend the staging of the development, with approved Stages 2 and 3 consolidated into a single stage.

As a result of the modification, there are changes to the height and FSR which breach the current maximum standard for the site. The impacts of these changes are discussed within a merit assessment found elsewhere in this report. Notably, the changes to the height and FSR are indiscernible at street level and in this regard, are satisfactory.

Despite the proposed changes, the development is substantially the same as that under the parent approval.

The amenity impacts on adjoining and nearby properties are reasonable based on the high-density character of the area and the built forms envisaged by the planning controls. It is considered that the proposed increase in traffic would not compromise the function of the local road network.

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 the modification application, subject to modifications to the conditions of consent.

## 2. Key Issues

<b>Height</b>	Under the parent approval, the maximum height (Building A/1) was 24.85m. The current modification application seeks to increase the height of Building C/3, D/4 and E/5. The maximum height sought is to Building E/5 which is 24.2m
<b>FSR</b>	Under the parent approval, the development was approved with a FSR of 2.17:1. The maximum FSR for the site pursuant to the Seniors SEPP is 2.2:1. The modified FSR subject of this modification application is 2.21:1.

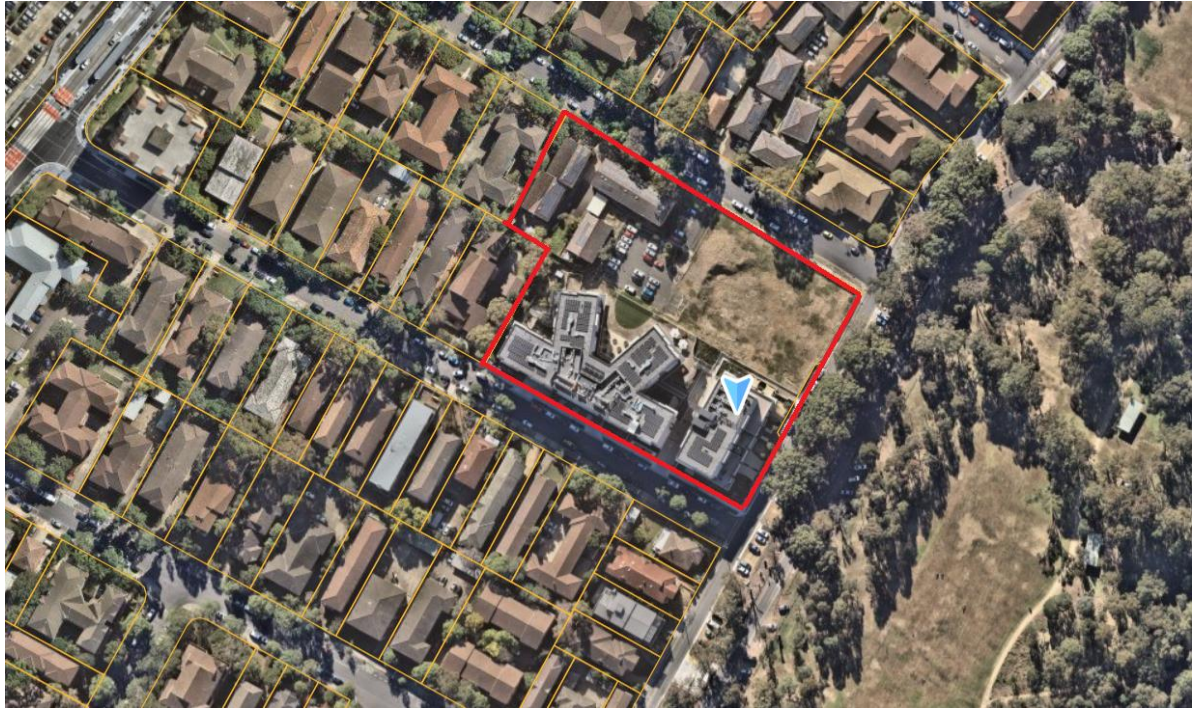
## 3. Background and Site Context

### 3.1 Site location and description

The subject site is known as Lot 10 in DP 1264860. The site is an irregular shaped allotment with 3 street frontages. The frontage at Helen Street is 141.28 metres, the frontage at Park Avenue is 101.135 metres and the Caroline Street frontage is 121.43 metres. The site has an area of 1.35ha. The subject site has a fall of approximately 7 metres from the west to the east.

Stage 1 of DA/127/2015, comprising the residential aged care facility (RACF), Building A and B of the Independent Living Units (ILUs), childcare centre and ancillary services, has been completed and is currently fully operational.

The properties opposite the site to the north are predominantly 2 or 3 storey residential flat buildings. A single storey dwelling is located directly opposite the site. The developments to the south are a mixture of two, three and 4 storey residential flat buildings. The sites to the west are also a mixture of 3 and 4 storey RFB's. The site is directly opposite Parramatta Park to the east.



**Figure 1:** Aerial photograph of subject site and surrounds. Subject site outlined in red. (Source: Nearmaps)

### 3.2 Zoning

The site is zoned R4 High Density Residential pursuant to Parramatta Local Environmental Plan 2023. See Zoning Map below.



**Figure 3. Zoning Map - Subject site marked in yellow dotted line.**

### 3.3 Related Applications

The table below provides details of existing approvals relating to the site.

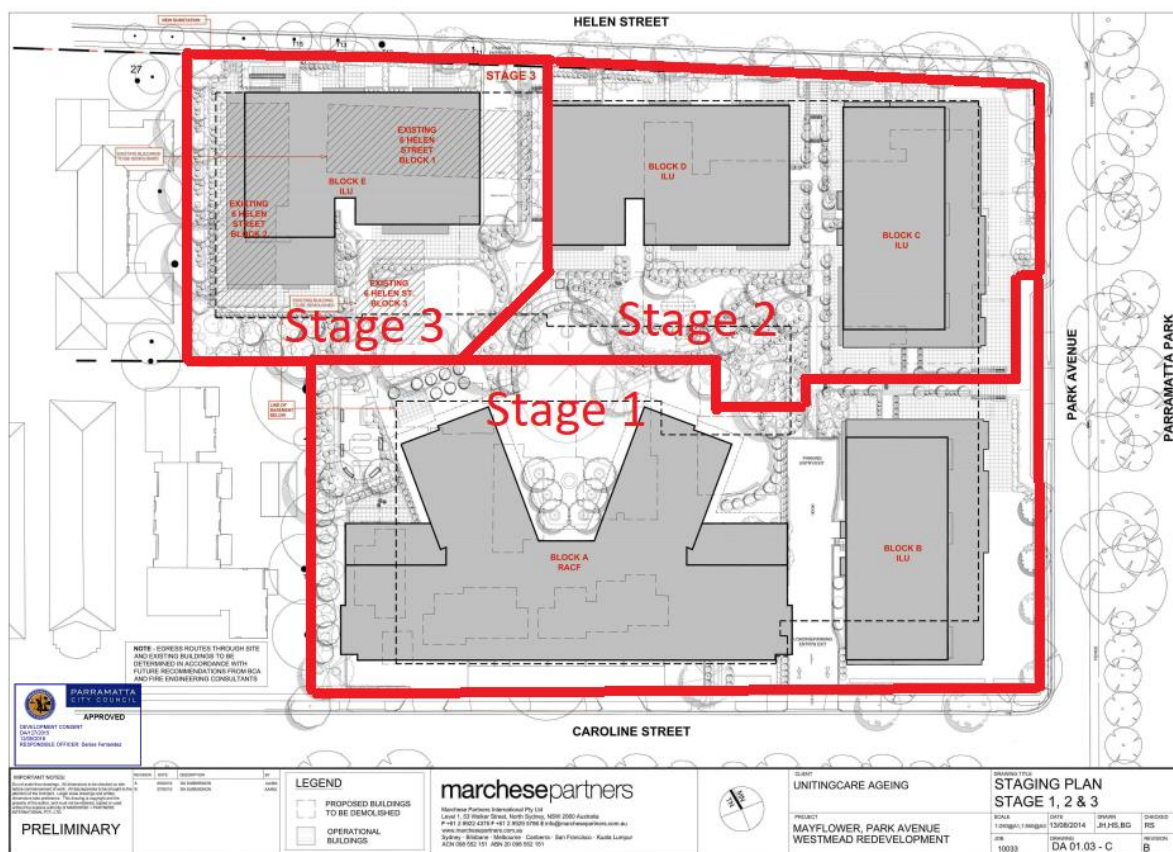
Development Application	Description
PL/119/2014	Pre-Lodgement advice was provided on 15 October 2014 for the redevelopment of an existing seniors living site (Mayflower).
DA/127/2015	<p>DA/127/2015 was approved on 27 April 2016 for Staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a child care centre, ancillary services with associated basement car parking, drainage and landscaping works.</p> <p>The application was determined by the Sydney West Joint Regional Planning Panel.</p> <p>The current modification application relates to DA/127/2015.</p>
DA/127/2015/A	<p>DA/127/2015/A was approved on 1 December 2017 for Section 96(1A) modification application to an approved staged development of 5 buildings containing a residential aged care facility and independent living units, a child care centre, ancillary services with associated basement car parking. The proposed modifications relates only to Block A and B and includes:</p> <ul style="list-style-type: none"> <li>- internal floor reconfiguration of both Block A and B;</li> <li>- conversion of respite rooms to ILU;</li> <li>- changes to roof top communal open spaces and access;</li> <li>- minor changes to landscaping; and</li> <li>- revised waste management strategy.</li> </ul> <p>The application was determined under delegation.</p>
DA/353/2018	DA/353/2018 was approved on 26 September 2018 for the alterations and additions to an approved childcare centre and a seniors living

	development including an increase in the number of children up to 75 and two additional ILU's respectively as well as reconfiguration of car parking, associated landscaping and a pedestrian bridge link.  The application was determined under delegation.
DA/298/2020	DA/298/2020 was approved on 31 July 2020 for construction of identification and wayfinding signage for the residential aged care facility and early learning centre on the site.  The application was determined under delegation.
PL/49/2022	PL/49/2022 was lodged for pre lodgement advice for modification of DA/127/2015 for staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units (Uniting Mayflower) pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a child care centre, ancillary services with associated basement car parking, drainage and landscaping works.  The modification is to amend the design. Also, the construction of a pool as a new DA is proposed.
DA/127/2015/B	DA/127/2015/A was approved on 4 August 2022 for Section 4.55(1A) modification application to an approved staged development of 5 buildings containing a residential aged care facility and independent living units, a child care centre, ancillary services with associated basement car parking. The proposed modifications relate to condition No. 29 and No. 126 which concerns the issuing and releasing of bonds associated with the protection of Council's civil assets.  The application was determined under delegation.
PL/49/2022	PL/49/2022 organised a pre-lodgement meeting on 15 June 2022 for a potential modification to an approved residential aged care facility that includes changes to the design of the development, and a construction of an indoor pool.

#### 4. The Proposal

The modified works relate to the development originally identified as being within Stage 2 and 3. It is noted that the modification application also seeks to combine the works within Stage 2 and 3. The following is an image of the former staged works approved under the original application.





**Figure 4.** Staging Plan approved under parent application.

In summary the application comprises the following modifications:

- Amendment of the overall staging of the development, from three stages to two stages;
- Buildings are to be renamed from previously Building C, D and E to Building 3, 4 and 5 and unit numbers amended in line with this change;
- Changes to the unit mix for Building 3, 4 and 5 (inclusive);
- Carparking, traffic and internal planning amendments to basement levels One and Two;
- Extension of Basement Two from Building 4 to Building 5;
- Carparking Bays are to be amended in line with the other changes proposed to the basement;
- Driveway Ramp between Building 4 and 5 relocated and redesigned in line with other carparking changes;
- Covered walkway proposed to connect Building 4 and Building 5;
- Substation enlarged, due to authority requirements;
- Minor floor level amendments which result in minor increases in total building height;
- Updates to the Façades to reflect the changes to the Unit mixes (coordination with internal planning amendments to awning, balconies and windows) as well as to the materials and colour schedule;
- Stair extension to access Roof Level for maintenance purposes;
- Roof Level amendments relating to the addition of mechanical louvres, coordination of roof services, relocation of skylights to accord with unit changes, and updates to the lift motor room and stairs;
- The inclusion of a covered walkway from Building 5 ground floor to connect to Building 1, as well as between Building 3 to Building 4 and Building 2 to Building 5, Building 5 entry and letter boxes awning;
- The update the basement OSD Tank footprint and ground level service access added;
- The inclusion of a lift for accessible access to the pool; and

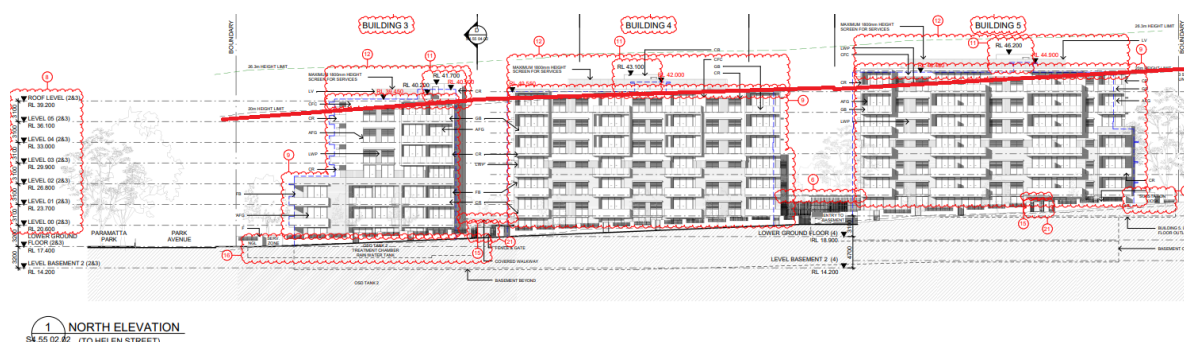
- Provision of an indoor pool on site under the Village Green for use by the residents which result in minor increases in overall gross floor area.

As a result of the above modifications, the following numerical changes to the development have also changed.

- Revision of the overall height of Building C (3) from 23.5m to 23.9m, Building D (4) from 23.1m to 23.38m and Building E (5) from 22.6m to 24.2m.
- Increase in the overall FSR of the development from 2.18:1 to 2.21:1.
- Minor reduction in the amount of deep soil from 1932.32m<sup>2</sup> to 1918m<sup>2</sup>
- Changes in the unit mix that increases the number of 3-bedroom units and reduces the number of 2-bedroom units.



**Figure 5:** Approved Building Heights of Building C, D and E (or 3, 4 and 5) under DA/127/2015



**Figure 6:** Proposed Building Heights of Building 3, 4 and 5 under DA/127/2015/C

For clarity, the changes to the numerical compliance of the development across all applications pertaining to the approved works are as follows:

	Original	DA/127/2015/A	DA/353/2018	DA/127/2015/B	DA/127/2015/C
<b>Height</b>	Building A – Max. RL46.5 (24.85m) Building E – Max. RL45.10 (22.6m)	Building A – Max. RL43.2 (21.55m) Building E – No change	Building A – No change Building E – No change	Building A – No change Building E – No change	Building A – No change Building E – Max. RL46.2 (24.2m)
<b>FSR</b>	2.17:1 (29,394m <sup>2</sup> )	2.19:1 (29,730m <sup>2</sup> )	2.18:1 (29,635m <sup>2</sup> )	No change	2.22:1 (30,014m <sup>2</sup> )
<b>Common Open Space</b>	3415m <sup>2</sup> (25% of the site)	3253m <sup>2</sup> (24%)	No change	No change	No change
<b>Deep Soil</b>	1932.32m <sup>2</sup> (14% of the site)	No change	No change	No change	1918m <sup>2</sup> (13%)



<b>Landscaped Area</b>	3137.65m2 (23%)	No change	No change	No change	No change
<b>Unit Mix</b>	70 x 1bdr 155 x 2bdr 2 x 3bdr	69 x 1bdr 138 x 2bdr 26 x 3bdr	No change	No change	61 x 1bdr 101 x 2bdr 61 x 3bdr
<b>Parking</b>	287	284	292	No change	292

A comprehensive, detailed list of all the changes to the development are as follows:

S4.55 DESIGN AMENDMENTS		DESIGN CHANGES		
NO.	DESCRIPTION	Building 3	Building 4	Building 5
1	CARPARKING & TRAFFIC, INTERNAL PLANNING AMENDMENTS TO BASEMENT 1 & 2	<ul style="list-style-type: none"> <li>- Car parking bays rearranged and relocated to suit new structural columns location based on above internal planning and allow for traffic circulation</li> <li>- Relocation of Lift and stair cores due to internal planning and unit mix changes for Building 3,4,5</li> <li>- Garbage room relocated and resized</li> <li>- Relocation of MDF &amp; MDB room and resized to allow safety zone, doors relocated</li> <li>- Accessible toilet included</li> <li>- Store room relocated and resized</li> </ul>	<ul style="list-style-type: none"> <li>- Garbage room relocated and resized</li> <li>- Relocation of MDF &amp; MDB room and resized to allow safety zone, doors relocated</li> <li>- Driveway ramp removed relocated to Building 5</li> </ul>	<ul style="list-style-type: none"> <li>- Relocation of garbage room from Basement 1 to Basement 2 and resized</li> <li>- Relocation of MDF &amp; MSB room and resized to allow safety zone, doors relocated</li> <li>- Accessible toilet included</li> <li>- Existing store relocated and additional store rooms included</li> <li>- Basement 1 footprint amendments</li> <li>- Basement 1 western retaining wall cutback to suit new basement design</li> <li>- Driveway ramp access added to Building 5 up from Basement 2 to Basement 1</li> <li>- New door and ramp access from Basement 1 carpark to Pool</li> </ul>
2	EXTENSION OF BASEMENT 2			<ul style="list-style-type: none"> <li>- Extension of basement from building 4 to 5 (basement footprint amendments)</li> <li>- Lift &amp; Fire stair extended to Basement 2</li> <li>- Accessible toilet, Assisted living and Store room included</li> <li>- Additional structural columns added to suit current layout</li> <li>- Services coordination</li> <li>- Additional carparking bays &amp; storage allocation</li> <li>- Driveway ramped access up to Building 5</li> <li>- Basement 1 added</li> <li>- Slab falls under Building 4 adjustment, FS04 extended to RL14.200</li> </ul>
3	CARPARKING BAYS AMENDMENTS	Total carparking bays updated accordance to new parking arrangement		
4	BUILDINGS RENAMED	Formally named Building C,D,E current amended to Building 3,4,5		
5	DRIVEWAY RAMP AMENDMENT	Driveway ramp between Building 4 and 5 relocated, ramp redesign to suit carparking layout		
6	BUILDING 4 & 5 CONNECTION	Covered walkway connected between Building 4 to Building 5		
7	SUBSTATION RELOCATION	Substation enlarged		

8	MINOR FLOOR LEVEL AMENDMENTS	LEVEL00, RL20.90 to RL20.60 LEVEL01, RL23.90 to RL23.70 LEVEL02, RL27.00 to RL26.80 LEVEL03, RL30.00 to RL39.90 LEVEL 04 REMAINED LEVEL05, RL36.00 to RL36.10 LEVEL RF, RL39.00 to RL39.20	LEVEL LG, RL18.90 REMAINED LEVEL00, RL21.90 to RL22.00 LEVEL01, RL24.90 to RL25.10 LEVEL02, RL27.90 to RL28.20 LEVEL03, RL30.90 to RL31.30 LEVEL 04, RL33.90 to RL34.40 LEVEL05, RL37.00 to RL37.50 LEVEL RF, RL40.10 to RL40.60	LEVEL LG, RL18.40 to RL18.90 LEVEL00, RL21.90 to RL22.00 LEVEL01, RL24.90 to RL25.10 LEVEL02, RL27.90 to RL28.20 LEVEL03, RL30.90 to RL31.30 LEVEL 04, RL34.00 to RL34.40 LEVEL05, RL37.00 to RL37.50 LEVEL06, RL40.00 to RL40.60 LEVEL RF, RL43.00 to RL43.70
9	FAÇADE COORDINATION WITH INTERNAL PLANNING AMENDMENTS (AWNING, BALCONES & WINDOWS)	- Façade envelope and articulation design to follow revised unit mix and internal layouts. - Revised external materials. Refer to Elevations for updates - Relocation of Lift and stair cores due to internal planning and unit mix changes for Building 3,4,5 and travel distance requirements. - Relocation of services cupboards and rises to follow revised unit mix and internal layouts. - Garbage room relocated and resized to include services risers - Fire stair cores resized and redesign to allow for headroom clearances and fire escape routes on Ground Level - Balconies, windows and awning updated accordance to new apartment layouts - Removal of Façade pops out at South and west		
		- Level 1 connection to Building 5, external & corridor wall updated to suit - Bay window to western façade for solar access		- Ground connection to Building 4, external & corridor wall updated to suit
10	ILU PRODUCT MIX AMENDMENTS. REFER TO UNIT MIX SCHEDULE	All internal layouts revised, unit mix amendments to Building 3,4,5. Refer to floor plans and schedules for updates		
11	STAIR EXTENDED TO ACCESS ROOF LEVEL	All fire egress stairs extended to Roof for maintenance purposes		
12	ROOF LEVEL AMENDMENTS	Mechanical louvres added, Roof services coordinated, Roof building footprint & hobs updated, Skylights relocated accordance to apartment layout changes, Lift motor room & Stairs roof updated		
13	FINISHES PANEL BOARD UPDATES	Façade materials added.		
14	UNIT NUMBER AMENDMENTS	All unit number amended to numbering order without alphabet prefix		
15	COVERED WALKWAY	Fully covered walkway from Building 5 Ground floor connect to Building 1, covered walkway between Building 3 to Building 4 and Building 2 to Building 3, Building 5 Entry and Letter boxes awning. Refer floor plans for location.		
16	OSD TANK AMENDMENTS	Basement OSD tank footprint update and Ground Level services access added		
17	COURTYARD/POOL LIFT	Pool lift added for accessible access to the pool.		
18	POOL IN COURTYARD	Enclosed pool in courtyard under the Village Green for residents' amenity.		
19	SWALE TO WESTERN BOUNDARY	Diversion swale along the western boundary of the site.		
20	FOOTPATH AMENDMENT	1.8m footpath along Helen Street.		
21	ENTRY GATE RELOCATION	ENTRY GATES TO BUILDING 3, 4 & 5 RELOCATED TO PROVIDE SECURE ACCESS TO MAILBOXES		

Note: The number of units contained within Buildings C/3, D/4 and E/5 total 153 units. The remaining 70 units are located within Buildings A/1 and B/2 which are not part of the current modification application. However, the assessment report refers to compliance for the overall (i.e. 223 units) development.

#### 4.1 Application Assessment History

Date	Comment
11 January 2023	Application lodged.
23 January 2023 to 14 February 2023	21-day advertising of the application
22 February 2023	Sent applicant RFI regarding comments from Council's Urban Design, Universal Access Officer and Development Engineer
6 March 2023	Applicant requests extension of time to submit additional information until COB 29 March 2023.
9 March 2023	Council sent applicant confirmation agreeing to the extension of time to submit additional information
23 March 2023	SCCPP Kick Off Briefing Meeting
29 March 2023	Additional information submitted in response to SCCPP Briefing issues.
24 April 2023	Sent applicant RFI regarding comments from Council's Waste Management and Environmental Health (Acoustic and Contamination).
1 May 2023	Sent applicant RFI regarding comments from Council's Urban Design
2 May 2023	Applicant requests extension of time to submit additional information until COB 3 July 2023.
4 May 2023	Council sent applicant confirmation agreeing to the extension of time to submit additional information
29 June 2023	Additional information submitted to Council.

## 5. Assessment Under Section 4.55

Have the works been completed?

No

Has the consent lapsed?

**No** – Had physical works not commenced, the consent would have lapsed on 12 May 2023. However, physical works have commenced on the approved development subject of DA/127/2015. As such, the consent remains valid.

### 5.1 Assessment of Section 4.55(2)

Notwithstanding the changes to the overall height and FSR of the approved development, the aged care facility is substantially the same development. The proposal as amended results in improved services and an enhanced facility with negligible amenity impacts within and external the site. A detailed assessment of the considerations under Section 4.55(2) is located within **Attachment A**.

## 6. Public Notification

Notification Period: 23 January 2023 to 14 February 2023

Submissions received: 2 submissions.

Issues raised in submissions: Construction works, substantially the same development, character, bulk and scale, streetscape, acoustic impacts and overlooking.

These submissions are discussed in further detail in **Attachment A**.

## 7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions. A detailed assessment is provided at **Attachment A**.

Yes

## 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

Yes - A detailed assessment is provided at **Attachment A**.

## 10. Parramatta Local Environmental Plan 2013

LEP Section	Comment or Non-Compliances
Part 1 – Preliminary	• Consistent

Part 2 – Permitted or Prohibited Development	<ul style="list-style-type: none"> <li>• Permissible in the zone</li> <li>• Consistent with zone objectives</li> </ul>
Part 3 – Exempt & Complying Development	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>
Part 4 – Principal Development Standards	<ul style="list-style-type: none"> <li>• Variations, but meets objectives</li> </ul>
Part 5 – Miscellaneous Provisions	<ul style="list-style-type: none"> <li>• Relevant provisions satisfied</li> </ul>
Part 6 – Additional Local Provisions	<ul style="list-style-type: none"> <li>• Complies</li> </ul>

## 11. Parramatta Development Control Plan 2013

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

DCP Section	Comment or Non-Compliances
Part 3 – Development Principles	<ul style="list-style-type: none"> <li>• Consistent</li> </ul>
Part 4 – Special Precincts	<ul style="list-style-type: none"> <li>• Consistent</li> </ul>

## 12. Response to Panel Briefing Minutes

The application was considered at a SCCPP Kick Off Briefing Meeting held on 23 March 2023.

The Panel Chair provided the following with regards to the proposal:

- *The Chair questioned the extent of the building height increase for Building E and requested the Applicant's response to Council's RFI clearly outline the reason for variation in building height and include the provision of plan (s) that demonstrate the extent of the building height intrusion and modification to the originally approved design.*

**Council Response:** The applicant provided additional information on 29 March 2023 in response to the above concern raised by the Panel Chair.

## 13. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The modification application is recommended for approval subject to conditions (as amended) contained within Attachment A.

## 14. Recommendation

**That** the Sydney Central City Planning Panel approve the application DA/127/2015/C subject to conditions (as amended) contained within the Assessment Report.

## ATTACHMENT A - PLANNING ASSESSMENT

<b>SCCPP Reference:</b>	PPSSCC- 387
<b>DA No:</b>	DA/653/2022 PAN-246114
<b>Address:</b>	246-250 Beecroft Road EPPING NSW 2121

### 1. Assessment under Section 4.55 (2)

This Attachment assesses the relevant matters for consideration under Section 4.55 (2) of the Environmental Planning and Assessment Act.

#### 1.1 Assessment of Section 4.55 (2)

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent, as modified, would result in a development that is substantially the same as the original development. See further assessment below.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The consent, as modified, would result in a development that is substantially the same as the original development. See further assessment below.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	The modification was notified in accordance with the relevant development control plan.
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	Two submissions were received. The issues raised in these submissions are addressed elsewhere in the report.
In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	An assessment against the relevant matters contained within s4.15 are addressed further in this report.



## 1.2 Assessment of whether the proposal is substantially the same

In considering whether the development is substantially the same, the applicant bears the onus of satisfying the consent authority that the modified development is substantially the same as the original development (*Vacik Pty Ltd v Penrith City Council*, unreported, 24 February 1992). In this judgement, Stein J states that it is not appropriate to simply say that the nature of the development, in this case the use of the site as a residential flat building, as amended would be the same use and therefore substantially the same development. Stein J goes on to say that it is necessary to consider whether the proposed modified development would be essentially or materially or having the same essence as that which had been originally approved. These comments are reiterated in **Trinvass Pty Ltd v The Council of the City of Sydney [2018] NSWLEC 77**.

Bignold J in his decision in *Moto Projects No 2 Pty Limited v North Sydney Council* [1999] 106 LGERA 298, states that:

*“The requisite factual finding obviously requires a comparison between the development, as currently approved, and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is “essentially or materially” the same as the (currently) approved development.*

*The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where that comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being compared in their proper contexts (including the circumstances in which the development consent was granted).”*

As such, an assessment of the proposed modified development to determine if substantially the same as the original development requires an assessment of the quantitative and qualitative impacts of the modified proposal.

### Quantitative Assessment

The amended development proposes an increase in development height by a maximum of 1.6m for Building E/5 (ie. 24.2m). The approved height for Building E/5 is 22.6m. The maximum height for the site is 20m. It is noted that the maximum height approved under the parent application was 24.85m (for Building A/1 – not subject of this modification). The modification equates to a 21% departure from the standard.

The changes to height are due to stair core/lift overrun and the roof screening of these elements and the rationalising of the floor-to-floor height as part of the design development and to address the requirements of the new Design and Building Practitioners Act at the Construction Certificate stage. The incremental changes to each floor also allow the provision of services with a 100mm void between each floor.

The modifications also seek to redesign and reconfigure the internal floor area of apartment units which results in a reduction in the number of units (from 233 to 223) and a modification to the unit mix (a decrease in 2-bedroom units but an increase in 3 bedroom units). These modifications have also required a minor increase in GFA from 29,635m<sup>2</sup> to 30,014m<sup>2</sup> which amends the FSR from 2.18:1 to 2.21:1.

The change to the FSR relates to the inclusion of an indoor pool and its enclosure of this amenity within the approved development.

Notwithstanding the changes, the amended proposal retains an appropriate unit mix, as well as compliant car parking spaces within the basement levels. The amendments also include minor changes to the Common Open Space and deep soil.

The modifications have been reviewed by Council's Traffic Engineer, Urban Design and Development Engineer and no objections have been raised on the grounds of traffic, landscaping, design or engineering.

### Qualitative Assessment

The reconfiguration of the internal floor layout and apartment units, COS, changes to the basement, GFA and height do not in this instance result in significant changes to bulk and scale that would otherwise be noticeable on a pedestrian level. These changes also do not result in additional adverse impacts to adjoining neighbours.

Also, despite the changes to the height and FSR, there is no increase in the density of the overall development. The number of units have been reduced to create an improved residential facility and user experience for the residents and visitors of the development.

### Conclusion

Based on the above assessment, the modified development is substantially the same as the original approved development as the development is materially the same in terms of use, intensity, and environmental impacts.

## 2. Environmental Planning Instruments

### 2.1 Clause 275 Environmental Planning and Assessment Regulation 2021

This clause also refers to *Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents* published on the NSW planning portal on 30 June 2020.

The instructions notes that:

*A council is not to determine an application under section 4.55(2) of the Act to modify a development consent granted by a regional panel if the application:*

- proposes amendments to a condition of development consent recommended in the council assessment report but which was amended by the panel, or*
- proposes amendments to a condition of development consent that was not included in the council assessment report but which was added by the panel, or*
- meets the criteria relating to conflict of interest, contentious development or departure from development standards set out in Schedule 1 to this instruction*

As the subject modifications departs from the maximum FSR for the site as well as increasing the departure to the height standard approved on a portion of the development, the subject modification application is referred to the SCCPP for determination.

### 2.1 SEPP (PLANNING SYSTEMS) 2021

#### Clause 2.19 Declaration of regionally significant development

The original development (as Seniors Housing with a residential care facility) had a capital investment value greater than \$20 million. This application is captured by Part 2.4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

### 2.3 SEPP (BIODIVERSITY AND CONSERVATION) 2021

SEPP Section	Comment
Chapter 2 Vegetation in non-rural areas	Council's Landscape Officer raised no objections to the rearrangement of landscape elements. It is noted that no

	additional tree removal is required under the subject modification application.
<b>Chapter 6 Bushland in urban areas</b>	The site does not contain any bushland to be protected and no vegetation removal is required as part of this modification application.
<b>Chapter 10 Sydney Harbour Catchment</b>	The subject modifications do not impact the original assessment of the provisions under this Chapter. Council's Development Engineer has reviewed the modifications and raised no objections to the proposal, subject to amendments to conditions of consent.

## 2.4 SEPP (RESILIENCE AND HAZARDS) 2021

SEPP Section	Comment
<b>Chapter 2 Coastal Management</b>	Not applicable. The site is not located in a coastal area.
<b>Chapter 3 Hazardous and Offensive Development</b>	Not applicable. The original approval did not involve any hazardous or offensive industries.
<b>Chapter 4 Remediation of Land</b>	<p>The potential contamination of the subject site and an assessment against the provisions of the then SEPP 55 – Remediation of Land (applicable SEPP at the time of the parent DA) was undertaken as part of the parent application. The findings of the DSI and Soil Management Plan concluded that the site could be made suitable for the seniors housing, childcare centre and ancillary facilities. Appropriate conditions of consent were imposed to ensure that the original development complied with the recommendations of the report to make the suitable.</p> <p>It is noted that under PL/49/2022, Council requested that an updated DSI be submitted for any changes to the approved works under Stage 2 and Stage 3. Accordingly, a Phase 2 Detailed Site Investigation and a Remedial Action Plan was submitted with the application that covers the works under Stage 2 and Stage 3 and any additional works subject of the current modification application.</p> <p>It is noted that the RAP concludes that if the recommendations (of the RAP) are complied with, the site would be made suitable for the purposes of an aged care facility as amended.</p> <p>The DSI and the RAP were reviewed by Council's Environmental Health Officer who raised no objections, subject to the inclusion of additional conditions regarding compliance with these reports.</p>

## 2.5 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

SEPP Section	Comment
<b>Chapter 2 Infrastructure</b>	
Development likely to affect an electricity transmission or distribution network.	No changes from the parent application.

Frontage to a classified road and Traffic Generating Development	As the modified proposal contains more than 75 ILUs, the application was referred to Transport for NSW pursuant to Clause 2.122 – Traffic Generating development (Schedule 3). Upon review of the amended proposal, TfNSW raised no objections to the proposal.
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## 2.6 SEPP (HOUSING) 2021

*The State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) was introduced in 2021 and repealed the provisions of the *State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004* (the Seniors SEPP).

The parent application was approved subject to compliance with the Seniors SEPP. The modification is to be considered in line with the repealed Seniors SEPP as per the Savings Provisions in Schedule 7A of the Housing SEPP which state:

### 2 General savings provision

- (1) *This Policy does not apply to the following matters—*
- (d) *a development consent granted on or before the commencement date,*
- (da) *an application to modify a development consent granted after the commencement date, if it relates to a development application made, but not determined, on or before the commencement date,*

Accordingly, the assessment of the modifications under the Seniors SEPP is located below.

## 2.7 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004 (SENIORS SEPP)

The matters covered in Chapter 3 – Part 1 - General and Part 2- Site related requirements of the Seniors SEPP have been covered in the original application and do not require re-assessment given that the use of the land for Seniors Housing is not changing.

### Part 3 – Design Requirements

Part 3 of the Seniors SEPP contains design requirements which are applicable to the subject development. For ease of reference these design requirements as compared to the proposal are tabulated below:

Clause	Proposal / Modifications	Compliance
<b>Clause 30 – Site Analysis</b>	A site analysis was submitted as part of the parent application and considered satisfactory.	Yes
<b>Clause 31 – Design of in-fill self-care housing</b>	No in-fill self-care housing forms part of this development.	N/A
<b>Division 2 – Design Principles</b>  <b>Clause 33 – Neighbourhood amenity and streetscape</b>	The amended proposal, despite the changes remains generally consistent with the parent application and the recently constructed Stage 1 development (i.e., Building A and Building B). As such, the proposed development remains consistent with the character and desirable elements of the locality.  The changes do not this instance impact on the heritage values of Parramatta Park which is opposite the site to the east. It is noted that the changes in height to Buildings C, D and E does not have a direct view / opposite Parramatta Park.	Yes

	<p>The setbacks as approved under the parent application are retained. The changes to the overall height and FSR as it is minor in nature, does not increase any adverse impacts with regards to solar access or perception of bulk and scale on adjoining properties or on the pedestrian level.</p> <p>The amended development responds to the topography of the site and maintains ample landscaping throughout the site. The development also maintains an overall height that is consistent with newer developments within the Westmead Precinct.</p> <p>As previously mentioned, Council's Landscape Officer reviewed the amended Landscape Plan and raised no objections. The amount of landscaping throughout the site is generally consistent with the landscaping approved under the parent application.</p>	
<b>Clause 34 – Visual and acoustic privacy</b>	<p>The setbacks to boundaries, from Building E / 5 is generally consistent with the parent application. Despite changes within the internal floor layout and balcony locations, the amended proposal provides satisfactory, compliant boundary setbacks of 6m to reduce adverse amenity (privacy and acoustic) impacts.</p> <p>Further, an updated Acoustic Report was submitted with the application that assessed the acoustic impacts to the changes made under the subject application. This report addressed potential impacts associated with the aged care facility on nearby receivers, project/construction amenity noise levels and sleep arousal and concluded that there would be no notable exceedances indicated.</p> <p>To ensure that the recommendations of the report are applied to the amended proposal, the Acoustic Report will be included in the conditions of consent.</p>	Yes
<b>Clause 35 - Solar access and design for climate</b>	<p>Due to the orientation of the site, the adjoining neighbours to the west will achieve satisfactory solar access to their main living areas and private open space. Within the site, the orientation of the amended development is generally consistent with the approved development under the parent application and achieves satisfactory solar access and cross ventilation.</p>	Yes
<b>Clause 36 – Stormwater</b>	<p>The amended stormwater plans were reviewed by Council's Development Engineer. Upon review, Council's Development Engineer raised no objections subject to modifications to conditions of consent.</p>	Yes



	<p>It is noted that groundwater may be encountered during basement construction. The location of the basement under the modification application has not been extended beyond the parent approval.</p> <p>Notwithstanding, a condition to the amended consent will be imposed requiring that groundwater is not to be drained to Council's stormwater system.</p>	
<b>Clause 37 – Crime prevention</b>	<p>The amended development has incorporated CPTED principles and provides:</p> <ul style="list-style-type: none"> <li>- Upper level balconies that address the street frontages and the central common area to provide passive surveillance within the front setback and the communal area.</li> <li>- The development, pathways and common areas will be internally lit</li> <li>- The development will be provided with security gates and cameras to monitor entry to the development.</li> <li>- Entries are distinguishable to allow for path-finding.</li> </ul>	Yes
<b>Clause 38 - Accessibility</b>	Council's Universal Access Officer has reviewed the amended proposal and raised no objections subject to the inclusion of the submitted Accessibility Report in the amended consent.	Yes
<b>Clause 39 – Waste management</b>	The changes to the waste management arrangements were reviewed by Council's Waste Officer whom raised no objections subject to modified conditions of consent.	Yes

#### **Part 4 – Development Standards to be complied with**

Part 4 of the Seniors SEPP development standards relates to minimum sizes and building height are to be complied with. For ease of reference these requirements as compared to the proposal are tabulated below:

<b>Requirement</b>	<b>Proposal / Modifications</b>	<b>Compliance</b>
<p><b>Clause 40 – Development Standards – Minimum sizes and building height.</b></p> <p><b>Site size</b> The size of the site must be at least 1,000 square metres.</p> <p><b>Site frontage</b> The site frontage must be at least 20 metres wide measured at the building line.</p>	The site area is in excess of 1,000m <sup>2</sup> and all 3 frontages are in excess of 20m. The modifications under the subject application does not impact this.	Yes
<b>Division 2 Residential care facilities – standards concerning accessibility and useability</b>	A condition was imposed on the parent consent requiring compliance with the relevant standards pursuant to Commonwealth aged care accreditation standards the BCA. No changes are proposed to this condition (i.e., Condition 2).	Yes

<p><b>Clause 41 - Standards for hostels and self-contained dwelling</b></p> <p>A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in <b>Schedule 3</b> for such development.</p>	<p>As previously discussed, an Accessibility Report was submitted with the application and reviewed by Council's Universal Access Officer, who raised no objections to the recommendations / assessment of the report. This report will be included in the amended consent.</p> <p>Condition No. 17 of the parent consent also required compliance with the provisions under Schedule 3 and that it is not proposed to be amended with this modification application.</p>	Yes
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## **Part 6 – Development for Vertical Villages**

<b>Requirement</b>	<b>Proposal / Modifications</b>	<b>Compliance</b>
<p><b>Clause 45 – Vertical Villages</b></p>	<p>The site was zoned R4 High Density Residential. Residential Flat Buildings are permissible in accordance with the provisions of PLEP 2011 as such Clause 45 of the SEPP is applicable.</p> <p>Under the provisions of PLEP 2011, the maximum FSR for the site is 1.7:1.</p> <p>The FSR for the site inclusive of the bonus is 2.2:1.</p>	No, but acceptable
<p>6) A consent authority may only grant consent to a development application as referred to in subclause (2) if:</p> <p>(a) the consent authority is satisfied, on written evidence, that:</p> <p>(i) the proposed development will deliver on-site support services for its residents, and</p> <p>(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and</p> <p>(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed</p>	<p>Under the parent application 23 (10%) units were to be provided for the purposes of affordable units.</p> <p>Stage 1 works provided 14 units as affordable. As such, the Stage 2 works are to provide the remaining 9 units as affordable.</p> <p>A condition will be placed on the amended consent requiring the provision of 9 affordable units that is a mix of housing types. Written evidence and plans indicating the units shall be submitted to Council prior to the issue of an Occupation Certificate.</p> <p>The development also provides on-site services as previously mentioned.</p>	Yes

development will be set aside as affordable places.		
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### **Part 7 – Development Standards that cannot be used as grounds to refuse consent**

Part 7 of the Seniors SEPP contains development standards which cannot be used as grounds to refuse consent. For ease of reference these development standards as compared to the proposal are tabulated below:

<b>Requirement</b>	<b>Proposal / Modifications</b>	<b>Compliance</b>
<b>Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities</b>	It is noted that Building A/1 which is the only portion of the development that contains Residential Care Facilities does not form part of this modification application.	N/A
<b>50 - Standards that cannot be used to refuse development consent for self-contained dwelling</b>		
Height – if all proposed buildings are 8m in height or less	RFB developments are permissible in the R4 zone. The maximum height on the site is 20m. The amended application proposes a maximum height of 24.2m which is an increase of 1.6m. However, the increase to the maximum height under the current modification does not breach the overall maximum height approved under the parent application of 24.85m. An assessment of the increase to the overall height is assessed elsewhere in this report.	Acceptable
Density & Scale - if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.	Pursuant to Clause 45 (6) of the Seniors SEPP, the development benefits from a FSR bonus which increases the maximum FSR for the development to 2.1:1.  The amended development proposes a maximum FSR of 2.21:1. The variation to the maximum FSR is discussed elsewhere in this report.	Acceptable
Landscaped Area: if a minimum of 30% of the area is landscaped.	Required – 8,050m <sup>2</sup> Modified proposal – 3,137.651m <sup>2</sup> (23%)  It is noted that the modified proposal is generally consistent with the amount approved under the parent application.	Acceptable
Deep Soil Zones: if a minimum of 15% of the area is deep soil.	Required – 2,031m <sup>2</sup> Proposed – 1,918m <sup>2</sup> (13%)  The minor reduction in the amount of deep soil provided is due to the changes to the basement and the provision of the pool. However, the reduction in the deep soil does not in this instance reduce the quality of deep soil areas that would otherwise adversely impact the general location of quality vegetation as provided under the parent approval.	Acceptable

Solar Access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter	129 of the 223 units achieve a minimum of 3 hours of solar access during the winter solstice. This equates to 57% of the overall development. The variation is a result of the orientation of the site, the reconfiguration of the internal floor layout, conversion of units from 1- and 2-bedroom units to 3 bedroom units and the design of the development under the original approval. It is noted that there are no changes to the building separation between buildings within the development. Whilst there is an increase in the FSR for the development this only relates to the enclosure of the pool and not the bulk of the development. It is noted that if the current proposal had been made under the Housing SEPP, the solar access requirements would only require 2 hours of sunlight during the winter solstice, in which case the current modification would comply, providing 157 units with 2 hours of solar access. Accordingly, the proposal as amended is acceptable.	Acceptable
Parking: if at least the following is provided -  1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider	Required – 46 spaces Proposed – 292 car parking spaces	Acceptable

## 2.8 STATE ENVIRONMENTAL PLANNING POLICY 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

This Policy aims to improve the design quality of residential flat development. This amended proposal, as it contains independent living units, has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

Part of the development consists of self-contained dwellings. The residential aged care facility ("RACF") is not captured by the requirements of SEPP 65 or the accompanying the Apartment Design Guide. SEPP 65 does however apply to the proposed independent living units ("ILUs") within Blocks A, B, C, D and E.

### Design Quality Principles

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

Design quality principle	Response
<b>Context</b>	The amended development continues to respond and contribute to its context, despite the changes to the height and FSR. The modified development remains a permissible land use on the subject site.

	The development also responds to the topography of the site and its location opposite Parramatta Park.
<b>Built form</b>	Notwithstanding the variation to the maximum height and FSR, the amended development is of suitable a scale given that it generally meets the building envelopes contained in the SEPP. The amended design is generally consistent with the built form approved under the parent application.
<b>Density</b>	The development provides 223 self-contained units / independent living units which are close to public transport of Caroline Street, Westmead Hospital, and local shops. As such, the proposed density of the development pursuant to the SEPP is acceptable.
<b>Sustainability, resource, energy &amp; water efficiency</b>	An amended BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets
<b>Landscape</b>	An amended Landscape Plan was submitted with the modified proposal and was considered adequate. The amendment to the landscaping continues to provide suitable visual amenity for the future building's occupants.
<b>Amenity</b>	The overall amenity of the amended development is satisfactory in terms of the internal layout, solar access, ventilation, visual and acoustic privacy, storage, outdoor space and service areas.
<b>Safety &amp; security</b>	The units as amended ensure that it addresses both the internal courtyard area and the public domain on each of the frontages allowing for passive surveillance from within the units. The entries are identifiable with additional security measures such as gates to screen visitors to the site.
<b>Social dimensions/housing affordability</b>	<p>The modified development increases the number of 3-bedroom units so that the amended unit mix are as follows:</p> <p>61 x 1bdr 101 x 2bdr 61 x 3bdr</p> <p>Accordingly, the modified unit mix is considered acceptable.</p>
<b>Aesthetics</b>	The modified development provides an appropriate choice of colours, materials and textures that continues to complement the streetscape and locality.

### 2.8.1 APARTMENT DESIGN GUIDE (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below considers the proposal against key design criteria in the ADG.

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE
Communal Open Space	Min 25% of the site area  = 3,415m <sup>2</sup>	= 3,253m <sup>2</sup> or 24%  The amount of COS has not changed from the COS approved under DA/127/2015/A	Yes
Deep soil zone	7% of the overall site area Minimum dimension of 6m required.	1,918m <sup>2</sup> (13%) of the site.	Yes
Parking and bicycle storage	See Seniors SEPP assessment.	Provided – 292 spaces (overall)	Yes



Building Separation	<b>Building Height</b>	<b>Habitable rooms and balconies</b>	<b>Non-habitable rooms</b>	No changes to the building separation under the modification application.	Yes
	up to 12m (4 storeys)	12m	6m		
	up to 25m (5-8 storeys)	18m	9m		
	over 25m (9+ storeys)	24m	12m		
Solar Access	See Seniors SEPP assessment.			157 units comply (70%)	Yes
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.			130 units (58%)  Notwithstanding the non-compliance, it is minor.	<b>No, but acceptable.</b>
	Apartment depth is not to exceed 18m			Complies	Yes
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable			Floor to floor – 3.1m Floor to ceiling – 2.7m	Yes
Apartment Size	Studio – 35m <sup>2</sup> 1 bd – 50m <sup>2</sup> 2 bd – 70m <sup>2</sup> 3 bd – 90m <sup>2</sup> (note: minimum internal size increases by 5m <sup>2</sup> for additional bathrooms, 10m <sup>2</sup> for 4 + bedroom)			Complies	Yes
	All rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.			Complies	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)			Complies	Yes
	Maximum depth (open plan) 8m from a window.			Complies	Yes
Bedroom size	Master bedrooms – 10m <sup>2</sup> Other bedrooms – 9m <sup>2</sup> Bedroom dimensions – 3m min.  Living rooms have a width of: <ul style="list-style-type: none"> <li>• 3.6m for studio/1bd</li> <li>• 4m for 2 or 3 bd</li> </ul>			Complies	Yes
Balconies	Studio – 4m <sup>2</sup> 1bd – 8m <sup>2</sup> / 2m 2bd - 10m <sup>2</sup> /2m			All units with the exception of Units 311 and 312 comply.	Yes

	3bd – 12m <sup>2</sup> /2.4m	<p>These balconies are for three-bedroom units, and while they exceed the 12m<sup>2</sup> area, their minimum depth is only 2m.</p> <p>The need for the 2.4m wide balcony for a 3 bedroom dwelling comes from the desire in ADG to promote family friendly apartments. However, these apartments are Seniors Housing and have a restriction on title for residents over 55 years in age. They are not going to be available on the market for families. Therefore, the provision of a 2m wide balcony (consistent with others in the development) is considered to be appropriate.</p>	
	Ground or podium apartments to have POS of 15m <sup>2</sup> /3m	Complies	Yes
Circulation	Maximum 8 apartments per level	<p>Max. 10 units</p> <p>Notwithstanding, this was approved under the parent application and does not change as part of the current modification application.</p>	No change.
Storage	<p>1bd – 6m<sup>3</sup></p> <p>2bd – 8m<sup>3</sup></p> <p>3bd – 10m<sup>3</sup></p>	No changes to the storage cages within the basement which was considered satisfactory under the parent application.	No change.

## 2.9 STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The modified application for the aged care facility has been accompanied with an amended 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 amended BASIX certificate have been satisfied in the design of the proposal. An updated condition will be imposed on the modified consent to ensure such commitments are fulfilled during the construction of the development.

## 2.10 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2023

Parramatta LEP 2023 was gazetted on 2 March 2023. Clause 1.8(2) of the LEP states that “...All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies....”

- Parramatta Local Environmental Plan 2011

#### Clause 1.8A Savings provision relating to development applications states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The current modification application was lodged on 11 January 2023 and therefore shall be assessed under Parramatta Local Environmental Plan 2011.

### 2.11 PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant requirements and objectives of this LEP have been considered in the following assessment table.

Requirement	Comment		
Part 2 Permitted or Prohibited Development	The development as a Seniors Housing development remains permissible on the subject site.		
Part 4 Principal Development Standards			
	Requirement	Modification	Compliance
	Height 11 metres (site addressing Parramatta Park)  20 metres for remainder of the site.	10 metres – development fronting Parramatta Park (no change under the current modification application)  24.85 metres – maximum overall height of the development (Building A/1). No changes are proposed under the current modification application to the overall maximum height to Building A/1.	Under the modification application, the maximum height proposed (for Building E/5) is 24.2m.  Building C/3 is to be a maximum height of 23.9m  Building D/4 is a maximum height of 23.38m.
	Floor Space Ratio 1.7:1	See Seniors SEPP for comments	No, but acceptable.
	Exceptions	Applications assessed under Section 4.55 of the EPA Act 1979 do not require a variation to be sought under Clause 4.6 of the Parramatta LEP 2011. Notwithstanding, a merit assessment of the variation are provided at the end this table.	

Requirement	Comment
<b>Part 5 Miscellaneous Provisions</b>	<b>Clause 5.6 Architectural roof features</b> The application has been amended to include an architectural roof feature for all lift overruns / stair cores.
	<b>Clause 5.10 Heritage Conservation</b> According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.  The site is opposite Parramatta Park which is heritage listed. It is noted that no changes are proposed to the height of Building C/3 that directly fronts Parramatta Park and is subject of the maximum 11m building height under Clause 4.3 of the LEP.

### 2.11.1 Merit Assessment of Variations

The proposed development seeks a further variation to the following development standards:

- **Clause 4.3 – Height**
- **Clause 4.4 - FSR**

The applicant has provided the following justification for the variation to the **height** permitted:

- *There is a need to rationalise the floor-to-floor height as part of the design development and to address the requirements of the new Design and Building Practitioners Act at the Construction Certificate stage, which requires these matters to be addressed in the approved development consent drawings.*
- *The changes also address the need for additional space between floors to accommodate services, with a 100mm additional void required between each floor.*
- *Further detailed design has revealed the need to accommodate service stairs for maintenance and access to the roof. This is also already adopted and constructed as part of Stage 1. This has also resulted in the need to increase the level of screening required on the roof beyond what was originally approved.*

*The minor increases in height:*

- *do not affect overshadowing or solar access to neighbouring properties,*
- *do not significantly impact on streetscape, with limited to no visibility proposed at street level. This is particularly given that the services will be screened and will be well set back from the edge of the building to not detrimentally impact visual amenity and to reduce bulk, and*
- *do not change the location of the services required for each building, which are still consolidated in the centre of the roof, which is shown on the roof plan submitted.*

*As per the original Council assessment on the application which approved the original Clause 4.6 variation, with the exception of Building D (now Building 4), the majority of the development that breaches the maximum height of building standard for the site relates to the lift overruns and stair cores, which are all located to the centre of the roof, cannot be seen from street level and don't contribute to the perception of bulky development. This intent is not changing with this modification.*

The underlying purpose of Clause 4.3 - Height is:

- to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.
- to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development;
- to require the height of future buildings to have regard to heritage sites and their settings;
- to ensure the preservation of historic views;
- to reinforce and respect the existing character and scale of low-density residential areas; and 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.

Council in review of the amended proposal is satisfied that the additional height does not in this instance:

- adversely increase the amenity impacts to adjoining/neighbouring properties with respect to overshadowing, acoustic and overlooking as building separation has been maintained per the original development and fenestrations, openings and balconies are either off set or contained within the building envelope to ensure additional impacts do not occur.
- Increase the perception of bulk and scale on a pedestrian level. As mentioned, the increases in height to Building 3, 4 and 5 are minor in nature and is unlikely to be noticeable or evident in the streetscape.
- Increase the development density. The proposal as amended does not accommodate any additional units. Instead, the number of units are reduced to allow a more varied housing mix to suit the needs of the community.
- Adversely impact the heritage item opposite the site, being Parramatta Park. As mentioned, the portion of Building C/3 that is required to maintain a maximum 11m height is not impacted by the proposed modifications.

Notwithstanding the increase to the height for Buildings C/3, D/4 and E/5, the objectives of the development standard for height are achieved and, in this case, acceptable.

With regards to the further departure to the FSR, the applicant has provided the following reason for the variation:

*We also note that the increase in gross floor area is attributable to the pool, which if it was not enclosed, would not be included in the calculation. The increase in FSR will not result in the intensification of the use of the site and traffic generation, number of residents on site or density or significantly reduce the landscaping on site. It is ancillary to the primary use of the land for Seniors Housing and is there to meet the day-to-day amenity need of all residents on site, including those within the Residential Aged Care Facility. It is not intensifying the use of the site by way of additional Independent Living Units.*

The underlying purpose of Clause 4.4 - FSR is:

- to regulate density of development and generation of vehicular and pedestrian traffic,
- to provide a transition in built form and land use intensity
- to require the bulk and scale of future buildings to have regard to heritage sites and their settings,
- to reinforce and respect the existing character and scale of low density residential areas.

Upon review of the amended proposal, it is considered that the departure to the maximum FSR for the site is acceptable as:

- it does not increase the density of the development. The amended development has been refined to improve internal amenity but also to meet market demands by providing equal numbers of 1 and 3 bedroom units. This has resulted in the reduction of the overall units from 233 to 223.
- As the modified development has not increased the density of the development, there is no changes to the amount of car parking that was approved under DA/353/2018. As such, there are no appreciable impacts to traffic generation within the local area because of the modified development.
- The amended development maintains an appropriate built form transition and is generally consistent with the original development in that regard.
- The modified development maintains an appropriate bulk and scale with respect to Parramatta Park opposite the site. There are no significant changes to Building C/3 that



would result in adverse heritage impacts to the heritage listed item.

- The modified development relates to the enclosure of the pool which is located central of the development and cannot be viewed on the streetscape.
- The modified development in this instance does not increase bulk and scale or change the approved building separation that would otherwise impact on the amount of overshadowing on adjoining neighbours or within the development site.

Notwithstanding the change to the maximum FSR for the site, the objectives of the development standard for FSR are achieved and, in this case, acceptable.

### 3. Development Control Plans

#### 3.1 PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	DA/127/2015/C	Complies
<b>2.4.1 Views and Vistas</b>	Despite the changes to the height, it does not adversely impact on any view loss to and from Parramatta Park.	Yes
<b>2.4.2.3 Protection of Groundwater</b>	Council's Development Engineer has reviewed the application and raised no objections to the changes. It is noted however that the construction works is likely to encounter groundwater. A condition will be imposed on the modified consent requiring any groundwater encountered over the course of the works is not to be drained to Council's stormwater system.	Yes
<b>2.4.8 Public Domain</b>	Council's Urban Design Public Domain Team has reviewed the amendments and raised no objections in this instance.	Yes
<b>3. Preliminary Building Envelope</b>		
<b>Front Setback</b>	Helen Street – 5 metres Park Avenue – 9 metres Caroline Street – 5 metres  No change from the approved development.	No change.
<b>Side Setback</b>	Minimum - 4.5metre Maximum - 6 metres  No change from the approved development.	No change.
<b>3.2.1 Building Form and Massing</b>	It is considered that the proposed development as amended, will not adversely impact on the existing streetscape as it maintains 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.	Yes
<b>3.2.2 Building Façade and Articulation</b>	The amended development provides 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 amended application proposes balconies to the upper floors which address all street frontages.	Yes

	Each building subject of the current modifications is provided with separate access to their respective street frontages.	
<b>3.2.3 Roof Design</b>	The amended development proposes a flat roof for the buildings subject of this modification application which is in keeping with the existing development within the area.	Yes
<b>3.2.5 Streetscape</b>	Despite the breach to the height and FSR for the site, the proposal as amended is generally consistent with the streetscape presentation as approved under the parent application.	Yes
<b>3.3.1 Landscaping</b>	The proposed modification has the endorsement of Council's Landscape Officer subject to modified conditions of consent.	Yes
<b>3.3.2 Common Open Space</b>  <b>Is a swimming Pool proposed?</b>	A swimming pool is proposed. The swimming pool is located central of the development site and is provided with ample setbacks from neighbouring properties. The swimming pool is provided with a deck. The modified consent will include additional conditions to regulate the safe use of the swimming pool in accordance with the relevant Acts.	Yes
<b>3.3.3 Visual Privacy</b>	The amended proposal provides balconies on the upper floors that address all street frontages and the central communal open area. Balconies are also proposed along the south and western boundaries which address adjoining properties. Notwithstanding, the amended proposal maintains satisfactory boundary setbacks and privacy measures to ensure that overlooking opportunities are limited.	Yes
<b>3.3.5 Solar Access</b>	Notwithstanding the changes to the approved development, the adjoining properties to the west and south will retain the minimum 3 hours of solar access to affected living areas and POS.	Yes
<b>3.3.7 Waste Management</b>	The changes to the waste management arrangements were reviewed by Council's Waste Officer who raised no objections subject to modified conditions of consent.	Yes
<b>3.4.2 Access for People with disabilities.</b>	Council's Universal Access Officer has reviewed the amended proposal and raised no objections to the proposal.	Yes
<b>3.4.5 Housing Diversity and Choice</b>	Under the modification application, the unit mix is as follows:  61 x 1bdr (27%) 101 x 2bdr (45%) 61 x 3bdr (27%)	Yes
<b>3.6 Parking Provision</b>	See Seniors SEPP assessment.  It is noted that the parking requirements for the childcare centre does not change under this modification application.	Yes
<b>4. Special Precinct</b>		
<b>4.1.4 Special Precinct (Westmead) Precinct</b>	Whilst the site is located within the Westmead Precinct, the development controls only relate to the WSU site. As such, all design controls are contained and addressed under Part 3.	Yes

#### 4. REFERRALS

The following external and internal referrals were undertaken:

External Referrals	
Transport for NSW	No objections to the modifications.
Internal Referrals	
Traffic Engineer	Council's Traffic Engineer reviewed the amended proposal and upon review, provided no objections to the modifications.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of appropriate conditions within the amended consent.
Environmental Health (Waste)	Council's Waste Officer reviewed the proposal and upon review, raised no objections with regards to the waste arrangements under the modified application.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the information submitted with the modified application and raised no objections to the application subject to the imposition of conditions in the amended consent.
Landscape Officer	The modified application was referred to Council's Tree Management & Landscape Officer who raises no concerns with the proposed modifications with regards to landscaping.
Development Engineer	The application was referred to Council's Development Engineer who raises no concerns with the amended development subject to modified conditions of consent.
Public Domain / Urban Design	Council's Urban Design / Public Domain reviewed the amended proposal and upon review, provided no objections to the modifications.
Accessibility Officer	Council's Accessibility Officer raised no objections to the amended proposal.

#### 5. Likely Impacts

Council has also reviewed the modifications with relation to the re-arrangement of the basement layout including the ramp, reconfiguration of internal floor layouts, the renaming of the buildings, provision of 2 covered walkways to connect buildings, enlargement and relocation of the substation, façade co-ordination, provision of a diversion swale, footpath changes, entry gate relocation, changes to the façade materials, unit number changes and OSD changes. These changes are considered to improve the utility and user experience within the facility. Accordingly, Council does not object to these changes.

As outlined in this report, the applicant has demonstrated that the impacts of the amended proposal will be acceptable.

#### 6. Site Suitability

As discussed throughout the report, the development as modified is satisfactory and that the proposal as amended continues to be suitable for the site.

#### 7. Submissions

The application was notified and advertised in accordance with the City of Parramatta Consolidated Notification Procedure.

The advertisement ran for a 21-day period between 23 January 2023 to 14 February 2023. Two (2) submissions were received during this notification period.

The issues raised within the submissions are discussed in the table below.

Issue Raised	Planning Comment
<b>Substantially the same development</b>	The modification application does not change the primary use of the approved development as a seniors living development and as such is considered to be substantially the same.
<b>Bulk and Scale</b>	Despite the changes to the height and FSR of the development, it does not result in adverse impacts to the perception of bulk and scale. The increase in height is minor and relates mainly to the lift overrun/stair core which cannot be viewed on a street level and the changes to the FSR relates to the enclosure of the pool which is central to the development site and cannot be viewed from the street. As such, the bulk and scale is acceptable.
<b>Amenity Impacts on adjoining properties</b>	The development maintains the approved setbacks to adjoining properties and has designed any changes to the elevation openings/fenestrations to be located within the approved building envelopes to reduce any adverse impacts to adjoining developments.
<b>Height</b>	The appropriateness of the variation the maximum height for the site is discussed elsewhere in this report. The modifications however does not in this instance breach the maximum height approved under the parent application.
<b>Construction works impact on existing structural integrity of neighbouring properties</b>	The modified consent will not alter any conditions relating to construction works that may impact on the integrity of existing developments within the locality. Should these conditions be breached, it is to be report to the certifying authority.

#### **AMENDED PLANS**

Amended plans were received addressing issues raised by Council's Urban Designer and Environmental Health Officer.

The amended plans did not require re-notification as the application remained substantially the same and did not result in a greater impact.

#### **8. Public interest**

As outlined in this report, the amended proposal is acceptable and as such are in the public interest.

#### **9. Disclosure of Political Donations and Gifts**

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

#### **10. Development Contributions and Bonds**

As the modifications relate to an approved development pursuant to the Seniors Living SEPP and that the application is being made by a local housing provider, the modifications are exempt from the payment of contribution fees.

It is noted that Council imposed contribution fees on the childcare component as part of the parent approval. However, the childcare centre does not form part of this modification application.

## 11. Summary and Conclusion

For the reasons outlined in this report, the proposal is considered to satisfy the relevant considerations under s4.15 of the Environmental Planning and Assessment Act 1979. As such, approval is recommended, subject to amended conditions of consent.

## 12. Recommendation

**Pursuant** to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

- A. **That** the Sydney Central City Planning Panel as the consent authority, modify development consent to DA/127/2015 for a staged development involving the demolition of existing structures, tree removal and construction of 5 buildings containing a residential aged care facility and independent living units, a childcare centre, ancillary services with associated basement car parking, drainage and landscaping works on land at 1 Caroline Street, Westmead for the following reasons.
- a. The modified development is permissible in the R4 High Density Residential zone pursuant to the Parramatta Local Environmental Plan 2011 and satisfies the requirements of all applicable planning standards controls.
  - b. The departures to the maximum height and FSR are reasonable, does not result in additional adverse impacts and maintains compliance with the objectives of the FSR and height standards.
  - c. The modified development will protect the natural environment.
  - d. The modified development will not adversely impact on the visual character of the area.
  - e. For the reasons given above, approval of the modified application is in the public interest.

**Pursuant** to Section 4.17 of the Environmental Planning and Assessment Act, 1979:

- B. That the Sydney Central City Planning Panel modify development consent to DA/127/2015 for a period of five (5) years from the date on the **original** Notice of Determination.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
  2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
  3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
  4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.
- C. **That** submitters be notified of the decision.

## ATTACHMENT B - Modified Conditions of Consent

The modified conditions are as follows:

### General Matters

Conditions are in accordance with the following table and correlates with the relevant conditions further in this document.

Stage	Details	Conditions
Stage 1	Demolition and construction of the southern part of the site. Once constructed, Stage 1 will include Block A and Block B with the basement level below.	1-124, 126 – 139, 141 – 170.
Stage 2	Demolition and construction of the north-eastern part of the site. Once constructed Stage 2 will include Blocks C and D, with the basement level below which will be connected to the existing basement constructed as part of stage 1.	1-18, 22-24, 26-62, 64 – 124, 126 – 139, 141 – 165.
	Demolition and construction of the north-western part of the site. Once constructed, Stage 3 will include Block E, with the basement level below that is interconnected to the existing basement level constructed from previous stages.	1 – 18, 22 – 24, 26-62, 64 – 125, 126 – 140, 141 – 165.

Table amended as per DA/127/2015/B and DA/127/2015/C.

- 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 Analysis Plan, Drawing No. DA 01.01. Revision B.	Marchese Partners	27 February 2015
<b>Site Plan. Drawing No. S4.55 01.02. Revision W.</b>	<b>Marchese Partners</b>	<b>29 June 2023</b>
<b>Staging Plan – Stage 1 and 2, Drawing No. S4.55 01.03 - B. Revision V.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
Staging Plan – Stage 1. Drawing No. DA 01.03 - A. Revision B.	Marchese Partners	27 February 2015
<b>Roof Plan. Drawing No. S4.55 02.10. Revision X.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>

<b>East and South Elevations. Drawing No. S4.55 03.01. Revision X.</b>	<b>Marchese Partners</b>	<b>29 June 2023</b>
<b>North and West Elevations. Drawing No. S4.55 03.02. Revision X</b>	<b>Marchese Partners</b>	<b>29 June 2023</b>
CC & DD Sections. Drawing No. S96 04.02. Revision A	Marchese Partners	13 September 2017
EE & FF Sections. Drawing No. S96 04.03. Revision A	Marchese Partners	13 September 2017
<b>AA &amp; BB Sections. Drawing No. S4.55 04.01. Revision V</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Pool Sections GG and HH. Drawing No. S4.55 04.06. Revision A</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
Landscape Planting Plan. Drawing No. LT04. Revision E.	Taylor Brammer	21 August 2017
Hardworks and Finishes Plan. Drawing No. LT03. Revision E.	Taylor Brammer	21 August 2017
Level 1 Courtyard Planting Plans Plan. Drawing No. LT05. Revision D.	Taylor Brammer	21 August 2017
Landscape Concept Plan. Drawing No. LA01. Revision A.	Taylor Brammer	23 February 2015
Landscape Tree Retention and Removal Plan. Drawing No. LT02. Revision D.	Taylor Brammer	21 August 2017
Arts and Cultural Plan. Drawing No. LA08. Revision A.	Taylor Brammer	23 February 2015
Level 1 and Level 6 Roof Plan. Drawing No. LA02. Revision A.	Taylor Brammer	23 February 2015
<b>Landscape Detail Plan 1 of 6. Job No. 12.022s. Drawing No. LT201 Rev G</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Landscape Detail Plan 2 of 6. Job No. 12.022s. Drawing No. LT202 Rev G</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Landscape Detail Plan 3 of 6. Job No. 12.022s. Drawing No. LT203 Rev G</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Landscape Detail Plan 4 of 6. Job No. 12.022s. Drawing No. LT204 Rev G</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Landscape Detail Plan 5 of 6 - Upper. Job No. 12.022s. Drawing No. LT205 Rev G</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Landscape Detail Plan 5 of 6 - Lower. Job No. 12.022s. Drawing No. LT206 Rev G</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Landscape Detail Plan 6 of 6. Job No. 12.022s. Drawing No. LT207 Rev F</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>
<b>Detail Plan North West Boundary. Job No. 12.022s. Drawing No. LT208 Rev D</b>	<b>Taylor Brammer</b>	<b>24 March 2023</b>



Detail Civil Plan. Drawing No. MIE101. Revision E.	Meinhardt	5 November 2015
OSD Plan and Details. Drawing No. MIE201. Revision E.	Meinhardt	10 November 2015
OSD Plan and Details – Sheet 2. Drawing No. MIE202. Revision K.	Meinhardt	10 November 2015
Public Domain Detail Plan. Drawing No. MIE111. Revision C.	Meinhardt	10 November 2015
Public Domain – Proposed Car bay Plan. Drawing No. MIE131. Revision C.	Meinhardt	10 November 2015
<b>Public Domain Plan. Project No. 12455 01. Drawing No. 160. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Public Domain Long Section. Project No. 12455 01. Drawing No. 162. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Public Domain Long Section. Sheet 2 Project No. 12455 01. Drawing No. 163. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Public Domain Long Section. Sheet 3 Project No. 12455 01. Drawing No. 164. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Public Domain Road Works. Project No. 12455 01. Drawing No. 165. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Public Domain Road Works – Sheet 2. Project No. 12455 01. Drawing No. 166. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Public Domain Foothpath Typical Cross Section. Stage 2 and 3. Project no. 12455 01 Drawing No. C161. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>5 May 2023</b>
<b>Public Domain Foothpath Long Section. Stage 2 and 3. Project no. 12455 01 Drawing No. C167. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>5 May 2023</b>
<b>Public Domain Foothpath Long Section. Stage 2 and 3. Project no. 12455 01 Drawing No. C168. Rev A.</b>	<b>Meinhardt Bonacci</b>	<b>5 May 2023</b>
<b>Basement Plan. Drawing No. S4.55 02.01. Revision Z.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Lower Ground Floor Plan. Drawing No. S4.55 02.02. Revision AA.</b>	<b>Marchese Partners</b>	<b>29 June 2023</b>
<b>Level Ground Floor Plan. Drawing No. S4.55 02.03. Revision AA.</b>	<b>Marchese Partners</b>	<b>29 June 2023</b>
Car Park Ramp Details. Drawing No. DA 04.04. Revision A.	Marchese Partners	8 May 2015
Car Park Ramp Details. Drawing No. DA 04.05. Revision A.	Marchese Partners	8 May 2015
Schedule of Materials. Drawing No. DA 06.01. Revision D.	Marchese Partners	4 March 2016

<b>Level 1 Plan. Drawing No. S4.55 02.04. Revision Y.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Level 2 Plan. Drawing No. S4.55 02.05. Revision Y.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Level 3 Plan. Drawing No. S4.55 02.06. Revision Y.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Level 4 Plan. Drawing No. S4.55 02.07. Revision Y.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Level 5 Plan. Drawing No. S4.55 02.08. Revision Y.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
<b>Level 6 Plan. Drawing No. S4.55 02.09. Revision Y.</b>	<b>Marchese Partners</b>	<b>24 March 2023</b>
Erosion and Sediment Control Details. Drawing No. MIE020. Revision C.	Meinhardt	23 February 2015
Erosion and Sediment Control Plan – Stage 1 Works. Drawing No. MIE021. Revision C.	Meinhardt	23 February 2015
Erosion and Sediment Control – Stage 2 Works. Drawing No. MIE022. Revision C.	Meinhardt	23 February 2015
Erosion and Sediment Control – Stage 3 Works. Drawing No. MIE023. Revision C.	Meinhardt	23 February 2015
Standard Detail Sheet. Drawing No. MIE501. Revision C.	Meinhardt	23 February 2015
<b>Soil and Water Management Details. Project no. 12455 01. Drawing No. C106. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Site Works and Stormwater management Plan. Basement Floor. Project no. 12455 01. Drawing No. C130. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Site Works and Stormwater management Plan. Lower Ground Floor. Project no. 12455 01. Drawing No. C131. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Site Works and Stormwater management Plan. Ground Floor. Project no. 12455 01. Drawing No. C132. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Site Works and Stormwater management Plan. Ground Floor. Project no. 12455 01. Drawing No. C150. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>24 March 2023</b>
<b>Onsite Detention Tank Details. Project no. 12455 01. Drawing No. C151. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>22 March 2023</b>
<b>Onsite Detention Tank Details. Project no. 12455 01. Drawing No. C152. Rev B</b>	<b>Meinhardt Bonacci</b>	<b>22 March 2023</b>

<b>Document(s)</b>	<b>Prepared By</b>	<b>Dated</b>
Soil Management Plan	Douglas Partners	February 2016
Detailed Site Investigation	Douglas Partners	January 2016

Phase 1 – Contamination Report	Douglas Partners	July 2012
<b>Phase 1 Updated – Contamination Report</b>	<b>Douglas Partners</b>	<b>August 2021</b>
Operating Plan of Management	Uniting Care Ageing	February 2015
Civil Engineering Design Report	Meinhardt	February 2015
Arborist Report	Tree IQ	17 February 2015
Heritage Report	City Plan Heritage	February 2015
Heritage Statement	City Plan Services	18 September 2017
Flora and Fauna Report	Cumberland Ecology	10 February 2015
Services Statement	Umow Lai	2 March 2015
Traffic Report	Varga Traffic Planning	6 October 2017
<b>S4.55 Traffic and Parking Assessment Report</b>	<b>Varga Traffic Planning</b>	<b>12 December 2022</b>
ESD Report	Cundall	February 2015
BASIX Certificate No. 458268M_03	BASIX	17 August 2017
<b>BASIX Certificate No. 1230127M</b>	<b>BASIX</b>	<b>19 December 2022</b>
<b>BASIX Report</b>	<b>Integral Group</b>	<b>19 December 2022</b>
BCA Report	Steve Watson and Partners	February 2015
BCA Compliance Statement	City Plan Services	15 September 2017
<b>BCA Assessment Report</b>	<b>Blackett Maguire and Goldsmith</b>	<b>13 December 2022</b>
Accessibility Review	Mckenzie Group	19 February 2015
Access Review S96 Application	Funktion	September 2017
<b>Access Consultant Response</b>	<b>Funktion</b>	<b>14 March 2023</b>
Waste Management Plan	Waste Audit	September 2017
Geotechnical Report	Douglas Partners	July 2012
Acoustic Statement	Acoustic Logic	8 August 2017
<b>Noise Impact Assessment</b>	<b>Acoustic Logic</b>	<b>19 May 2023</b>
<b>Remedial Action Plan Stage 2. Project no. 204399.00</b>	<b>Douglas Partners</b>	<b>June 2023</b>
<b>Site Audit Report. Stage 2.</b>	<b>Rambol Australia Pty Ltd</b>	<b>28 June 2023</b>
<b>SEPP 65 Verification Statement</b>	<b>Marchese Partners</b>	<b>14 December 2022</b>

**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.

**Amended as per DA/127/2015/A and DA/127/2015/B**

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 as per the approved plans, subject to compliance with the following:-

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

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

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

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

**Reason:** To protect the amenity of the area.

6. Trees to be retained are:

Tree No.	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
A	Eucalyptus botryoides	Bangalay	Neighbour's property	450	5.4
B	Eucalyptus elata	River Peppermint	Neighbour's property	200/250	3.6
C	Eucalyptus cladocalyx	Sugar Gum	Neighbour's property	150	2.0
D	Jacaranda mimosifolia	Jacaranda	Neighbour's property	300	3.6
E	Eucalyptus cladocalyx	Sugar Gum	Neighbour's property	400	4.8

F	Hymenosporum flavum	Native Frangipani	Neighbour's property	150	2.0
G	Corymbia maculata	Spotted Gum	Neighbour's property	850	10.2
H	Livistona australis	Cabbage Palm	Neighbour's property	400	3.0
I	Corymbia maculata	Spotted Gum	Neighbour's property	500	6.0
J	Syagrus romanzoffiana	Cocos Palm	Neighbour's property	200	4.0
K	Corymbia sp	Gum Tree	Neighbour's property	450	5.4
L	Brachychiton acerifolius	Illawarra Flame Tree	Neighbour's property	150	2.2
M	Corymbia maculata	Spotted Gum	Neighbour's property	450	5.4
N	Corymbia maculata	Spotted Gum	Neighbour's property	500	6.0

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

7. Trees greater than 5 metres in height must not be removed or damaged.

**Reason:** To preserve existing landscape features.

8. 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
1x	<i>Eucalyptus nicholii</i>	Narrow Leaved Peppermint Gum	Helen Street
3x	<i>Jacaranda mimosifolia</i>	Jacaranda	Helen Street

**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
8x	<i>Eucalyptus sclerophylla</i>	Scribbly Gum	75L	Caroline Street
6x	<i>Eucalyptus sclerophylla</i>	Scribbly Gum	75L	Helen Street
3x	<i>Jacaranda mimosifolia</i>	Jacaranda mimosifolia	75L	Helen Street

**Note:** All approved street tree plantings shall be planted a minimum of 3m from any driveway and 12m from an intersection, locations and pot sizes are to

be approved and/or confirmed by Council's Supervisor for Open Space and Natural Reserves Team prior to installation.

**Reason:** To ensure restoration of environmental amenity.

9. A trade waste agreement shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises'. Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.

**Reason:** To ensure proper disposal of waste water.

10. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.

**Reason:** To ensure waste is adequately separated and managed in mixed use developments.

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

**Reason:** To maintain the amenity of the area.

- 11A. **Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the NSW EPA's Better Practice Guide for Resource Recovery in Residential Developments (2019). Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.**

**Reason:** To ensure waste conveyance equipment is appropriately designed and managed

**Amended as per DA/127/2015/A and DA/127/2015/C**

12. 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.

13. Following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil contaminant levels are below acceptable health criteria for residential areas. The soil investigation shall be carried out in accordance with the NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites and the NSW Department of Environment and Conservation Guidelines for the Assessment and Management of Groundwater Contamination 2007.

A site audit statement shall be issued at the completion of the investigation by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

**Reason:** To ensure that the land is suitable for its proposed sensitive use and poses no risk to the environment and human health.

14. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to Council and the principal certifying authority on the completion of remediation works

**Reason:** To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines.

15. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

**Reason:** To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

16. The development is to comply with the relevant standards pursuant to the Commonwealth Aged Care Accreditation Standards.

**Reason:** To ensure compliance with legislative requirements.

17. The development is to comply with the relevant requirements of Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

**Reason:** To ensure compliance with legislative requirements.

- 17A All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes. Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:**

**(a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the**



material for the known past history of the site where the material is obtained; and/or

(b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

Reason: To ensure imported fill is of an acceptable standard.

Amended as per DA/127/2015/C

- 17B A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Reason: To provide contact details for council inspectors and for the public to report any incidents.

Amended as per DA/127/2015/C

- 17C Groundwater shall 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 NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality. Other options for the disposal of groundwater 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 ensure that contaminated groundwater does not impact upon waterways.

Amended as per DA/127/2015/C

- 17D All remediation works shall be carried out in accordance with clauses 4.14 and 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021.

Reason: To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021.

Amended as per DA/127/2015/C

- 17E Remediation works shall be carried out in accordance with the Remediation Action Plan numbered Project 204399.00 prepared by Douglas Partners Pty Ltd received by Council on 23 June 2023. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works.

Reason: To comply with the statutory requirements of State Environmental Planning Policy (Resilience and Hazards) 2021

Amended as per DA/127/2015/C

- 17F A validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates: (a) Compliance with the approved RAP; (b) The remediation acceptance criteria (in the approved RAP) has been fully complied with; (c) All remediation works undertaken comply with the contaminated lands planning guidelines, Contaminated Lands Management

**Act 1997, SEPP 55 and Council's Management of Contaminated Lands Policy and includes:**

- **Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;**
- **A "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and A statement confirming that the site following remediation of contamination is suitable for the intended use.**

**Reason: To ensure that the development complies with the Remedial Action Plan and that the works are in accordance with the Contaminated Land Management Act 1997**

**Amended as per DA/127/2015/C**

**Prior to the Issue of the Construction Certificate**

18. **Deleted**

**Amended as per DA/127/2015/C**

19. Prior to the issue of a Construction Certificate, an Alignment Plan in accordance with Parramatta City Council's Public Domain Guidelines and Design Standards is to be submitted to the approval of Council. The Alignment Plan is to clearly document levels for footpaths, kerbs, gutters, walls, fences, stairs, ramps, vehicle crossings, new roads, awnings, basements and OSD tanks in or contiguous with the public domain.

20. The Alignment Plan is to include location and type of all elements located within the public domain, including but not limited to: trees/tree pits; garden beds; verge planting; pit lids; kerb ramps; vehicular crossings; and lighting/signage poles. Longitudinal, cross and street sections must accompany the Alignments Plan. Contact Council's Urban Design team for full requirements.

**Reason:** To ensure public access and amenity of the surrounding environment.

21. Prior the issue of the Construction Certificate, a Public Domain Plan in accordance with Parramatta City Council's Public Domain Guidelines and Design Standards is to be submitted to the approval of Council. This plan is to comply with the approved Alignment Plan and is to show materials, finishes and planting for all elements in or contiguous with the public domain.

The Public Domain Plan is include construction plans and details for: paving materials, finishes and detailed layouts; plant species, spacing and pot size; kerb ramps and TGSIs; street furniture layout and models; and other elements as required to meet site-specific design.

**Reason:** To improve the public domain and confirm the final details of the proposed design.

22. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:

- a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- b) Food Safety Standards  
Standard 3.2.2 Food Safety Practices and General Requirements  
Standard 3.2.3 Food Premises and Equipment

- c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- d) No approval is granted for any remote storage area.
- e) The business being registered with NSW Food Authority.
- f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

**Note:** Copies of AS 4764 may be obtained from Standards Australia  
Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.  
Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

**Reason:** To ensure design of the premises meets relevant public health standards.

23. 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.

24. 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.

25. A monetary contribution comprising **\$9904.90** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta Section 94A Development Contributions Plan (Amendment No. 2). Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 94A Development Contributions Plan (Amendment No. 2) can be viewed on Council's website at:

[http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions)

**Reason:** To comply with legislative requirements.

26. 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.

27. 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.

28. 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.

29. **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 127/2015;**
- (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:**

<b>Bond Type</b>	<b>Amount</b>
<b>Nature Strip and Roadway (3 street frontages)</b>	<b>\$ 60,000.00</b>

***The payment of the bond may be made on a stage by stage basis aligning with the staging approved in this consent.***

**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.**

**Amended as per DA/127/2015/B.**

30. 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.

31. 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.

32. 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.

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

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

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

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

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

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

**Reason:** To ensure appropriate vehicular access is provided.

36. 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.

37. 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.

38. 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.
39. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.  
**Reason:** To comply with Australian Standards.
40. 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.
41. 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.

42. 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.
43. All roof water and surface water is to be connected to an approved drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.  
**Reason:** To ensure satisfactory stormwater disposal.
44. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.  
**Reason:** To minimise impact on adjoining properties.
45. **The final Landscape Plan must be consistent with Landscape Planting Plan by Taylor Brammer dwg no. LA06 Revision C dated 24 June 2015 plus Landscaping Detail Plan Plan 1-4 (inclusive) of 6 by Taylor Brammer Revision D dated 15 December 2022 together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:**  
**(a) Specified trees along the Park Avenue frontage are to be relocated to ensure adequate root volume is provided and future impacts to boundary or public domain infrastructure is minimised as follows:**

- i) 3 x *Corymbia maculata* are to be planted with a minimum setback of two (2) metres from the Park Street boundary; and
- ii) 4 x *Eleaocarpus reticulatus* are to be planted with a minimum setback of 600mm from the Park Street boundary.

All surrounding proposed surfaces are to be adjusted to accordingly to facilitate the new tree locations.

- (b) Any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level.
- (c) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

**Reason:** To ensure that appropriate landscaping is implemented.

**Amended as per DA/127/2015/C**

46. A Methodology Statement, prepared by a suitably qualified arboriculture's (Australian Qualification Framework Level 5), must accompany the application for a Construction Certificate. This statement is to identify the measures to be implemented for protection of trees numbered TC, TG, TK, TM and TN, as specified in the Arboricultural Impact Assessment Report and Tree Protection Specification by treeIQ Revision A dated 17 February 2015, during construction and the expected future health of the trees. The statement is to be structured so that each of the following stages of construction are individually addressed, namely:

- (a) Excavation;
- (b) Canopy trunk and tree root protection;
- (c) Construction of any retaining wall;
- (d) Installation of services (i.e. bridging of roots); and
- (e) Back filling

**Reason:** To ensure adequate protection of existing trees.

47. 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.
- (g) The pump-out system design shall make provision for the collection of all subsoil drainage.

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.

Plans including the layout of subsoil drainage, basement drainage, sump pit and discharge system shall be submitted to Parramatta Council.

A written notice issued by Council indicating the completion of a satisfactory assessment shall be provided to the applicant and shall be issued to the certifying authority prior to the issue of a Construction Certificate.



Council's assessment is not a substitute for the certifying authority's assessment and approval of the stormwater drainage system.

**Reason:** To ensure satisfactory storm water disposal.

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

**Reason:** To ensure satisfactory storm water disposal.

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

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

- (a) The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: The reference Stormwater Drainage Plans (see Condition 1) prepared by Meinhardt Infrastructure & Environment concept plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan must be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval).

- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.

- (c) The design achieves:

- (i) The design achieves a Site Storage Requirement of 470m<sup>3</sup>/ha and a Permissible Site Discharge of 80L/s/ha (as per 3rd edition of UPRCT's handbook). Or
- (ii) When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRDL of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRDU of 150 l/s/ha, Site Storage Requirement (Total) SSRT of 455m<sup>3</sup>/ha as per the submitted OSD calculation.

- (d) Detailed drainage plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

50. Water Sensitive Urban Design (WSUD) water quality treatment devices must be installed to manage surface runoff water to Council's drainage infrastructure within Park Avenue and Caroline Street to satisfy section 3.3.6.1 of Parramatta City Council Development Control Plan 2011. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure appropriate water quality treatment measures are in place.

51. 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.
52. Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on **residential buildings**:
- In any bedroom in the building: 35dB(A) between 10pm – 7am
  - Anywhere else in the building (other than a garage, hallway, kitchen or bathroom): 40dB(A) at any time.
- Reason:** To ensure appropriate amenity is achieved.
53. Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria:
- In any internal area of the building other than non-habitable (ie hallway, kitchen, bathroom): 40dB(A) at any time
  - In any bedroom in the building: 35dB(A) between 10pm – 7am
- Reason:** To ensure appropriate amenity is achieved.
54. 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.
55. 3 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage/racks are to comply with AS 2890.3-1993. Details are to be illustrated on plans submitted with the construction certificate.  
**Reason:** To comply with Council's parking requirements.
56. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. **Note that the column on the shared area between parking spaces R018 and R019 is to be relocated at a minimum distance of 750mm from the parking aisle in accordance with Clause 5.2 and Figure 5.1 of AS 2890.1-2004 for safety of accessible vehicles.**  
**Reason:** To ensure appropriate vehicular manoeuvring is provided.
57. The Park Avenue boundary is to be re-aligned around the indented parking spaces so that the footpath remains within the road reserve and is to be consistent with the alignment.

**Reason:** To ensure pedestrian safety and compliance of the boundary re-alignment.

58. A grade transition is to be provided between the large gradient (25%) and the basement level for Ramp 1 and the transition grade provided for Ramp 3 is to be modified in accordance with Clause 2.5.3 of AS2890.1-2004, to ensure vehicles do not scrape on the pavement.

**Reason:** To comply with Australian Standards and for vehicle safety.

59. The width of the ramp is to be increase to 6.5m minimum particularly within the curve section of Ramp 1 as vehicle manoeuvring along this ramp encroaches on the exit ramp as shown and stated on the submitted Traffic Report.

**Reason:** To ensure appropriate vehicular manoeuvring is provided.

60. Five (5) indented on-street parking spaces along Park Avenue frontage of the site are to be marked and signposted as such for the child care centre pick-up/drop-off area. All costs associated with the supply and installation of the appropriate signage is to be paid for by the applicant at no cost to Council. The installation of the signs require approval processes through the Parramatta Traffic Committee under Delegated Authority.

**Reason:** To ensure adequate parking signs are provided.

61. The applicant shall submit an application to Council's Service Manager – Traffic and Transport regarding the installation of the appropriate parking restriction signs at least 4 months prior to the final occupation of the building. This matter is to be referred to Council's Parramatta Traffic Committee under Delegated Authority for consideration and approval by Council prior to installation of the signs.

**Reason:** To ensure adequate implementation of parking restrictions.

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

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

- 62a. 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.**

**Amended as per DA/127/2015/A**

63. Prior to the commencement of any work, including bulk earthworks and construction works the applicant/developer is to approach the NSW State Heritage Office to satisfy any archaeological requirements for the site. This may include a preliminary archaeological assessment or a request for an exemption permit.

A copy of the written correspondence from the Heritage Office confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

**Reason:** To ensure that the requirements of the Heritage Office are met and any European archaeological items are appropriately managed.

- 63A Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to reuse or being sent offsite. This includes**

waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. Receipts of all waste/recycling tipping must be retained and produced in a legible form to any authorised officer of the Council who asks to see them.

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

Amended as per DA/127/2015/C

**63B** A noise management plan must be submitted to Council for approval prior to any work commencing and complied with during any construction works. The plan must be prepared by a suitably qualified person who possesses qualifications to render them eligible for membership with the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include, but not be limited to, the following:

- (a) Identify sensitive locations near the site;
- (b) Identify potential impacts (i.e. exceedance of the goals at the identified locations);
- (c) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (d) Selection criteria for plant and equipment;
- (e) Community consultation;
- (f) Details of work schedules for all construction phases;
- (g) Selection of traffic routes to minimise residential noise intrusion;
- (h) Schedule of plant and equipment use and maintenance programs;
- (i) Noise monitoring techniques and method of reporting results;
- (j) The methodology to be employed for handling and investigating any complaints should they arise;
- (k) Site induction details for employees and contractors; and A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

Reason: To maintain appropriate amenity to nearby occupants

Amended as per DA/127/2015/C

**63C** Prior to the issue of a Construction certificate the Certifying Authority shall ensure:

- All planting and non-floatable material shall be removed from the drainage swale capturing the external flows on the western boundary.
- A drainage pit and pipe sized for the 1%AEP storm event shall be provided to drain the swale. It shall bypass the OSD system and drain to a legal discharge point
- The secondary outlet(s) shall be the same height as the primary outlet, with the centre line of the orifice no lower than RL 15.875. The primary and secondary orifices shall be connected in parallel to an Overflow pit.
- Grated access lids shall be provided to ensure adequate access and ventilation. Grated access lids shall be provided at the extremities of the tank, any point in the storage 3m from a grate, and significant hydraulic structures. This is not limited to, but must include the Discharge Control Pit, Overflow Pit and flap valves. A sealed access lid(s) may be provided over the SFC if the manufacture recommends or requires it.

- An emergency overflow path must be provided from the OSD storage to a legal discharge point. It must not be obstructed by structures, dense vegetation and be free from floatable material.

Reason: To ensure satisfactory stormwater discharge.

Amended as per DA/127/2015/C

**63D** Prior to the issue of a Construction Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed Public Domain Construction Drawings must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not be limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath and drainage.
- Any publicly accessible areas.
- Any works in carriageway,
- Works to integrate with adjacent public amenity, and
- Onsite landscape work

**Grading of the pedestrian footway:**

- Detailed design spot levels and designed contour lines are required.
- Localised flattening of public footpath levels at building doorways is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- The latest City of Parramatta Public Domain Guidelines (PDG);
- The approved public domain drawings,
- The approved public domain alignment drawings,
- The approved landscape drawings, and
- All the conditions listed in this consent.

**Important:** The Public Domain Construction Drawings must be prepared after test pits have been dug and inspected within the public domain, and it is confirmed that all proposed trees shown on the stamped DA drawings are possible to be planted and there are no clashes with any services, existing or proposed.

Council will not entertain deleting / removal of any trees at CC stage due to a services coordination or any other construction issue.

It is assumed at this stage that there are no clashes or conflicts with any services existing or proposed.

Reason: To ensure the public domain is constructed in accordance with Council standards.

Amended as per DA/127/2015/C

- 63E Notwithstanding the approved Public Domain Drawings and Public Domain Alignment Drawings, - *D08924647 Additional Information Amended Plans FULL SET - DA 127 2015 C -1 Caroline Street (excluding drawings C160-C166) & D08973999 Updated Public Domain Plans - Additional Information - 1 Caroline Street Westmead* the following requirements shall be included in the Public Domain Construction Drawings:

**Footpath**

The standard concrete paving, as per the PDG and Council Standard detail DS 3, shall be applied Helen Street and Park Avenue to the full length of the development site. Detailed design spot levels are required.

A footpath width of 1800 mm to Helen Street and 1500mm to Park Avenue is required.

New kerb and gutter and new verge installation is required as part of these works.

A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service department on 9806 5050, Mon – Fri (8:30am-4:30pm).

**Kerb Ramps**

Council's standard kerb ramp detail is to be provided. Refer Council's design standard DS4.

Kerb ramps are to be aligned to kerb ramps on the opposite side of the road.

**Vehicle Crossing**

Council's standard vehicle crossing is to be provided. Refer Council's design standards DS9 and DS 10.

**Pit Lids, Frames and Grates**

All Pit lids and grates in paved areas of the public domain should be level with the paving around and aligned with the paving pattern as per the PDG. Joints should be coordinated where possible. Where allowed by the service providers, the pit lids should be infilled with the surrounding paving material.

*All Pit lids, frames and covers in the public domain must be of class 'C' load bearing capacity in all pedestrian areas and class 'D' for all shared zones.*

Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

**Tactile Indicators (TGSi)**

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines and the latest versions of AS1428.1 and AS1428.4. The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.

**Lighting**

Pedestrian and street lighting shall be to Council's requirements and Australian Standards. All the lighting features in the public domain shall be detailed in the

Public Domain Construction Documentation. All new LED luminaires shall include 7pin NEMA socket.

#### Green Pillars

Green Pillars for electrical connections where required / or where existing, should be coordinated with public domain elements, be outside the clear path of travel and must be neatly located 100mm away from the face of the building / property boundary wall (as applicable), in agreement with Council's Public Domain team. Any existing green pillars must be moved and located as stated above.

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings to be submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

Reason: To comply with the Public Domain Guidelines.

Amended as per DA/127/2015/C

**63F** Notwithstanding the approved public domain plans, the required street tree species, quantities and supply stocks are:

Street Name	Botanical Name	Common name	Pot Size	Qty	Average Spacing
	<i>Jacaranda mimosifolia</i> x 2		Refer to the PPDG 2017	As per approved drawings or average spacing, whichever is greater	Typically 8-10m, or as shown on the approved drawings or as agreed by Manager Urban Design or Landscape Management Officer
	<i>Eucalyptus sclerophylla</i> x 6		Refer to the PPDG 2017		

#### **Note:**

- *Large trees are currently in short supply and pre-ordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.*
- *Evidence of the order for trees must be submitted to the DTSU with the Public Domain Construction Drawings.*
- *When the construction drawings are submitted, it is assumed that all tree locations have been coordinated with existing and proposed services. Reduction in number of trees as shown on the construction drawings is not permissible and Council will not entertain any changes to the tree numbers (or agreed soil volumes) once drawings have been approved.*

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018. Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standards with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

Calculations demonstrating tree pit and soil volume compliance as per the PDG are to be included in the Public Domain Construction Drawings. Soil volume calculations are to be based on a maximum depth of 1.2 m excluding any drainage layers.

Documentary evidence of compliance with these requirements is to be confirmed in the Public Domain Construction Drawings and submitted to and approved by Council's DTSU Manager prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure high quality street trees are provided, and to minimise plant failure rate and ensure quality of stock utilised.

Amended as per DA/127/2015/C

**63G The applicant must submit –**

- 3 photographs of each tree to be planted, showing left side, right side and front-on of the tree in the ground with stakes and ties. These photographs must be accompanied with a 'Nursery Certificate' noting their state of health and their care, including the location details. This certificate must be provided by the nursery that grew/supplied the tree; and
- Imported top soil data sheet

These certificates are to be provided to the Tree Operations team within Council's Parks and Open Spaces team before the delivery of trees to site and / or prior to raising the inspection request.

**Reason:** To ensure delivery of trees per conditions of consent.

Amended as per DA/127/2015/C

**Prior to the Commencement of Work**

64. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:
- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
  - (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

65. 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.

66. 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.

67. 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.

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

**Reason:** To ensure adequate toilet facilities are provided.

69. 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.

70. 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.

71. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

No drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

72. 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.

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

- (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

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

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

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

**Reason:** To ensure the ongoing safety and protection of property.

- 74. 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.

75. 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.

76. 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.

77. 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.

78. 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.

79. Prior to works commencing, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form:

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

**Reason:** To protect existing trees during the construction phase.

80. The trees identified for protection as specified in the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreelQ Revision A dated 17 February 2015 shall be protected prior to and during the demolition/construction process in accordance with the documents referenced above.

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

81. Prior to works commencing, tree protection signage is to be attached to the fencing of each Tree Protection Zone. It is to be displayed in a prominent position and in locations where the fence changes direction. Each sign must contain the following detail in a clear and legible form:

- (a) The Tree Protection Zone is a 'No-Go Zone';
- (b) This fence has been installed to prevent damage to the trees and their growing environment, both above and below ground level. Access to this area is restricted; and
- (c) The name, address, and telephone number of the developer and site Arborist.

**Reason:** To protect existing trees during the construction phase.

82. 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.

83. Tree protection measures are to be installed and maintained, under the supervision of an Australian Qualifications Framework (AQF) Level 5 Arborist in accordance with AS4970 - "Protection of Trees on Development Sites".

**Reason:** To ensure trees are protected during construction.

84. The design and construction of any food / beverage preparation facilities and waste storage areas associated with this activity shall satisfy the requirements of food safety standards prescribed under the Food Act 2003, as well as Australian Standard AS 4674 – 2004: 'Design, Construction and Fit-out of Food Premises'. Final design drawings for these areas are to be submitted to the principal certifying authority prior to commencement of work.  
**Reason:** To ensure design of the premises meets relevant public health standards.
85. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.  
**Reason:** To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.
86. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).  
**Reason:** To comply with the requirements of the NSW WorkCover Authority.
87. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.  
**Reason:** To ensure appropriate disposal of asbestos materials.
88. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.  
**Reason:** To ensure appropriate disposal of asbestos materials.

### **During Construction**

89. 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.
90. 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.

91. 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.

92. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

**Reason:** To protect the amenity of the area.

93. 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.

94. Noise emissions and vibration must be minimised, work is to be carried out in accordance with the NSW Department of Environment, Climate Change and Water's Interim Noise Construction Guidelines 2009 for noise emissions from demolition, excavation and construction activities.

Vibration levels resulting from demolition and excavation activities must not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

**Reason:** To protect the amenity of the area.

95. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate must indicate the location of the building in relation to all boundaries, and must confirm the floor level is consistent with that approved under this consent prior to any further work proceeding on the building.

**Reason:** To ensure the development is being built as per the approved plans.

96. 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.
97. 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.
98. 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.
99. 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.
100. 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.
101. 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.
102. 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).
103. All trees supplied above a 25L container size must be grown and planted in accordance with:  
(a) Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality.  
(b) Natspec Guide No.2.  
Certification is to be forwarded to the Principal Certifying Authority upon completion of the planting, certifying the trees have been grown to Natspec guidelines. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.  
**Reason:** To minimise plant failure rate and ensure quality of stock utilised.
104. All approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.  
**Reason:** To ensure works are carried out in accordance with the Draft Tree Work Code of Practice 2007.
105. 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.

106. 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.

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

**Reason:** Protection of existing environmental infrastructure and community assets.

108. All pruning must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist and confirm to the provisions of AS4373-2007 "Pruning Amenity Trees", and the NSW Workcover Tree Work Draft Code of Practice 2007.

**Reason:** To ensure the pruning will not adversely affect the tree(s).

109. 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.

110. A root barrier is to be installed to the property side edge of the public footway along Park Street to reduce the future impacts from the proposed tree plantings within the site. The nature, extent and depth of the root barrier must be determined by a qualified arborist having regard to the on-site conditions and tree species.

Following the installation of the root barrier, a plan showing its location accompanied by photographic evidence must be forwarded to the Principal Certifying Authority by the supervising Arborist.

**Reason:** To protect roadway infrastructure.

111. All excavation within the nominated radius of the Structural Root Zones of the following trees, as referenced in the Arboricultural Impact Assessment Report and Tree Protection Specification by treeIQ Revision A dated 17 February 2015, is to be supervised by an Australian Qualifications Framework (AQF) Level 5 arborist. If during excavation the Arborist identifies remedial work is necessary, it is to be supervised by this Arborist:

Tree No.	Name	Common Name	Location	Structural Root Zone (m)
C	Eucalyptus cladocalyx	Sugar Gum	Neighbour's property	1.5
G	Corymbia maculata	Spotted Gum	Neighbour's property	3.1
K	Corymbia sp	Gum Tree	Neighbour's property	2.4
M	Corymbia maculata	Spotted Gum	Neighbour's property	2.4
N	Corymbia maculata	Spotted Gum	Neighbour's property	2.5

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.

112. 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.

113. Trees to be removed are:

Numbered: **T1-11, T14, T16-19A, T21-T26, T29-T50** as specified in the Arboricultural Impact Assessment Report and Tree Protection Specification by treeIQ Revision A dated 17 February 2015.

**Reason:** To facilitate development.

114. All trees planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support. Planting must be carried out in accordance with the planting and growth requirements of Council's Standard Drawing DS39.

**Reason:** To ensure the trees planted within the site are able to reach their required potential.

115. Stormwater must be connected to Council's drainage infrastructure within the property frontage of Park Avenue and Caroline Street.

**Reason:** To ensure satisfactory storm water disposal.

116. 200mm wide grated drains, incorporating heavy duty removable galvanised grates are to be located within the site on the driveway ramps accessing the basement car parking. They shall be generally located at the basement entrance and shall collect all surface water flowing down the driveway. The drainage line from the grated drains shall be connected to the basement pump-out system.

**Reason:** Stormwater control.

117. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

118. 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.

119. 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

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

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

**120A.** 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.

Amended as per DA/127/2015/C

**120B** Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

**Reason:** To ensure the site does not become contaminated and appropriate compaction levels can be achieved

Amended as per DA/127/2015/C

**120C** Prior to any work the Principal Certifying Authority is to confirm the ground floor slab levels, including finishes, will be flush with the existing public domain as per the approved Public Domain Alignment Drawings

**Reason:** To ensure the public domain is constructed in accordance with Council standards.

Amended as per DA/127/2015/C

**120D** As each basement level is constructed provide survey data demonstrating level change is not required at the building/public domain interface as per the approved updated Alignment Drawings.

All the public domain works shall be constructed by licensed contractors. All the soft landscape works shall be carried out by licensed landscape contractors.

A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact Council's Inspection Officer for each inspection listed below. At least 48 hour notice must be given for all inspections, except tree inspections which require a 7 days' notice.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed, and set out of tree pits;
- Formwork inspection for all footpaths and footpath crossing call 9806 8250 minimum of 24 hours in advance of the required inspection.
- Commencement of the works including survey marks, sub-grade preparation and set out of kerb alignments.
- Delivery of street trees to site.
- Installation of street trees including required sub-drainage layer installed as specified. Council's Tree Operations team should be notified 7 days prior to installation to enable inspection at the time of installation
- Trees shall be installed within 24hrs of delivery; the contractor shall provide Council officers, certification that the trees have been grown in accordance with AS2303:2018 to prove the quality of the tree stock.

- **Final defects inspection after all work has been completed to view paving sealant, tactile surface indicators, service lids, nature strip/vegetation and location of fixtures and fittings.**

**Note: Additional daily inspections by Council Officers may occur to view progressive paving set out and construction depending on the project size and type.**

**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 Public Domain Guidelines. Certification is required to be provided with the Occupation Certificate.**

**Reason: To ensure the quality of public domain works complies with Council standards and requirements.**

**Amended as per DA/127/2015/C**

### **Prior to the issue of the Occupation Certificate**

121. 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.

122. 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.

123. 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.

124. **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. 458268M\_02 and 1230127M, will be complied with prior to occupation**

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

**Amended as per DA/127/2015/C**

125. 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.

126. 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 for the relevant stage of the development.

An Occupation Certificate for each stage 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.

Amended as per DA/127/2015/B.

127. 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.

128. 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.

129. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. SD004. The reinstatement must be completed prior to the issue of an Occupation Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

130. Works-As-Executed stormwater plans are to address the following:

- (a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- (b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- (c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table)
- (d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- (e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- (f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and a copy is to accompany the Occupation Certificate when lodged with Council.

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

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

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

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

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

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

132. 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](http://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.

133. 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 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:** Pedestrian and Vehicle safety.

134. 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.

135. 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.

136. Traffic facilities to be installed, such as wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS 2890.1-2004.

**Reason:** To comply with Australian Standards.

137. The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.

**Reason:** To comply with Australian Standards.

138. 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.

139. 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.

140. **Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:**

- **Acoustic Report No. 20120321.15/1305A/R6/GW, dated 13/5/2015, prepared by Acoustic Logic**
- **Acoustic Report No. 20230248.3/1905A/R0/BJ, dated 19 May 2023 prepared by Acoustic Logic Pty Ltd.**

**Reason:** To demonstrate compliance with submitted reports.

**Amended per DA/127/2015/C**

141. An Arts Plan shall be prepared for the site to the satisfaction of Council. The plan is to be submitted to, and approved by Council and implemented prior to occupation.  
**Reason:** To ensure an appropriate public artworks are provided for the site

142. Certification to be provided to the Principal Certifying Authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food standards prescribed under the Food Act 2003, and the requirements of the Australian Standard AS 4674-2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

**Reason:** To ensure construction and fit-out of the premises meets relevant public health standards.

143. Prior to the use commencing, a multi-stage air filtration unit be incorporated in the mechanical exhaust ventilation system due to topography of the land, the prevailing weather conditions and the proximity of the structure in relation to other buildings adjacent to the site.

- The design, construction and installation of all duct work to be in accordance with the requirements of Clause 7.5 of Australian Standard AS 1668.2-2012 (Fire and Smoke Control - Kitchen Hood Exhaust Systems).
- The design, manufacture and installation of exhaust hoods to be in accordance with the requirements of Appendix E of Australian Standard AS 1668.2- 2012 (Kitchen Exhaust Hoods).

The air filtration system is to retain a minimum of 90 per cent of total smoke and a minimum of 95 per cent of oil and fat discharged by the cooking process. In this regard, details of filtration data, including details of the efficiency of each stage of the filtration system and fan unit details are to be documented and kept on site;

The multi stage air filtration unit must be fitted with a self-actuating by-pass in the odour absorption filter stage and be provided with air filters, differential pressure gauges as well as electrical interlocks to prevent use of the system unless all filter stages are in place.

**Reason:** To control offensive emissions and ensure the protection of the environment.

144. Notification of the food business is to be made to the NSW Food Authority before any food handling operations are commenced at the premises.

**Reason:** To comply with requirements of the Food Act.

145. Prior to the issue of the occupation certificate, a convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

**Reason:** To ensure safety of drivers.

146. 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.

- 146A 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: To ensure amenity of garbage room.

Amended as per DA/124/2015/A

- 146B Prior to any issue of the Occupation Certificate (including a Preliminary OC), the works outlined in the approved Public Domain Construction Drawings must be completed to Council's satisfaction with a final approval obtained from Council's Assets & Environment Manager.**

**The Work-as-Executed Plans shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the OC.**

**Council will issue the final approval for public domain works in accordance with the approved public domain documentation and to Council's satisfaction. A final inspection will be conducted by Council's Assets and Environment Team after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.**

**A one year (52 week) maintenance period is required to be carried out by the applicant for all the works constructed in the public domain (including dedicated reserve/park). A landscape maintenance schedule prepared by a qualified Landscape Architect shall be submitted to Council specifying minimum 52 weeks' plant establishment to be provided by the applicant following handover of paving and furniture assets to Council. Council maintenance of plant material to commence following the above plant establishment period.**

**A two year (104 week) maintenance and defects period is required for any public domain works that include WSUD devices, including bio-retention tree pit, rain garden, swale etc., to be carried out by the developer following final OC approval of the public domain works by Council's Assets and Environment Manager.**

**Reason: To ensure the quality of public domain works is completed to Council's satisfaction.**

**Amended as per DA/124/2015/C**

- 146C Prior to the issue of an Occupation Certificate for the Stage 2 works, 9 affordable units are to be provided.**

**Written evidence and plans indicating the units within the development which are provided as affordable housing shall be submitted to Council prior to the issue of an Occupation Certificate.**

**Reason: To ensure compliance with the Seniors SEPP in the delivery of affordable units.**

**Amended as per DA/124/2015/C**

- 146D Prior to the use or operation of the swimming pool, any filtration equipment and/or pump(s) exceeding 5dBA above the ambient background noise level when measured at the property boundary must be enclosed with appropriate sound insulation materials. Details of compliance are to be provided to the Principal Certifying Authority.**

**Reason:** To minimize the aural impact of the mechanical equipment associated with the maintenance of the swimming pool and maintain the residential amenity of the adjoining and adjacent properties.

Amended as per DA/124/2015/C

- 146E** Surface waters from about the swimming pool must be collected and disposed of to the satisfaction of the Principal Certifying Authority.

**Reason:** To protect the amenity of the adjoining neighbours.

Amended as per DA/124/2015/C

- 146F** The concourse/coping/impervious area surrounding the swimming pool must be graded back toward the pool so as to prevent water flowing into the neighbouring property(s).

**Reason:** To protect the amenity of the adjoining properties.

Amended as per DA/124/2015/C

- 146G** The swimming pool must be fenced in accordance with provisions of the National Construction Code (2013) together with the referenced Australian Standard AS1926 Parts 1 and 2 (2012), prior to the filling of the pool with water.

The fence shall be installed to the satisfaction of the Principal Certifying Authority.

**Reason:** To comply with the Legislative requirements.

Amended as per DA/124/2015/C

- 146H** The swimming pool water including the overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of waste water shall be obtained and compliance with any conditions imposed by Sydney Water.

**Reason:** To comply with the Legislative requirements.

Amended as per DA/124/2015/C

- 146I** The owner of the pool shall display a notice showing:

(a) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques for infants, children and adults. This sign is to be displayed in a prominent position in the immediate vicinity of the swimming pool.

(b) The occupier of any premises on which a swimming pool is situated must ensure that there is at all times a sign which must contain the following words ***“YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”, “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”, and “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES”***,

**Note:** This notice shall be kept in a legible condition and at the pool side.

**Reason:** To ensure an adequate level of safety for young pool users and compliance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008.

Amended as per DA/124/2015/C

- 146J** Prior to the issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto

**[www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.**  
**Reason: To comply with NSW legislative requirements relating to Swimming pools and Spas.**

**Amended as per DA/124/2015/C146K 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.**

**Amended as per DA/124/2015/C**

### **Use of the Site**

147. 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.

148. 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.

149. 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.

150. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

**Reason:** To prevent loss of amenity to the area.

151. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

152. There are to be no external speakers at the premises.

**Reason:** To prevent loss of amenity to the area.

153. The air conditioner/s must not:

- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;  
or
- (ii) before 7.00am and after 10.00pm on any other day. And
- (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) above, and which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as LAeq 15 minute.

**Reason:** To prevent loss of amenity to the area.

154. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2010 and the Australia New Zealand Food Authority Food Standards Code.

**Reason:** To ensure operation of the premises complies with the relevant legislation and standards.

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

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

**Reason:** To ensure provision of adequate waste storage arrangements

156. 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.

157. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

**Reason:** To prevent loss of amenity to the area.

158. The use of the premises not giving rise to:

- (c) transmission of unacceptable vibration to any place of different occupancy,
- (d) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

**Reason:** To prevent loss of amenity to the area.

159. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

160. Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with AS 1940 –2004 'The storage and handling of flammable and combustible liquids' before commencement of use.

**Reason:** To ensure that waste liquids are correctly contained.

161. All Dangerous Goods shall be stored in accordance with:
- AS 1940-2004 : The Storage and Handling of Flammable and Combustible Liquids and
  - Work Health and Safety Act 2011
  - National Code of Practice for the Storage and Handling of Workplace Dangerous Goods (2001)

**Reason:** To ensure that the dangerous goods are correctly contained.

162. All aboveground storages of hazardous materials, oils and chemicals are to be bunded. The bund is to be made of any impervious material and should be roofed and large enough to hold the contents of the largest container plus 10%.

**Reason:** To ensure that hazardous materials are correctly contained.

163. To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) must be held at the facility for all hazardous materials. These can be obtained free of charge from the supplier.

**Reason:** To ensure compliance with the Occupational Health & Safety Act 2000 & Regulations

164. 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.

- 164A. All waste storage areas/rooms are to comply with the City of Parramatta Waste Management Guidelines for New Developments. No waste materials are to be stored outside the building or any approved waste storage area at any time.**

**Reason:** To ensure waste is adequately separated and managed in mixed use developments

**Amended as per DA/127/2015/C**

165. The roller shutter door to be provided at the driveway entry and exit from Caroline Street may be operated by a security access card reader which must be installed in accordance with Clause Nos. 3.3(b) of AS 2890.1-2004. The security card reader, if installed, is to be provided on the centre of the driveway (not attached on the wall) to the carpark in accordance with Clause 3.3 (b) of AS 2890.1 - 2004.

**Reason:** To comply with Australian Standards.

166. 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.

167. This consent does not authorise the use or operation of the premises as a child care centre, except where the operator and all employees are in possession of a current valid license from the NSW Department of Community Services (DOCS).

168. No advertisement/signage shall be erected on or in conjunction with the development without prior development consent unless the advertisement is 'exempt development' in accordance with the relevant planning instruments.

**Reason:** To comply with legislative controls.

169. The days and hours of operation for the childcare centre are restricted to 7am and 7pm Monday to Friday. Any alterations to the above will require further development approval.

**Reason:** To minimise the impact on the amenity of the area.

170. The maximum number of children attending the centre at any one time shall be as follows.

- 0-2 year olds: 18
- 3 + year olds: 35

**Reason:** To ensure the appropriate capacity for the premises at any one time.

171. The days and hours of operation for the cafe are restricted to 7am and 7pm Monday to Sunday. Any alterations to the above will require further development approval.

**Reason:** To minimise the impact on the amenity of the area.

**171A All waste generated onsite must be removed at regular intervals and no less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development onsite must enter and exit a property in a forward direction.**

**Reason:** To ensure that waste does not accumulate onsite.

**Amended as per DA/127/2015/C**

**171B Signage to encourage correct recycling and reduce contamination is required within shared waste rooms / bin storage areas. Standard signage is available through Council.**

**Reason:** To encourage proper waste and recycling practices onsite

**Amended as per DA/127/2015/C**

**171C All waste servicing instructions from Council must be complied with at all times. This includes any directives regarding the presentation of bins to a designated collection point and the maintenance of waste storage areas.**

**Reason:** To ensure the safety and effectiveness of ongoing waste collection services.

**Amended as per DA/127/2015/C**

**171D No groundwater (Zero Litres) shall be pumped, drained, or discharged into Council's drainage system.**

**Reason:** To protect Council's stormwater assets.

**Amended as per DA/127/2015/C**

